

# Document Pack



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

**TUESDAY, 22 MAY 2018**

**TO: ALL MEMBERS OF THE PLANNING COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **PLANNING COMMITTEE** WHICH WILL BE HELD IN THE **CHAMBER, - COUNTY HALL, CARMARTHEN AT 1.00 PM ON THURSDAY, 31ST MAY, 2018** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Kevin Thomas</b>
<b>Telephone (direct line):</b>	<b>01267 224027</b>
<b>E-Mail:</b>	<b>Democraticservices@carmarthenshire.gov.uk</b>
<b>Ref:</b>	<b>AD016-001</b>

# PLANNING COMMITTEE

## 20 MEMBERS

### PLAID CYMRU GROUP - 10 MEMBERS

- |     |                                      |  |
|-----|--------------------------------------|--|
| 1.  | <b>Councillor Mansel Charles</b>     | Member of Llanegwad Community Council    |
| 2.  | <b>Councillor Tyssul Evans</b>       | Member of Llangyndeyrn Community Council |
| 3.  | <b>Councillor Jeanette Gilasbey</b>  | Member of Kidwelly Town Council          |
| 4.  | <b>Councillor Ken Howell</b>         |  |
| 5.  | <b>Councillor Carys Jones</b>        |  |
| 6.  | <b>Councillor Alun Lenny (Chair)</b> | Member of Carmarthen Town Council        |
| 7.  | <b>Councillor Jean Lewis</b>         |  |
| 8.  | <b>Councillor Dorian Phillips</b>    |  |
| 9.  | <b>Councillor Gareth Thomas</b>      |  |
| 10. | <b>Councillor Eirwyn Williams</b>    |  |

### LABOUR GROUP - 6 MEMBERS

- |    |                                 |  |
|----|---------------------------------|--|
| 1. | <b>Councillor Suzy Curry</b>    |  |
| 2. | <b>Councillor Penny Edwards</b> |  |
| 3. | <b>Councillor John James</b>    | Member of Pembrey & Burry Port Community Council |
| 4. | <b>Councillor Dot Jones</b>     | Member of Llannon Community Council              |
| 5. | <b>Councillor Ken Lloyd</b>     | Member of Carmarthen Town Council                |
| 6. | <b>Councillor Kevin Madge</b>   | Member of Cwmamman Town Council                  |

### INDEPENDENT GROUP - 4 MEMBERS

- |    |  |                                      |
|----|--|--------------------------------------|
| 1. | <b>Councillor Sue Allen</b>                | Member of Whitland Town Council      |
| 2. | <b>Councillor Ieuan Davies</b>             |                                      |
| 3. | <b>Councillor Joseph Davies</b>            |                                      |
| 4. | <b>Councillor Irfon Jones (Vice-Chair)</b> | Member of Bronwydd Community Council |

### NO SUBSTITUTES ARE ALLOWED AT MEETINGS OF THIS COMMITTEE

Local Members invited to the meeting:-

- Agenda Item 3.1 – Councillor A. James
- Agenda Item 3.2 – Councillor E. Williams
- Agenda Item 3.3 – Councillor P. Hughes-Griffiths

# AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF PERSONAL INTERESTS
3. TO CONSIDER THE HEAD OF PLANNING'S REPORTS ON THE FOLLOWING PLANNING APPLICATIONS [WHICH HAD BEEN THE SUBJECT OF EARLIER SITE VISITS BY THE COMMITTEE] AND TO DETERMINE THE APPLICATIONS
  - 3.1 E/33695 - FULL PLANNING FOR THE ERECTION OF A POULTRY UNIT ON FARM TO ACCOMMODATE FREE RANGE CHICKENS (EGG PRODUCTION) TOGETHER WITH ASSOCIATED FEED BINS, INTERNAL FARM ACCESS AND ASSOCIATED WORKS AT GODRE GARREG, LLANGADOG, SA19 9DA 5 - 24
  - 3.2 W/37038 - CONVERSION OF EXISTING DISUSED AGRICULTURAL BUILDING INTO 2 NO. HOLIDAY LET UNITS AT TYCERRIG, NANTYCAWS, CARMARTHEN, SA32 8EW 25 - 32
  - 3.3 W/35903 - RESIDENTIAL DEVELOPMENT - ALL MATTERS RESERVED AT LAND OFF LLUEST Y BRYN, CARMARTHEN 33 - 58
4. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS 59 - 72
5. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 20TH MARCH, 2018 73 - 76

This page is intentionally left blank

<b>Application No</b>	<b>E/33695</b>
-----------------------	----------------

<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	FULL PLANNING FOR THE ERECTION OF A POULTRY UNIT ON FARM TO ACCOMMODATE FREE RANGE CHICKENS (EGG PRODUCTION) TOGETHER WITH ASSOCIATED FEED BINS, INTERNAL FARM ACCESS AND ASSOCIATED WORKS AT GODRE GARREG, LLANGADOG, SA19 9DA

<b>Applicant(s)</b>	T V HUGHES & CO, GODRE GARREG, LLANGADOG, SA19 9DA
<b>Agent</b>	ROGER PARRY AND PARTNERS - GAIL LEWIS, THE ESTATES OFFICE, 20 SALOP ROAD, OSWESTRY, SHROPSHIRE, SY11 2NU
<b>Case Officer</b>	Kevin Phillips
<b>Ward</b>	Llangadog
<b>Date of validation</b>	21/04/2016

Members will recall that this planning application was reported to the Planning Committee on 24 August 2017 that in turn resulted in a site visit by the Committee on 3 October 2017. Following the site visit it was resolved to refuse planning permission with the primary areas of concern relating to the location of the proposed unit, its proximity to nearby properties and the harm to the amenities of the occupiers of those properties which could arise. In the interim, between the aforementioned committee resolution on 3 October 2017 and the issue of the decision notice, the agent proposed an amended location, which resulted in the submission of revised plans that now detail the proposed poultry unit adjacent to the farm. The proposed access point on to the public highway is to remain as previous with the track to the amended location running along an existing hedgerow.

The application was deferred at the Planning Committee on 15 May 2018 for a site visit to the revised location adjacent to the farm.

## CONSULTATIONS

**Head of Transport** – Initially recommended the refusal of the application as the traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the county road. However, following a traffic survey and improvement to the design of the access along with the proposed provision of a passing

bay along the road leading to/from the site, the application is now supported subject to the imposition of conditions.

### **Head of Public Health & Protection:**

**Noise** - The new proposed location for the chicken shed is further away from residential properties which has resulted in the noise rating level from the proposed development being less at the nearest noise sensitive property.

For external areas this is generally considered as a low level of noise, especially given the fans will only be operated during the day time. Therefore based on this and subject to the proposed conditions being imposed, Environmental Health and Licencing do not object to this application.

**Odour** – From the Odour Report submitted in the application it is not considered that there will be significant odour issues from the operation. It is noted that odours, albeit, low level, will exist at times, and could affect nearby properties. The property closest to the operation have not raised any objections to the application and are supportive of the development.

In terms of the ADAS odour emissions assessment submitted from a resident of Carregawddde Common certain matters raised in the report identify potential issues with the manure store. It is understood that the manure storage is not being considered as part of this application, and further permissions will be required for the manure store prior to the operation commencing. Concerns raised for further sensitivity assessments on the potential for odours at nearby properties could be of benefit, but given this is a rural agricultural area, having slight odours from time to time would not seem unreasonable. The prevailing wind direction is south westerly, and the properties located in this direction have no objection to the application.

Since the application was originally received, the proposed siting for the building has been moved and it will now be located further away from the residential properties that have raised concerns.

The proposed operation will be using a conveyor belt system for removing the manure from inside the unit, and this system is recognised as a method that reduces odours significantly from the unit in general. From visiting an identical operation in the County, it was apparent that there were no odours in the nearby vicinity. Slight odours were witnessed adjacent to the area used for manure removal, but these were very slight in nature and would not be noticeable off site. This operation also uses the same ventilation system through the roof as the proposed development. Due to the weather conditions the ventilation fans were not in operation during the visit, so assessments were also made inside the unit. Odours were not strong inside, so any odours released when the fans would be operated would be low in intensity. This is due to the manure being removed from the unit twice weekly, so there is less manure present to generate odours. The manure is also kept dry, which again reduces the potential for odour intensity. Removing the manure as opposed to using a deep litter system is also beneficial in reducing the potential for insect/fly problems.

Officers of the public health and protection team have also previously dealt with a similar application in the County, which uses a deep litter system as opposed to a conveyor belt

operation. This operation has not caused odour complaints, and it is therefore anticipated that a conveyor system would reduce the likelihood and intensity of odours further.

The ventilation system will emit air through vents in the roof, which should also reduce the potential for odours to affect nearby properties as odours will be dispersed at height. These units are operated on an automated system, whereby the fans will operate when required to maintain the temperature inside, so fans may operate during the day or night.

Therefore, from experience and assessing other operations of this nature, there is not envisaged to be a problem in relation to odours.

**Head of Corporate Property** – No comments received.

**Llangadog Community Council** – Objects to the proposal. Whilst the Community Council has no issue with the applicant wishing to diversify their business and move into egg production, they do feel that the current, proposed location for a poultry unit of this size and scale is inappropriate due to its close proximity to several neighbouring residential properties (under 200m) and because of the extra traffic it would generate.

The Community Council would like the planning authority to ensure that there is sufficient separation between the residential properties and the proposed poultry unit to mitigate against any detrimental effects of noise, smell and visual amenity.

**Local Member**– Councillor A James at the 3<sup>rd</sup> October 2017 consideration of the proposal, declared an interest in the application as he has previously sold land elsewhere to the applicant.

**Natural Resources Wales** – Planning permission should only be granted if the scheme can meet the following requirements and conditions, which would address significant concerns that have been identified relating to drainage, pollution prevention and protected sites.

1. In terms of drainage, a drainage plan in relation to foul water drainage is required to be approved by NRW.
2. Full details of the sterilisation of the building following the 14 month cycle is required to be submitted.
3. A test of likely significant effect (TLSE) of the proposal on the Tywi Special Area of Conservation (SAC) is required to be undertaken. This is to be undertaken by the Authority's Planning Ecologist and will be submitted to NRW for their approval.

The drainage plan requested and submitted advises that all dirty water from wash down will be collected in an underground sealed tank. It will be tankered out as necessary and applied to the land in accordance with the Manure Management Plan. The drainage plan is to be conditioned in the planning permission. It remains that the test of likely significant effect has yet to be completed for the revised location and no permission shall be released until this has been completed and agreed by NRW.

During the operational lifetime of the poultry unit an updated manure management plan (MMP) is to be submitted to the Local Planning Authority for written approval on an annual basis reflecting any changes in the operation. The nutrient management plan which

informs the MMP is to be updated as required and as agreed with the Local Planning Authority. All poultry manure produced is to be managed in line with the approved MMP.

The MMP considers the requirements of the current Glastir agreement. The plan shows that there is not sufficient land available to apply all the poultry manure produced. The excess is to be exported off the holding by a specialist contractor. The plan also refers to the construction of a new manure store on the holding, which we [NRW] understand will form part of a separate planning application.

The nutrient management plan is based on soil samples taken in 2013. The applicant should refer to best practice and be aware that the soil nutrient levels should be checked every three to five years to give a suitable baseline to produce the nutrient management plan.

The Design and Access Statement produced by Roger Parry and Partners LLP, referenced 131217, states that the manure applied to the holding will be incorporated into the land within 24 hours. The details on how this will be carried out are to be included in the Manure Management Plan

**National Grid** – No comments received.

**Dwr Cymru/Welsh Water** – No comments received.

**Dyfed Archaeological Trust** – No comments received.

**Neighbours/Public** – The previous siting of the proposed poultry unit away from the farm resulted in 79 letters of objection, in addition to an online petition with over 1300 signatures and 33 letters of support. The reasons of objection were as follows:-

- The proposal is a large scale building that will be detrimental to the visual amenity of the landscape.
- The proposal will result in highway safety problems with vehicles accessing and exiting the site.
- The proposal is within the river Tywi flood zone and there will be pollution of the environment as a result.
- The proposal will result in the loss of hedgerow.
- The proposal will be detrimental to local living conditions as a result of noise.
- The proposal will be detrimental to local living conditions as a result of smells.
- There will be an increase in rats and fly infestation.
- There will be a devaluation of local properties.
- The welfare of the chicken business is questioned.
- The proposal will increase in Antibiotic resistance.
- The proposal will Impact upon the tourism of the locality.
- The proposal will Impact upon the heritage of Llangadog village.
- There is concern regarding the spread of manure.

The letters in support of the application refer to:-

- Expansion and diversification of a rural business is essential for a rural community
- The proposed development will allow a young farmer to succeed in a new rural enterprise



- A modern poultry will not cause any harm in for local residents in terms of smells and noise
- The proposal allows quality food to be produced locally
- Chicken manure will be beneficial to farming practices in the locality and rather than importing in from far afield, the manure can be supplied from a local source.

The site notices erected in respect of the current, revised scheme that proposes the poultry unit adjacent to the farm resulted in a further 7 letters of objection and 1 letter of support have been received.

The further issues of objection raised reflect the above reasons of objection. In addition, it is raised that the proposed manure store has been included in the planning application. Although the agent initially included plans of the proposed manure store within the application that building has subsequently been removed and is not be the subject of this application. Should planning permission be granted for the poultry shed, the manure store will be subject to a separate planning application, which again shall include the relevant public consultation exercise

## **PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

### **THE SITE**

The application site is part of three large fields to the south of the existing farm, Godre Garreg, Llangadog, located approximately 57 metres from the farm. Access to the site is from an unclassified road that runs across Carreg Sawdde Common and ends at Devanah and Dolau farm. There are two dwellings to the north-east of the application site, Bancyfelin at approximately 80 metres away and Rhosawel at approximately 115 metres. To the east there is Bwlchagored and Dolgarreg, which are approximately 100 metres and approximately 115 metres respectively away from the proposed poultry unit. Derwen Deg is approximately 137 metres to the south-west and Brofana (formerly Kite Cottage) and Ty Newydd are approximately 143 metres and approximately 170 metres away to the south respectively.

### **THE PROPOSAL**

The application seeks planning permission to erect a juniper/olive green free range poultry unit; the rectangular hen house is shown to measure 140 metres x 20 metres, with a 3.1 metre eaves height and 6.09 m height to the ridge. Four feed bins at 7.16 metres in height are proposed; to be sited two at each end of the northern elevation, and a loading bay at the north-west corner of the building. The roof will have box profile sheeting and the elevations will be a mass concrete base with box profile sheeting to the eaves. The elevation facing away from the farm will have pop holes to the site to allow the hens to exit and enter. The south-east gable elevation will have four double doors with a standard central single door in the north elevation. The roof of the proposed poultry unit is now to include 16 green coloured exhaust chimneys with fans, with 8 spread evenly towards the end of the north-west elevation of the building and 8 at the south-east elevation and there will also be 8 green coloured inlet chimneys along the length of the building with no fans.

The exhaust chimneys will be 1.2 metres above the plane of the roof and the inlet chimneys will be 1.5 metres above the ridge.

The building is specifically designed for the housing of free range hens and is to meet the relevant regulations and codes for bird welfare. The proposed development will have the capacity to accommodate up to 32,000 laying hens.

The proposed unit will not only house the poultry, but will include the mechanical processing and packing of eggs via a conveyor belt system. Essentially, the chickens will lay eggs within certain designated areas within the units; the eggs will enter onto a conveyor system (this may also be done manually); then transported into the packaging/grading area whereby they are mechanically sorted and graded into crates. The crates are then sealed and stored at optimum temperatures before being collected. The whole process is low labour intensive.

The poultry unit is to be served by a new, revised access approximately 25 metres from the boundary with Brofana and Ty Newydd which runs along a mature hedgerow that runs north-south between Bancyfelin and Brofana and then runs along the northern side of the building with a turning facility and loading facility at the western extremity. A hardstanding area for parking is to be provided at the eastern side of the building for staff, deliveries and collections.

## **PLANNING POLICY**

The application falls to be considered against Policies within the Carmarthenshire Local Development Plan (LDP). The relevant policies are:

Policy SP14 is a strategic policy that requires that development should reflect the need to protect and wherever possible enhance the County's natural environment and should be considered in accordance with national guidance/legislation and the policies and proposals of this plan.

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

Policy EMP 4 provides advice on the consideration of farm diversification proposals, and requires that it is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm; is of a scale and nature appropriate to the existing farm operation; the scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements; the scale and scope of any retail use (where planning permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy (see policy RT1); it would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape.

Proposals should give priority to the conversion of suitable existing buildings on the working farm. Where justified new building should be integrated with the existing working

farm complex and not detrimental to the respective character and appearance of the area and surrounding landscape.

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

Policy EQ4 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, (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 the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements; 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.

Policy EQ6 states that Special Landscape Areas are designated in specific locations and proposals for development which enhance or improve the Special Landscape Areas through their design, appearance and landscape schemes will be permitted (subject to the policies and proposals of the Plan).

Policy EP1 requires that proposals for development will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County. Proposals will wherever possible be required to make efficient use of water resources.

Policy EP2 requires that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.

Policy EP3 requires that proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with Section 8 of TAN 15.

Nationally, Technical Advice Note 6 – ‘Planning for Sustainable Rural Communities’ (July 2010) provides guidance on the subject of new agricultural buildings that requires local planning authorities seek to ensure such development is essentially required at that location, sensitively related to existing settlement patterns and landscape features, and is of an appropriate size, scale and design. These principles serve to ensure the proposal is

justified, and complements rather than detracts from the site and surroundings in which it is proposed.

## **NEIGHBOURS/PUBLIC REPRESENTATIONS**

The details in relation to the letters of objection received shall be considered herewith.

### **The proposal is a large scale building that will be detrimental to the visual amenity of the landscape.**

Although large, the proposed free range egg production unit, is not considered to be overly large in relation to its setting with the farm sited to the north, the building being away from a public vantage point and the detailed supporting landscaping to screen the development.

Although having some concerns in relation to the impact of the building in the landscape, the Landscape Officer has not objected to the proposal, recommending the imposition of conditions on any permission to mitigate the impact.

### **The proposal will result in highway safety problems with vehicles accessing and exiting the site.**

The proposed development has been considered in detail by the Head of Transport in relation to the vehicular movements, visibility splays and turning facilities and the proposal is supported subject to the application of relevant conditions. This will include a passing bay within highway limits, at the western edge of Llangadog common, opposite Dolgarreg.

### **The proposal is within the flood zone and there will be pollution of the environment as a result.**

Following the submission of detailed information including a TLSE to Natural Resources Wales, the proposal at the initial location received their support, in that any fluvial flood risk to the unit was likely to be negligible. Therefore there is not considered to be any significant risk through pollution of the local rivers as a result of flooding. A further amended TLSE will be required for the current, revised location adjacent to the farm

### **The proposal will result in the loss of hedgerow.**

A native woodland copse will be planted to the west of the access to the site with existing hedgerow restocked and a new native tree belt to aid screening will be planted to the northern boundary with Brofana and Ty Newydd. A new native species hedgerow with native trees will be planted along the eastern border of the access road to the poultry building and along the northern boundary of the access road and building, in addition to the translocation of the existing hedgerow to the north of the building and a section of hedgerow to the south. A couple of native woodland copses to aid the screening of the views from west and to soften the field boundary edge to the south is to be planted, in addition to the strand of trees at the boundary with Bancyfelin.

### **The proposal will be detrimental to local living conditions as a result of noise and smells.**

The above matter has been addressed earlier in the report in the response to consultation received from the Head of Public Health and Protection.

**There will be an increase in rats and fly infestation.**

It is considered that as far as flies are concerned, they could be controlled by way of Statutory Nuisance powers under the Environmental Protection Act 1990, this would include management practices at the unit to ensure fly larvae etc are controlled as conveyed in the Design and Access Statement submitted with the application. Rats can be controlled via pest control treatments, and minimising access to foodstuffs etc and legal notices for rodent problems can be served if deemed necessary.

**There will be no employment created by the proposal and there is no viable need for the proposal.**

The proposed development will add to the existing agricultural business viability of the farm with the introduction of three full time and 1 part time employees.

**The application is not supported by an Environmental Impact Assessment.**

The proposal comes under "*Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes*" as defined in Column 1 as it is deemed a permanent agricultural building; the area of development does not exceed the 0.5 hectare threshold.

It would appear that the proposed development falls within Schedule 2 of the 2016 Regulations (part 1C) and as such only requires an EIA 'if it is a development, with an area of new floorspace that exceeds 500 square metres. In this instance the proposed shed measuring 120 metres x 20 metres would have a floor-space equating to 2800 sq. metres. The development therefore falls to be considered against the indicative thresholds and criteria stipulated in Column 2 of schedule 2 (part 1C).

The relevant circular provides guidance and stipulates that such developments on previously uncultivated land would only require an EIA if it is designed to house more than "50,000 layers, turkeys or other poultry". From the information given by the landowner, the building has been designed to accommodate 32,000 poultry, on the basis of the above it is not considered that the requirement of an EIA are applicable.

In the consideration of the above it is necessary to consider the characteristics of the development in combination with its proposed location in order to identify the potential for interactions between a development and its environment and therefore determine whether there are likely to be significant environmental effects. Having received a favourable response to the consultation with NRW in relation to the TLSE, it is considered that the proposed development will not have a significant impact upon the local environment.

**There will be a devaluation of local properties/The welfare of the chicken business is questioned/ The proposal will increase in antibiotic resistance.**

These are not considered to be a material planning considerations in the determination of the application.

**The proposal will impact upon the tourism of the locality.**

It is not considered that an agricultural building as a diversification scheme to an existing farming enterprise will have any significant harm to the tourism of the locality. It is

appreciated that there is a small scale exempted caravan site adjacent at Ty Newydd, however the retention and strengthening of the landscape features will not result in the proposal having any harmful impacts on the caravan site.

**The proposal will impact upon the heritage of Llangadog village.**

The building is sufficiently distant from the village of Llangadog to ensure that there will not be any harm to its heritage.

**There is concern regarding the spread of manure.**

The updated manure management plan considers the requirements of the current Glastir agreement. The plan shows that there is insufficient land available to apply all the poultry manure produced. The excess is to be exported off the holding by a (specialised) contractor. The plan also refers to the construction of a new manure store on the holding. NRW has confirmed that the nutrient management plan based on soil samples taken in 2013 is acceptable, commenting that the applicant should refer to best practice and be aware that the soil nutrient levels should be checked every three to five years to give a suitable baseline for the production of the nutrient management plan.

As noted in the summary of consultations section above, the proposal has been the subject of a detailed consideration by NRW, including the assessment of manure and nutrient management plans and the undertaking of a TLSE and it has been concluded that the proposal shall not have a significant effect on the River Tywi Special Area of Conservation. The application of conditions recommended by NRW to the planning permission and their adherence will protect the environment from any concerns.

**CONCLUSION**

The proposed poultry building is now to be sited adjacent to Godre Garreg farmyard and buildings at a location that will remain to be accessed from an unclassified road to the south east. The siting of the proposal adjacent to the farm has resulted in the closest residential property now being Bancyfelin, approximately 80 metres to the north-east. While the previous submission to the Planning Committee included chimneys of a lower height (0.6 metres above the plane of the roof), which were not considered to add significantly to the assessment of the impact in terms of visual harm to the landscape at the previous location adjacent to the hedgerow bordering Brofana and Ty Newydd, it is considered that with the siting now being adjacent to the farm and distant from public view points; being further from residential dwellings and substantial additional landscaping improvements, the current revised siting albeit with taller chimneys does not raise concerns in terms of visual impact that would merit the refusal of planning permission.

The Local Planning Authority has carried out a thorough consultation exercise in respect of the revised siting and following a further lengthy period of consideration and deliberation of the responses from the statutory consultees and the public, the principal areas of concern regarding the application concerned the visual harm, smells and noise, the highway impacts of the development, and the manure management plan.

It is considered that the principal concern in relation to smells and noise can be appropriately controlled with the professional management of the business and adherence to conditions applied to the planning permission. Although there would be negligible odour from the buildings when in operation, there may be some odour from the buildings during

the cleaning period, which is for a short period of time every 14 months and this is not considered significant enough to warrant a negative determination of the proposal.

The Head of Transport is satisfied that the traffic movements, access and parking/turning provision at the site with a passing bay proposed to be provided, is acceptable and has received a favourable response to consultation subject to the application of conditions.

It has been established that the proposed passing bay, north-east and opposite the highway that leads to Godre Garreg farm, as required by the Head of Transport is also within the limits of Llangadog Common. Following consultation with the Common Lands Officer, the applicant has agreed to apply for a land exchange under Section 16 of the Commons Act 2006. This is a procedure outside of the remit of Planning where the piece of land that is required for the passing bay would be removed from the register and replaced by another piece of land that is owned by the authority but which is not currently common land. While the required land exchange is not directly a Planning matter there is however, a condition (number 13) that is worded to the effect that the passing bay has to be provided prior to any part of the development being brought into use.

The Landscape Officer has considered the amended location of the proposal, which has included the input of a landscape consultant in terms of landscaping mitigation. While it is recognised that the proposed development presents challenges to relevant policy objectives with specific concerns that the proposed development is located within a sensitive landscape and the proposed development involves fragmentation of the existing field pattern and expansion of man-made, rectilinear elements in the form of large scale built form and associated access areas into the wider rural landscape, it is concluded that following the receipt of requested amendments, the proposed development away from residential properties and the public highway represents a more acceptable development proposal than the previous scheme

The Planning Ecologist has undertaken a Test of Likely Significant Effect (TLSE) on the proposal with NRW consultation, which is a process in determining planning applications, whereby local planning authorities should have regard to the Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Habitats Directive in respect of the land use planning system. The consideration of the likelihood of significant effects is a form of screening process or risk assessment. The planning authority must consider whether the proposed development would be likely to have a significant effect on any European site or European offshore marine site alone and in combination with other plan or projects. In doing so, it must adopt a precautionary approach. The TLSE was forwarded to NRW in relation to the previous site away from the farm and farm yard, who have indicated that they are satisfied with the findings of the assessment and the proposed mitigation measures and consider that subject to the measures and conditions referred to therein being applied to any permission, their significant concerns regarding the development would be addressed.

There will be a requirement to undertake a further TLSE for the current, revised location, which at the time of writing this report, has not been completed.

The operation of the free range egg production business is typically seen as an extension to an existing farm business and the rural location proposed is where in planning terms it is expected to see this type of enterprise. Taking into consideration the comments of the consultees and the issues of objection received, and balancing this with the relevant national and local policy guidance, it is considered that with the detailed landscaping

mitigation, the proposed poultry unit is acceptable and the successful operation of the business in both planning and business terms is reliant upon adherence to the planning conditions and effective management of the business. While the proposed development shall have an impact within the Tywi Valley Special Landscape area, a balance has to be made between the visual harm to the landscape and the economic benefits of this farm diversification scheme.

In light of the aforementioned report of the proposed development, it is concluded on balance that planning permission should be granted subject to the conditions below.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The above approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below:-
  - Section Through Loading Bay (010), received 8 February 2018
  - Passing Place plan 1:250 scale, received 8 February 2018
  - Revised Location Plan (002), received 9 March 2018
  - Revised site Plan (001), received 9 March 2018
  - Proposed Elevations and Floor Plan Option 2 (GG003), received 19 March 2018
  - Cross Section Site Levels (006), received 19 March 2018
  - Figure 1-Landscape Proposals, received 19 March 2018
  - Figure 2- Planting Specification, received 19 March 2018
  - Drainage Plan (GEL/HUGH/GG011DP), received 19 April 2018
- 3 The building hereby approved shall only be used for the purposes of agriculture as defined by Section 336 of the Town and Country Planning Act 1990.
- 4 The use of the poultry unit shall be for free range egg laying only; any change to the operation must first be approved in writing by the Local Planning Authority.
- 5 Any external artificial lighting incorporated with the proposed poultry unit shall be installed in accordance with the relevant lighting engineers' guidance to reduce any potential light nuisance to neighbouring properties. Any such proposals for artificial lighting is to be agreed in writing by the Local Planning Authority prior to installation.
- 6 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway for the initial 15.0m measured from the nearside edge of carriageway and 10.0 metre kerbed radii at the junction with the U4502 road.
- 7 Any access gates shall be set back a minimum distance of 15.0 metres from the highway boundary, and shall open inwards into the site only.



- 8 The existing means of vehicular access into the site shall be permanently stopped up, and the public highway reinstated to the written approval of the Local Planning Authority, prior to the new means of vehicular access herein approved, being brought into use.
- 9 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 57 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access road in relation to the nearer edge of carriageway. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
- 10 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 11 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 12 The site access road shall be hard-surfaced for a minimum distance of 15.0 metres behind the nearside edge of carriageway, in materials which shall be subject to prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.
- 13 A passing bay, giving a carriageway width of 5.5 metres over a 10 metres linear length of the road, shall be provided as shown on the Passing Place drawings approved in condition 2 above. This shall be implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 14 Within one month of the granting of this planning permission the applicant shall submit a planning application for the erection of a covered manure store at Godre Garreg farm, Llangadog. No work shall commence on the poultry unit hereby approved until the covered manure store has also been granted planning permission and the poultry unit shall not be operational until the covered manure store has been completed and is ready to be used in association with the approved poultry unit.
- 15 No manure spreading shall take place within a 10 metre wide buffer zone measured from any nearby water course bank top for the whole extent of the site (banked off is defined at the point at which the bank meets normal land levels). The buffer zone shall be without structure, hardstanding, footpath, fences or overhanging development.
- 16 During the operational lifetime of the poultry unit an annual updated manure management plan reflecting any changes in the operation is to be submitted to the Local Planning Authority for their written approval. The nutrient management plan

which informs the manure management plan is also to be updated and submitted in conjunction to the Local Planning Authority for their written approval.

- 17 All vehicles used for the movement of manure shall be sheeted and/or fully covered.
- 18 Poultry waste from the unit will be managed in line with the approved Revised Manure Management Plan Rev 13 12 17, received 8<sup>th</sup> February 2018.
- 19 The rating level of the noise emitted from the proposed development as a whole shall not exceed the background noise level. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.
- 20 If the authority receives a justified complaint with respect to the development, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for rating and assessing industrial and commercial sound, to determine whether noise arising from development exceeds the level specified in condition 19 above. The assessment shall be undertaken under the supervision of the Local Authority.
- 21 In the event that Condition 19 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in Condition 19. The development shall then be undertaken in accordance with the approved details.
- 22 Deliveries and collections associated with the proposed development shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 23 Any associated works with the proposed development, such as cleaning, maintenance shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 24 Fans shall not operate between the hours of 23:00 and 07:00.
- 25 During the construction phases, no works or construction shall take place other than within the hours of 08:00 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays.
- 26 The detailed landscaping and planting of the site as approved within Condition 2 above shall be fully implemented during the first available planting and seeding season following the commencement of the development.
- 27 Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within the lifetime of the approved development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next

planting or seeding season with replacement elements of similar size and specification.

- 28 The existing hedge/hedgerow along the south eastern *boundary of the enclosure with the unclassified 4502 road* shall be protected through all construction phase operations and thereafter retained, and maintained at a minimum height of 2.5 metres above the adjacent carriageway. Prior to any management works to the hereby defined hedge/hedgerow, which would result in laying or coppicing to a height below the hereby specified minimum height, a method statement for the works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented as the approved method statement. Any existing hedge/hedgerow or part thereof, which, within the lifetime of the approved development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the existing hedge/hedgerow[s] in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification.
- 29 No development or site clearance shall take place until a method statement for the translocation of the existing hedge/ hedgerow(s), as approved in condition 2 above has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include an implementation programme and shall be in compliance with relevant guidance as provided by the Local Planning Authority.
- 30 The hedge/ hedgerow translocation method statement as approved to discharge condition 29 shall be fully implemented as the implementation programme unless otherwise agreed in writing by the Local Planning Authority. Any section of existing hedge/hedgerow translocated in accordance with the approved method statement which, within the lifetime of the approved development is removed; dies; becomes diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the existing hedge/hedgerow(s) in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification
- 31 Prior to the commencement of any works associated with the development hereby approved, a Construction Exclusion Zone (CEZ) shall be established to protect: -
- all trees, groups of trees or woodland located within, on, or with a canopy spread which overhangs the site boundary and which are identified for retention.
  - all shrub masses, hedges and hedgerows located within or on the site boundary which are identified for retention.

The CEZ shall be defined by a barrier of a specification appropriate to exclude the degree and proximity of all construction phase operations. The barrier shall form a continuous length, aligned as follows:

- to the perimeter of root protection areas, defined in accordance with BS5837, of all trees, groups of trees or woodland as identified above.
- to 1.5m from the edge extent of above ground growth of shrub masses, hedges and hedgerows as identified above.

Any construction operations and access within the CEZ shall be limited to those undertaken in compliance with the recommendations of BS5837. The CEZ shall be enforced throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

## REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3-5 To prevent any separate use on the site, and to ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.
- 6-13 In the interest of highway safety.
- 14-18 To ensure that there is no significant effect to any designated site.
- 19-25 In the interest of protecting the living conditions of local residents.
- 26-31 In the interest of the visual amenity of the locality.

## 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 adheres to the requirements of policy SP14 of the Carmarthenshire Local Development Plan which ensures that proposed development does not unacceptably harm the Tywi Valley Special Area of Conservation.
- The proposed development adheres to the requirements of policy GP1 of the Carmarthenshire Local Development Plan which ensures that proposed development 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. The development proposal should also not have a significant impact on the amenity of adjacent land uses and properties.
- The proposed development adheres to the requirements of policy EMP4 of the Carmarthenshire Local Development Plan which ensures that proposed development is a form of farm diversification, and requires that it is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm; is of a scale and nature appropriate to the existing farm operation; the scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements; the scale and scope

of any retail use (where planning permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy (see policy RT1); it would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape. As the proposal is a new building and not integrated with the existing working farm complex, it remains that it is considered that the proposal is not detrimental to the respective character and appearance of the area and surrounding landscape.

- The proposed development adheres to the requirements of policy TR3 of the Carmarthenshire Local Development Plan which ensures that proposed development relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.
- The proposed development adheres to the requirements of policy EQ4 of the Carmarthenshire Local Development Plan which ensures 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, (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 the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements; 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.
- The proposed development adheres to the requirements of policy EQ6 of the Carmarthenshire Local Development Plan which ensures that proposed development in Special Landscape Areas are designated in specific locations and proposals for development which enhance or improve the Special Landscape Areas through their design, appearance and landscape schemes will be permitted (subject to the policies and proposals of the Plan). The proposal is a diversification scheme for an established agricultural enterprise, at a sensitive siting and with a detailed landscaping scheme which will mitigate for the impact of the building within the landscape, and provides biodiversity benefits to the locality.
- The proposed development adheres to the requirements of policy EP1 of the Carmarthenshire Local Development Plan which ensures that proposals for development will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County. Proposals will wherever possible be required to make efficient use of water resources.

- The proposed development adheres to the requirements of policy EP2 of the Carmarthenshire Local Development Plan which ensures that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.
- The proposed development adheres to the requirements of policy EP3 of the Carmarthenshire Local Development Plan which ensures that proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.
- The proposal complies with Welsh Assembly Government issued advice contained in Technical Advice Note 6 – ‘Planning for Sustainable Rural Communities’ in that the proposed development is appropriate to the site and surrounding landscape.

## NOTES

- 1 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority’s website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).
- 2 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

- 3 The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

- 4 The burning of waste on the site should at no time be permitted which is likely to emit dark or black smoke, or smoke which would constitute a smoke nuisance at the nearest sensitive residential property.
- 5 All waste manure must be stored in a satisfactory manner/covered to ensure it does not give rise to an odour nuisance beyond the site boundary.
- 6 Appropriate methods of clearing the waste and cleaning the unit must be adopted to minimise the effect of dust / odours affecting neighbouring properties.
- 7 All dead stock must be stored in appropriate containers to reduce the potential for odours and flies.
- 8 Adequate procedures must in place for controlling flies if necessary.
- 9 Appropriate methods must be in place for the control of vermin if required.
- 10 Adequate procedures must be adopted to ensure the litter/manure inside the unit is kept dry and in such a condition as to reduce the ammonia produced.
- 11 It should be noted that the proposed development should be adequately controlled with regard to other emissions or deposits so that the development does not at any time constitute a statutory nuisance as defined by Section 79 of the Environmental Protection Act 1990.
- 12 Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Highway Authority.
- 13 The applicant should take due care and attention to avoid the deposit of mud on the road from construction vehicles using the access.
- 14 No drainage from the development site shall be connected to or allowed to discharge into the road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the road.

This page is intentionally left blank



<b>Application No</b>	<b>W/37038</b>
-----------------------	----------------

<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONVERSION OF EXISTING DISUSED AGRICULTURAL BUILDING INTO 2NO HOLIDAY LET UNITS AT TYCERRIG, NANTYCAWS, CARMARTHEN, SA32 8EW

<b>Applicant(s)</b>	MR GRANT CARLSSON, TYCERRIG, NANTYCAWS, CARMARTHEN, SA32 8EW
<b>Agent</b>	HAROLD METCALFE PARTNERSHIP, 32 SPILMAN ST, CARMARTHEN, SA31 1LQ
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Llangunnor
<b>Date of validation</b>	04/04/2018

## CONSULTATIONS

**Head of Transport** – has raised concerns over the details provided as they did with the previous application. The turning provision is still not clear and not included within the red line application site. Whilst it is appreciated that the applicant shows control over adjacent land edged blue, the proposed parking layout shown within the red line boundary would appear to give residents difficulty to access the proposed parking spaces and manoeuvre in/out of the site. Furthermore, there are no existing parking spaces shown on the block plan to serve the dwelling known as Ty Cerrig.

According to the submitted block plan there is only appears to be 2.5m between the middle car parking space and boundary to Ty Cerrig, this would impede on access to the rear of the existing agricultural building for agricultural type vehicles, causing a possible conflict. Similarly there is only 2.4m between the northern car parking space and the boundary of the access track for agricultural vehicles to access the front of the agricultural building.

An amended plan was submitted showing parking for the existing dwelling. No response has been received to date on the reconsultation.

**Local Member** – Cllr E Williams has requested the application be presented to the Planning Committee, stating that the reason for the Planning Officer objecting is that the building is modern. He sees nothing modern in a 50 year old building.

**Llangunnor Community Council** – have no objection providing the usual neighbour consultation takes place.

**Rights of Way** – The Design and Access Statement notes that “a public footpath traverses the site and will be protected and improved as may be required”. If the application is approved, reference should be made to the applicant/developer to the requirement not to obstruct or encroach upon the footpath at any time. Any alterations to the surface of the footpath would require prior approval from the authority.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and in the local press with no responses having been received as a result.

## **RELEVANT PLANNING HISTORY**

W/36510	Conversion of existing disused agricultural building into 2 no. holiday let units. Full Refusal	04 January 2018
W/32735	Demolition of existing lean-to side extension and construction of new extensions Full Granted	23 October 2015

## **APPRAISAL**

### **THE SITE**

The application consist site consists of a former agricultural building located at a holding known as Ty Cerrig. The site is located to the north-west of Nantycaws. The site is accessed off a narrow track leading from a minor country road to the west. There are 2 further routes to the site and a Public Right of Way runs across the farm yard. The land falls to the north-west with there being further, far larger buildings still used for agricultural purposes attached to the application building. The farm house is also located on the yard. The holding covers some 48 ha of land with there being 60 head of cattle and 15 sheep.

The building is constructed of concrete block which has been rendered with metal sheet upper walls and plastic coated profile sheet roof. The windows and doors have already been altered to PVC

An application was refused under delegated powers earlier this year for the same proposal. The refusal reasons related to the building not being considered worthy of conversion due to it not being of appropriate architectural quality or materials. Reasons for refusal also related to parking and turning facilities in terms of size, location and impacts on accessing the adjacent agricultural buildings.

### **THE PROPOSAL**

The application seeks full planning permission for the conversion of the former agricultural building to 2 no holiday lets.

The northern end of the building would accommodate a 2 bedroom unit with the central part being a 1 bedroom unit. The southern-most part is shown as being 2 store areas. There are some alterations to openings in the building. Windows are PVC, with the doors and the walls rendered. The layout plan shows 3 parking spaces being provided. No amenity space or other areas are included in the application site.

A supporting statement has been submitted with the application which states the proposal would supplement the income from the farm. It states that the main purpose of the farm will remain agricultural and that there are sufficient other farm buildings to accommodate the continued agricultural use. It states that the character of the building will not change except the concrete block which is to be rendered. It concludes by referring to the need to encourage tourism, being located close to the National Botanic Gardens of Wales and that there is easy access to the coast making this site a good location.

Following comments from the Head of Transport the applicant provided details of the parking provision for the existing farmhouse. The agent also commented that in their opinion the proposals have no effect on any public roads and the red line application site merely identifies the location of the proposals. Parking for both Ty Cerrig house and the proposed holiday units can be accommodated anywhere on the forecourt area in front of the house. They did not understand why Highways were concerned with how the applicants intend to access the agricultural building when there is a track to the front and rear of the building which is also surrounded by approximately 48 acres of land and the applicants have the right to choose which to use.

## **PLANNING POLICY**

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

### **Policy GP1 Sustainability and High Quality Design.**

This states that development proposals will be permitted where they accord with a number of criteria including the following, 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, utilises materials appropriate to the area within which it is located; 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; 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.

**Policy TSM4 Visitor Accommodation** states that proposals for new build serviced or self catering holiday accommodation will be permitted within the development limits of defined settlements (Policy SP3) where it accords with the relevant criterion under Policy SP15. Outside the development limits of defined settlements (Policy SP3) proposals for permanent serviced or self catering visitor accommodation will be permitted where it consists of the re-use and adaptation (including conversion) of existing buildings and complies with criteria d) and e) set out in Policy H5.

**Policy H5 Adaptation and Re-use of Rural Buildings for Residential Use** states that proposals for the conversion and re-use of buildings in rural areas outside the Development Limits of a defined settlement (Policy SP3) for residential purposes will only be permitted where they meet certain criteria. Criteria (d) and (e) apply in relation to holiday let uses as noted in policy TSM4. These require proposals to demonstrate that:

d. The building is structurally sound, substantially intact and is of sufficient size to

accommodate the proposed use without extensive alteration, extension or re-construction;

- e. The building demonstrates and retains sufficient quality of architectural features and traditional materials with no significant loss of the character and integrity of the original structure.

The notes for the policy state *“Only those buildings which are of an appropriate architectural quality and which incorporate traditional materials will be considered. Proposals for buildings of a modern, utilitarian construction such as portal framed units, temporary structures or those which utilise materials such as concrete block work, metal or other sheet cladding finishes will not generally be considered appropriate for conversion”*.

Policy TR3 Highways in Developments - Design Considerations. This policy states that 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.

As the site is on a working farm Policy EMP4 Farm Diversification also applies. This states that proposals for farm diversification projects will be permitted where, it is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm, it is of a scale and nature appropriate to the existing farm operation, the scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements, the scale and scope of any retail use (where planning permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy (see policy RT1) and that it would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape.

Proposals should give priority to the conversion of suitable existing buildings on the working farm. Where justified, new building should be integrated with the existing working farm complex and not detrimental to the respective character and appearance of the area and surrounding landscape.

The notes of the policy however state that this policy does not cover the issue of the re-use and adaptation of existing rural buildings.

## **NEIGHBOUR/PUBLIC REPRESENTATIONS**

There have been no third party representations received other than the request from the Local Member for the application to be presented to the Planning Committee. The Councillor stated that the reason for requesting the application go before the Planning Committee is that he disagrees with the previous refusal reasons that the building is modern. He sees nothing modern in a 50 year old building.

As stated above the application was previously refused. A key part of the refusal reasons related to the appearance and nature of the building. Policy H5 is the most relevant planning policy for the proposed development. This relates to the conversion of rural buildings. One criterion that proposal needs to adhere to, whether for permanent residential use, or for conversion to holiday lets is criterion (e). This states "*The building demonstrates and retains sufficient quality of architectural features and traditional materials with no significant loss of the character and integrity of the original structure*". Therefore part of the consideration of whether the proposal is acceptable or not relates to the quality of architectural features and materials of the buildings to be converted. The notes associated with Policy H5 state "*Only those buildings which are of an appropriate architectural quality and which incorporate traditional materials will be considered. Proposals for buildings of a modern, utilitarian construction such as portal framed units, temporary structures or those which utilise materials such as concrete block work, metal or other sheet cladding finishes will not generally be considered appropriate for conversion*".

The application building is a concrete block, metal sheet and plastic sheet building. It is considered to be of a more modern nature than the traditional stone walled and slate buildings which can be found in similar locations. The policy has a clear desire to ensure that any building to be retained is of a sufficient quality in terms of the appearance. While the Local Member considers the building not be "modern" due to its age it is felt that the building is not of appropriate materials or architectural qualities to meet the policy. There is no specific justification put forward by the applicant in support of the proposal in terms of it meeting the relevant policies or how what quality they perceive to be in the building. The relevant policy clearly seeks to focus retention of buildings to ones which reflect a traditional form and character. It is not felt that this building aligns with the policy and its aspirations.

Concerns have previously been raised regarding the parking and turning layout. The applicant has now amended the scheme to show parking for the existing dwelling and the proposed converted units.

In terms of impacts on amenity the site is located some distance from any other properties. It is therefore not felt there are any significant concerns over impacts on other properties. The site is however, clearly visible from a public right of way which runs through the farm yard and adjacent to the buildings. The building is therefore visible from close public vantage points. There is little quality to the character and appearance of the building at

present and little would alter with the proposed change of use.

Due to the nature of the building in terms of materials and large open areas it was not felt that a bat survey or structural survey was required.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is not acceptable.

As such the application is put forward with a recommendation of refusal for the following reasons.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy TSM4 Visitor Accommodation of the Carmarthenshire Local Development Plan:-

#### Policy TSM4 Visitor Accommodation

Proposals for new build serviced or self catering holiday accommodation will be permitted within the development limits of defined settlements (Policy SP3) where it accords with the relevant criterion under Policy SP15.

Outside the development limits of defined settlements (Policy SP3) proposals for permanent serviced or self catering visitor accommodation will be permitted where it consists of the re-use and adaptation (including conversion) of existing buildings and complies with criteria d) and e) set out in Policy H5.

In that

The proposal is for the conversion of an existing building outside of development limits. The building does not demonstrate and retain sufficient quality of architectural features and traditional materials. The building is not considered to be of appropriate architectural quality or to be of traditional materials. The building is of a modern, utilitarian construction and is not considered appropriate for conversion.

- 2 The proposal is contrary to Policy H5 Adaptation and Re-use of Rural Buildings for Residential Use of the Carmarthenshire Local Development Plan:-

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

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

- a. The authority is satisfied that every reasonable endeavour has been made to secure an alternative business use and the application is supported by a statement of evidence to the Council's satisfaction of appropriate efforts that have been undertaken to achieve this;
- b. Any residential use would be a subordinate element associated with a wider scheme for business re-use; or,
- c. The residential use contributes to the provision of affordable housing to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:
  - i) The benefits of the initial affordability will be retained for all subsequent occupants;
  - ii) It is of a scale compatible with an affordable dwelling and would be available to low or moderate income groups.

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

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

In that

The proposal is for the conversion of an existing building outside of development limits. The building does not demonstrate and retain sufficient quality of architectural features and traditional materials. The building is not considered to be of appropriate architectural quality or to be of traditional materials. The building is of a modern, utilitarian construction and is not considered appropriate for conversion.

This page is intentionally left blank



<b>Application No</b>	<b>W/35903</b>
-----------------------	----------------

<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	RESIDENTIAL DEVELOPMENT – ALL MATTERS RESERVED AT LAND OFF LLUEST Y BRYN, CARMARTHEN

<b>Applicant(s)</b>	DR ISLWYN THOMAS, OAKDENE FARM, WRINGTON, BRISTOL, BS40 5QU
<b>Agent</b>	HAROLD METCALFE PARTNERSHIP - MR CERI EVANS, 32 SPILMAN STREET, CARMARTHEN, CARMS, SA31 1LQ
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen North
<b>Date of validation</b>	27/07/2017

## CONSULTATIONS

**Head of Transport** – offers no objection; has recommended the imposition of conditions with any approval.

**Carmarthen Town Council** – have objected to the application due to the negative impact of the development on the local natural habitat and environment including wildlife, greenery and hedgerows; b) the likely adverse impact of additional heavy traffic in the area resulting in a higher risk to road users, in particular at the junction of Capel Evan Road with Richmond Terrace.

**Local Member** - County Councillor Peter Hughes Griffiths has commented that he opposes the development for the following reasons:

- **HIGHWAYS.** There is already severe traffic congestion at the only junction from Capel Evan Road to Richmond Terrace. This is the only junction into the town for the following estates – Park Hall, Llys Cae'r Medi, Bevedere Avenue, Ross Avenue, Prosser Close, Llwynmeredydd, Courtlands Park, Parc yr Onnen, Groesffordd Fach, Rhodfa Glyndwr, Trem y Bedol, and Lluset y Bryn.

Also all the traffic that comes through Long Acre One Way Road from Springfield Road and estates above, as well as Wellfield Road and Myrddin Crescent. It also serves as a short cut to avoid travelling through the town centre via Catherine Street for all those travelling towards Priory St and beyond from the Carmarthen West area.

Also, within 20 yards of the Capel Evan/Richmond Terrace junction there is an entrance to Richmond Park Primary School (with a traffic Warden on duty) which holds traffic back in all directions at the busy morning and afternoon time. To add further pressure to this junction is not acceptable. It is a very difficult junction as it is steep and very narrow and difficult to manoeuvre. At no time should more houses be built in areas which adds to use this junction at Richmond Terrace. There is also a traffic problem, because of the narrowness of Capel Evan Road between the junction to Park Hall and Belevdere Avenue – which is a steep hill. Cars have to reverse and again manoeuvre with difficulty. More houses mean more cars, thus causing further difficulties and problems. As the local member I have requested Mr John McEvoy of the Highways Department to attend to the problem.

- **EDUCATION.** A large number of pupils who wish to have Bilingual (Welsh first language education) from these areas attend Ysgol Y Dderwen, the only Welsh medium Primary School in Carmarthen. As a governor of that school I am very much aware that the Education Department of Carmarthenshire County Council has a problem in that Ysgol y Dderwen is oversubscribed by the high demand in Welsh First Language Education. If more homes are provided at this site, and as children will seek education at Ysgol y Dderwen – they will not be accepted – thus creating a legal right failure.

Planning permission does not mean ‘the building of houses’. It means in this case that the services are also provided. In this case, there is a much wider ‘planning issue’ and the Planning Committee must consider such facts and refuse permission.

Councillor Ken Lloyd has declared a prejudicial interest in this application.

**Head of Public Protection** – has responded in relation to a number of issues.

A condition has been requested in relation to management of dust during construction. A noise management plan was also requested forming a condition.

In relation to Air Quality they comment that Richmond Terrace lies within the Carmarthen Air Quality Management Area (AQMA) and the latest annual nitrogen dioxide result near the junction of with Richmond Terrace was just under the Air Quality Objective at 37.5µg/m<sup>3</sup>. They identified that as this junction is the only access to the proposed site there is a potential for greater impact on air quality from traffic generated by the development. In order to ascertain the level of impact on the AQMA they requested that an Air Quality Assessment (AQA) be performed that identifies the predicted additional traffic volumes, the impact on the junction and therefore the potential adverse impact on air quality.

Further to the submission of the AQA they have responded again confirming that the assessment has been performed in accordance with the relevant guidance and assumptions as part of the assessment process are pragmatic. The inputs used for the modelling stage of the assessment are appropriate, along with the projected vehicle trips identified for the size of the development.

The AQA concludes that the development will have a negligible impact on air quality within the vicinity and in relation to the Carmarthen Air Quality Management Area, the boundary of which lies about 350m of the proposed development. The Assessment offers mitigation by way of a Travel Plan for the site along with connecting in to local footpaths to enable

active travel. The developer is also advised to consider to the provision of infrastructure to allow installation of electric vehicle charging points in the future.

**Welsh Water/Dwr Cymru** – has responded stating they have no objection to the proposed development. They request a condition requiring the provision of a scheme for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means.

**Land Drainage Section** – has commented that the surface water flood maps do not show any flood risk to the proposed development. They ask that the applicant follows the principles laid out in WAG's SUDS Standard for Wales 2016 (WG26162) and follow the hierarchy on dealing with surface water removal. This will mean discounted some aspect of grey water harvesting. Before infiltration will be considered as an appropriate option the applicant will be required to undertake a soakaway test (BRE365) to confirm it's suitability in the local geology. The test should be undertaken at the proposed soakaway locations to give the most accurate results. Due to the gradient of the site the applicant must ensure that the soakaways are not 'perched' above other properties. As this is an outline planning application these requirements can be conditioned.

**Head of Leisure** – has confirmed that no on site provision is required.

**Education Department** - has confirmed based on the indicative layout of 29 properties a financial contribution of £45,000 would be required. This is based on the higher contribution yield for primary schools and lower for secondary due to capacity figures.

**Natural Resources Wales** – has commented that the information submitted in relation to ecology includes an arboricultural condition assessment and not a tree survey as they requested.

A further repose has been received recommending the imposition of a condition with any approval relating to trees.

**Housing and Social Care** – has responded confirming the ward of Carmarthen Town North is an area of high housing need and could be best met by providing either a mix of 2 bedroom, 4 person houses and 3 bedroom 5 person houses for low cost home ownership or by providing a mix of 2 bedroom, 4 person houses and 4 bedroom, 7 person houses for affordable rent.

Any homes provided for affordable rent must comply with Welsh Government's Development Quality Requirements (DQR). The space standards are shown below:

2 bed: 83 m<sup>2</sup>

4 bed: 114 m<sup>2</sup>

All homes provided for low cost home ownership must meet the following minimum space standards:

2 bed between 78 m<sup>2</sup> and 83 m<sup>2</sup>

3 bed between 84 m<sup>2</sup> and 94 m<sup>2</sup>

**Public Rights of Way** – has responded making reference to public footpath 61/18, which crosses the site. The proposed development will obstruct the definitive line of public footpath 61/18 on its present alignment. The Indicative Site Layout plan acknowledges the existence of footpath 61/18 and suggests re-routing. A public footpath Diversion Order will

be necessary to change the route of the path. Public paths can only be diverted or closed by legal order; the proposed alteration to the alignment of 61/18 will require an application to divert a public footpath under section 257 of the Town and Country Planning Act (1990).

**Police Liaison Officer** – has commented that Section 5 of the Design and Access Statement does not cover any security issues and there is no reference to Secured by Design. Comments were also made in relation to Plots 15 - 21 being accessed via a private roadway, and a query regarding lighting if this area is not adopted. There was also a query regarding refuse collection.

**Dyfed Archaeological Trust** – has commented that during the Local Development Plan consultation they recommended that an archaeological condition should be attached to consent, if forthcoming. The site is a relatively large area of undeveloped land and, although there are no heritage assets recorded within the development boundary, there is significant archaeology in the near vicinity that suggests potential for buried archaeological deposits/features to be preserved. This includes prehistoric monuments Penlan Bronze Age ring barrow (PRN 224) and Neolithic/Bronze Age henge (PRN 226) on the higher ground to the north and an Iron Age settlement (PRN 14300), identified from a cropmark, to the northwest. They therefore recommend the imposition of a condition with any approval relating to a written scheme of investigation.

**Cadw** – have commented that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development and they therefore have no comments to make on the proposed development.

**Neighbours/Public** - The application has been publicised by the posting of Site Notices near to the site and in the Local Press. To date 28 responses have been received in this application. The following issues were raised:

- Suitability of the nearby roads in terms of ability to sustain the increase in traffic due to number of additional vehicles, in relation to road widths, poor visibility, residents parking, curvature of the roads, speed limit not adhered to, gradient of the roads, insufficient parking provision and on street parking.
- Highway and pedestrian safety concerns due to narrow pavement, lack of footways in places and the site is also on a school route.
- Reference to existing highways issues in terms of traffic.
- There should be no vehicular access on to Springfield Road.
- Changes to the area and road since the allocation of the site in the LDP.
- Health and Safety Assessments or a Full Risk Assessment for traffic is required.
- Concern in relation to the proximity to proposed properties to existing ones and impacts due to topography of the site.
- Concerns with impacts on amenity including overlooking, noise pollution, overshadowing, quality of life, air pollution and loss of light
- Query how boundary landscape features can be retained and also create privacy with new boundary treatments.
- Disturbance during construction.
- Air quality assessment should be provided prior to the application being determined.
- Cumulative impacts of residential developments in the Carmarthen area affecting the appearance of the area and loss of green areas.
- Use of frosted glass etc not appropriate to deal with issues.
- Layout, scale of properties and density is inappropriate.

- Density of the surrounding area is lower than that proposed.
- Site will result in a loss of open space and should be protected
- Lack of provision of open space on the site or lack of reference to contribution to existing facilities.
- Visual impact of the development due to the site being highly visible.
- Certain areas should be limited to single storey only to be in keeping with the adjacent properties.
- New boundary treatments changing rural character of the area.
- Loss of a rural area of the town/rural walk which provides amenity for local residents leading to negative impacts on the health and well-being of nearby residents.
- Impact of the development on the adjacent Conservation Area.
- Query whether the site is partly within a Conservation Area.
- Damage to the natural environment.
- Abundance of wildlife on the site.
- Wildlife affected by works at the site prior to the ecology report and impacted on the results of the survey.
- Loss of habitat leading to isolation of remaining species.
- Concern over works to the site previously in terms of it being cleared and impacts on flora and fauna.
- Request for new ecological survey to be carried out.
- Those carrying out the ecology survey did not speak to nearby residents.
- Query how trees/hedgerows will be protected if development proceeds.
- Removal and works to trees having already taken place – concern over possible loss in terms of visual amenity and on wildlife.
- NRW have requested a bat survey of the trees.
- Query over protection of the existing trees and impacts from construction works.
- Parts of the site cross land outside the applicant ownership.
- Understand the need for housing query of need for a development of this size, given current development already under construction in the town.
- Impact on local infrastructure would be quite significant including impacts on local schools, doctors surgeries, local hospital, parking etc.
- Impact on Welsh language education in the area due to current limited primary provision.
- Query over whether the public right of way is to be retained and managed.
- The Right of Ways is a “promoted route” and would be lost.
- Development will affect the view and character of the footpath.
- New route between properties would create a narrow path and encourage anti-social behaviour.
- Current water supply not sufficient.
- Issues regarding drainage from sewers and the road at present and would be worsened.
- Lack of capacity in the local sewer network.
- Underground springs on Springfield Road causes damage to the road surface.
- Increase in rubbish collections unworkable.
- Possible unauthorised accesses being created for certain plots.
- Reference to refusal of smaller development due to impact on the character of the area and loss of greenfield area (TMT/02737 and TMT/02738) in 2003. Same reasons apply to this development.
- Contrary to the Human Rights Act in relation to enjoyment of possessions and private/family life.

- Archaeological impacts – further information needed to inform the application.
- Concern that due to the slope of the site and the site will not be suitable for disabled access and comparison with similar areas.
- Inaccuracies within the application details.
- Query over changes to the application since submission.
- Reference to planning permission for 4 dwellings off Capel Evan Road.

## RELEVANT PLANNING HISTORY

TMT/02738	Outline planning for 2 houses Outline Refused	09 January 2003
TMT/02737	2 no detached houses Full Refused	09 January 2003
D4/15735	Electricity supply Full Granted	14 April 1988
D4/15463	Electricity supply Full Granted	13 January 1988
D4/11802	Siting of two dwellings Outline Refused	23 July 1984

## THE SITE

The application site comprises a field currently under grass with mature trees and hedgerows located to parts of the boundary. The site is located within the development limits of Carmarthen and is allocated for residential development in the Carmarthenshire Local Development Plan. The site covers approximately 1.55ha covering the vast majority of the allocation and the LDP provides an indicative figure of 30 units for the overall site of 1.58ha. The site is located adjacent North Carmarthen Conservation Area which is to the south west of the site.

The site is located towards the northern end of Carmarthen being of irregular shape. The site is steeply sloping and there is a Public Right of Way running along and through the site. To the south of the site is a cul-de-sac known as Llust y Bryn. This leads to the south to Capel Evan Road on to Picton Terrace. To the north of the site is Springfield Road where the Public Right of Way ends. Properties off Springfield Road border the site to the west. To the east the site borders further residential cul-de-sacs of Courtlands Park and Llwyn Meredydd. The site is steeply sloping with the properties to the south and west being at a lower land level than the application site. There are a mix of properties in the area with there being examples of 2 storey and bungalow properties.

## THE PROPOSAL

The application requests outline planning permission for residential development. The application has been amended during the application process however it is now, as it was originally, seeking outline permission with all matters reserved.

The application has provided an indicative layout of 29 properties. The site would be accessed off Llust y Bryn to the south of the site. A new cul-de-sac leading north and

then turning east is shown. The details provided show a mix of bungalows and 2 storey properties across the site. The properties are shown to be mainly detached with some semi-detached properties also included. Scale parameters of the dwellings have been provided with ridge heights being 5-7m and 6-8m for the bungalows and the 2 storey dwellings being between 8-10m. Indicative cross sections of the site have also been provided and indicative levels. Details have been provided including a tree survey indicating that mature trees and hedgerows would be protected.

Details and surveys relating to ecology have been submitted with the application. An initial Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal was submitted. This concluded that further information was required including the following:

- It stated that due to the potential habitat suitability for reptiles in some parts of the site (notably slow-worm), and the risk of potentially adverse impacts to reptiles should they occur on site, a further reptile survey should be carried out.
- It also states that any mature trees to be removed or significantly pruned should be assessed for potential bat roost features by a bat licensed ecologist or arborist and investigated/surveyed accordingly prior to removal of such features.

A reptile survey was provided with the application. This found evidence of the site being used by slow-worms stating a maximum count of 35 slow worm, 4 grass snake and 5 common lizard were recorded at the site. It comments that "*The slow worm and common lizard populations are likely to spend their entire life-cycle within the site. Grass snake are likely to use the site for breeding*". The report goes on to say that "the total area of the site is 1.5ha, which predominantly comprises semi-improved grassland on north and west-facing elevations. Native hedgerows, piles of cut wood and grass cuttings provide additional habitat features. Habitats on site (and in the adjacent hedgerows) are suitable for foraging, basking, breeding, refuge and hibernation" and that "*Without mitigation, development of the site risks killing or injuring reptiles present during construction works, and causing the loss of habitat of value to three species of common reptile*". The following key principles of mitigation were outlined;

- Allocation of a designated reptile habitat area within the site – to be retained and managed for reptiles in the long term and / or
- Selection and enhancement of an off-site reptile relocation site and its protection and management in the long term;
- Capture and translocation of reptiles from within the construction site to the designated receptor site prior to works commencing;
- Post construction monitoring of reptiles population within the receptor site.

During the application additional information was submitted in the form of a "Vegetation Clearance Methodology, Reptile Mitigation Strategy and Constraints Plan". Key mitigation features are:-

- Clearance of dense/woody vegetation within the site outside of the bird breeding season;
- Installation of reptile barrier fencing around the site;
- A programme of trapping and relocation of reptiles from within the site and site boundaries
- Vegetation clearance within the site carried out using methods which minimize risk of harm to reptiles, and which facilitate their capture during the trapping programme;

- Habitat enhancement of a suitable 'receptor site' to which the captured reptiles shall be taken and released (located at the National Botanic Gardens, Carmarthenshire).
- Ongoing management of the 'receptor site' for reptile conservation, and monitoring of the relocated reptile population over 2 years.

Due to the scale of the proposal it was a necessary to carry out a pre-application consultation. A report outlining the consultation and the responses received have been submitted with the application.

## **PLANNING POLICY**

### **Policy SP1 Sustainable Places and Spaces**

This policy states that proposals for development will be supported where they reflect sustainable development and design subject to a number of criteria. These include distributing development to sustainable locations in accordance with the settlement framework, promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling and Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness

### **Policy SP9 Transportation.**

This policy states that provision is made to contribute to the delivery of an efficient, effective, safe and sustainable integrated transport system in a number of ways including the following, reducing the need to travel, particularly by private motor car; supporting and where applicable enhancing alternatives to the motor car, such as public transport (including park and ride facilities and encourage the adoption of travel plans), and active transport through cycling and walking; re-enforcing the function and role of settlements in accordance with the settlement framework; promoting the efficient use of the transport network;

### **Policy SP6 Affordable Housing**

The policy states that provision will be made for at least 2,121 affordable homes to be delivered through the LDP. The delivery of affordable homes will contribute to the creation of sustainable communities within the Plan area.

### **Policy GP1 Sustainability and High Quality Design.**

This states that development proposals will be permitted where they accord with a number of criteria including the following, 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, utilises materials appropriate to the area within which it is located; 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; 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.

### **Policy H1 Housing Allocations**



This states land has been allocated for residential development for the plan period 2006 – 2021 at those locations as set out below, and as depicted on the Proposals Map. Proposals for the residential development of allocated housing sites submitted in the form of a Full Planning application or as a Reserved Matters application should be accompanied by a layout of the proposal in its entirety to ensure the site is developed to its full potential.

### **Policy TR4 Cycling and Walking**

The policy states land required to facilitate the following improvements to the cycle network will be safeguarded. Proposed routes where known are shown on the proposals map. Developments should, where appropriate seek to incorporate, or where acceptable, facilitate links to the cycle, rights of way and bridleway network to ensure an integrated sustainable approach in respect of any site.

The notes of the policy go on to state cycling and walking have a significant role in achieving the delivery of sustainable transportation. This may be achieved through such measures as safe and convenient cycle routes and footpaths, new improved routes, utilising the design process for new developments to ensure that the needs of those walking and cycling are considered. The design and layout of new developments should have regard to the needs of walking and cycling including where possible, access to routes and networks. Regard will be had to the provisions of WG's Safe Routes in Communities Programme in relation to the consideration and development of local walking and cycling routes. The initiative focuses on developing safe walking and cycling routes within communities, linking to schools and other key facilities. Reference should be made to the Rights of Way Improvement Plan (RoWIP) for Carmarthenshire, and the interrelationship of the Plan area's footpaths, bridleways and bye-ways and linked leisure opportunities.

### **Policy SP5 Housing**

This states that in order to ensure the overall housing land requirement of 15,197 for the plan period 2006-2021 is met, provision is made for 15,778 new dwellings. Sufficient land is allocated (on sites of 5 or more dwellings) to accommodate 13,352 dwellings in accordance with the Settlement Framework.

### **Policy SP14 Protection and Enhancement of the Natural Environment**

This states development should reflect the need to protect, and wherever possible enhance the County's natural environment. All development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of this Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas, and outlines further details of specific sites/areas.

### **Policy EP3 Sustainable Drainage**

This states that proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.

## **Policy REC2 Open Space Provision and New Developments**

This policy states that all new residential developments of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards of 2.4ha per 1000 population. In the event that the above standards cannot be met on site, or where there is sufficient existing provision already available to service the development, then off site financial contributions will be sought as and where appropriate.

## **Policy TR3 Highways in Developments - Design Considerations**

This policy states that the design and layout of all development proposals will, where appropriate, be required to include 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; suitable provision for access by public transport; appropriate parking and where applicable, servicing space in accordance with required standards; infrastructure and spaces allowing safe and easy access for those with mobility difficulties; 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; provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

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

## **SP17 Infrastructure**

The policy states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily provided. The LDP therefore supports the economic provision of infrastructure by allocating sites in identified settlements and in accordance with the Settlement Framework. Renewable energy generation and associated utility connections will be encouraged, in appropriate locations, subject to other Plan policies. Proposals for ancillary developments to the utilities infrastructure will be permitted where they have regard to their setting, incorporate landscaping and do not conflict with the areas built, historic, cultural and nature conservation and landscape qualities. (Policy SP13 and SP14) Planning Obligations relating to developer contributions towards necessary infrastructure improvements may be sought subject to policy GP3.

## **Policy GP2 Development Limits**

The policy states that development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework. It goes on to say proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

## **Policy GP3 Planning Obligations**

This states the Council will, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new developments. Where applicable, contributions will also be sought towards the future and ongoing maintenance of such provision either in the form of initial support or in perpetuity. In implementing this policy schemes will be assessed on a case-by-case basis.

#### **Policy GP4 Infrastructure and New Development**

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

#### **Policy SP9 Transportation**

This states that provision is made to contribute to the delivery of an efficient, effective, safe and sustainable integrated transport system through a number of means including reducing the need to travel, particularly by private motor car, addressing social inclusion through increased accessibility to employment, services and facilities, supporting and where applicable enhancing alternatives to the motor car, such as public transport (including park and ride facilities and encourage the adoption of travel plans), and active transport through cycling and walking, re-enforcing the function and role of settlements in accordance with the settlement framework, promoting the efficient use of the transport network, the use of locational considerations for significant trip generating proposals, with design and access solutions within developments to promote accessibility by non-car modes of transport.

#### **SP6 Affordable Housing**

This states that provision will be made for at least 2,121 affordable homes to be delivered through the LDP. The delivery of affordable homes will contribute to the creation of sustainable communities within the Plan area.

#### **SP13 Protection and Enhancement of the Built and Historic Environment**

This policy states that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (including listed buildings, conservation areas and their setting, scheduled ancient monuments and features/sites of historical and cultural importance), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

Proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

## **SP14 Protection and Enhancement of the Natural Environment**

The policy states that development should reflect the need to protect, and wherever possible enhance the County's natural environment. All development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of this Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas, and various designated sites and assets.

### **Policy AH1 Affordable Housing**

For developments of this scale the policy states that 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.

## **SP18 The Welsh Language**

This policy states that the interests of the Welsh language will be safeguarded and promoted. Proposals for residential developments of 5 or more dwellings in Sustainable Communities and 10 or more in Growth Areas, Service Centres, and Local Service Centres, located on sites within communities where 60% or more of the population are able to speak Welsh, will be subject to a requirement for phasing.

## **EQ1 Protection of Buildings, Landscapes and Features of Historic Importance**

The policy states that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

## **EQ4 Biodiversity**

The policy 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, (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.

### **EQ5 Corridors, Networks and Features of Distinctiveness**

The policy states that proposals for development which would not adversely affect those features which contribute local distinctiveness/qualities of the County, and to the management and/or development of ecological networks (wildlife corridor networks), accessible green corridors and their continuity and integrity will be permitted.

Proposals which include provision for the retention and appropriate management of such features will be supported (provided they conform to the policies and proposals of this Plan).

### **NEIGHBOUR/PUBLIC REPRESENTATIONS**

Turning to the representations received to date, the following issues have been raised.

#### **Highways Impacts**

A variety of highways related issues have been raised. These have included the following matters:

- Suitability of the nearby roads in terms of ability to sustain the increase in traffic due to number of additional vehicles, in relation to road widths, poor visibility, residents parking, curvature of the roads, speed limit not adhered to, gradient of the roads, insufficient parking provision and on street parking.
- Highway and pedestrian safety concerns due to narrow pavement, lack of footways in places and the site is also on a school route.
- Reference to existing highways issues in terms of traffic.
- There should be no vehicular access on to Springfield Road.
- Changes to the area and road since the allocation of the site in the LDP.
- Health and Safety Assessments or a Full Risk Assessment for traffic is required.

The layout and access of the site are not to be agreed as part of the application. Therefore the internal arrangements and access to the site are not to be confirmed. The indicative layout of the site provided indicates that the access would be off Llest y Bryn to the south. Internally there is a single cul-de-sac road. Access from the south of the site would appear to be the most likely access point given the layout of surrounding roads. A cul-de-sac layout is typical of the surrounding area with the indicative layout being an extension of the existing built form.

Reference is made to a number of existing issues including parking, footways, road capacity and width. The Head of Transport has not raised any objections to the proposal. A number of conditions have been recommended with any approval. He has not requested any further information. Conditions refer to footways being provided within the site. They also request conditions to provide two tactile crossing points. These are to link both footways adjacent to the Llest-y-Bryn road near its junction with Capel Evan road and

also connecting both footways adjacent to Capel Evan Road, north of its junction with Belvedere Avenue. Therefore there will be improvements to the linkages to the wider area. The application is in outline form and the site shares a boundary with Lluest y Bryn and Springfield Road. Given the layout of the road network and lack of pedestrian footways it is not felt that access on to Springfield Road would be appropriate. This would also lead to more significant works to the boundary landscape features.

### **Amenity Impacts**

A number of objections also related to impacts on amenity. The topography of the site and orientation of existing and proposed properties were considered to cause concerns. These related to impacts on amenity including overlooking, noise pollution, overshadowing, quality of life, air pollution and loss of light. Certain areas should be limited to single storey only to be in keeping with the adjacent properties in the opinion of objectors. The application is in outline form and all matters are reserved. Therefore while a layout has been provided, as required by legislation, the layout is merely indicative. The layout is not to be agreed as part of the application and any reserved matters submission would need to provide full details of the scheme. Due to the topography of the site, development of it will give rise to certain challenges with layout, design, orientation and location of fenestration. Alterations to land levels will also not be confirmed as part of this application but in any subsequent reserved matters submissions. There would be an opportunity for consultation and assessment of the reserved matters by members of the public as part of the reserved matters. If at that stage the final design gave rise to concerns over the proposal there would be the opportunity to amend the scheme, impose conditions, or if they were concerns that could not be overcome. Similarly queries relating to the boundary treatments are not to be assessed as part of this outline application. Scale parameters have been submitted however as the layout is not to be confirmed at this stage the location and orientation of the dwellings are not to be agreed. Therefore the layout and scale parameters are not to be confirmed at this stage.

Certain areas should be limited to single storey only to be in keeping with the adjacent properties

In relation to air quality and impacts from this development an assessment was requested by the Public Protection Division. One was subsequently submitted with a further response raising no objection to the proposal and confirming they were satisfied with the assessment submitted.

Disturbance during construction was raised as a concern. Generally this matter is dealt with under separate legislation and there are separate powers to deal with this. If it was considered necessary a condition could be imposed limiting the hours of construction.

### **Design, Layout, Character Impacts**

Several issues were raised by objectors in relation to the layout, design and impact of the development on the character of the area.

Objectors raised the cumulative impacts of residential developments in the Carmarthen area affecting the appearance of the area and loss of green areas. The site is currently a field and the site is visible in the wider landscape however it is allocated for residential development in the LDP. There will clearly be an impact on the character and appearance of the site due to the development. The suitability of this and any other allocation for

development would have been considered as part of the LDP process. There is a need to provide housing and the site is located amongst other residential streets within the development limits of Carmarthen.

The layout, scale of properties and density is deemed inappropriate by some objectors. As has previously been mentioned the layout and scale are not to be agreed at this stage. The LDP does refer to an indicative figure of 30 properties. The indicative layout shows 30 units and based on the surrounding area the density of development is not considered to be out of character with the area.

There are concerns that the site will result in a loss of open space and should be protected and that there is a lack of provision of open space on the site or lack of reference to contribution to existing facilities. The Head of Leisure has confirmed that onsite provision is not required as there are sufficient facilities in the area. The site itself is not a designated open space. While it is visible from a public right of way it is private land and other than the path is not accessible to members of the public.

The new boundary treatments changing rural character of the area was raised. Again the final details of the development are not to be agreed at this stage however it is acknowledged that the character and appearance will change with the development.

Loss of a rural area of the town/rural walk which provides amenity for local residents leading to negative impacts on the health and well-being of nearby residents.

The impact of the development on the adjacent Conservation Area and a query as to whether the site is partly within a Conservation Area were referred to. The allocation is partly within the North Carmarthen Conservation Area. However that small element of the allocation is not included in the application site. The site is adjacent to a Conservation Area and therefore the impact on the setting of the Conservation Area is a consideration. Again the final details of the scheme are not included as this is an outline application. Also the allocation of the site would have considered that there would clearly be a change to the site with development on it.

## **Ecological and Landscape Impacts**

Several objections related to the impacts of the proposal on landscape features and ecological considerations. A number of objections referred to species that they perceived were or are on the site. It is felt by objectors that the survey that has been carried out was not sufficient or accurate. There were also questions over work that had been carried out at the site prior to the survey been done. Overall it is considered by many objectors that the proposal will have a negative impact on ecology and that these impacts have not been appropriately addressed. The site was also seen as an ecology corridor whereby losing this area would impact on species outside. No concerns over the initial ecological survey have been raised by either the Planning Ecologist of Natural Resource Wales (NRW). NRW initially requested further details be provided in relation to any mature trees or hedgerows to be removed to assess whether they are suitable for bats where features are to be affected. However there is no indication that any such features will be removed or affected. Details within the application suggest they are not and that they are located on the boundary of the site. Therefore subject to an appropriate design taking these features in to consideration they would not be affected. NRW have subsequently responded with no objection requesting the imposition of a condition relating to a tree assessment. As such it is not considered that the additional details are necessary. The protection of trees during

construction was queried. Conditions can be imposed regarding the protection of landscape features and detailed landscape scheme shall form part of the reserved matters submission were the application to be approved.

It was raised that those carrying out the ecology survey did not speak to nearby residents however this is not a requirement.

The ecology details provided have indicated that there are certain species on the site. The Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal concluded that further information was required due to the potential habitat suitability for reptiles in some parts of the site (notably slow-worm), and the risk of potentially adverse impacts to reptiles should they occur on site, a further reptile survey should be carried out. It also states that any mature trees to be removed or significantly pruned should be assessed for potential bat roost features by a bat licensed ecologist or arborist and investigated/surveyed accordingly prior to removal of such features. As noted above there is no indication from the details provided to date that any such features would be affected.

A reptile survey was carried out and provided as part of the application. This found evidence of the site being used by slow-worms stating a maximum count of 35 slow worm, 4 grass snake and 5 common lizard were recorded at the site. It comments that *“The slow worm and common lizard populations are likely to spend their entire life-cycle within the site. Grass snake are likely to use the site for breeding”*. The report goes on to say that *“the total area of the site is 1.5ha, which predominantly comprises semi-improved grassland on north and west-facing elevations. Native hedgerows, piles of cut wood and grass cuttings provide additional habitat features. Habitats on site (and in the adjacent hedgerows) are suitable for foraging, basking, breeding, refuge and hibernation”* and that *“Without mitigation, development of the site risks killing or injuring reptiles present during construction works, and causing the loss of habitat of value to three species of common reptile”*. The following key principles of mitigation were outlined:

- Allocation of a designated reptile habitat area within the site – to be retained and managed for reptiles in the long term and / or
- Selection and enhancement of an off-site reptile relocation site and its protection and management in the long term;
- Capture and translocation of reptiles from within the construction site to the designated receptor site prior to works commencing;
- Post construction monitoring of reptiles population within the receptor site.

During the application the applicant entered in to discussions regarding potential alternative locations for the slow worms. Additional information was submitted in the form of a “Vegetation Clearance Methodology, Reptile Mitigation Strategy and Constraints Plan”. Key mitigation features are:-

- Clearance of dense/woody vegetation within the site outside of the bird breeding season;
- Installation of reptile barrier fencing around the site;
- A programme of trapping and relocation of reptiles from within the site and site boundaries
- Vegetation clearance within the site carried out using methods which minimise risk of harm to reptiles, and which facilitate their capture during the trapping programme;
- Habitat enhancement of a suitable ‘receptor site’ to which the captured reptiles shall be taken and released (located at the National Botanic Gardens, Carmarthenshire).



- Ongoing management of the 'receptor site' for reptile conservation, and monitoring of the relocated reptile population over 2 years.

The proposal therefore addresses the ecological impacts that have been raised. Other information would be provided as part of the reserved matters submission were this outline application to be approved. The Authority's Planning Ecologist has responded to the proposal, including the mitigation now suggested, raising no objection to the application. He has recommended the imposition of conditions relating to compliance with the mitigation strategy, that the vegetation clearance and reptile mitigation strategy be undertaken under the supervision of a suitably qualified ecologist and that a Tree and Hedgerow Protection Plan and Arboricultural Method Statement be provided. It is considered that the provision of the tree and hedgerow details are needed as part of the reserved matters as they would be an important consideration of the layout and design of the scheme. As the mitigation includes off site works at the National Botanic Gardens this element will also need to be secured as part of the Section 106 Agreement.

The Authority's Landscape Officer has also raised no concerns but has requested conditions relating to the provision of landscape details.

### **Public Rights of Way, Access Impacts**

Impacts on the Right of Way from the development have been raised. Reference has been made to the route being a "promoted route" and that it would be lost. The setting of the path, being currently considered as a rural path would be altered. There were also queries over the method altering the right of way and what route it would take. Concern over the creation of a narrow path and possible anti-social behaviour from this have been raised.

The site is allocated for residential development in the LDP. Therefore the suitability of the site for this form of development was considered acceptable at the time of the allocation. It was therefore anticipated that there would be development and as a result there will inevitably be changes to the character of the area. The presence of the PROW would have been acknowledged and considered as part of the allocation process. The final layout of the site is not to be considered as part of this application. Therefore the route shown on the layout plan is indicative only. The Police Liaison Officer has highlighted Secure by Design which is something the applicant/developer may wish to consider as part of the final design of scheme if this outline permission is issued. The PROW officer has commented that the proposed development will obstruct the definitive line of public footpath 61/18 on its present alignment. The Indicative Site Layout plan acknowledges the existence of footpath 61/18 and suggests re-routing. He comments that public footpath Diversion Order will be necessary to change the route of the path. Public paths can only be diverted or closed by legal order; the proposed alteration to the alignment of 61/18 will require an application to divert a public footpath under Section 257 of the Town and Country Planning Act (1990). Further information/guidance is also given. If the new road is adopted the affected area of the path would be removed from the Definitive Map as the route would subsequently have higher rights.

### **Drainage, Flooding, Sewerage Impacts**

Issues have been raised over various matters in this regard. This included matters relating to water supply, sewer capacity, existing issues with drainage, flooding and underground springs in the vicinity.

Comments have been received from various consultees concerning these matters. Welsh Water has responded with no objections to the proposal. As the application in an outline application with all matters reserved they request a condition be imposed requiring details of the surface water and foul water drainage scheme. No issues in relation to water supply have been raised by Welsh Water. No issues relating to sewer capacity have been raised. The Authority's Land Drainage Section have also responded and again raise no objection. They comment that surface water flood maps do not show any flood risk to the proposed development. They also refer to the need to provide a suitable drainage system. They refer to the possible need for soakaway test. Due to the gradient of the site the applicant must ensure that the soakaways are not 'perched' above other properties. They are satisfied that these details can be covered by conditions on any approval.

Natural Resources Wales initially requested additional information in relation to trees at the site. Their pre-application consultation response to the applicant stated that they note as the application would be in outline form with all matters reserved that details of how foul drainage would be dealt with are not required. They recommend a condition relating to a tree survey. They state they would wish to be consulted over the method of foul drainage. NRW along with other relevant consultees would be able to be consulted on any reserved matters or discharge of condition if the application were approved.

Reference is made to existing issues in the area however the proposed development cannot be held accountable for these. Any proposed drainage system would need to demonstrate that the development would not have any additional impacts. Reference to underground springs have been referred to in terms of damage to the road. No issues have been raised by the various consultees in relation to these or in relation to existing flooding in the area.

### **Other Matters**

Comment has been made that parts of the site cross land outside the applicant ownership. The application form indicates that the site is within the applicant's ownership and that no other parties have an interest in the land. Land ownership is not a material planning consideration. Any relevant land owners would need to be part of the Section 106 Agreement required.

Objections have queried whether given current development already under construction in the town that this development is needed. The site is allocated for residential development in the LDP. A key purpose of the plan is to ensure that the plan is delivered. The need for the level of housing identified in the LDP would have been assessed as part of the LDP examination. Comments from the Forward Planning Team state "*Although the topography of the site is generally uneven and sloping in parts, the site as a whole is considered to be suitable for residential development and an appropriately designed scheme should be able to cope with the complexities of the topography*". They also comment that the illustrative layout for the site shows 29 dwellings, is in accordance with the allocation for 30 units. In terms of the allocation of the site that the site was submitted to be included in the Carmarthenshire Unitary Development Plan. The Inspector at the Inquiry concluded that "*on the basis of the detailed characteristics of the site and its surroundings I conclude that the land is suitable for new housing development*". The reason it was excluded from that plan was that there was sufficient land provision within Carmarthen at that time. However the land was included as part of the Local Development Plan.

The impact on local infrastructure would be quite significant including impacts on local schools, doctors' surgeries, local hospital, parking etc from the development has been raised. As outlined earlier in the report comments have been received in relation affordable housing and education. The recommendation is that any approval be subject to a legal agreement to secure the provision of 30% of the units as affordable dwellings, the provision of a contribution towards education to be shared among local schools. A maintenance and management agreement for any such provision would also be secured as part of the legal agreement. These contributions are subject to possible viability discussions at reserved matters stage if the application is approved and once full details of the scheme are known. In relation to other facilities such as doctors surgeries there are LDP policies which refer to the need for additional contributions to be sought. It is noted that the development is likely to be in the region of 30 dwellings and therefore any impacts may be limited.

Impact on Welsh language education in the area due to current limited primary provision. Reference is made above to the financial contribution towards education. The purpose of this contribution is to alleviate any additional impacts from the development on local schools. The contribution is to be distributed among the schools where this site is within their catchment.

The increase in refuse collection was considered to be unworkable. The layout of the site is not to be agreed as part of this outline application. The final layout would need to be considered in terms of suitability for refuse vehicles.

Possible unauthorised accesses being created for certain plots has been referred to. If any unauthorised works are carried out then the Authority has the powers to investigate via the Planning Enforcement Team.

Reference to refusals of smaller development due to impact on the character of the area and loss of greenfield area (TMT/02737 and TMT/02738) in 2003 have been made. Objectors felt that the same reasons apply to this development. It is noted that at the time of these applications the land in question was located outside the development limits of Carmarthen. They were therefore considered to be located in the open countryside. Reference is made in the refusal reasons to the impact on the greenfield area and the character of the area. However the site is allocated in the Local Development Plan for residential development. As part of the assessment of the site through the LDP process the suitability of the site for such development would have been considered. The allocation, indicatively for 30 units suggest that development of this nature and in this region would be suitable subject to detailed consideration. The application in outline and the layout and design of the site, including the final number of properties is not to be agreed at this stage.

Objections felt that the application was contrary to the Human Rights Act in relation to enjoyment of possessions and private/family life. Issues relating to impacts on amenity from various elements of the proposal have been addressed elsewhere in the report. It is not felt that any impacts that can be assessed at this time warrant refusal of the application.

Archaeological impacts were raised and it was felt that further details were needed prior to determination. Dyfed Archaeological Trust have responded to the application and raise no objections. They request a written scheme of investigation be conditioned. No objections have been raised from Cadw in their response.

Concern has been raised that due to the slope of the site and the site will not be suitable for disabled access and comparison with similar areas. The final layout, design and alterations to land levels required for the scheme if not to be agreed at this outline stage. The requirements for compliance with the relevant standards will be something that the applicant or any future developer will need to consider as part of their design.

There have been queries over changes to the application since submission. Additional information has been submitted over the course of the application. The application was amended to indicate that access and layout were to be considered however the application has been reverted back to outline with all matters reserved.

Reference to planning permission for 4 dwellings off Capel Evan Road (W/36571) has been made. This application is ongoing at present. Previously a smaller area of land was granted outline planning permission at the site.

## **CONCLUSION**

In conclusion and having regard to prevailing planning policies and material considerations, it is considered the development complies with the relevant policies of the Carmarthenshire Local Development Plan or national guidance. It is therefore recommended for approval subject to a Section 106 Agreement.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 2 The permission now granted relates to the land defined by the 1:1250 scale plan received on 27<sup>th</sup> June 2017.
- 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 the 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 No development shall take place until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local

planning authority. This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved.

- 6 No development shall commence until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction.
- 7 No development shall commenced until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan should address the construction phase of the proposed development and will include the noisiest phases arranged in terms of loudness, the duration of the phases and details of mitigation measures to be employed to minimise the noise during construction on the nearby residential site. The plan shall comply with the guidance found in the BS5228 Noise Vibration and Control on Construction and Open Sites.
- 8 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 9 At least 3 months prior to the beneficial occupation of any dwelling on the development hereby approved a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development shall be submitted to and agreed in writing with the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details and at a timescale to be approved in writing by the Local Planning Authority.
- 10 The development shall be carried out in accordance with the Reptile Mitigation Strategy Report (March 2018)
- 11 Any vegetation clearance and the reptile mitigation strategy must be undertaken under the supervision of a suitably qualified ecologist.
- 12 Prior to the determination of any application for reserved matters seeking approval of 'layout', 'landscaping', or 'access'; the following shall be undertaken in compliance with the recommendations of BS5837, and submitted and approved in writing by the Local Planning Authority: -
  - i] Arboricultural Impact Assessment (AIA);
  - ii] Tree Protection Plan (TPP) fully informed by the AIA, which provides details of all protective measures, operations and construction exclusion zones for all trees, large shrubs and hedges identified for retention.

- iii] Arboricultural Method Statement (AMS) fully informed by the AIA, which provides details, as necessary, of construction operations and specific design solutions to be undertaken within the root protection areas of all trees, large shrubs and hedges identified for retention;
  - iv] Arboricultural Monitoring Programme (AMP) which provides details of the monitoring and reporting of the implementation of the TPP and AMS to the Local Planning Authority by a competent arboriculturalist appointed by the developer.
- 13 The gradient of the vehicular access serving the development shall not exceed 1 in 20 for the first 10m metres from the edge of the carriageway.
- 14 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole estate road frontage within 2.0 metres of the near edge of the carriageway.
- 15 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.
- 16 Prior to the commencement of any part of the development herewith approved, two tactile crossing points shall be provided (a) linking both footways adjacent to the Llest-y-Bryn road near its junction with Capel Evan road (b) connecting both footways adjacent to Capel Evan Road, north of its junction with Belvedere Avenue. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority Highways.
- 17 There shall be no vehicular access to the site from Springfield Road.
- 18 Any reserved matters application for 'landscaping' or 'layout', shall include an appropriate and comprehensive Detailed Landscape Design Scheme, to be submitted and approved in writing by the Local Planning Authority. The scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions; and shall be in compliance with relevant guidance as provided by the Local Planning Authority.
- 19 The Detailed Landscape Design Scheme as submitted to discharge condition 18 shall be fully implemented in the first available planting and seeding seasons following commencement of development.

Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next

planting or seeding season with replacement elements of similar size and specification.

- 20 No development or site clearance shall take place until appropriate and comprehensive landscape maintenance and management information has been submitted to and approved in writing by the Local Planning Authority. The information shall include the following:

- Landscape Maintenance and Management Responsibility Plan;
- Plans, specifications and schedules to cover establishment and long term proposals for landscape maintenance and management.

The scheme shall effectively integrate appropriate site specific landscape, ecological and biodiversity management and maintenance proposals; and shall be in compliance with relevant guidance as provided by the Local Planning Authority.

All landscape maintenance and management shall be fully implemented as approved.

- 21 Prior to the determination of any application for reserved matters seeking approval of 'layout', 'landscaping' or 'access'; no trees with trunk/stem diameter exceeding 100 mm, measured at a height of 1.5 metres above ground level, which are located within or on the site boundary shall be cut down, up-rooted, destroyed, topped, lopped or pruned without the prior written approval of the Local Planning Authority. Following such approval or determination of an application for the hereby specified reserved matters, all approved works are to be carried out in accordance with BS3998.

- 22 All site operations shall be undertaken in compliance with the approved arboricultural information, as submitted to discharge condition 12. Any construction operations and/or access within the construction exclusion zone defined within the Tree Protection Plan (TPP) shall be limited to those undertaken in compliance with the recommendations of BS5837. The approved TPP shall be fully implemented, prior to the commencement of any works associated with the development; and thereafter shall be maintained in its entirety, throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

- 23 Prior to the commencement of any works associated with the development, an earthworks plan, including cross sectional and levels information shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include sufficient detail to enable assessment of proposed levels in relation to existing trees and other landscape elements identified for retention. Development shall be carried out in accordance with the approved plans.

- 24 Prior to the determination of any application for reserved matters seeking approval of 'layout', 'landscaping', or 'access' a tree survey is undertaken in accordance with 'Bat Surveys for Professional Ecologists; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016, and is submitted to and approved in writing by the Local Planning Authority for any trees affected by the proposed development.

## REASONS

- 1 This application is in outline.
- 2 For the avoidance of doubt.
- 3 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 4 In the interest of visual amenity.
- 5 To protect historic environment interests whilst enabling development.
- 6-7 To ensure that the amenity of local residents/businesses is adequately protected during demolition/construction.
- 8 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 9 In order to mitigate against impacts in terms of air quality.
- 10-12 To ensure appropriate protection or and compensation for impacts upon species and their habitats.
- 13-17 In the interest of highway safety.
- 12,
- 18-23 To ensure that the development, respects and reflects, and protects and enhances, the landscape; local character and distinctiveness; and the biodiversity value of the area and, integrates nature conservation and retains, incorporates, and makes provision for the appropriate management of, existing landscape and important local features which contribute to local qualities and distinctiveness.
- 24 To ensure appropriate protection of features and habitats.

## 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 H1, AH1, GP1, GP2, GP3, GP4, SP17, TR3, SP9, SP6, SP13, SP14, SP5, TR4, EP3, EQ1, EQ4, EQ5, SP18, REC2 and SP1 of the adopted Local Development Plan in that the proposal provides a contribution towards affordable housing and education in line with the policy requirements (subject to viability). Their affordability is to be secure through a legal agreement and there is a need for the housing this type in the area has been identified. Subject to conditions imposed and further details being provided at the reserved matters stage it is not considered there are significant impacts to highway safety or traffic generation. Further measures for pedestrian



linkages are secured through conditions. Subject to conditions it is considered that appropriate surface water drainage can be achieved and further details will be required as part of any reserved matters submission. The site is not located in a flood zone and the proposal would not lead to concerns over the public sewer capacity. Further details at reserved matters stage would confirm the methods of drainage. The development provides appropriate connectivity and permeability to allow easy pedestrian access to and from the site and surrounding facilities and the reserved matters scheme would need to provide details of impacts on the route of the Public Right of Way crossing the site. Subject to conditions and a legal agreement there are no significant concerns regarding the developments impact on ecology or landscape features. Further details of landscape features and their protection are covered by conditions. The proposal includes a scheme of mitigation for slow-worms with them being moved to an alternative site. The site consists of land allocated for residential development in the LDP located among other areas of residential development in a sustainable location in a Growth Area as identified in the LDP. Subject to conditions imposed and details to be provided at the reserved matters stage it is felt that impacts on amenity of residents of existing properties can be addressed along with provision of suitable amenity for the proposed dwellings. Subject to the reserved matters submission it is not felt that the principle of development at the site would be harmful to the character of the adjacent Conservation Area.

- It is considered that the proposed development complies with S.72 of the Listed Buildings and Conservation Areas Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. In that the development is not harmful to the character of the adjacent Conservation Area.

## NOTES

- 1 The applicant is advised that this planning permission is subject to the applicant/developer first entering in to a Section 106 Agreement for a contribution towards community benefits in relation to:
  - provision of 30% of the units at the site are affordable housing
  - financial contribution towards Education in accordance with the formula given in the Planning Obligations SPG

The agreement will also include securing the provision of:

- A programme of trapping and relocation of reptiles from within the site and site boundaries
- Habitat enhancement of a suitable 'receptor site' to which the captured reptiles shall be taken and released (located at the National Botanic Gardens, Carmarthenshire).
- Ongoing management of the 'receptor site' for reptile conservation, and monitoring of the relocated reptile population over 2 years.

- 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](http://www.carmarthenshire.gov.uk))

*Ardal  
Gorllewin/  
Area West*

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR AMGYLCHEDD**

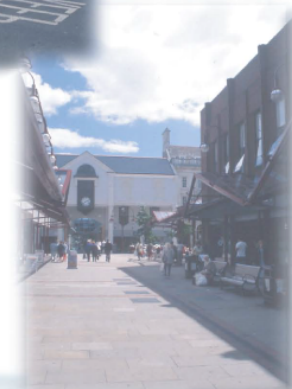
**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

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

**AR 31 MAI 2018  
ON 31 MAY 2018**

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



**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.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>31 MAY 2018</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA WEST**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
<b>W/36321</b>	<b>Reserved Matters - Vehicle &amp; pedestrian access, visual appearance, landscaping, layout &amp; scale (outline planning permission W/30638) at land to rear of No 9 Brynderi, Pontyates, Llanelli, SA15 5SU</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/36321</b>
-----------------------	----------------

<b>Application Type</b>	Reserved Matters
<b>Proposal &amp; Location</b>	RESERVED MATTERS - VEHICLE & PEDESTRIAN ACCESS, VISUAL APPEARANCE, LANDSCAPING, LAYOUT & SCALE (OUTLINE PLANNING PERMISSION W/30638) AT LAND TO REAR OF NO 9 BRYNDERI, PONTYATES, LLANELLI, SA15 5SU

<b>Applicant(s)</b>	CARMARTHENSHIRE COUNTY COUNCIL - JASON JONES, PROPERTY AND REGENERATION, RURAL BUSINESS DEVELOPMENT CENTRE, NANTYCI, CARMARTHEN, SA33 3DR
<b>Agent</b>	DAVIES RICHARDS DESIGN LTD - CHRISTIAN WILLIAMS, 42 RHOSMAEN STREET, LLANDEILO, SA19 6HD
<b>Case Officer</b>	Richard Jones
<b>Ward</b>	Llangyndeyrn
<b>Date of validation</b>	20/10/2017

## CONSULTATION

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

**Llangyndeyrn Community Council** – No objection raised.

**Local Members** – County Councillor W T Evans is a member of the Planning Committee and has therefore not made prior comment.

**Natural Resources Wales (NRW)** – No objections although NRW note the comments made at the outline planning application stage in respect of potential dormouse habitat at the site. A site clearance strategy has subsequently been submitted by the applicant having regard to potential dormouse habitat. This is currently out to consultation with NRW and the Local Planning Authority's Planning Ecologists and no response has been received to date.

**The Coal Authority** – A mining risk assessment report has been submitted. The Coal Authority are satisfied with its findings subject to a planning condition.

**Neighbours/Public** – The application has been publicised by the posting of a site notice adjacent to the proposed site access. No responses have been received to date.

## RELEVANT PLANNING HISTORY

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

W/30638	Outline planning approval for proposed residential development of 7 no. split level houses - resubmission of planning refusal W/28981 Outline planning permission	09 October 2014
W/28981	Outline planning permission for proposed residential development of 7no. split level houses Outline planning refused	27 November 2013
D4/14060	Construction of a garage Refusal	30 October 1986
D4/12431	Construction of 4no. bungalows County permission under regulation 4	18 April 1985
D4/6153	Electricity supply Approved with conditions	04 June 1979
D4/1683	Housing development Approved with conditions	05 February 1976

## APPRAISAL

**This is an application in which Carmarthenshire County Council has an interest as applicant and in terms of land or property ownership.**

## THE SITE

The application site is an irregular shaped vacant site within the settlement development limits of Pontiets. The site is to the rear of bungalows forming the local authority estate known as Brynderi. The bungalows have south east facing rear gardens measuring approximately 9m between the site and the nearest residential units.

The site gently slopes down to the south east away from the rear of the bungalows and has an open south easterly aspect. The site has low level vegetation defined by scrub and small trees however there is a defined boundary comprising a mature hedgerow along the north eastern boundary. There is an informal footpath crossing the site which appears to be used by residents to cut through to a lane that links back to Heol y Meinciau. A three phase electricity line crosses the southern half of the site.

The site is accessed via the existing estate road via a parking area. There is an existing gate where the new road is proposed which allows access for ground maintenance purposes.

The site is owned by Carmarthenshire County Council and is part of a site which was granted permission for housing in 1976. The site had subsequent permission for four elderly bungalows in 1985, and most recently a scheme for seven split level dwellings was approved in 2014 (Outline Planning permission with all matters reserved - W/30638), 2 of which are



required for affordable housing. This application comprises the reserved matters submission. Notwithstanding the above extant permission the site is outside of the settlement limits of Pontiets and is not a Local Development Plan housing allocation.

## **THE PROPOSAL**

Reserved Matters consent is sought for access, landscaping, visual appearance and layout and scale.

The submitted layout details show an access road coming off the existing parking area for dwellings on Brynderi and linking into a new estate road with turning head. The new dwellings will be located to the south of the existing Brynderi bungalows and on a lower land level. The proposed dwellings will be laid out centrally within the site and front onto the new estate road.

The dwellings will comprise 3 pairs of semi-detached dwellings and one detached dwelling with each unit having a split level appearance (single storey at the front/two storey to the rear). Each dwelling will be laid out in a generous sized plots with more than adequate rear amenity space. The proposed units are modest in a scale and have a total area of 78m square and each containing two bedrooms. Each will measure 9.1m in length and have a width of 6.8m, whilst having a variable height of between 4.2m and 7.2m to ridge on account of the split level design. The dwellings will appear as conventional bungalows in terms of their design and will be characterise by a projecting front gable wing. Site landscaping will consist of lawned gardens for each plot, whilst the existing mature vegetation bounding the site's periphery will be maintained in accordance with a planning condition.

The application has been accompanied by a reptile clearance and dormouse mitigation strategy which are currently out to consultation with NRW and the LPA Planning Ecologist.

## **PLANNING POLICY**

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

Policy GP1 of the Local Development Plan (LDP) 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".

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.

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 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. Although the site is outside development limits the policy is still relevant in that it highlights the policy position for housing schemes within limits.

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.). For site over 5 dwellings an on-site contribution will be preferred.

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.

#### Policy EQ4 Biodiversity

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.

## **CONCLUSION**

Turning firstly to the design and scale of the proposed dwellings, it is considered that the split level bungalow design is acceptable in this context given the single storey nature of much of Brynderi to the north. The split level nature would ensure that the character of the existing estate would be retained and extended, with the extra accommodation under the rear of the units taking advantage of the sloping nature of the site. The dwellings are also of a scale that is commensurate with the immediate character of the area, which comprises modest to medium sized dwellings finished in a combination of render, brick and slate/concrete roof tiles.

The site is to the rear of the existing bungalows at Brynderi and the nearest dwelling to the proposed unit. The access is proposed via an existing estate road and parking area where there is an existing access gate out on to the land. The proposal would extend the built form down the hill to an existing track, on land which is outside of the settlement development limits of the village. The proposal is not considered likely to be detrimental to the amenities of the existing bungalows to the front or any property to the rear.

The site is currently overgrown with bramble and scrub with some small trees within the site. The eastern and southern boundaries of the site are defined by nature trees and hedgerow and it is intended that these will remain. This will be secured by planning condition which is attached to the outline planning permission.

In terms of the proposal's impact upon site ecology, the applicant has submitted a reptile clearance strategy and a dormouse clearance methodology. The reptile report has been considered acceptable, however, no response has been received to date from NRW regarding the acceptability of the dormouse clearance methodology. On this basis approval of this reserved matters application is subject to a favourable response on this matter from NRW.

With regard to the existing electricity line that crosses the site, the developer may wish to consider options for burying the cable and is advised to contact the relevant statutory undertaker.

The site is outside of development limits as defined by the LDP settlement plans, however, it benefits from an extant outline planning permission therefore it would be unreasonable to resist the development on this basis.

In conclusion, it is considered that an acceptable scheme has been submitted that incorporates a design, scale and layout that is consistent with the character of immediate area. There are no highway safety concerns subject to conditions, whilst landscaping will be secured through lawned areas and the retention of mature vegetation on the site boundary. Subject to a favourable response from NRW regarding the acceptability of a dormouse clearance methodology, approval is recommended.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development shall be commenced before whichever is the later of:-

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

2 The development shall be carried out in accordance with the following approved plans and documents:-

- Location Plan 1:1250 @A3 [CW527/06] received 6<sup>th</sup> September 2017;
- Site Sections 1:100 @A1 [CW527/04] received 6<sup>th</sup> September 2017;
- Type A – Floor Plans and Elevations 1:50, 1:100 @A1 [CW527/01] received 6<sup>th</sup> September 2017;
- Type B – Floor Plans and Elevations 1:50, 1:100 @A1 [CW527/02] received 6<sup>th</sup> September 2017;
- Topographical Survey 1:200 @A1 received 6<sup>th</sup> September 2017;
- Site Layout, Landscaping and Drainage 1:200 @A1 [CW527/03A] received 20<sup>th</sup> November 2017;
- Site Layout and Topographical 1:200 @A1 [CW527/05A] received 20<sup>th</sup> November 2017;
- Reptile and Amphibian Translocation – Method Statement received 9<sup>th</sup> March 2018;
- Protected Species Method Statement received 3<sup>rd</sup> April 2018.

3 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 6.0 metre kerbed radii at the junction with the Brynderi road.

4 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.

5 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole estate road frontage within 2.0 metres of the near edge of the carriageway.

6 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

7 Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways 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.

8 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

- 9 All mature deciduous trees and hedgerow along the 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 e.g. 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.
- 10 No construction of dwelling units shall commence until a scheme for the provision of 2 affordable dwellings as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
- i) the type, tenure and location on the site of the affordable housing provision to be made;
  - ii) the timing of the construction of the affordable dwelling;
  - iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable dwelling; and
  - iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable dwelling, and the means by which such occupancy criteria shall be enforced.
- 11 No development shall commence until intrusive site investigation and remedial works take place on the site area in order to establish coal mining risks on site. The intrusive investigation works shall be carried out in accordance with a report submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. The report for approval shall include:
- (a) A scheme of intrusive site investigations for the mine entry;
  - (b) A scheme of intrusive site investigations for the shallow coal workings;

- (c) A layout plan which identifies an appropriate zone of influence for the mine entry, and the definition of a suitable no-build zone;
- (d) A scheme of treatment for the mine entry;
- (d) A scheme of remedial works for the shallow coal workings

## **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.
- 3-8 In the interests of highway safety.
- 9 To protect features of landscape and biodiversity value.
- 10 To ensure the provision of affordable housing.
- 11 In the interests of site and human safety and the integrity of structures built on site.

## **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, GP2 H2, AH1 and T3 of the adopted LDP (2014) in that the development is within the settlement limits. There are no highways or sewerage/surface water concerns. Sufficient amenity space is provided along with sufficient off road parking. The design, scale and appearance of the dwelling is not considered harmful to the character of the area and is consistent with the mix of dwelling designs in the street. It is not felt that there would be significant impacts on amenity or privacy at existing properties due to separation distances and the relationship and orientation of the dwelling in relation to its neighbours. Sufficient information relating to landscape features and proposals is also provided. There is a requirement for two affordable housing units on the site which will go towards the provision of affordable housing in the local area.

## **NOTE(S)**

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

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

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

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

- 2 Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulation and a copy thereof has been produced to the Local Planning Authority.

The applicant should be aware of their legal duties regarding certain protected species. All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations (1994). Bats are also fully protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended\*). Under the Conservation Regulations (1994) it is an offence deliberately to capture or kill a wild animal of a European protected species; deliberately to disturb any such animal; or to damage or destroy a breeding site or resting place of such an animal. For bats this includes roosts that are not currently being used. In the event of any evidence of bats being found further advice should be obtained from NRW (Beechwood Office, Talley Road, Llandeilo, Carmarthenshire SA19 7HR) as a licence to carry out the work may be needed from the Welsh Assembly Government.

#### Nesting Birds

In addition the applicant should be made aware of the possible presence of nesting birds using the buildings and the protection afforded to them. Under the Wildlife and Countryside Act (1981) (as amended) it is an offence to kill or injure any wild bird or damage or destroy the nest of any wild bird whilst that nest is being built or is in use. The breeding bird season is generally taken to be mid-March to mid-August. As such no work should be carried out during the breeding season, unless it can be demonstrated that nesting birds are absent.

- 3 The application is advised to contact Western Power Distribution regarding the electricity infrastructure that crosses the site before commencing development.

This page is intentionally left blank



## PLANNING COMMITTEE

Tuesday, 20 March 2018

**PRESENT:** Councillor A. Lenny (Chair)

**Councillors:**

J.M. Charles, S.A. Curry, I.W. Davies, J.A. Davies, P.M. Edwards, W.T. Evans, S.J.G. Gilasbey, J.K. Howell, J.D. James, C. Jones, D. Jones, H.I. Jones, K. Lloyd, K. Madge and B.D.J. Phillips.

**Also in attendance:**

Councillors G. Thomas and G. Jones who addressed the Committee in respect of planning application S/36679.

**The following Officers were in attendance:**

J. Edwards, Development & Built Heritage Manager;  
J. Thomas, Senior Development Management Officer [South];  
S. Murphy, Senior Solicitor;  
J. Owen, Democratic Services Officer.

**Chamber, County Hall, Carmarthen – 11:45am - 1:30pm.**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S. Allen, E.G. Thomas, M.J.A. Lewis J.E. Williams.

**2. DECLARATIONS OF PERSONAL INTERESTS**

There were no declarations of personal interest.

**3. TO CONSIDER THE HEAD OF PLANNING'S REPORTS ON THE FOLLOWING PLANNING APPLICATIONS [WHICH HAD BEEN THE SUBJECT OF EARLIER SITE VISITS BY THE COMMITTEE] AND TO DETERMINE THE APPLICATIONS**

**3.1. S/34755 - TWO STATIC RESIDENTIAL CARAVANS TOGETHER WITH THE ERECTION OF A DAY/UTILITY ROOM, TWO TOURING CARAVANS AND A STABLE BLOCK (PARTLY RETROSPECTIVE) AT LAND AT HILLSIDE VIEW, HENDY, LLANNON, SA14 8JX**

The Development Management Officer (South) referred to the private site visit undertaken by the Committee earlier that day (see Minute 3.1 of the Planning Committee Meeting on the 8<sup>th</sup> March, 2018), the reasoning for the site inspection was to afford the committee the opportunity to view the site access, in view of concerns raised regarding the limited visibility on to the B4306 road. He referred, with the aid of presentation slides, to the written report of the Head of Planning which provided an appraisal of the site together with a description of the proposed development, a summary of the consultation responses received and information on the local and national policies which were relevant to the assessment of the application.

The Committee was advised that the Head of Planning was recommending approval of the application for the reasons detailed within her written report.

Representations were received objecting to the application re-iterating the objections detailed within the Head of Planning's Report with the main emphasis of the objections concentrating on safety concerns regarding the entrance/egress of the property onto B4306. Additional concerns were also raised regarding the impact on the nearby butterfly habitat and whether Condition 5 would be adhered to.

The Agent responded to the issues raised.

**RESOLVED that planning application S/34755 be granted subject to the conditions detailed within the Head of planning's written report.**

**3.2. S/36679 - RESERVED MATTERS RELATING TO ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, TOGETHER WITH THE DISCHARGE OF CONDITIONS 7, 9 AND 11 ATTACHED TO PLANNING PERMISSION S/27346 AT LAND AT MAES Y BRYN, PENLLWYNGWYN ROAD, BRYN, LLANELLI, SA14 9RQ**

The Development Management Officer (South) referred to the private site visit undertaken by the Committee earlier that day (see Minute 3.1 of the Planning Committee Meeting on the 8<sup>th</sup> March, 2018), the reasoning for the site inspection was to afford the committee the opportunity to view the access of the proposed development in view of concerns raised regarding highway safety. He referred, with the aid of presentation slides, to the written report of the Head of Planning which provided an appraisal of the site together with a description of the proposed development, a summary of the consultation responses received and information on the local and national policies which were relevant to the assessment of the application.

The Committee was advised that the Head of Planning was recommending approval of the application for the reasons detailed within her written report.

Representations were received objecting to the application re-iterating the objections detailed within the Head of Planning's Report/addendum with the main emphasis of the objections concentrating on the overdevelopment of the site and the consequent effect on the safety of the road network particularly during the construction phase. The following concerns were also raised:-

- Lack of community coherence and social inclusion;
- Not in accordance with policy TR3 relating to highway design and layout;
- The financial viability of the development;
- The materials to be used in the construction of the external surfaces of the dwellings have yet to be approved, as stated in Condition 7;
- Lack of provision of recreational facilities.

The Agent and Senior Development Management Officer responded to the issues raised.

In considering the application and in view of the concerns raised regarding the sharp bend where Maes y Bryn joins with Penllwyngwyn Farm Road, if the application be approved, the Committee requested that the Highways Division reconsider and seek to improve the visibility and safety aspects of the aforementioned sharp bend.

**RESOLVED** that planning application S/36679 be granted subject to the conditions detailed with the Head of Planning's written report and a request be made to the Highways Division to consider whether improvements can be made to the visibility and safety aspects of the sharp bend where Maes y Bryn joins with Penllwyngwyn Farm Road.

---

**CHAIR**

---

**DATE**

This page is intentionally left blank