

# Document Pack



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**TUESDAY, 26 SEPTEMBER 2017**

**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 TUESDAY, 3RD OCTOBER, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Martin S. Davies</b>
<b>Telephone (direct line):</b>	<b>01267 224059</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. Councillor Liam Bowen
  2. Councillor Mansel Charles
  3. Councillor Tyssul Evans
  4. Councillor Jeanette Gilasbey
  5. Councillor Ken Howell
  6. Councillor Carys Jones
  7. Councillor Alun Lenny (Chair)
  8. Councillor Jean Lewis
  9. Councillor Gareth Thomas.
  10. Councillor Eirwyn Williams
- Member of Llanegwad Community Council  
Member of Llangyndeyrn Community Council  
Member of Kidwelly Town Council  
Member of Carmarthen Town Council

### LABOUR GROUP - 6 MEMBERS

1. Councillor Penny Edwards
  2. Councillor John James
  3. Councillor Dot Jones
  4. Councillor Ken Lloyd
  5. Councillor Kevin Madge
  6. Councillor Louvain Roberts
- Member of Pembrey & Burry Port Community Council  
Member of Llannon Community Council  
Member of Carmarthen Town Council  
Member of Cwmamman Town Council

### INDEPENDENT GROUP - 4 MEMBERS

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

Local Members invited to attend the meeting:-

- Agenda Item 3.1 - Councillor A. James
- Agenda Item 3.2 - Councillor P. Hughes

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

# 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 - 22
  - 3.2 W/35461 - CONSTRUCTION OF 30 NO. RESIDENTIAL DWELLINGS AND ASSOCIATED SITE INFRASTRUCTURE WORKS (AMENDED SITE) AT LAND AT THE REAR OF CAE FFYNNON, BANCYFELIN, CARMARTHEN, CARMARTHENSHIRE, SA33 5DQ. 23 - 46
4. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS 47 - 58

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

## 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 and 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** – Requests that a suitably worded condition is applied to any planning permission, requiring the business to be operated in compliance with the Design and Access Statement mitigation measures, to ensure that the amenity of local residents/businesses is adequately protected from dust during construction.

As the proposed location of the proposed development is within close proximity to a number of residential dwellings, it is also recommended that a further seven noise related conditions are applied to any permission.

The comments provided in response to the application consultation do not prejudice any Environmental Health enforcement action required as a result of the proposals, therefore it

is important that any development does comply with all Environmental Health legislation, particularly that of statutory nuisance under the Environmental Protection Act 1990.

**Head of Corporate Property** – No objections.

**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).

The Community Council would like to ensure that the planning authority ensures 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 as set out in planning law.

**Local Member**– County Councillor A James requests that the Planning Committee determines the application. The reasons for this request are as follows:-

- The planning application includes details in relation to the mitigation of the scheme with landscaping details and ammonia modelling to protect the SSSI;
- Access to/from the site is an important consideration;
- The applicant is diversifying at the site and the employment benefits for his family are an important consideration.

**Natural Resources Wales** – Following a detailed consideration of the proposal that includes detailed manure management and nutrient plans, it is recommended that any permission should include conditions that shall require within one month of granting planning permission, the submission of a planning application for the erection of a covered manure store at Godre Garreg; no manure spreading shall take place within a 10m wide buffer zone measured from any nearby water course bank top for the whole extent of the site; on an annual basis the manure management plan will be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless other agreed in writing with the Local Planning Authority; all vehicles used for the movement of manure shall be sheeted and/or fully covered and 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.

In addition, a Test of Likely Significant Effect (TLSE) for the proposed development has been undertaken and it was concluded that planning permission should only be granted if relevant conditions are attached. The conditions would address significant concerns that have been identified with regard to manure management. Poultry waste from the unit will be managed in line with the approved manure management plan and during the operational lifetime of the poultry unit an updated manure management plan 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 manure management plan is also to be updated as required as agreed with the Local Planning Authority in writing.

Subject to the imposition of the specified conditions it is considered that the development will have no significant effect on the River Tywi Special Area of Conservation (SAC).

The comments above only relate specifically to matters that are included on Natural Resources Wales checklist and Planning Consultations (March 2015) which is published on NRW website. NRW have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

**National Grid** – No comments received.

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

**Dyfed Archaeological Trust** – Required a historic environment appraisal of the site to be undertaken, which has subsequently been done and has been approved by the Trust.

**Neighbours/Public** – This application has been publicised by the display of a site notice in the vicinity of the application site; 79 letters of objection have been received, in addition to an online petition with over 1300 signatures and 33 letters of support have been received and the reasons of objection are 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 of 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.

## **PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

The Local Planning Authority received amended section plans on Monday 3 April 2017 prior to reporting the proposal to the Planning Committee on 6 April 2017, which indicated that the proposed poultry unit was to include ventilation chimneys (the majority of which were some 1.8 metres above the plane and 1.0 metre in diameter) on the building's roof, followed by elevational plans on Tuesday 4 April 2017 which showed that a total of 24 ventilation chimneys are to be added to the roof.

The aforementioned changes to the proposed poultry unit were not supported by the Local Planning Authority and as a result a revised, ventilation design of a reduced scale is now to be considered, following a new public notification exercise that included a site notice and letters duly informing the local community council and local member.

## **THE SITE**

The application site is part of two large fields within the Tywi Valley, approximately 220 metres south/south east of the dairy farm, Godre Garreg, Llangadog. Access to the site is from an unclassified road that runs across Carregsawdde Common and ends at Devanah and Dolau farm. There are two properties to the south of the application site with a mature hedgerow in between along the field boundary; Brofana (formerly Kite Cottage) at 30 metres and Ty Newydd a further 17 metres to the south. Opposite the proposed access there is a bungalow, Derwen Deg, which is approximately 90 metres to the east of the poultry unit. Bwlchagored is located approximately 140 metres to the north-east fronting the highway to the site. The village of Llangadog is approximately 1 kilometre to the north-east across the river Sawdde and the village of Carregsawdde is approximately 400 metres to the East.

## **THE PROPOSAL**

The application seeks planning permission to erect a juniper/olive green free range poultry unit; the hen house is shown to measure 140 metres x 20 metres, being of a rectangular design, with a 3.1 metre eaves height and 6.69 m height to the ridge, (the floor level of the building will be 600 mm above the road level to the East) four feed bins at 7.64 metres in height, are proposed to be sited at the mid-point of the southern elevation. 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 towards the farm will have pop holes to the site to allow the hens to exit and enter. The east gable elevation will have four, 3 metre wide double doors and a standard door opening in the western side of the south elevation and one centrally positioned in the west gable elevation. The roof of the proposed poultry unit is now to include 16 colour coded exhaust chimneys with fans, with 8 spread evenly along the width of the centre of the building and 8 towards the north-west elevation and there will also be 8 colour coded inlet chimneys along the length of the building with no fans. The exhaust chimneys will be 0.6 metres above the plane of the roof and the inlet chimneys will also be 0.6 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 units 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 the south side of the building with a turning 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.

### **THIRD PARTY 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 a mature hedgerow and supporting landscaping to supplement the existing hedgerow to the south and additional native species woodland planting to the western and northern side 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 to Natural Resources Wales including a TLSE, the proposal has 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.

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

A length of hedgerow along the eastern boundary at the proposed access and western side of the proposed site is to be removed, however there will be native species hedgerow planted adjacent to the western side and a further native species woodland planting to screen the development from wider views and a hedgerow and a further native species hedgerow is to be planted from the eastern side of the building to the highway hedgerow in addition to further native species woodland planting to screen the development from wider views and to aid integration into the landscape.

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

As detailed in the summary consultations section above, the proposal has received a favourable recommendation from the Head of Public Protection subject to the imposition of a number of relevant conditions on any permission.

**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 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 consultation from 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 feature 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 sited away from Godre Garreg farmyard and buildings at a location accessed from an unclassified road to the south east, which has three dwellings in what can be considered as within close proximity to the proposal. The Local Planning Authority has consulted numerous consultees and following a 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 147 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 proposed development and in the course of the application requested improvements to the landscaping scheme with regard to which it has been concluded that the proposed development will not have a significant visual impact on the amenity of adjacent uses, properties, residents or community; the scheme retains

important local features and ensures the use of good quality hard and soft landscaping; embraces opportunities to enhance biodiversity and ecological connectivity; 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.

The Landscape Officer has raised some concern regarding the scheme's adherence with policy GP1 of the LDP regarding the ability to conform with and enhance the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing. Also, the scheme's ability to incorporate existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges; and utilises materials appropriate to the area within which it is located. In addition, concern is raised whether the proposal 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. The ability of the proposal to enhance or improve the Tywi Valley Special Landscape area in relation to policy EQ6 is also raised.

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 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.

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 policy guidance that is available through the Carmarthenshire LDP as well as other national guidance, it is considered that at this location with the 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. From the initial report of the application in April 2017, the proposal now includes substantially reduced chimneys on the roof of the building (0.6 metres above the plane of the roof), which are not considered to add significantly to the assessment of the impact in terms of visual harm. It is considered that the siting has implemented as much of the existing hedgerow screening and will apply sufficient additional landscaping improvements to allow the balance to tip in favour of the application.

In light of the aforementioned report of the proposed development, it is recommended on balance that planning permission be granted for this development 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:-
  - Proposed Elevations and Floor Plan – Option 2 (Godregarreg 03), received 28 June 2017
  - Revised Site and Landscape Plan 04, 1:1000 scale, received 15 December 2016;
  - Plan showing Passing Bay 1:500 scale, received 25 November 2016;
  - Passing Place plan 1:250 scale, received 15 December 2016.
- 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 drawing dated 13/12/2016. 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 (January 2017), received 26 January 2017.
- 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 approved Detailed landscaping and planting of the site as approved within the Landscape Plan approved in 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, 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.
- 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.

## **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.
- 26-28 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.

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<b>Application No</b>	<b>W/35461</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSTRUCTION OF 30 NO. RESIDENTIAL DWELLINGS AND ASSOCIATED SITE INFRASTRUCTURE WORKS (AMENDED SITE) AT LAND AT THE REAR OF CAE FFYNNON, BANCYFELIN, CARMARTHEN, CARMARTHENSHIRE, SA33 5DQ

<b>Applicant(s)</b>	ENZOS ESTATES LTD, GLYN YR EITHIN, ARGOED ROAD, BETWS, AMMANFORD, CARMARTHENSHIRE,
<b>Agent</b>	ASBRI PLANNING LTD - MR RICHARD BOWEN, SUITE 4, J SHED, KINGS ROAD, SWANSEA, SA1 8PL
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	St Clears
<b>Date of validation</b>	28/04/2017

## CONSULTATIONS

**Head of Transport** – Have responded raising no objection and recommended a number of conditions. They have referred to the need to make improvements to the area which comprise the following:

- a pedestrian crossing plateau on the C2042
- 20mph speed limit on the C2042
- bus stop infrastructure in the vicinity of the site

**St Clears Community Council** – have responded stating they have many concerns about the impact of this development on the village of Bancyfelin. They state that there are undoubtedly some benefits to the development of more housing in the village e.g. more children in the school, more business for the shop / post office / pub. They comment that the Town Council has received numerous copies of correspondence sent by residents of the village noting grave concerns about the development. These are summarised as follows:

- Changes to the original development

Drop off area for the school is now not included. Current parking issues at the school and highways safety concerns.

Removal of the permissive path effectively cuts off parts of the village from each other. Only access is along a longer route with highway safety implications and likely lead to increased traffic.

- **Sewerage and Flooding**  
Unable to access Natural Resources Wales response  
Concern about surface water and flooding in the area. Existing issues and removing natural drainage likely to increase issues which already exist along High St and cause a flooding problem for residents of the street.  
Concern existing surface water would find its way in to the main sewer system. Query is a risk assessment has been carried out in relation to this.
- **Revised access road.**  
A different access road is proposed to previous scheme.  
Concerns over the safety of the new access point  
Request for a full safety assessment be carried out in the area  
The new access point would mean that the previous access point to the site would be subject to further development and block up the permissive path which is currently well used.
- **Quality of life of current residents**  
Concerns about the impact of the development on existing properties and quality of life due to the proximity of the development to some of the houses.
- **Increased traffic through the village.**  
Careful consideration need to be given to traffic flow and the increased number of cars.  
Query of a gradual approach to monitor traffic impacts  
Pavement only shown on one side of the new estate road in part – query regarding crossing point

Following reconsultation when the scheme was amended no further comments were received.

**Local Member** - County Councillor P Hughes has requested a site visit to enable the Committee to view the proposed location of the development and consider the concerns in relation to:-

- regarding surface water and flooding in the area;
- its potential impact on the village of Bancyfelin;
- the current parking issues at the village school and highways safety concerns.

**Network Rail** – Responded raising no objection. A number of comments are made including suggestions for conditions. Where considered relevant these conditions are included.

**Head of Public Protection** – Have responded raising no objection and have not recommended any conditions. These included reference a scheme for noise and dust mitigation.



**Welsh Water/Dwr Cymru** – Have responded raising no objection. They refer to conditions to ensure that surface water is not connected to the surface water system and that full details of the surface water system are provided prior to the commencement of development.

**Land Drainage Officer** – have provided a number of comments on the scheme including asking for additional justification for the chosen method of drainage. Following the receipt of amended/additional comments and discussions with the officer it was felt that a condition requiring full details of the surface water drainage system to be provided prior to commencement of the development be imposed, if approved.

**Education Department** - have confirmed that based on the capacities of the schools in the area that a Section106 contribution will be required towards Education of £19,000.

Following the amendment of the scheme to include land within the school boundary as a pedestrian link they have no objection in principle to the creation of this link. Reference is made to further discussions with the schools governing body. They have referred to the need for the link to meet the Safe Routes to School standards and that a fence of at least 2.4m be provided between the path and the school. They have also referred to the terms of the transfer of land being subject to negotiation with the developer. They have also commented that the path should be adopted by the Authority.

**Minerals and Waste** - The site is located on Sand and Gravel Category 1 mineral safeguard area. Carmarthenshire LDP MPP3 Mineral safeguarding notes the importance of safeguarding access to minerals and states that planning permission will not be granted for proposals where they would permanently sterilise mineral resources. The policy also sets out instances where development may be permitted and includes development where the applicant can demonstrate that the extraction of the mineral is impractical, uneconomic or environmentally unacceptable; or mineral is extracted prior to development taking place. The applicant has provided some details and justification in the 'Planning, Design and Access Statement, Land at Bancyfelin, Carmarthen, March 2017.'

MTAN2: Aggregates provides guidance on safeguard areas and buffer zones, and the acceptable distances between mineral workings and settlements. It is noted that the location of this development, and the underlying mineral resource is adjacent to residential dwellings and a school, and current policy may render the reserve unfavourable.

The application is accompanied by cross sections, which are welcomed and demonstrate that there may be some engineering works or importation of material, as the current ground is not level, to achieve the finished floor levels. In order to construct the proposed buildings, the site would likely require the removal of top-soils and subsoils, however no information has been provided on whether the soils would be utilised on site in landscaping operations (and would therefore require careful stripping, handling and storage), or if they will be removed from site altogether and disposed of. Further information will be required on the treatment of soils.

Having considered the nature of the proposal and its location, they have no objection with regard to its impact on mineral safeguarding, however they do have concerns on the implementation of the proposal, in particular on the possible disposal and importation of materials, and soils.

**Natural Resources Wales** – they note from the amended plans that it is now proposed to dispose of surface water to the adjacent River Cywyn, which is classified as a main river.

They advise that the detail of the proposed surface water drainage scheme be submitted to and approved to the satisfaction of your Authority's Drainage Engineers and also encourage the developer to investigate alternative forms of SUDS on site, for example permeable paving, grey-water harvesting systems, green roofs etc.

In respect of any proposed outfall the developer may require a flood risk activity permit for any activity within 8 metres of a non-tidal main river (or within 8 metres of any flood defence structure or culvert on that river) or any activity within 16 metres of a tidal main river (or within 16 metres of any flood defence structure or culvert on that river).

**Housing and Social Care** – The provision of 10 two bedroom 4 person homes and 2 four bedroom 7 person homes complying to with Welsh Governments Development Quality Requirements (DQR) as proposed by this development will help meet the housing need in the area. This development will also be supported by the Councils Social Housing Grant Programme Development Plan in partnership with Bro Myddin Housing Association due to the high levels of housing need in the area and the suitability of this development to meet this need.

**Public Rights of Way** – comment that Footpath 63/27 affects the proposed development site as shown on the attached Public Rights of Way plan. If the application is approved, reference should be made to the applicant/developer of the existence of the footpath and to the requirement not to obstruct or encroach upon it at any time. The applicant is advised to contact the Countryside Access Team if the footpath is affected during the development or if the development results in any alterations to the route or the surface as this will require prior consent from the Authority.

**Neighbours/Public** - The application has been publicised by the posting of a Site Notice near to the site and in the Local Press. To date 16 responses have been received in this application. The following issues were raised:

- Certain neighbour not consulted on pre-application consultation
- Impact on amenity and privacy
- Proximity to existing dwellings
- Proximity to existing windows due to boundary treatments and loss of light
- Loss of view
- Impact on house values
- Request for additional paths
- Increase in traffic, access not suitable, parking and highway safety concerns
- No justification given for new access location
- Alternative access is safer than the one proposed
- Additional traffic calming measures are needed
- Questions over whether additional crossing points are required
- Pollution and noise impact
- Ecological impact
- No need for additional homes
- No in line with LDP policy
- Concerns over sewer capacity
- Flooding/drainage concerns
- Impact on landscape features
- Site is outside development limits
- Query over location of play areas

- Public health concerns
- Proposal different to the original/previous applications
- No consultation letters sent
- Questions over why access route has altered
- Concern over loss of path and accessibility/link to the village
- Previous highway improvements not included such as zig-zag markings and drop off area
- Lack of access to the play area
- Concern over proximity of play area to the railway line due to rats
- Impact on the Welsh Language
- Possible future development at Cae Ffynnon as access now not needed from there leading to loss of path
- Poor existing pedestrian access
- Questions over the nature of affordable housing and who would occupy them and availability
- Impact of the proposal on the use of the public footpath and conflict of users
- Greater need for homes for the elderly rather than social housing
- Potential linguistic impact on the Category A school
- Suggestions of phasing development
- Questions over viability of the previous scheme
- Questions over details on plans and landowner
- Concern over location of the play areas
- Concern regarding loss of trees
- Comments from pre-application consultation not addressed
- School parking concerns with additional properties
- Further properties not proposed at Cae Ffynnon as advised land should be open for possible future development

The school Board of Governors commented stating they are pleased with the proposed development however they had concerns over surface water drainage and possible impacts on the school fields at the northern end of the school grounds.

Comments were made that the provision of housing in general was welcomed with reference to increasing school numbers. Trade for the village shop and post office and public house. The provision of a play area was also welcomed.

The Public Hall initially objected to the proposal due to the lack of pedestrian linkages from the site. Following the amendments to the scheme to include the pedestrian links the objection from Bancyfelin Public Hall was removed and they have commented they now support the application.

1 further letter of support was also received stating the new junction would alleviate traffic congestion around the school. Comments from the Public meeting also referred to elements of support as well as objections referred to above.

## **RELEVANT PLANNING HISTORY**

W/31890      Construction of 4 no semi-detached dwelling houses and formation of a local area of play  
Full Granted

12 September 2016

S106 Signed - Affordable Housing /  
Open Space / Highways

W/31130	Construction of 13 dwellings and estate road Full Granted S106 Signed - Affordable Housing / Open Space / Highways	12 September 2016
W/24182	Outline for residential development (with affordable housing), school parking/drop off area and public play area Outline Granted S106 Signed - Affordable Housing/ Education / Open Space Play	14 February 2014
W/15162	Erection of 18 houses with associated infrastructure Full Refused	11 May 2007
W/07185	Residential development 7 houses 5 bungalows Withdrawn	11 June 2004

## **THE SITE**

The application site comprises a field currently under grass located off the northern flank of High Street, Bancyfelin. The site is located at the centre of Bancyfelin. The site is at the rear of a cul-de-sac of dwellings known as Cae Ffynnon with the Fox and Hounds Public House between those properties and the road. The site also extends behind the school grounds and along the rear of properties along High Street to the east of the school. The site extends to and includes an existing access some 150m to the east of the school. There is a public right of way running along the existing vehicle and pedestrian access at the eastern part of the site which runs north. Land on the opposite side of the High Street is included in the application site leading to the watercourse in relation to drainage.

The railway line is located to the north east of the fields. There is another cul-de-sac of houses located to the south west of the site. There is a path from the school grounds behind the existing cul-de-sac of dwellings to the village hall and other houses which is not included in the application site. There are hedgerows on parts of the field boundaries within the site. The land generally slopes from the north west of the site towards the school and existing residential properties.

The western section of the site represents an area of land allocated for residential development in the Adopted Carmarthenshire LDP. The site is allocation SC15/h1 covers an area of 0.85ha and was allocated for 17 units. The area also includes an area of land located outside the allocation and development limits and this covers approximately 0.9ha

The dwellings in the surrounding area are generally 2 storey and include terrace, detached and semi-detached properties of varying ages and designs. There are some bungalow properties on the opposite side of High Street.

Outline planning permission was granted in 2014 for residential development for an area of land including this application site and the other proposal for 4 dwellings and a play area (W/24182) as well as further land to the rear of the school. That application also included additional land to the rear of the school. At the time of the outline application and permission the area of land where the 4 dwellings subject to W/31890 are proposed was not within the development limits of the UDP. W/24182 showed the 4 plots outside of development limits being affordable units. A play area and drop off area for the school was also proposed to the rear of the school as part of the community benefits proposed. A path from the village hall between proposed properties to the new estate road was also proposed. No fixed layout or details of siting were looked at although an indicative layout was provided. An indicative layout was submitted showing 17 residential units at the site. A mix of detached and semi-detached properties.

Last year 2 separate applications were approved for residential development within the land allocated in the LDP. One was for 14 units to the rear of Cae Ffynnon while the other contained 4 dwellings and a play area to the rear of the school. The above applications were accessed via Cae Ffynnon. These applications included the provision of 2 affordable units.

## **THE PROPOSAL**

The application requests full planning permission for the construction of 30 dwellings and associated infrastructure.

There would be a single access to the site and a proposal would be a cul-de-sac development. This application proposes the access to be from the existing access to the eastern end of the site rather than via Cae Ffynnon. The application would involve improvements to the existing access creating 5.5 wide road a footway. The road would then lead west along the northern part of the site along the boundary with the railway. Initially there would only be dwellings on the southern end of the road. As the site widens further west there would be dwellings either side of the new road with a turning head at the western end of the site.

The layout of the site also shows the provision of 2 areas for public open space. A local area of play (LAP) is proposed at the eastern end of the site while a local equipped area of play (LEAP) is proposed centrally and at the northern end of the site.

There are 12 dwellings shown on land outside the development limits at the eastern end of the site are indicated to be designated as affordable housing. A letter had accompanied the application from Bro Myrddin Housing Association stating their support for the development and their interest in developing the site in partnership with the applicant. They refer to the site being strategically important for them and the scheme has been included in their delivery plan.

These comprise 5 pairs of semi-detached properties and 2 detached properties as follows:

- House Type 1 – 10 no 2 bed semi-detached 2 storey properties – render walls with brick plinth and tiled roof.
- House Type 2 – 2 no 4 bed detached 2 storey properties – render walls with brick plinth and tiled roof.

The other 18 properties are located within the allocation which are a mix of detached and semi-detached properties. There is also a mix of 2 storey and bungalow properties.

- House Type 3 – 2 no 3 bed semi-detached 2 storey properties – render walls with brick plinth and tiled roof.
- House Type 4 – 8 no 3 bed detached bungalow properties – render walls with brick plinth and tiled roof.
- House Type 5 – 2 no 3 bedrooms detached 2 story properties with integral garage – render walls with brick plinth and tiled roof.
- House Type 6 – 2 no 4 bedroom detached 2 storey properties – render walls with brick plinth and tiled roof.
- House Type 7 – 2 no 3 bedroom detached properties – render walls with brick plinth and tiled roof.

The proposal initially included no pedestrian link from the new estate to the school or wider area other than through the vehicle access. It has been subsequently amended to include 2 pedestrian links. One of these is located at the western end of the site between 2 proposed properties and adjoins the existing path leading to Lon Cywin. It connects to a section of the path which is within the Authority's ownership. A further path is proposed centrally which would run south from the new development. Initially it would run between one of the proposed dwellings and the boundary of the school grounds. The existing path adjacent to the school appears to be in third party ownership. Therefore it is proposed that a new path be created running within what is currently the school grounds. It would run along the edge of the school grounds south to adjoin the existing pavement at the front of the school. Both paths are proposed to be 2m wide.

Percolation tests were submitted that indicate soakaways are not feasible at the site. Off site drainage is therefore required. The application has been amended to include a route for drainage leading along the proposed road, across the public road to land on the opposite side. It would then be a connection to the watercourse which is shown to be in the same ownership. Discussions over possible attenuation measures have taken place. This could include below ground or above ground attenuation. An option of above ground attenuation on the land on the opposite side of High Street has been put forward. As this would involve land currently outside the application site it cannot be included in this application. If that drainage system is to be taken forward it would be subject to a separate planning application.

Landscaping details were provided with the original submission and amended during the course of the application. This includes planting along the new northern boundary of the site. Planting is also suggested around the play areas and where it bounds network rail land.

## **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 AH2 Affordable Housing – Exceptions Sites**

This states proposals for 100% affordable housing development on sites immediately adjacent to the Development Limits of defined settlements (Policy SP3), will in exceptional circumstances be permitted where it is to meet a genuine identified local need (as defined within the Glossary of Terms) and where:

- a. The site represents a logical extension to the Development Limits and is of a scale appropriate and in keeping with the character of the settlement;
- b. The benefits of the initial affordability will be retained for all subsequent occupants;
- c. It is of a size, scale and design compatible with an affordable dwelling and available to low or moderate income groups;
- d. There are no market housing schemes within the settlement being, or projected to be developed which include a requirement for affordable housing.

#### **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.

### **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.

### **Policy MPP2 Mineral Buffer Zones**

This states that provision has been made for Buffer Zones around all sites with extant planning permission for mineral working. New mineral extraction and new sensitive non-mineral development will not normally be permitted within the identified buffer zones.

### **Policy MPP3 Mineral Safeguarding**

This states planning permission will not be granted for development proposals where they would permanently sterilise resources of aggregates and coal identified within the mineral safeguarding areas (areas of search) identified on the proposals map unless:

- a. The applicant can demonstrate that the extraction of the mineral is impracticable, uneconomic or environmentally unacceptable (including compromising amenity and social considerations); or
- b. The mineral resource has already been extracted; or
- c. The mineral can be extracted satisfactorily prior to the development taking place; or
- d. The development is of a temporary nature and can be completed and the site restored within the timescale that the mineral is likely to be needed; or,
- e. The nature and location of the development would have no significant impact on the potential working of the resource.

### **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.

## **THIRD PARTY REPRESENTATIONS**

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

A number of objections have referred to differences between this full planning application and the previous planning permission issues at the site. There are differences between the applications. While there was an outline planning permission issued a separate full application was approved last year and this application is also a full application not a reserved matters submission. Therefore it is not necessary for this application to follow the details or requirements of the outline permission. This current application is assessed on its own merits and against the relevant policies and considerations at this time.

### **Affordable Housing Provision**

Comments have been made regarding the affordable housing provision as part of this submission in comparison with the previous submissions. The nature of likely occupants has also been raised as well as the tenure of the properties.

The previous outline permission showed 4 of 17 properties being affordable housing. The 4 affordable units were at that time outside of the development limits as delineated in the Carmarthenshire UDP. Subsequently that area of land has now been included within the development limits of the Local Development Plan. The full planning applications approved last year provided had a total of 17 units with 2 units being for affordable housing. During that application viability issues were raised which mean the level of provision was lower than the targets set in the LDP. Bancyfelin is located in an area where the LDP identifies that the level of provision of affordable housing should be at 30% of the total number of units. The provision of 2 of the 17 units would equate to approximately 12% and falls short of the 30% referred to in the LDP and associated Supplementary Planning Guidance (SPG) adopted

The current proposal covers a large area and includes land located outside of the allocation and outside of development limits. The total number of units proposed is 30 units and 12 of these would be designated as affordable housing. This equates to 40% of the units being affordable. The application has been accompanied by a letter from Bro Myrddin Housing Association indicating they are looking to work in partnership with the applicant to develop the site.

LDP policies make provision for sites adjacent to settlement limits to be developed where the units are for affordable housing and meet an identified need. The dwellings outside the development limits at this site are all affordable units. The application proposes 10 no 3 bedroom units and 2 no 4 bedroom units. Questions have been raised over the likely tenants and tenure of the units and whether they would be available for local people and whether they would be for sale or rent. The affordable units would be controlled by the Housing Association as social rented housing and would be available in line with their policies. The units being retained as affordable ones would be secured through a Section 106 Agreement if the application were approved.

Comments have been received from the Housing Section confirm that housing need in the ward of St Clears 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. Further details are also given in relation to the size of the units. They have confirmed that the provision of the type of units proposed, subject to compliance with Welsh Government Development Quality Requirements would help meet the housing need in the area. It has also been stated that the development would support the Councils Social Housing Grant Programme Development Plan in partnership with Bro Myrddin due to the high level of need in the area and the suitability of this development to meet this need.

Comments were also made in relation to there being a need for provision for elderly people rather than for affordable housing. The development does include a number of bungalow properties and it should be noted from the above that there is considered to be a need for additional affordable units. The overall need for housing was raised and reference made to the potential for development at West Carmarthen. A large part of this site is allocated for residential development in the LDP. Therefore the need for housing in the settlement was considered as part of LDP process. This is the only residential allocation in the village. The opportunity to provide additional affordable housing, over and above the target set in the LDP is welcomed where, as it is in this case, there is an identified need.

### **Public Open Space**

The level of provision of public open space as part of the application was another area of concern. The location of the public open space was also something that would be questioned. Previous applications have both included public open space in them. There is presently no public open space in the village. This proposal would include 2 areas of public open space. At the eastern end of the site there is a Local Area of Play (LAP). More centrally in the site, to the north of the school grounds there would be a Local Equipped Area of Play (LEAP). These areas would be privately managed and maintained but would be public facilities. It is felt that the provision of this level of public open space is acceptable. The provision of these areas and of a management/maintenance agreement would be secure through a Section 106 Agreement if approved.

Access to the facilities would be raised in the wider context of access and permeability of the development and this is dealt with later in the report.

Concern over the location of the public open space adjacent to the railway line was raised. The previous application showed the POS in a similar location. No objection has been raised by Network Rail and they have made comments regarding works near the boundary. A stated issue with rats at the railway line was raised however it is not considered this is of an issue that warrants the relocation of the play area.

### **Highways Matters**

A number of highways issues were raised. These included the lack of a parking/drop off space for the school (as previously proposed). Such provision was made as part of the outline planning permission. The full planning applications approved last year did not include such facilities and as this current proposal is also a full planning application (rather than reserved matters) it is not bound by the original outline permission. The outline application did suggest a new parking area however this was not a requirement but a community benefit put forward by the applicant on that application. The provision of a parking/drop off area is not considered to be essential for a positive recommendation to be reached.

The 2016 approvals included financial contributions towards highway improvements. These were identified by the Head of Transport at that time and included the provision of zig zag road markings, the creation of a 20mph zone and the construction of a raised plateau. Those applications were when the proposed access to the site was off Cae Ffynnon, adjacent to the school. For those applications objectors also raised the issue of on street parking from the school.

Increased traffic and congestion were raised by objectors and questions over the level of parking shown for the proposed units. It is considered that the level of parking provided is sufficient for the proposed units. The highways improvements referred to below should also reduce traffic speeds and create a safer environment near the site. Concerns/questions were raised over the location of the access for the development. The proposed access is different to the previous applications. Whether the proposed access was safe, speeds to vehicles approaching from the village from the east and existing traffic/parking issues were highlighted. Whether the proposed access was better/worse than the one previously approved at Cae Ffynnon was also raised. Objectors on the previous approvals had raised similar concerns over the access from Cae Ffynnon. Regardless of whether one access is preferable to another there is a need to assess the current proposal and whether this is acceptable. If it is acceptable from the previous approvals with an alternative access should not impact on the assessment of this scheme. The reasoning for the change of access was raised however again if acceptable the reason for the change is not relevant.

The access for this proposal is off a different part of High Street located to the eastern end of the site and that is what is being assessed. The Highways Officer has indicated that there would need to be for highway improvements which as follows:

- A pedestrian crossing plateau on the C2042
- 20mph speed limit on the C2042
- Bus stop infrastructure in the vicinity of the site

The applicant has indicated that they would agree to the provision of these improvements. The provision of them would be subject to a Grampian style condition requiring the submission and agreement of a traffic calming/management scheme. These improvements would need to be in place prior to the occupation of any dwellings.

Overall the highways officer raises no objection to the proposal and recommends the imposition of conditions with any approval.

Pedestrian access and connectivity/permeability issues were raised and these are dealt with below as part of the assessment of the layout of the site.

### **Layout**

The layout of the site was an area of concern for many of those who have responded. The application as initially proposed showed the pedestrian access being along the vehicular access which is at the eastern end of the site and towards the eastern edge of the village. Therefore, although adjacent to the school grounds there would be no pedestrian access from the site to the school other than along the new road and then back along High Street. This would also be the only access from the site to shops, public house and other parts of the village. For those outside the development to access the public open space the only route would be the one along high street and back through the new road. This was not considered to be appropriate and made the scheme disconnected from the village. Therefore amendments were sought.

The scheme has subsequently been amended to include 2 new pedestrian links. A 2m wide link is proposed at the western end of the cul-de-sac which provides a connection to and from the site to an existing path which leads to both Lon Cywin and the village hall. The section of path this connects to is in the ownership of the Authority. The existing path running along the northern end of Cae Ffynnon however is partly in third party ownership. This is not

include in the application site and is not shown to be in the ownership/control of the applicant. This is also a permissive path and not a public right of way. In order to ensure that a pedestrian link is provided and access can be secure an alternative new route is proposed. This new route would run south from the proposed estate between the existing boundary of the school and one of the plots. It would then turn in to where what is currently the school grounds. Along the western edge of the school grounds is a path. It is proposed to create a new 2m path along this route which would run all the way to the public pavement at the southern end of the site. The applicant would provide new fencing along the boundary with the school and the path would need to be surfaced to the appropriate standard. This path would then become a public route rather than being within the grounds of the school. The path would ensure that regardless of what may happen at the permissive path there would be a permanent public pedestrian link between the site and the wider village. It is felt that with the provision of this path the permeability of the site is significantly improved. Connections for local businesses, the school and the play areas within the proposed site are greatly improved. It is felt that with this improvement the proposal would be acceptable.

The new routes would also mean that pedestrians could walk to and from locations such the school, public house, village hall etc from existing and proposed dwelling along a more open path. Other than the sections between the proposed plots the route would be along the new cul-de-sac route. With the previous approvals the route would have been along the existing permissive path which would involve the rear boundary fences of the adjacent properties being either side of the path.

As the proposal would involve land within the school grounds and land within the Authority's ownership notice has been served on the Authority. There have also been discussions with the Education Section who are the relevant section in terms of ownership. As outlined earlier in the report they have raised no objections to the proposed path in principle. They have made certain requests in relation to the design of the path and boundary fence. They have also referred to wishing for the path to be adopted rather than remaining part of the school grounds.

It is considered that subject to conditions being imposed in relation to the provision, detailing and long term securing of the paths that the proposal is now acceptable.

### **Amenity**

A number of objections have referred to the potential impacts on amenity of occupants of existing dwellings from the proposed development. Loss of light, overbearance, the close proximity of proposed properties to existing ones, noise and pollution have all been referred to. There have also been questions over the proposed impact of new boundary treatments.

The layout of the western part of the site is largely similar to the permissions granted planning last year. A number of the properties on the southern end of the site at that point are bungalows. Therefore this reduces impacts with overlooking and overbearance. While it is acknowledged that there is a change in levels between the site and Cae Ffynnon it is felt that with the design, orientation and position of the dwellings and windows that there would not be any significant impacts on the existing properties.

Many comments related to the additional area of land included in this application at the eastern side of the site and the impacts from the new properties here on the existing ones on High Street. Most of the properties on High Street are located at the front of their plots directly on to High Street. The new properties have been orientated so that they are not

directly facing the existing properties along High Street. The nearest distance between proposed and existing rear elevations for the properties are in the region of 22m. While there is a difference in land levels it is felt that the separation, along with the orientation is sufficient. It is also considered that sufficient amenity space is provided for the proposed dwellings themselves. Along the boundary with the school and the eastern plots there is proposed to be a new hedgerow planted and there would also be a 1.8m close boarded fence. The same type of fence is proposed along the boundary with the rear gardens of the properties along High Street.

There is one property accessed off High Street that is set back significantly further than the others. This property is located adjacent to the boundary with the application site and does have a window facing on to the site. Originally the proposal showed garden space for a new dwelling up to the boundary and 1.8m high close boarded fence at the boundary. While it is noted that a 2m boundary treatment could be erected on the boundary without planning permission it was felt that this gave rise to concerns over the amenity of the occupant of that dwelling. Therefore amendments were requested and subsequently the scheme was amended. The rear gardens of the plots 6 and 7 have been reduced and set in from the boundary with the High Street property. A triangular piece of land is now no longer part of the amenity space for the proposed dwellings. The applicant has indicated that this area of land would be transferred to the owners of the adjacent property. This would increase the amenity space for the proposed dwelling and has created a greater separation between the existing and proposed dwellings. The transfer of the land would be a separate matter however it is felt that with the area of land removed from the proposed new dwelling amenity space that the impacts on amenity have been removed to a level where it is considered the application can be recommended for approval. A condition will be added to prevent this area of land being used as amenity space in relation to any of the new dwellings. Conditions are also recommended in relation to the provision of the boundary treatments to ensure these are in place prior to occupation of the new dwellings.

Impacts from noise from domestic animals or activities in the gardens of the new properties were raised. It is not felt these would be out of the ordinary or that they would be of a level to alter the recommendation of approval. Reference to rate at/near the site have been referred to however again any associated issues are not considered to warrant refusal of the application or for further details to be submitted. Pollution has been mentioned however again subject to the imposition of the suggested conditions, and based on there being no objections from any statutory consultees in relation to this, it is not felt there are any significant concerns from the proposal.

## **Design**

The proposal is for a mix of detached and semi-detached properties. There is also a mix of bungalows and 2 storey properties. The external materials of the dwellings were altered to be more in keeping with the character of the area having a render finish. With these changes it is considered that the scheme does not harm the character of the area and provides an appropriate mix of dwelling types and tenures.

The site is a cul-de-sac development with much of the layout dictated by the constraints of the shape of the site. Comments are made elsewhere in relation to impacts on amenity. The road itself has curves to it and the building line is not rigid. The layout of much of the western end of the site is similar to that of the previously approved application. As such it is felt that design of the layout is appropriate.

## **Drainage and Flooding**

A number of concerns have been raised over potential drainage and flooding. The concerns relate to surface water drainage and issues of drainage in and around the site at present. There are similar concerns with the existing capacity of the public sewer and its ability to take on any further connections.

The application was accompanied by a drainage statement. This states that Geo-technical site investigations were carried out in 2009 and soakaway tests in 2014. The soakaway test confirmed that the ground strata beneath the proposed development site is unsuitable to support soakaways for surface water. Therefore the option of discharging to the Afon Cywyn is proposed and the report considers this to be the most suitable means of surface water disposal. The dwelling roof and drive/parking areas along with highway surface water run-off are to be collected via a gravity solid walled pipe network. This will pass through an attenuator with the flow controlled with storage. The report refers to the storage being underground however during the application other alternatives have been suggested.

The previous applications approved last year indicated drainage would run through the Cae Ffynnon estate road, across to land on the other side of the road before connecting in to the watercourse. This proposal indicates a similar proposal with the route being along the new road now proposed but still crossing the road to the watercourse. During the application further details were requested and suggestions made in relation to the nature of storage. The applicant has suggested that the storage of the water may now take place above ground at a location on the other side of High Street. This may involve land outside of the application site and therefore cannot form part of this application. It is proposed for a separate application to be made for the drainage system. However there are potential options within the current application site which could be used for surface water drainage. Therefore as with the previous application, and as Welsh Water have suggested a condition is recommended with any approval. If the above ground storage solution is pursued by the applicant then if that is also approved the 2 permission could be tied as part of a Section 106 Agreement.

The report states that for foul water drainage flows are to connect to the public sewer system via a gravity flow solid walled pipe system. In relation to foul drainage Welsh Water have responded and raise no objection to the proposed development. They comment that only foul water should be allowed to be connected to the public sewer system. They also refer to a condition requiring full details of the drainage system to be submitted and agreed for foul and surface water prior to the commencement of the development.

## **Landscape and Ecology**

Concerns regarding the impacts of the proposal on landscape features was raised and perceived impacts on ecology. As with the previous application there was no ecological surveys submitted with the application. Due to the nature of the site it is not considered that such surveys were necessary in this instance. The site area is larger in this application however the additional land is part of the same field. Planting is proposed along the new northern boundary and also other element of planting across the site.

During the application comments were received from the Planning Ecologist and the Landscape Officer. Both requested further/amended information. **The applicant has subsequently submitted amended details. The recommendation is made subject to favourable comments being received from these consultees on the amended details**



## **Public Rights of Way**

Some objections have been received relating to impacts on the existing public right of way and that the proposal may lead to a conflict between different users. The proposed vehicle access is along the route of an existing public right of way. The right of way continues north along a track whereas the proposed road would go west in to the main part of the site. There is only an overlap of approximately 50m. The existing access is currently used by vehicles accessing the row of bungalows to the east of the access, the application fields and other farms to the north. Therefore it is already used by different pedestrians and vehicles. The proposed development would create a formal layout for the first 50m of the path with a surfaces to adoptable standards and a footway.

The Public Rights of Way Section were consulted on the application and has raised no objection. They have referred to the need to have separate consent for any works that alter the route or the surface of the PROW. It has also been clarified by the Adoptions Section of the Authority that is 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.

## **Other Matters**

Non-material planning considerations such as loss of views and impacts on property values were raised. Reference to the pre-application consultation carried out by the applicant and the consultation during the application were raised. There was an issue with the pre-application consultation over the address of one adjacent property. Subsequently the occupants' response was included in the pre-application document. Some comments were made that the response to the pre-application consultation by the applicant was not sufficient and/or did not address the issues raised. The consultation was carried out in accordance with the legislation and while those who responded may not agree with the applicant response they have outlined the issues raised and given their opinion. The planning application was advertised in the local press and several site notices erected around the village. Following the revision to the site to include the paths and drainage routes the publicity was repeated. This complies with the relevant legislation.

Questions over the viability of the previous scheme were raised however this is not considered to be relevant. The proposal as submitted needs to be assessed. There were questions over the details of the plans and availability on the website of responses however it is felt sufficient information has been provided by the applicant.

Comments in relation to further properties not having been included at Cae Ffynnon as to allow for possible future development were made. Again the current application needs to be assessed against the current and relevant policies and considerations. Whether further development could have or may in the future be proposed at Cae Ffynnon is not considered relevant to the assessment of this application.

Comments were received from the Minerals Team in relation to the ground works involved at the site. Carmarthenshire LDP MPP3 Mineral safeguarding notes the importance of safeguarding access to minerals and states that planning permission will not be granted for proposals where they would permanently sterilise mineral resources. The Minerals Team noted that the location of this development, and the underlying mineral resource is adjacent to residential dwellings and a school, and current policy may render the reserve unfavourable. They have no objection with regard to its impact on mineral safeguarding.

Further comments have been made regarding the earthworks at the site. Further information will be required on the treatment of soils. While the proposed development would involve earthworks it is not felt these are significantly greater than most schemes of this nature and size. Cross sections and levels details have been provided which show the proposed works. It is not felt that additional details are necessary.

The impact on the Welsh language and the possible impact on the Category 'A' School adjacent were raised as concerns. As referred to above the school have not objected to the proposal other than concerns over surface water drainage. The additional units would help support the school which is below capacity at present. A contribution towards Education is also proposed and would be secured through a Section 106 Agreement. 12 of the 30 units would be affordable units available for rent. 17 units were approved previously and therefore there is an additional 13 now being proposed. 12 of these are the affordable units which would provide opportunities for those no able to purchase open market houses and could allow people to remain within the areas if the additional affordable units were not provided. Overall it is not considered that the proposal would have significant impacts on the Welsh Language and it is not felt that the proposal would need to be phased to control such impacts.

General comments in relation to the proposal being contrary to planning policy and the site being partly outside development limits. The report has outlined why it is felt the application complies with the relevant polices and explains the justification for units being allowed outside of development limits.

## **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 development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents:
  - 1:1250 scale Location Plan (LP-01 B)  
received on 17<sup>th</sup> July 2017
  - Landscape Report
  - 1:100 and 1:50 scale House Type 3 (04-A)
  - 1:100 and 1:50 scale House Type 4 (05-A)
  - 1:100 and 1:50 scale House Type 5 (06-A)
  - 1:100 and 1:50 scale House Type 6 (07-A)

- 1:100 and 1:50 scale House Type 7 (08-A)  
received on 5<sup>th</sup> June 2017
- Tree Survey and Arboricultural Impact Assessment  
received 21<sup>st</sup> April 2017
- Drainage Strategy Report  
received 7<sup>th</sup> March 2017
- 1:500 scale Site Layout Plan (01 Rev D)
- 1:100 and 1:50 scale House Type 1 (02-B)
- 1:100 and 1:50 scale House Type 2 (02-B)
- 1:500 scale Landscape Plan TW4016/2
- 1:500 scale Tree Protection Plan TW3867/2  
received on 12 September 2017

- 3 The proposed boundary treatments for each dwelling shall be erected/provided prior to the beneficial use of that dwelling and retained in perpetuity.
- 4 No development shall commence until details of a trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary with the site. The fence shall be erected prior to the beneficial use of any of the dwellings hereby approved and retained in perpetuity.
- 5 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.
- 6 No construction works shall commence until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed.
- 7 No development shall commence until, a scheme for the control of noise shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 8 The land annotated as "Land to be transferred to Existing No 6" on the 1:500 scale Site Layout Plan ref 01 Rev D received on 12 September 2017 shall at no time be used as amenity space for any of the dwellings hereby approved.
- 9 No development shall commence until full details of the materials, gradient and associated boundary treatments for the 2 areas annotated as Proposed Pedestrian Foot Path Link of the 1:500 scale Site Layout Plan ref 01 Rev D 12 September 2017 are submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented as agreed. The paths provided in accordance with these details prior to the occupation of any of the dwellings hereby approved. The path shall be retained, unobstructed in perpetuity.

- 10 During the demolition and construction phases, no works or demolition or construction shall take place other than within the hours of 07:30 – 18:00 Monday – Friday, Saturday 07:30 – 13:00 and not at all on Sundays, Bank or Public Holidays
- 11 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.5 metre carriageway, 1.8 metre footways, and 6.0 metre kerbed radii at the junction with the C2042 road
- 12 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 59 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 C2042 carriageway. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
- 13 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent estate road carriageway crown, over the site's whole estate road frontage within 2.0 metres of the near edge of carriageway.
- 14 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.
- 15 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.
- 16 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.
- 17 No development shall commence until details of a Traffic Management Scheme comprising the following :
  - a pedestrian crossing plateau on the C2042
  - 20mph speed limit on the C2042
  - bus stop infrastructure in the vicinity of the site

has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented prior to the occupation of any of the dwellings hereby approved.
- 18 Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SN32186202 and SN32186201 as indicated on the extract of the Sewerage Network Plan attached to response from Welsh Water dated 17<sup>th</sup> August 2017.

## REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission
- 3 To protect amenity levels of adjacent properties and in the interest of visual amenity.
- 4 To ensure appropriate barrier between the site and the adjacent railway line.
- 5,18 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.
- 6,7
- 10 To ensure that the amenity of local residents/businesses is adequately protected during construction.
- 8 In order protect amenity levels of the adjacent occupier.
- 9 To ensure that the site has appropriate permeability and connectivity.
- 11-17 In the interest of highway safety.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

It is considered that the proposed development complies with Policy H1, AH1, AH2, GP1, GP2, GP3, MPP2, MMP3, GP4, SP17, TR3, SP9, SP6, SP14, SP5, TR4, EP3, REC2 and SP1 of the adopted Local Development Plan in that the due to the location of the site and the surrounding development there are no concerns with impacts on future mineral extraction. The proposal provides a contribution over and above the level required for residential development in this area. The dwellings located outside development limits but adjacent to the limits and represents a logical extension to the settlement. Their affordability is to be secure through a legal agreement and there is a need for the housing this type of housing has been identified. The scale and design of the dwellings are appropriate and again meet the identified need in for the area. the overall design, appearance and scale of the development is appropriate and in keeping with the character of the area. there are no concerns in relation to highway safety or traffic generation with appropriate standards being provided for access and parking. Further measures are secured through conditions. The scheme includes appropriate provision of public open space to be secured through legal agreement and a contribution towards education is also provided in accordance with the relevant standards. Subject to conditions it is considered that appropriate surface water drainage can be achieved. The residential part of the site is not located in a flood zone and the proposal would not lead to concerns over the public sewer. The development provides appropriate connectivity and permeability to allow easy pedestrian access to and from the site and surrounding facilities and no concerns regarding impacts on the public right of way at the site. Subject to conditions there are no significant concerns regarding the

developments impact on ecology or landscape features. A large part of the site consists of land allocated for residential development in the LDP. The density, layout, scale and massing of the development is considered appropriate. Subject to conditions imposed it is not felt that there are any significant impacts on amenity of residents of existing properties of a scale to warrant refusal of the application.

## NOTES

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 public open space/play facilities and securing a long term management and maintenance agreement for these areas,
- financial contribution towards Education in the for the sum of £19,000,
- provision of 12 affordable dwellings.

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

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 De/  
Area South*

**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 3 HYDREF 2017  
ON 3 OCTOBER 2017**

**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>2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA SOUTH**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
<b>S/35996</b>	<b>Extension to existing hardstanding for car parking area (retrospective) at 32 - 34 Beidr Non, Llannon, Llanelli, SA14 6BA</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>
	<b>NONE</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/35996</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	EXTENSION TO EXISTING HARDSTANDING FOR CAR PARKING AREA (Retrospective) AT 32 - 34 BEIDR NON, LLANNON, LLANELLI, SA14 6BA

<b>Applicant(s)</b>	MR GARETH GRIFFITHS, TAIRGWAITH, HEOL LAS, LLANTRISANT, PONTYCLUN, CF72 8EG
<b>Agent</b>	,
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Llannon
<b>Date of validation</b>	22/08/2017

## CONSULTATIONS

**Head of Transport** – No response received to date.

**Llannon Community Council** – has not commented to date.

**Local Member** – County Councillor E Dole has not commented to date. County Councillor D Jones is a member of the Planning Committee and has not made prior comment.

**Neighbours/Public** – 5 No properties have been consulted on the application with two representations received to date raising the following matters:

- Previous work had no planning permission
- Surface water affecting third parties
- Light Pollution
- Danger of cars over running into neighbouring properties
- Overlooking - Loss of Privacy
- Un-sympathetic and harmful to the Character of the Area and Green Belt
- Proposal would prevent Maintenance of Rear Boundaries
- Japanese Knotweed

## RELEVANT PLANNING HISTORY

The following application has been received on the application site.

D5/252                      Improvements and Repairs

## **APPRAISAL**

### **THE SITE**

The application site is part of the residential curtilage of 32-34 Beidr Non. The property was formerly two cottages which have been combined and is used as a residential care facility. There have been investigations previously regarding the land use and it was deemed that the residents were living as a household so no change of use had occurred.

The cottage has a garden to the rear and an additional parcel of land forming a garden to the front on the opposite side of the road. The site is triangular in nature and has a road frontage of approximately 29m and a variable depth ranging from 8.5m to nothing.

The site is to the rear of properties in Erw Non but set at a higher ground level. There was formerly a fence enclosing 3 sides of the original parking area, however this was removed when the unauthorised work begun on the extended parking.

The retrospective nature of the application is such that the impact can be assessed on site.

### **THE PROPOSAL**

The application seeks full retrospective planning permission for an extension to the parking area measuring approximately 4.6m by 5m. The parking area is built up on top of a 1m high retaining structure so is higher than the original ground level.

As a result of concerns raised by third parties, the applicant has been asked to provide a fence along the eastern edge of the parking area between the parked cars and the residential properties to the East. The applicant has agreed to provide a fence 1.8m in height and solid in nature to prevent loss of amenity through light pollution and overlooking. It is recommended that if planning is granted, that a condition be imposed requiring the erection of the fence within 3 months of the decision date.

### **PLANNING POLICIES**

In the context of the current development control policy framework the site is within the settlement development limits of Llannon as defined in the Carmarthenshire Local Development Plan (LDP) Adopted 10 December 2014.

Policy GP1 Sustainability and High Quality Design states.

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

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

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

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

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

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

Paragraph 4.11.2 states “Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and

applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design:”

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

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

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

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

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

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

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

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

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

## **THIRD PARTY REPRESENTATIONS**

The original parking area was not built with the benefit of planning permission. However, it is now considered to be lawful by the passage of time given the residential nature of the site. The proposal is therefore for the extension of this parking area rather than consideration of the original parking area itself.

There is a 3.5m gap shown between the hard standing and the rear boundaries of the properties to the East. Surface water runoff therefore has the opportunity to soak into the original ground level before it reaches the boundary.

Loss of amenity through light pollution is material consideration. Given the differences in ground levels headlights would shine unobstructed into the bedroom windows of the houses in Erw Non. It is noted that the original parking area was enclosed on three sides by a fence which would have prevented direct light pollution however this has been removed. If approved it is therefore recommended that a condition be imposed requiring the erection of a fence around the original and extended parking within 3 months of the decision date.

Danger of cars over running into neighbouring properties is a health and safety issue which would need to be addressed.

As aforementioned, the parking is at a higher level than the properties in Erw Non. There could therefore be a loss of privacy through overlooking. The raising of the ground level would take people's line of sight above the boundary fence and

There is concern that the proposal is un-sympathetic and harmful to the character of the area and green belt. It should however be noted that the site is within the defined village boundary and has historically been used as the garden for 32-34 Beidr Non. It is not therefore considered to be out of character with the surrounding area.

The additional parking is set away from the boundary with the neighbouring properties, therefore it would not prevent access to the properties for maintenance purposes. The construction of the parking does not preclude access, however it should be noted that this is a private matter between the parties and access to the rear boundaries would have to be agreed.

Japanese Knotweed is an invasive species which needs to be eradicated in an appropriate way. It is therefore recommended that if permission is granted, that the submission of a method statement be conditioned to ensure that the eradication method is suitable.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of the representations received to date, it is agreed that the parking area as evident on site would have a detrimental impact on the houses in Erw Non. However, the impact would be mitigated if a 1.8m solid fence was erected to enclose the parking area when viewed from the rear. It is noted that prior to the work on the extended parking area, there was a fence around the original parking, and this should be replaced and extended to surround the extended parking area. With appropriate fencing, it is considered that the proposal would be acceptable.

## RECOMMENDATION – APPROVAL

### CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans dated 20 June 2017.
  - 1:1000 scale Block Plan
  - 1:100 scale Site Plan
- 3 Other than required for access and visibility, a solid 1.8m high fence shall be erected around the parking area measured from the finished floor level of the parking places and this shall be retained in perpetuity. The fence shall be erected within 3 months of the date of this permission,
- 4 Notwithstanding Condition 3 above, there shall be no built development over 0.9m in height within 2.4m of the highway.

### REASONS

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

### REASONS FOR GRANTING PLANNING PERMISSION

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

It is considered that the proposal complies with Policy GP1 of the LDP in that it is appropriate in terms of scale and design, and will not cause unacceptable loss of amenity to neighbouring uses.

### NOTES

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

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers')



responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

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

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

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

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