

<b>Application No</b>	<b>S/35028</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	TWO STOREY DWELLING AT 15A BRYNCAERAU, TRIMSARAN, KIDWELLY, SA17 4DW

<b>Applicant(s)</b>	CATRIN REES, 8 BRYNCAERAU, TRIMSARAN, KIDWELLY, SA17 4DW
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Trimsaran
<b>Date of validation</b>	26/01/2017

## CONSULTATIONS

**Head of Highways and Transport** – Recommends refusal on the grounds of highway safety due to visibility being substandard and requiring third party land. The severity of the visibility shortfall is as follows. Please note that the proposed central access has been assessed as well as alternative locations for the access point, all of which fall considerably short on the required access visibility.

The Head of Highways and Transport states:-

*“The site fronts the B4308 subject to a statutory speed limit of 30mph. A new vehicular access at this location requires a visibility splay of 2.4m x 43m either side of the proposed access in relation to the near edge of carriageway. Please see below the existing visibility:*

*Access located centrally:*

*West side – 17m*

*East side – 19m*

*Access located adjacent to the east boundary:*

*West side – 30m*

*East side 7m (18m if first pillar removed).*

*Access located adjacent to the west boundary:*

*West side – 13m*

*East side – 26m”*

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

**Local Member** – County Councillor K Broom has requested that the application be reported to Planning Committee.

**Neighbours/Public** – Two neighbouring properties have been consulted on the application with no responses received to date.

## **RELEVANT PLANNING HISTORY**

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

S/32723	The construction of one conventional single storey dwelling in line with existing house building lines adjacent to the plot in traditional building materials Withdrawn	16 November 2015
S/14062	Residential property Outline planning refused	06 October 2006
S/12403	Residential property Outline planning refused	04 April 2006

## **APPRAISAL**

### **THE SITE**

The application site is an infill opportunity with the Bryncaerau road frontage. The site is approximately 12m wide and has a depth of approximately 60m. The site is within the development limits of Trimsaran and has houses either side. The spatial character of Bryncaerau is for houses fronting the highway with long rear gardens. There are however developments such as Maes Tomos and Argoed Crescent which wrap around to the rear, and there is a small site to the north west which utilises parts of the rear gardens of several houses.

The site has a former commercial use, however any commercial use has long since been abandoned and the building has now been substantially removed. The remains of the building is barely evident amongst the undergrowth. The site is heavily vegetated with trees and scrub.

The site has a history of refusals for residential dating back to 2006 on the basis of lack of highway visibility.

More recently, an application was withdrawn in 2015 on the basis that an ecological survey was required and it was the wrong time of year to carry out the survey work.

### **THE PROPOSAL**

The application seeks outline planning permission to establish the principle of a single dwelling on the site. The site is proposed to be laid out with the house set back in line with the neighbouring properties with a central access point to the front.

The applicant is aware of the requirement for a unilateral undertaking in respect of the affordable housing contribution, however given the other issues, has not submitted a legal agreement to date.

## **PLANNING POLICY**

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

Policy SP1 Sustainable Places and Spaces states:-

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

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

Policy GP1 Sustainability and High Quality Design states:-

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

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

- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) 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)).

Policy AH1 Affordable Housing states:-

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

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

## On Site Contributions

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

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

## Commuted Sums

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

Policy EQ4 Biodiversity states:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **CONCLUSION**

After careful consideration of the site and its surrounding environs, it is considered that whilst there is evidence of a former commercial use, this has long since been abandoned. There is a history of refusal on the basis of lack of visibility and this is still applicable given the fact

that visibility is obscured by the access pillars on both the neighbouring properties. The Head of Transport has surveyed the site and the visibility shortfall is significant as set out above. The applicant has been advised that the pillars on adjacent properties should be reduced to 1m in height, and a legal agreement with the neighbours is needed to secure this in perpetuity. The applicant however has declined to enter into discussion and provide a legal agreement.

The ecological survey refers to corridors for wildlife and the applicant has been asked to illustrate these on a plan, however this information has not been received.

Further, the applicant has been made aware of the requirement to submit a legal agreement to secure an affordable housing payment of £51.35 per square metre internal floor area. However, given the other issues this has not been submitted.

On balance, whilst an infill opportunity within the village, the proposal has highway safety issues and needs further ecological information and a legal agreement, so is not considered to be in accordance with the above policies and therefore is recommended for refusal.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy GP1 “Sustainability and High Quality Design” of the Carmarthenshire Local Development Plan:-

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

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

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;**
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;**
- c) Utilises materials appropriate to the area within which it is located;**
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;**
- e) Includes an integrated mixture of uses appropriate to the scale of the development;**
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;**

- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

**Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).**

In that:

- (i) the traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the County Road to the detriment of highway safety.
- (ii) it appears impracticable to construct an access within the curtilage of the site which would provide sufficient visibility for vehicles emerging onto the county road to the detriment of highway safety.

2 The proposal is contrary to Policy TR3 "Highways in Developments – Design Considerations" of the Carmarthenshire Local Development Plan:-

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

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

- a) An integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport;



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

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

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

In that:

- (i) the traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the County Road to the detriment of highway safety.
- (ii) it appears impracticable to construct an access within the curtilage of the site which would provide sufficient visibility for vehicles emerging onto the county road to the detriment of highway safety.

3 The proposal is contrary to Policy AH1 “Affordable Housing” of the Carmarthenshire Local Development Plan:-

#### **Policy AH1 Affordable Housing**

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

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

## **On Site Contributions**

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

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

## **Commuted Sums**

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

In that the applicant has not entered into a legal agreement to provide an affordable housing contribution.

- 4 The proposal does not comply with Policy EQ4 “Biodiversity” of the Local Development Plan:-

### **Policy EQ4 Biodiversity**

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

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

In that insufficient information has been submitted to illustrate the recommendations contained in the ecological report.