

**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 17 EBRILL 2018  
ON 17 APRIL 2018**

**I'W BENDERFYNU  
FOR DECISION**

***Ardal  
Gorllewin/  
Area West***



**Cyngor Sir Gâr  
Carmarthenshire**  
County Council



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna 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>17 APRIL 2018</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/34933</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	CONSTRUCTION OF 20 DETACHED PRIVATE MARKET DWELLING HOUSES WITH INTEGRAL GARAGES AND 2 SEMI-DETACHED AFFORDABLE HOUSES, ALL WITH ON-PLOT PARKING AND PRIVATE AMENITY SPACE, IMPROVEMENT AND WIDENING OF EXISTING ADOPTED HIGHWAY AND CONSTRUCTION OF NEW ADOPTED HIGHWAYS ON LAND ALLOCATED IN THE LOCAL DEVELOPMENT PLAN FOR RESIDENTIAL DEVELOPMENT AT BRON YR YNN, DREFACH, LLANELLI, SA14 7AH

<b>Applicant(s)</b>	MR LEWIS, 16 BETTWS Y COED, CYNCOED, CARDIFF, CF23 6PL
<b>Agent</b>	ROBERTSON FRANCIS PARTNERSHIP - JONATHAN WILLIAMS, 13 CATHEDRAL ROAD, CARDIFF, CF11 9HA
<b>Case Officer</b>	Richard Jones
<b>Ward</b>	Gorslas
<b>Date of validation</b>	06/01/2017

## CONSULTATIONS

**Head of Transport** – No objection subject to conditions.

**Head of Education** – A contribution of £13,000 is required towards local education provision.

**Head of Leisure** – No response has been received to date.

**Land Drainage Officer** – No response received to date.

**Arboricultural Officer** – No objection subject to a condition requiring an arboriculture method statement and tree survey prior to the commencement of development.

**Countryside Access Officer** – If approved regard should be made by the developer of the existence of the footpath and to the requirement not to obstruct or encroach upon it at any time.

**Gorslas Community Council** – Have raised the following concerns:

- The proposal would create road safety concerns and will result in a rat run through the estate of Bron yr Ynn.
- Lack of visibility for vehicles travelling in an easterly direction on the main road and seeking to turn right into the proposed entrance.
- Impact on the pedestrian safety of pupils attending the village school.
- Members would also wish to express concern relating to the proposed "amenity space" being a mini park. There is already a good, and well used, park in Drefach and, at a time when public resources are at a premium, the Council would not see a secondary development providing similar provision in the same area. There are considerable costs involved in the ongoing maintenance of a park amenity and it is the Council's view that any such resources would be better spent on the current park provision which is available and well used by the residents of Drefach.
- Construction traffic should not be permitted to access the proposed site through Bron Yr Ynn.

**Local Members** – County Councillor A Vaughan-Owen and County Councillor D Price have responded jointly with the following comments:-

- The creation of a 'rat run' between Heol Cwmmawr and Heol Blaenhirwaun, Drefach. Drivers heading from Cwmmawr towards the direction of Cross Hands will inevitably look to use Bron yr Ynn as a more direct route, as opposed to having to travel towards Drefach Square and then turning right.
- The position of the junction at Heol Blaenhirwaun near Drefach School is on a bend and therefore does not have the benefit of clear views for drivers. Speed of traffic from the Cross Hands direction is often excessive, and this is clearly a highway safety concern, particularly being so close to the school.
- There are also drainage concerns locally given the topography, and I would want assurances that any runoff water from the site would be diverted accordingly and will not adversely affect current properties at Bron yr Ynn.
- If the decision is taken to approve the application then I would ask that community benefits are accrued via s.106, and I would be grateful for the opportunity to discuss potential projects at that stage.

**Natural Resources Wales** – Initial request was made for an assessment of dormouse and bat habitat at the site and to assess the impact on these species. The applicant has subsequently conducted a survey for dormouse. The developer has not deemed a bat survey necessary as trees that would represent bat friendly habitat will not be felled as part of the proposed development.

The applicant has indicated that dormouse mitigation will be provided as part of the development, and this will be achieved through the retention of existing vegetation/trees on the eastern boundary of the site. NRW have raised no objection in the principle to this but have requested greater detail from the applicant as to the location of the mitigation in relation

to the proposed dwellings. Clarity has also been sought by the case officer regarding the level of detail the applicant requires to submit. To date this matter is ongoing.

**CADW** – Has responded but make no observations.

**The Coal Authority** – Concerns have been raised that the application has not been accompanied by a coal mining risk assessment. This has been requested by the LPA but to date has not been submitted by the Applicant for assessment.

**Dwr Cymru/Welsh Water (DC/WW)** – The application form indicates that the developer proposes to drain foul water to a main sewer. We expect that connection to be made to the existing 150mm combined sewer that runs to the north eastern side of 10 Hen Ffordd.

DC/WW have no reason to believe that the capacity of that sewer will be exceeded by the addition of the new foul flow from proposed development.

Any new foul sewer serving the development will have to be offered for public adoption and therefore constructed to a standard suitable for public adoption as governed by “Sewers for Adoption Ed 7 “ Water Research Centre (WRc) ISBN978 1 898920 65 6.

In terms of public rights of way I can advise that a sewer of this type would be routinely constructed by the developer’s contractor before it becomes adopted. The need for a footpath closure or diversion is not, therefore, a matter for this company.

**Neighbours/Public** – The application was advertised on site by the posting of site notices and in the local press given the proposal’s status as a ‘major’ development. Further consultations have been issued following the submission of further information to allow consultees to comment further. Twenty letters of objection have been submitted and these are summarised below:

- General concern from a highway safety perspective – poor access and visibility entering the site, insufficient road dimensions to meet highway standards, new road will be used as a “rat-run”; impact of pedestrian safety specially school children accessing Drefach Primary School which is located opposite the site entrance; new road inadequate for refuse vehicle. The proposed access is on a dangerous bend. Parking is already a problem on the estate road serving existing dwellings – the proposal will make this worse.
- Concern regarding the quality and destination of the proposed foul drainage.
- Concern regarding flooding of the road and existing footpath running adjacent to the site.
- The development of the site will result in a loss of wildlife.
- There is Japanese knotweed on the site and it appears the developer is unaware of this.
- The site is currently a natural habitat which helps absorb surface water. The proposed development could increase run off on to roads and the existing footpath.
- Will the sewer pipe be of sufficient standard to take the extra sewage from the new development?

- Will the registered public footpath FP31/5 have to be closed whilst trenching for a new foul sewage?
- More favourable access point exists into the site from the adjacent field, whereas there are better housing sites in the village.
- There are already enough houses in the village.

## RELEVANT PLANNING HISTORY

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

W/29766	Residential development	Pending
PA/15054	Outline application for a self-build residential development comprising 22 detached dwellings (including two affordable) with all matters reserved save for access and layout	Pending
W/18148	Residential development Non-determination - finally disposed of	02 July 2013
D4/25944	Siting of dwellings Full planning refused	28 November 1995

## APPRAISAL

**This planning permission will be dependent upon the developer, prior to the commencement of development, entering into a Section 106 Agreement with Carmarthenshire County Council.**

## THE SITE

The site is located to the immediate south of Heol Blaenhirwaun (B4310) and approximately 2.4 miles to the west of Cross Hands Town Centre. The site subject to this application forms a residential allocation within the Carmarthenshire County Council Local Development Plan to the western side of Drefach.

The site is formed of a parcel of land which is located between Heol Blaenhirwaun to the north and Bron-Yr-Ynn to the south. The site is currently unused and consists of low level grassland and scrub measures 1.2-hectares in area.

In terms of the key landscape features/boundaries, the site is bound to the north by fencing with a row of trees between the site and Heol Blaenhirwaun, which is at a higher ground level than the application site; to the east is enclosed by fencing with a row of trees and agricultural fields beyond; to the south the site abuts the existing access to the site from the B4310, with fencing along the boundary and semi-detached bungalows beyond; from the west the site borders the Bron yr Ynn estate, with largely two storey semi-detached dwellings beyond.



The site is bordered by a significant length of Bron-Yr-Ynn, and access to the site is shown directly from this road. This is similar to the previous planning application, for which Planning Committee resolved to grant planning permission (in June 2014) for 30no. residential units, (planning application No. W/29766). This has yet to be determined pending the signing of a S.106 agreement. The current proposal, in addition, proposes vehicular and pedestrian access is provided more directly from the public highway which bounds the northern boundary of the site (Heol Blaenhirwaun).

The nearest bus stops are located on Heol Cwmmawr, within easy walking distance of the site (approximately 300 metres, or a 4-minute walk), and with regular services in both directions to Llanelli and Ammanford. The site is in close proximity to Drefach Primary School and Ysgol Y Gwendraeth as well as a post office and number of other facilities and services within Drefach.

The topography of the site is such that there is a slope down the site, from north to south.

The characteristics of the local area comprise a range and mix of building types within close proximity to the application site. The Bron-Yr-Ynn estates extends to some 50 semi-detached dwellings set over a cul-de-sac formation, extending to a junction with Heol Cwmmawr at the village centre. On Heol Blaenhirwaun, to the north of the site, development is sparser, with a pair of semi-detached cottages at Cwmmawr Lodge separated from the remainder of the village and Drefach Primary School, located approximately 70 metres north-west of the site.

To the south-west of the application site, lies the Bron-Yr-Ynn residential estate, providing semi-detached two storey houses and bungalows. The estate adjoins Uwch Gwendraeth, a further estate development consisting of detached bungalows and additional dwellings to the rear of the street frontage at Hen Ffordd, in a further cul-de-sac formation.

## **THE PROPOSAL**

Outline planning permission is sought for the development of 22 residential dwellings, including 2 affordable dwellings along with an associated estate road and an upgrade to the existing road that accesses the site through the Bron yr Ynn residential estate. At this stage the applicant seeks approval for details of layout, scale, and access.

The submitted housing layout shows a new estate road accessing off Heol Blaenhirwaun which crosses an existing area of green space relating to Bron yr Ynn estate. This then connects with the existing estate road which will be widened as part of the proposal as it is currently substandard in width. The road widening will allow for two way traffic into the site from the primary road network, whilst also improving the road dimensions for existing residents

The main body of the site comprises the irregular parcel of land located to the north Nos. 32-52 Bron yr Ynn. The proposed development will comprise 20 detached 4 and 5 bedroom dwellings and a pair of semi-detached dwellings located in the site's southwest corner. The four bedroom dwellings will be split across two house types that will measure 12-14m in width x 8-10m x 8-10m ridge height and 16m-18m in width x 8-10m in depth x 8-10m in height. The 5 bedroom dwellings will have an L shape footprint and measure 14-16m in width x 13-15m in depth x 8-10m in height. The semi-detached pair of dwellings will have a combined footprint and scale of 10-12m in in width x 8-12m in depth x 10-13m.

The road access within the estate will comprise a central spine road with private shared access drives serving 15 of the dwellings, a separate shared private drive off Bron yr Ynn will serve 6 of the proposed dwellings, whilst the pair of semis will be accessed directly off Bron yr Ynn.

Car parking will be provided either directly to the front of properties within short front curtilage driveways, or driveways to the side of the properties and integral garaging

The following supporting information has been submitted with the application:-

- Location Plan;
- Site Plan;
- House Types;
- Drainage Plan;
- Design and Access Report;
- Planning Statement;
- Ecological Report;
- Dormouse Survey;
- Arboricultural Report;
- Pre-Application Consultation Report;

## **PLANNING POLICY**

The site lies within the defined development limits of the area as delineated in the Adopted Carmarthenshire Local Development Plan December 2014 (LDP), and is identified as a residential allocation

In respect of the application's policy context reference is drawn to the following policies:-

Local Planning Policies

Local Development Plan (LDP)

In the context of the Authority's current Development Plan the application site is located within the development limits of Llanelli and allocated for housing purposes under Policy H1 of the Plan.

Reference is drawn to the following policies of the Plan which are considered relevant in this instance.

In terms of the Plan's strategic policy context, Policy SP1 promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP2 supports proposals which respond to, are resilient to and adapt to minimise for the causes and impacts of climate change. Proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN15.

Policy SP3 identifies Drefach as being within the Ammanford-Cross Hands Growth Area - one of three Growth Areas within the Plan's Settlement Framework for the County which reflects their high population levels and the availability of an extensive range of services and

facilities in the strategic context. The settlements are well served by facilities that are vital to support sustainability being on sustainable transport routes and are therefore capable of accommodating a proportionally higher level of growth and development.

Policy SP5 allocates sufficient land for 15,778 new dwellings within the Plan area in accordance with the Settlement Framework with a high proportion (8,333) of these dwellings being directed towards the Growth Areas.

Policy SP9 promotes the provision of an efficient, effective, safe and sustainable integrated transport system.

Policy SP14 requires that development should reflect the need to protect, and wherever possible enhance the County's natural environment in accordance with national guidance and legislation.

Policy SP17 states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

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

Policy GP2 requires that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP3 states that the Council will, where necessary seek developers to enter into planning obligations or to contribute via the Community Infrastructure Levy to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites. It goes on to state that the Council will seek a level of affordable housing of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub market areas. The application site falls within the 10% viability area.

Policy GP4 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 the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy TR2 requires that developments which have the potential for significant trip generation should be located in a manner consistent with the Plan's objectives and in locations which are well served by public transport and are accessible by cycling and walking.

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. Reference is also made to the need to meet required access and parking standards as well as promoting the interests of pedestrians, cyclists and public transport as part of proposals.

Policy EQ1 requires proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ4 relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Similarly, Policy EP1 requires that proposals 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.

Policy EP2 states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate that they satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

Policy EP3 requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated. Furthermore, Policy EP6 states that in areas where land instability is known, proposals must be accompanied by a scoping report to ascertain the nature of the instability.

Policy REC2 requires that all new development of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards.

## National Planning Policy

Planning Policy Wales (PPW) (Edition 9, November 2016) provides a national overview of planning policy on a wide range of issues relevant to the proposed development. The Welsh Government supports the vision for good quality, mixed housing accessible to all which conforms to sustainability principles which underpin all planning policy guidance.

The document refers to the Welsh Government's approach, as set out in its National Housing Strategy, to provide more housing of the right type and to offer more choice while ensuring that new housing and residential environments are well designed and make a significant contribution to promoting community regeneration and improving the quality of life. Further emphasis is placed on the requirement to ensure that new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

Para 9.1.2 of PPW goes on to highlight that local planning authorities should, amongst others, promote sustainable residential environments that are easily accessible by public transport, walking and cycling, have good access to employment, retail and other services and make the most efficient use of land.

PPW is supplemented by a continually updated series of Technical Advice Notes (TANs). The following TANs are relevant in the consideration of this application:

TAN2 - Planning and Affordable Housing provides guidance on the role of the planning system in delivering affordable housing.

TAN 5 (Nature Conservation and Planning) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

TAN12 (Design) seeks to promote sustainability principles through good design and identifies how local planning authorities can facilitate this process through the planning system.

TAN 15 (Development and Flood Risk) aims to direct new development away from those areas that are at high risk of flooding and defines what is considered to be vulnerable development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.

TAN 18 (Transport) endeavours to ensure Wales develops an efficient and sustainable transport system to meet the needs of a modern, prosperous and inclusive society.

TAN 20 - The Welsh Language – provides guidance on how the planning system considers the implications of the Welsh language when LDPs are prepared. In essence, the TAN advises that planning applications should not be subject to Welsh language impact assessment as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

## MAIN ISSUES

### Procedural Requirements

The applicant has submitted a Pre-Application Consultation report with the application. This details the pre-submission consultation that was carried out by the applicant to accord with statutory legislation. The purpose of this is to obtain feedback from public and statutory consultees on the development proposal. Having assessed the procedures taken to comply with the pre-application guidelines it is considered the applicant has met its duty in this regard. Due to recent changes to the thresholds for the carrying out of screening opinions in the revised 2016 EIA Regulations, one is not required in this instance.

## Design, Layout and Access

The design and layout of the scheme comprises an estate road and shared private drives emanating off Bron Yr Ynn. As referred to above dwellings will primarily be larger detached units save for a pair of semi-detached dwellings at the south west corner of the estate. Dwellings will occupy plots with satisfactory space for private amenity to the rear and parking and to the front.

The dwellings maintain adequate space from one another to ensure no significant harm in terms of privacy or physical overbearing impacts. Furthermore the existing dwellings to the south of the application site will maintain adequate separation distance so that amenity levels are not significantly harmed.

The detailed design of the dwellings will be submitted at the reserved matters stage, however at present the layout and scale proposed is consistent with the mix of dwellings in the village and as such as to maintain character from this perspective.

## Highways

The Head of Highways has assessed the scheme and notes that traffic calming will be required to ensure the access off Heol Blaenhirwaun meets highway standards. The traffic calming works will be on the highway in the form of a speed hump therefore approval of this will need to be secured through S.278 of the Highways Act. A condition will nevertheless be in place to ensure this is carried out before development. Further conditions are proposed to ensure the new estate road and layout comply with highway standards. On this basis no highway objection has been raised.

## Foul and Surface Water Drainage

The applicant has submitted a Drainage Plan showing new foul and surface water connections for the site. The foul water will connect into the existing system. Welsh Water have raised no objection regarding this proposal.

The application form indicates that the developer proposes to drain foul water to a main sewer. We expect that connection to be made to the existing 150mm combined sewer that runs to the north eastern side of 10 Hen Ffordd.

WW have no reason to believe that the capacity of that sewer will be exceeded by the addition of the new foul flow from proposed development.

Any new foul sewer serving the development will have to be offered for public adoption and therefore constructed to a standard suitable for public adoption as governed by "Sewers for Adoption Ed 7 " Water Research Centre (WRc) ISBN978 1 898920 65 6.

In terms of public rights of way concerns raised by the third party objector. The need for a footpath closure or diversion is not, therefore, a matter for this company. The Council's Access Officer has indicated that the PRoW should not be obstructed, however, if work is required to temporarily close the PRoW then the developer will need to apply to the Council for a Traffic Regulation Order.

CCC Land Drainage have been consulted on the acceptability of the scheme, however, have not responded to date. On this basis approval is subject to a favourable response from them. In the event that no objection is raised a planning condition will be imposed requiring the developer to provide full details of a surface water management scheme.

## Ecology

The applicant has submitted an Ecological report with the application and following concerns from the Council requested a Dormouse survey to assess the site's habitat for this species. Mitigation has been requested by NRW in the form of a method statement and mitigation plan showing areas of dormouse habitat post construction. The applicant has provided details which show an area of boundary trees at the east of the site that will be retained as a corridor for the species. NRW and the Council's Planning Ecologist have requested more detail in the mitigation plan. The LPA is currently in discussion with the applicant regarding this matter and awaiting further clarification. NRW have however, approved the principle of the mitigation put forward. While this matter is pending and awaiting resolution, members are requested to grant officers delegated authority to deal with this matter following a resolution to grant outline planning permission.

## Community Contributions

The applicant has been notified that a financial contribution towards local education provision will be required to the sum of £13,000. This will need to be secured through a S.106 legal agreement.

The Council's Parks Officer has not responded to date, although it is noted that the village is well served by a park and playing pitches within comfortable walking distance of the site.

An onsite contribution of 2 affordable dwelling is required in this case as the site is within the 10% provision area. This provision will be safeguarded within the S.106 legal agreement as all the proposed dwellings are all earmarked for affordable housing.

## Other Issues

The site is within an area of former mine workings therefore the applicant has prepared a coal mining risk assessment report for consideration. A response on the acceptability of the report's findings is pending from the Coal Authority, therefore approval of this application is subject to a favourable response from this agency.

## **THIRD PARTY REPRESENTATIONS**

A large number of concerns have been submitted in respect of highway safety, however, the Head of Highways has raised no concerns regarding the proposal and considers that the development can be effectively controlled by conditions. These will include a condition for traffic management along Heol Blaenhirwaun in the form of a speed hump to reduce traffic speed and ensure the proposed access meets the necessary standard.

The matter relating to the foul and surface water drainage has been addressed in the Drainage section of the report.

In terms of the loss of wildlife at the site, confirmation is currently being sought from NRW regarding the acceptability of proposed dormouse mitigation in the event the development is approved. Subject to a favourable response from NRW officers request that the committee give delegated authority to approve this matter in the event the committee are minded to approve the application. Notwithstanding the dormouse issue, all other ecological and biodiversity matters are addressed in the Ecology section of the report.

The concerns raised by a third party in respect of Japanese Knotweed are noted as are the results of the applicant's Ecology Survey which details that the site contains this invasive species. In the event that members determine to approve the application a suitably worded planning condition will be imposed to deal with its eradication prior to development commencing.

A third party representation has highlighted that a more favourable access into the site exists off Heol Blaenhirwaun. The LPA must assess the scheme before them and in this instance the access into the site has been considered acceptable by the Head of Transport.

Concern has been raised that there are already enough houses in the village and that the proposed development is not required. Whilst this might be the view held by the local resident, the site is allocated for residential development in the LDP and its provision is based on the housing need in the area as evidenced through the LDP process.

## **CONCLUSION**

The application site is located within the defined settlement limits of Drefach and is also allocated for residential use within the Adopted LPD. The applicant has demonstrated that highway access can be provided satisfactorily subject to conditions and a S.278 agreement. Furthermore the density, scale and layout of the proposed development can be accommodated within the site without significantly harming the character of the area of the amenity of existing residents. Notwithstanding this confirmation has yet to be given from NRW regarding the acceptability or otherwise of Dormouse mitigation for the site, whilst responses from the Coal Authority and the Council's Land Drainage division are pending. Subject to favourable responses from these consultees members are requested to approve the application before them.

On balance therefore, after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date, it is considered that the proposal accords with the aforementioned policies and is therefore put forward with a favourable recommendation subject to the imposition of the following conditions and favourable responses from the Coal Authority, NRW and CCC Land Drainage. Approval is also subject to the signing of a S.106 legal agreement committing to education and affordable housing provision.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.



- 2 The development shall be carried out in accordance with the following approved plans and documents:-
- Transport Statement – Nov 2016 received on 30<sup>th</sup> November 2016;
  - Ecology Report - Nov 2016 received on 30<sup>th</sup> November 2016;
  - Planning Statement received on 30<sup>th</sup> November 2016;
  - Pre-Application Consultation (PAC) Report received on 30<sup>th</sup> November 2016;
  - Design and Access Statement received on 30<sup>th</sup> November 2016;
  - Tree Protection Plan (9TPP) [TW3631] 1:750 @A3 received on 30<sup>th</sup> November 2016;
  - Tree Report [TW3631] Nov 2016 received on 30<sup>th</sup> November 2016;
  - Site Location Plan [DP100 rev A] 1:1250 @A3 received on 30<sup>th</sup> November 2016;
  - Existing Site Plan Survey [DP101 RevA] 1:1250 @A3 received on 30<sup>th</sup> November 2016;
  - Proposed Site Drainage Plan [DP 113 RevB] 1:1000 @A3 received on 10<sup>th</sup> January 2017;
  - Proposed Site Plan [DP110 Rev F] 1:1000 @A3 received on 10<sup>th</sup> January 2017;
  - Additional Site Plan [DP100 Rev G] 1:1000 @A3 received on 16<sup>th</sup> January 2017;
  - Ecology/Dormouse Survey 11/10/17 received on 13<sup>th</sup> October 2017;
  
  - Refuse Vehicle Swept Path Analysis Details [SLW0004\_TK01] 1:1250 @A3 received on 11<sup>th</sup> January 2018;
  - Proposed Site Plan [DP150 Rev E] 1:1000 @A3 received on 11<sup>th</sup> January 2018;
  - Dormouse Method Statement received on 27<sup>th</sup> February 2018;
  - Coal Mining Risk Assessment received on 6<sup>th</sup> April 2018.
- 3 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
- a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 Development shall not commence until detailed plans of appearance and landscaping of each building stated in the application have been submitted and received the written approval of the Local Planning Authority.
- 5 Detailed cross sections indicating finished floor and ridge levels compared to the highway and existing/proposed ground levels shall be included in any reserved matters application.
- 6 A sample/detailed specification of the external finishes to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 7 Prior to the beneficial occupation of the dwellings hereby approved, all the required boundary walls and fences to serve those respective dwellings shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme.

- 8 No development approved by this permission shall be commenced until a detailed scheme and programme for the provision and implementation of surface water drainage works has been submitted to and approved by the Local Planning Authority. Such a scheme shall include a management plan of surface water drainage during the construction phase of the development and shall be implemented in accordance with the approved details and programme of implementation.
- 9 All boundary trees within and adjoining the development area should be protected for the duration of any future work following the guidelines in BS5837 (Trees in relation to construction). They should be fenced off to the outermost limit of their branches and no materials or equipment stored or dumped inside the fence.
- 10 A detailed landscaping scheme for the whole site including the retention of any existing landscape features and the indication of species, size and number of trees and/or shrubs to be planted shall be submitted to and specifically approved in writing by the Local Planning Authority prior to the commencement of the development and shall, following approval of such a scheme, be implemented in the first planting season following commencement of the development or at such other time as may be specifically approved in writing by the Local Planning Authority.
- 11 No development shall commence until a detailed method statement for the removal/eradication of Japanese knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Thereafter, the approved method statement shall be carried out.
- 12 Prior to any use of the access road by vehicular traffic, a visibility splay of at least 2.4 metres x 25 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 the Heol Blaenhirwaun carriageway.
- 13 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.
- 14 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.
- 15 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

- 16 No development shall take place until a detailed Construction Environment and Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and as agreed.
- 17 Prior to any use of the access road onto Heol Blaenhirwaun a scheme of Traffic Management shall be submitted to the written approval of the Local Planning Authority and specification of the Local Highway Authority that incorporates a speed hump to the east side of the proposed access together with all necessary associated measures.
- 18 Prior to any use of the access road onto Heol Blaenhirwaun a scheme of Traffic Management shall be submitted for the written approval of the Local Planning Authority and specification of the Local Highway Authority that provides for signage and necessary infrastructure to incorporate 'Except for Access' signs at the junctions of the new access with Heol Blaenhirwaun and also at the junction of Bron Yr Inn with Heol Cwmmawr.
- 19 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;
  - how each of those watercourses and pathways will be protected from site run off during construction;
  - how the water quality of the watercourses will be monitored and recorded;
  - how surface water runoff from the site during construction will be managed/discharged; Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses;
  - storage facilities for all fuels, oils and chemicals;
  - construction compounds, car parks, offices etc.;
  - details of the nature, type and quantity of materials to be imported on to the site;
  - measures for dealing with any contaminated material (demolition waste or excavated waste);
  - identification of any buried services, such as foul sewers, so that they are protected;
  - details of emergency contacts, for example Natural Resources Wales hotline.
  - details of the provision and frequency of use of facilities for washing down the wheels of construction vehicles prior to entering the public highway.

- 20 No development shall commence until details of the foul drainage scheme proposed to serve the development which shall include improvements to the public sewerage system have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and to the written approval of the Local Planning Authority prior to the occupation of any of the dwellings hereby approved.
- 21 Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 22 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.
- 23 No development shall take place until a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and as agreed.
- 24 Any proposed external lighting to be erected as part of the residential development should be designed/orientated to avoid illuminating the retained boundary habitats in consideration of their function as wildlife corridors for mammals and birds. No development shall commence until details of a site lighting plan have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved scheme.

## **REASONS**

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

- 2 For the avoidance of doubt as to the extent of this permission.
- 3-7 In the interest of visual and residential amenity.
- 8 To ensure a satisfactory means of surface water disposal and to prevent localised flooding
- 9+10 In the interests of biodiversity, landscape protection and general site amenity.
- 11 To ensure the removal of this invasive species prior to the commencement of development on site.
- 12-18 In the interests of highway safety.
- 19-20 In the interests of the environment and general amenity.
- 21 To ensure compliance with Policy AH1 of the Carmarthenshire (Local Development (Adopted 2014)).
- 22+23 In the interests of highway safety.
- 24 In the interests biodiversity.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- The proposal complies with Policy H1 of the LDP in that it is allocated for residential development.
- The proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- The proposal complies with Policy GP1 of the LDP in that it is appropriate in terms of scale and will not cause unacceptable loss of amenity to neighbouring properties.
- The proposal complies with Policy TRS3 of the LDP in that it will be served by suitable access and parking provision and the traffic generated by the proposed development will not adversely affect highway safety or residential amenity.
- The proposal complies with Policy SP2 of the LDP in that the site is not at risk of flooding.
- The proposal complies with Policies REC2, AH1 and GP3 of the LDP in that the applicant/developer will contribute towards community benefits as part of the development.

- The proposal complies with Policy EQ4 and SP14 of the LDP in that the development will not cause demonstrable harm to priority species or their habitats and the natural environment.
- The proposal complies with Policy EP3 of the LDP in that the development will be drained in a sustainable and acceptable manner.
- The proposal complies with Policy GP4 and EP2 of the LDP in that will be served by adequate infrastructure and not pose an unacceptable risk to the natural environment.

## **NOTE(S)**

- 1 Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.
- 2 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

- 3 The developer is advised to contact the Authority's Highways Adoption Officer with regard to the offering of the proposed estate road for adoption by the local authority under Section 38 of the Highways Act 1980.
- 4 It is the responsibility the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence under Section 184 of the Highways Act 1980 before undertaking any works on an existing Public Highway.
- 5 Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement, and the total cost of completing such an agreement shall be borne by the developers.

- 6 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 7 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 8 Any vegetation clearance/works should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.
- 9 A TRO shall be required for the Traffic Management works to be provided in accordance with conditions 17 & 18 above.

<b>Application No</b>	<b>W/36892</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	PROPOSED EXTENSION AND ALTERATIONS TO DWELLING AT 6 LON CLYCHAUR GOG, ABERGWILI, CARMARTHEN, SA31 2JX

<b>Applicant(s)</b>	STEVE BALLETT, 6 LON CLYCHAUR GOG, ABERGWILLI, CARMARTHEN, WALES, SA31 2JX
<b>Agent</b>	GRIFF DAVIES ARCHITECTURAL DESIGN - GRIFF DAVIES, LLYSHENDY, GLANMOR TERRACE, NEW QUAY, CEREDIGION, SA44 9PS
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Abergwili
<b>Date of validation</b>	02/03/2018

## CONSULTATIONS

**Abergwili Community Council** – Has not responded to date.

**Local Member** – County Councillor D T Williams has not responded to date.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and 3 neighbouring properties were notified with 3 responses having been received as a result. The following issues were raised:

- Scale of the proposal is not acceptable;
- Extensions have an overwhelming visual impact on neighbours;
- Impact on views;
- Appearance to solid high building across the length of the neighbours garden;
- Extension would be overbearing;
- Impacts on amenity and privacy;
- Loss of light;
- Amplification of sound levels from traffic;
- Extension would be up to the boundary;
- Design and scale is not in keeping with the character of the area;
- Open character of the estate would be harmed;
- Loss of garden area for the existing property out of character with the area;
- Larger properties on the estate are for sale at present;



- Precedent for future similar proposals;
- Reference to restrictive covenants;
- Proximity of hot-tub to neighbour rear entrance causing over shadowing and impacts on privacy as well as noise.

## **RELEVANT PLANNING HISTORY**

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

D4/25624	Construction of 43 dwellings and associated highways Full planning permission	03 August 1995
D4/20838	Removal of Condition 12 from planning consent D4/19361, granted on 04/09/1990 Full planning permission	19 February 1991
D4/19361	Construction of mixed residential development to provide 46 dwellings of 3 & 4 bedrooms, detached and semi detached Full planning permission	04 September 1990
D4/16566	Siting of residential development Full planning refused	09 May 1989
D4/7640	Siting of residential development Full planning refused	16 April 1981
D4/7368	Siting of residential development Withdrawn	17 April 1980
D4/6557	Siting of a residential development Withdrawn	22 August 1979

## **APPRAISAL**

### **THE SITE**

The application consists of a detached 2 storey dwelling located at the south eastern end of Lon Clychaur Gog. The site is at the edge of a housing estate at the northern part of Abergwili. The property has a drive to the front of the property with an integral double garage protruding from the front elevation. The proposed has a hipped roof covered in tiles and render walls. The main amenity space is located at the rear of the property. There are properties either side of the application site within an agricultural field to the rear. The properties to the south west are orientated with their rear elevation facing towards the side elevation of the application site.

### **THE PROPOSAL**

The application seeks full planning permission for extensions to the dwelling.

Extensions are proposed to the rear, front and side elevations of the dwelling.

The front elevation would be extended with first floor accommodation introduced above the existing double garage. Initially the first floor element was to extend over the whole of the garage. This has been subsequently reduced. The front extension would extend approximately 3.3m over part of the existing ground floor garage area. The extension would have a hipped roof and would accommodate an additional bedroom. The ridge line of the extension is stepped down from the height of the main roof.

To the south western side of the property an additional single storey section is proposed. This runs from the existing garage towards the midway of the existing dwelling. This would have a lean to roof with rooflights and would accommodate part of a WC and utility room. To the north eastern side of the garage a canopy is proposed.

To the rear and north eastern edge of the property there is proposed to be a single storey extension with a covered canopy and open sided hot tub area. This would have a hipped and lean to roof.

At the rear of the property a new 2 storey extension is proposed. This has a hipped roof set at the same height as the main roof. It would accommodate a further bedroom with a catslide roof element to the north east creating additional ground floor living space. This is approximately 4.8m in depth from the existing rear elevation. There are no first floor windows on the side elevations of this extension.

A bat survey was submitted with the application which showed no signs of bats at the property.

## **PLANNING POLICY**

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

Policy GP6 Extensions states that proposals for the extension of existing residential dwellings / use class C3 (which require planning permission) whether buildings, other structures or a particular land use must comply with the following:

- a. The scale of the proposed extension is subordinate and compatible to the size, type and character of the existing development and does not result in over development of the site, nor lead to reduced and inadequate areas of parking, utility, vehicle turning, amenity or garden space;
- b. The external appearance of the proposed extension in terms of design is subordinate, and the materials should complement that of the existing development;
- c. There are no adverse effects on the natural environment, landscape/townscape or the setting and integrity of the historic environment;
- d. The local environment and the amenities of neighbouring developments are not adversely affected by the proposed extension;
- e. The use to be made of the proposed extension is compatible with the existing building, structure or land use.

## 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.

### **THIRD PARTY REPRESENTATIONS**

Turning to the representations received to date.

The concerns raised relate primarily to the scale and design of the proposed extensions. Concerns were raised over the impacts of the extensions in terms of the character of the property and the area. There were also concerns over the impacts on amenity from the extensions.

The proposal does include several extensions at different parts of the property. In terms of the character of the area the proposal does have a mix of housing types. It should be noted that aspects of the proposals would be permitted development on their own. The scale of the rear extension is outlined in the report above. It is not considered excessive in terms of its scale or over development of the rear garden space. There are no first floor flank windows overlooking the rear amenity space of the adjacent properties. The roof line is not subordinate to that of the main dwelling however it is considered that the additions are not harmful to the character of the area or of the building itself.

The rear extension would extend the built form facing towards the properties to the south west. The front extension would also add to the built form, although less so than originally proposed. While it is acknowledged that there would be some impact from the increased built form it is not felt that the impacts are to a degree to warrant refusal of the application.

The changes to the front of the property have been reduced. Initially the extension was to be over the full extent of the double garage. This was not considered to be acceptable and subsequently was reduced. It now protrudes only partially over the double garage. There are no similar examples of extensions to the front of the dwellings in the estate. However it needs to be considered whether this change is considered to be harmful to the character of the area. While it would be different to other properties in the area it is not considered the front extensions would be harmful to the character of the area. There are examples of dormer windows and first floor accommodation above garages in the estate at other property types. There is a first floor flank window however this faces north east and overlooks the front drive and garden area of the adjacent property. There is an open frontage to the adjacent property they have rear amenity space which is enclosed. Therefore it is not felt that the introduction of a window facing the front area would have significant impacts on amenity.

Concerns have been raised over loss of light from the proposed extensions on adjacent properties. The single storey extensions given their scale and location are not considered to have any significant impacts on light at adjacent properties. The front extension is approximately 3.3m of additional first floor area. Given the location of this extension, along with the presence of the existing dwelling behind it there are not considered to be significant impacts from this. The rear extension is located close to the boundary with the properties to the south west. Given its height there will be an element of overshadowing at certain times of the day of the rear amenity space, namely in the morning. There is however a separation of distance in the region of 12-13m between the proposed extension and it is considered that any impacts would not be of a significance to warrant refusal of the application.

The other extensions are single storey. It is not considered they would cause any significant impacts in terms of overlooking, loss of light, amenity or overbearance.

Loss of garden area for the existing property being out of character with the area was an issue raised. The property has a rear amenity space of approximately 14m in depth at present. Even with the rear extension it is considered that sufficient amenity space would be retained. In relation to the character of the estate in terms of amenity space while it would be lower than many it is not felt that the area remaining is significantly reduced to an extent to be harmful to the character of the area. A depth in the region of 9m at the shortest point would still remain and the rear extension is not across the whole of the rear elevation at the full depth.

Proximity of the hot-tub to neighbour rear entrance causing over shadowing and impacts on privacy as well as noise was raised. The hot tub element of the extension is single storey. While located close to the boundary it is not considered this would give rise to any significant concerns in relation with loss of light. This element alone would be permitted development and could be added separately without needing planning permission. In terms of noise it is not considered there would be any significant impacts over and above the usual use of garden space. The hot tub is partially covered whereas it could be located in the open potentially without requiring planning permission. Noise has also been referred to in terms of the larger dwelling amplifying noise from nearby roads. It is not considered that there is any specific evidence to suggest this would be to a degree to raise concerns warranting the refusal of the application.

Sufficient parking area is retained with the double garage and a drive to the front of the property. The proposed materials will match that of the existing dwelling and those common in the estate. A bat survey was provided and this indicates no presence of bats at the property.

Certain matters have been raised which are not materials considerations such as the loss or impacts on views and also reference to restrictive covenants on the estate. The approval of the proposal setting a precedent has also been referred to. Each application is considered on its own merits. If any future applications for extensions are proposed here or at other properties they would be assessed at that time against the relevant policies and other considerations. Objections have referred to larger properties on the estate being for sale and that these could be purchased rather than extending this property. Again it is not felt that this is a material consideration.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this

application, together with the representations received to date it is considered that on balance the proposal is acceptable.

As such the application is put forward with a recommendation of approval subject to the following conditions.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
  - 1:2500 and 1:500 scale Proposed Site and Location Plans received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Existing and Proposed Roof Plans received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed Side Elevations (AC.08) received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed Garden Elevation (South East Rear Elevation) (AC.06) received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed Side Elevations East and North West (AC.05) received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed Entrance Elevation (AC.04) received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed Ground Floor (AC.02) received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed First Floor (AC.02) received on 23<sup>rd</sup> March 2018;
  - Bat Report received on 20 February 2018.

### **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.

### **REASONS FOR DECISION**

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

- The proposed development complies with Policy GP6 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the extension not considered to be harmful to the character of the building or area. The scale and design of the extensions are considered acceptable. Proposed materials would match that of the existing dwelling and those common in the estate. Sufficient amenity space and parking provision is also provided for. While there would be impacts on the amenity of any nearby properties it is not felt these are of a degree to have significant detrimental impacts.

## NOTE(S)

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

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

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

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

<b>Application No</b>	<b>W/35450</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	PROPOSED RESIDENTIAL DEVELOPMENT INCLUDING 42 NO. DWELLINGS AT LAND ADJACENT TO LAUGHARNE PRIMARY SCHOOL, LAUGHARNE, SA33 4SQ

<b>Applicant(s)</b>	MR & MRS THOMAS, WOOFORD HOUSE, BROADWAY, LAUGHARNE, SA33 4NS
<b>Agent</b>	SAURO ARCHITECTURAL DESIGN LTD - PETER SAURO, 9 ELLISTON TERRACE, CARMARTHEN, SA31 1HA
<b>Case Officer</b>	Helen Rice
<b>Ward</b>	Laugharne Township
<b>Date of validation</b>	26/04/2017

**This application is being reported to the Planning Committee following the receipt of more than five objections from third parties and the recommendation is one of approval subject to a Section 106 agreement and conditions. The application was originally deferred for a site visit by the Planning Committee on 16 November 2017.**

**The site visit took place on 23 January 2018 after which Members resolved to defer determination of the application to enable further discussions with the applicant on the level of community benefits to be provided and to discuss concerns raised on the separate accesses to the site serving the open market and affordable housing element and the lack of a link between the two elements being detrimental to residents.**

**The applicants were present at the committee on 23 January 2018 and thus were fully aware of the discussion that took place. Shortly after the committee, Officers contacted the applicant's agent seeking a response to the matters raised. A formal response was received on 23 March 2018 which included a series of amended plans to respond to the layout concerns expressed by Members at the committee. In summary the revised layout is based on a single point of access from the A4066 and provision of a pedestrian link only from the site to Cwrt Wooford which would enable residents of the site to easily access Laugharne school by foot. The revised layout has also been amended to disperse the 13no. affordable housing units (identified by a red dot on the revised layout plans).**

**The applicant has also provided a statement in response to the request for the previous community benefits. In summary, the applicant advises that the previous**

legal agreement for the community benefits was as a result of the policy position at that time i.e. that the site was outside of the settlement boundary of the UDP whereas the site is now in the LDP. The statement clarifies that the playing field continues to be let to Laugharne Athletic Club for a nominal rent and there are no desires to develop the playing field. The statement raises concerns over the nature of the objections raised which is stated as being driven by Laugharne Athletic club and includes misunderstandings and misrepresentations. The statement confirms that they are willing to enter into a Section 106 agreement to secure 13 no. affordable housing, highways and education contributions. No further benefits are to be provided. The statement is available in full on the Council's website.

Furthermore, Laugharne Athletic Club wish to ensure that Members are aware that they sought Legal Opinion on the matter as referred to in the original committee report. This Legal Opinion is available to view on the Council's website.

The previous committee report is produced below albeit amended to reflect the revised proposals and additional comments received as a result of the re-consultation process with consultees and wider public.

## CONSULTATIONS

**Laugharne Township** – The township provided a detailed response raising significant concerns regarding the proposal and principally comment that the development should only proceed if the same “Community Benefits” that were secured by a Section 106 in a previous application are secured. The full response is provided below:

*The community council has been involved in discussions regarding this proposed development since 2002, when the land in question was outside the UDP. It was still outside the plan in 2008 when application W/09082 was submitted. At this stage the council was supportive of the proposal as the developer included a substantial community benefits package with the proposal.*

*These were included in a S106 agreement and were;*

1. *Land given to CCC to construct a footpath from the site to Broadway*
2. *The transfer of the rugby fields with freehold ownership to the Laugharne Athletic Club*
3. *Part of this to be transferred by the Club to the school*
4. *Laugharne Corporation would be given an adjacent woodland*

*These are now even more important for the community with the proposals to close a number of schools locally and develop a larger community school on the Laugharne School site. Members would expect to see the original or better community benefits package that was part of the original application, included as part of this application. Unfortunately there is no mention of the community benefits in this current application.*

*Laugharne Township Community Council is extremely concerned about this and requests that the community benefits agreed in the previous application W/09082 and itemised in the signed S106, must be a condition of approval of this application. The council would wish to see these conditions implemented prior to any developments on the site. If this application is approved without the immediate implementation of these benefits as a condition, then*



*there is a danger that a second application for development on the rugby fields itself would follow to the future detriment of the school and the health and wellbeing of the community.*

*In addition to the above, the Council has several concerns about details of the design and layout of the proposed development in the current planning application. A key concern was the deliberate formation of a social housing “ghetto” excluded from the remainder of the site. This has a separate entrance/exit through Cwrt Wooford into Orchard Park adjacent to the play area and members were extremely concerned about the extra traffic that would be generated through Cwrt Wooford and its implications for the safety of the children playing there and in the adjacent play area.*

*Members felt that there should only be one entrance and exit into and from the development, which should be the one from the main road as shown on the plans. Members also felt that this development together with other proposals at Pludd’s Meadows opposite would warrant a County Highways review of traffic management in this area and a possible roundabout at the junction of Orchard Park and these developments should be considered. They also agreed that the social housing proposed should be distributed around the site not grouped and isolated in one location in the corner of the site.*

*Members also expressed concern about the pre-application removal of hedgerows and mature trees. Although the landscaping scheme indicated that the hedgerows would be replaced and native tree species would be replanted, this should not have happened. The original hedgerows and the range of species in them had developed over hundreds of years, therefore the replacement programme needs to be intensive to ensure what has been lost is replaced and the ecology recovers as quickly as possible. The appropriate genetically correct native species should be replanted and the specimens must be of an acceptable size and maturity. The hedgebank itself should follow local vernacular construction methods. This work should be a condition of approval and must be carried out prior to the housing development.*

*The fact is that the site is included in the LDP is by default, as the original application was never implemented and the planning lapsed. Carmarthenshire County Council should ensure that this development will only proceed if there is a positive and substantial benefit to the community in terms of education, health, wellbeing and safety as discussed above.*

**Local Member** – Cllr J Tremlett addressed the committee on 16 November 2017 to request a site visit of the application given concerns regarding the impact of additional traffic from the development on pedestrian access to Laugharne school as well as concerns regarding the segregation of the affordable housing element from the main development site.

**Head of Transport** - No objection subject to the imposition of conditions to safeguard the provision of adequate visibility splays, access dimensions, parking and turning areas and contributions towards highway improvements to include the provision of a pavement/footway along the entire frontage of the application site and land to the west up towards the village of Broadway and a contribution towards the provision of driver feedback signs to enforce the speed limit in the area to be secured via a Section 106 agreement/Section 278 Highway Agreement.

**Public Protection Division** – Raise no objections to the development subject to the imposition of conditions to mitigate against the impact of noise and dust during the construction phase on local residents and businesses.

**Land Drainage** – Raise no objections subject to the imposition of a condition requiring the details of surface water drainage works to be submitted for approval prior to the commencement of development.

**Education Department** – A response received from the education department confirm the need for financial contributions totalling £26,000 towards both primary school (Laugharne and Griffith Jones Primary Schools - £9000 each) and secondary school (Ysgol Bro Myrddin and Ysgol Dyffryn Taf - £4000 each) based on the anticipated number of pupils generated by the development.

**Head of Housing** – confirm that they have no objections to the proposal and support the provision of affordable housing within the development. The response confirms that the housing need in the ward of Laugharne would be best met by 2 and 3 bedroom low cost home ownership units.

**Head of Leisure:** Discussions regarding any requirements for contributions towards open space are ongoing, any updates will be provided verbally at the committee meeting.

**Natural Resources Wales** - Whilst raising no fundamental objections to the development, NRW advise that none of the properties shall be occupied until the upgrading of the public sewerage system has been completed projected to be 31 March 2019. Furthermore, they advised the need for the Authority to undertake a Test of Likely Significant Effect (TLSE) given its proximity to the Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and the need for the development to be the subject of a pollution prevention method statement that would detail the necessary pollution prevention measures for the construction phase of the development.

**Dwr Cymru/Welsh Water** – Raised no objections to the development subject to the imposition of a condition requiring the submission of a detailed drainage scheme for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority, with consideration given to the use of sustainable drainage methods. Furthermore, DCWW confirm that at present there is insufficient capacity within the foul drainage network to receive additional flows from the development. However, DCWW have advised that the upgrading works to the sewerage system at Laugharne is included in their current capital investment programme and are scheduled for completion by 31 March 2019. They have therefore requested the imposition of a condition stating that none of the properties can be occupied until such time the upgrading works, currently scheduled for 31 March 2019 have been completed. DCWW have also confirmed that there is availability for connection to the public water supply.

**Dyfed Archaeology Trust** – Raised no objections to the scheme subject to the imposition of conditions. In particular the trust welcome the submission of an Archaeological Appraisal and Site Visit report which concluded that there were no recorded heritage assets within the application site and that the development would not have a visual impact on the historic core of Laugharne and its various heritage assets. The report concluded therefore that the site's potential as low to medium. Nevertheless, this does not rule out the possibility that there may be some archaeological remains within the site and therefore recommend a condition requiring a geophysical survey of the application site which could inform the need for any additional archaeological assessments.

**Cadw** – Confirm that the proposal would not affect the designated historic assets in the vicinity in particular Laugharne Castle Scheduled Ancient Monument and Laugharne Castle

and Castle House Registered Historic Park and Garden due to the presence of intervening existing buildings and vegetation and local topography screening views. The setting of these features will therefore not be affected by the development.

### **Third Parties Representations**

The application was initially the subject of notification by way of site notices and publication in the local newspaper. As a result a total of 103 representations were received from 95 households, all objecting to the development along with a signed petition of 300 signatures objecting to the application.

The clear majority of objections relate to the lack of commitment to enter into a “Community Benefits Package” Section 106 Legal Agreement as entered into when planning permission was previously granted for a similar development and the fear that this would result in the loss of the playing fields. Representations received from the organisations that utilise the playing fields namely Laugharne Athletic Club, Laugharne Cricket Club and Laugharne Rugby Football Club (Senior and Junior) provide detailed background to the matters as follows:

Laugharne Athletic Club had a 21 year term lease on the playing field land from September 1956 to September 1977 which they used principally for rugby and cricket. Following its expiry the Club continued occupation of the fields on the terms of the lease. Court proceedings relating to a new lease in 2002 were halted and discussions commenced on a joint agreement between the Club and owners. The agreement sought to effectively enable the landowners to make an application for residential development on the playing fields with the adjoining field [the subject of the current application] becoming the playing fields (subject to planning permission). This informed representations to the Unitary Development Plan process, during which the parties were recommended to revert to the agreement with the playing fields remaining in their position and the residential development located on the adjacent land.

This resulted in a Local Community Agreement that was entered into in November 2004 between Laugharne Athletic Club, Laugharne Corporation and the landowners, Mr & Mrs Thomas that resulted in the submission of a joint planning application for a similar residential development and various improvements to the adjacent playing fields and wider area with land transfer agreements as follows:

1. Transfer of land to Laugharne Athletic Club. This includes the present rugby pitch and adjacent land this would facilitate the provision of a new cricket pitch, additional rugby pitch, new changing rooms and parking area.
2. Transfer of land to Laugharne VCP school.
3. Transfer of land to Laugharne Corporation.
4. Transfer of land for the provision of footway between Laugharne and Broadway.

Whilst this Local Community Agreement was entered into independently to the subsequent planning application, the benefits referred to in the Local Community Agreement were put forward in the planning application and secured by way of Section 106 Legal Agreement. These benefits were considered to present a material consideration to warrant a departure to the then UDP as the application site fell outside the settlement boundary. Planning permission was granted in September 2008 but this expired in September 2013.

During this time the LDP was under preparation and as the site had, at the time of the initial draft LDP, extant planning permission it was included as an allocated site. A site selection pro-forma which identified those sites suitable for inclusion in the LDP commented that as the site, at that time, had extant planning permission it was considered acceptable for development and no further assessment was required by a Technical Officers Group.

The Club therefore believe that any future planning application should not go ahead unless Mr & Mrs Thomas fulfil their promise to the community and include the benefits detailed in the Local Agreement 2004 and referred to in the LDP review process. They also feel that the Council has an obligation to support the community to accomplish this based on the planning history and that without the previous planning permission the area of land in question would not have been included in the LDP.

To supplement the above objection, the Athletic Club submitted an Expert Advice Report prepared by Mr Owen Luder which provides further detail as to the background of the case and concludes that the previous planning permission is a material consideration that must be taken into account having regard to the requirement for all applications to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The report considers that to grant planning permission without the community benefits previously agreed represents a narrow interpretation of the planning obligations guidance and would result in the landowners achieving a significant increase in the site's land value without providing the community benefits. This report is available to view on the Council's website. This report has further been endorsed by a Legal Opinion on behalf of Laugharne Athletic Club.

A number of the objections from individuals echo the above and include the same wording as follows:

*I support Laugharne Athletic Club and strongly object to this development on the grounds that Mr & Mrs Thomas agreed to those community benefits that where signed up to in the Local Agreement and previous 106 Agreement and these are not included.*

In addition the signed petition which contains 300 signatures includes the statement:

*We the undersigned are fully aware of the history of the above Planning Application and its inclusion in the LDP and would like to support Laugharne Athletic Club in their bid to secure the promised benefits signed up to by the owners in the 2004 Local Agreement by strongly objecting to the application as they do not include these benefits.*

Further details pertaining to the previous history of the site, and particularly its evolution through the UDP/LDP process is set out in the "Relevant Planning History" section below.

Other objections raised include:

- The lack of a community benefits package would result in the loss of the playing fields and hence the Rugby, Football and Cricket Clubs in Laugharne as they would not have anywhere to train and/or play their matches. This would have a negative impact on the community and reduce the number of visitors to the town to the detriment of trade for local businesses.
- The existing playing fields should not be built on.

- Whilst a new development would be a good addition to the town given that hardly any new development has taken place this permission should only be granted if the previous “Community Benefits Package” is included.
- A residential development at this location is not ideal but the original community benefits offset the drawbacks and therefore this development should only proceed with those benefits intact.
- Proposals indicates further additional development to the west of the site into the countryside and close to Broadway.
- The development would result in ribbon development connecting Laugharne and Broadway.
- It is unlikely that any of the affordable units will be affordable for the young locals looking to purchase a property in the town and therefore the development offers little community benefit.
- Proposed access from Wooford Crescent to serve the proposed affordable dwellings would lead to increased traffic flows past the existing children’s playground and route to school and therefore the affordable housing element should be accessed from the proposed new access to the wider site.
- Support the additional housing to enable young people to get on the property ladder but this should not be at the expense of the playing fields.
- There is no obligation for the applicants to sell the properties to people who are currently living in, or who have been brought up in the area.
- The development would increase traffic through the town and have a negative impact on parking and access that would negatively impact upon local businesses.
- Concerns that the sewerage and surface water infrastructure would not be able to cope with additional flows.
- The doctor’s surgery is already at capacity.
- Object to the destruction of the tree line along with field’s boundary with the highway which has already taken place.
- Land is required for the expansion of the primary school.
- Request that should planning permission be granted that any Section 106 agreement includes a continuation of the footpath from Orchard Park, across the front of the development site and linking with the existing footpath in Broadway on land within the applicant’s ownership. With a further extension of the footpath from the primary school to provide a link with the footpath to Stoneway Road and down to Laugharne Town Square as a pedestrian link between the town and the development site.
- The submitted plans have no regard to a historic Public Right of Way (established prior 1835) and part of the route of the Laugharne Common Walk that has been recorded taking place every three years. The route of the right of way runs within the application site adjacent to the south west boundary, not indicated on the layout or any provision shown for it.
- The submitted plans indicate a route of an existing storm water drain and sewer not there are no such records with DCWW and there are no agreement for their adoption. The required connection to the main sewer crosses land within Third Party ownership (Laugharne Corporation) and the applicant has not had any discussion with the owner. There is no rights of passage and there is the risk that the property owner would not agree to such a passage.

Following the submission of amended plans to re-position the main access into the site, and the re-consultation process that was undertaken, further third party representations were received as follows:

A further letter from Laugharne Corporation has been received raising general support in relation to the request for a footpath to be created linking the site to the village of Broadway. However, they request confirmation of the extent of the footpath and details of the proposed boundary treatment and mitigation for any loss of vegetation/trees as a result of the creation of the footpath.

A further response from Laugharne Township Community Council confirms that upon review of the latest documentation on the application, including the Committee Report, that whilst the development will be required to provide contributions towards highways, affordable housing and education, they remain to consider that the full community benefits package previously agreed should be sought. The response also raised concerns over the additional traffic that would be utilising the Cwrt Wooford road, generated by the proposed 13 affordable units which are to be accessed from this road, given its proximity to the school and playground. The Council re-iterates the concern that the development would create a ghetto isolated from the rest of the site.

## **RELEVANT PLANNING HISTORY**

The application site has been the subject of extensive history both through the Unitary and Local Development Plan process and the planning application process.

### ***Unitary Development Plan (UDP)***

Representations were submitted at the time of the UDP to allocate the application site for residential development. During the course of the UDP process, it was sought to amend the representation to enable a land swap where the residential development would be located on the playing fields and the application site would become the playing fields. However, it was advised that the representation could not be changed and therefore the UDP was determined on the basis of the original representation as confirmed by the UDP Inspector's Report published in January 2006 (paragraph 19.065) which states:

*"The local planning authority recognised that, following much local discussion, the objectors' proposal had evolved since the objection was first made and it considered whether it could accept this alteration [the proposed land swap] to the duly made objection. It concluded however that the alteration would amount to a significant departure from the objection and that only the original objection had been duly made. In view of this the objectors accepted that the Inquiry was capable of considering only the original objection. I [the Inspector] have considered the case on this basis".*

As a result, the Inspector resolved not to allocate the application site for development and therefore the site remained to be located outside the development boundary of Laugharne. The playing fields were however allocated for Public Open Space to safeguard them.

### ***Planning Application W/09082***

A joint planning application between the landowners, Laugharne Athletic Club and Laugharne Corporation was submitted in January 2005 for "*Proposed Housing Development, Extension and Alterations to Recreation Field, Together with Laugharne Community Benefits at OS field Nos. 7050,7167,8873,8463 adjacent to Laugharne V C School*". This application included the application site with the proposed site layout plan that was approved referring to the adjacent playing fields and wider benefits and was submitted on the basis that despite being a departure from the then UDP, residential development of the application site could be considered acceptable on the grounds of a Community Benefits

Package that would outweigh the departure from the UDP. The Community Benefits Package was to be secured by way of a Section 106 Legal Agreement and included the elements referred to in the response from Laugharne Athletic Club detailed above. The site layout plan also included various alterations and improvements on the playing fields.

Given that the application site was not therefore allocated for development, any proposal for its development for residential purposes would have been a departure from the UDP. All planning applications must be considered in accordance with the policies of the Development Plan unless material considerations indicate otherwise. Following lengthy discussions, it was resolved that despite being located outside of the then UDP boundary, the community benefits that would accrue justified the granting of planning permission contrary to the UDP. Planning permission was duly granted in September 2008 subject to a Section 106 that secured these benefits. This planning permission was not implemented and thus expired (along with the related Section 106) in September 2013.

### ***Local Development Plan***

The presence of the planning permission (W/09082) was taken into account when assessing site suitability to meet the County's needs during the LDP preparation. A 2011 LDP Site Assessment report concluded that the site had extant planning permission and therefore was considered suitable for allocation. As Members are aware, the LDP process is inherently lengthy and by the time the Inspector published her binding report on 16 October 2014, the planning permission had already lapsed. However, the Inspector noted this in her report which states at paragraph 4.47 that:

*The planning permission for residential development on the allocated site on land adjacent to Laugharne School (T3/1/h2) has lapsed. However, there are no insurmountable obstacles to development and I see no reason why the site would not come forward during the Plan period.*

Therefore, whilst it is acknowledged that the site was initially put forward as a site for development in the LDP on the basis that it had extant planning permission, upon adoption in December 2014, it had expired yet the Inspector concluded that it remained acceptable for allocation without any specific requirements or conditions.

The application site is therefore allocated in the LDP for residential development of circa 42 dwellings.

### **THE SITE**

The application site comprises an agricultural field in an elevated position to the west of the historic centre of Laugharne. The site lies adjacent to the more recently developed parts of Laugharne (Orchard Park) and nearby Laugharne Primary School with the village of Broadway located approximately 150m to the south west. The site's north eastern boundary adjoins the Laugharne Playing fields and grounds of Laugharne Primary school, with its south eastern boundary wrapping around the existing Cwrt Wooford residential cul-de-sac and a residential property known as Mel Gwyn and fronting onto the A4066 for a distance of approximately 110m. The site's frontage was once delineated by trees and hedgerows however they have recently been removed and replaced with fencing. The south western boundary adjoins an agricultural field that was once strongly defined by a mature hedgerow and trees. The north western boundary adjoins a woodland area.

The application site falls gently from south east to north west with the woodland area to the north west beyond the site falling steeply down into a wooded valley. Access to the site is currently via an entrance from the A4066 next to the adjoining property known as Mel Gwyn. However, the Cwrt Wooford cul-de-sac turning head adjoins the site and would also provide access albeit this is currently fenced off with high security fencing.

The site is in close proximity to Laugharne Primary School which is located 120m to the north east with a playground area situated diagonally opposite the proposed entrance to the site with a range of play equipment.

The site falls within the settlement boundary for Laugharne and is allocated for residential development in the LDP. Despite this, the site is not within the Laugharne Conservation Area which concentrates on the town's historic core to the east and beyond, where there are several listed buildings and Laugharne Castle and Castle House (Scheduled Ancient Monument and Registered Historic Park and Garden). The entire site is located within the Taf and Tywi Estuary Outstanding Registered Historic Landscape and the Carmarthen Bay and Estuaries Special Landscape Area designation.

The Carmarthen Bay and Estuaries Special Area of Conservation and Taf Estuary Site of Special Scientific Interest lies approximately 500m to the east with its boundary following the shoreline of the estuary.

## **THE PROPOSAL**

This planning application seeks Outline Planning Permission for the erection of 42 no. residential dwellings, with Access and Layout to be considered now, with matters relating to detailed Landscaping, Scale (i.e. detailed size of dwellings) and Appearance (i.e. detailed design of the dwellings and wider site) reserved for future consideration.

The site would be accessed via a new improved access directly onto the A4066, and be arranged in a cul-de sac layout, with proposed properties fronting onto the proposed internal road. 6 no. plots would be located along the site's frontage with the A4066, with their rear elevations and rear gardens fronting onto the highway behind a proposed new hedgebank planted with native hedgerow species and extended pavement along the site's entire frontage with the A4066. A new hedgerow would be planted along the site's boundary with the playing fields to the north east, with the existing vegetation and hedgerow between the site and the property known as Mel-Gwyn and along the sites south western boundary with the adjoining agricultural land reinforced and supplemented.

Of the 42 no. dwellings, 13 no. dwellings would be affordable and following revisions to the scheme, these units would be accessed from the same principal access serving the development and dispersed in between open market dwellings. A pedestrian link between the site and Cwrt Wooford is now proposed to enable future residents to access the school and footpath down to Laugharne via Cwrt Wooford.

Whilst the detailed design of the properties would be considered at the reserved matters stage, maximum parameters for the dwellings have been included on the plans to including maximum ridge height of 10m, maximum eaves height of 6m, with a maximum width of 16.5m and maximum depth of 14m.



The application was supported by various reports including a Transport Statement, Archaeological Appraisal, Ecological Appraisal Report, Air Quality Assessment, Landscaping details and Drainage Strategy, that have been duly updated to reflect the revised scheme.

## **PLANNING POLICY**

This application has been considered against relevant policies of the Carmarthenshire Local Development Plan (Adopted December 2014) ('the LDP') and other relevant Welsh Government Guidance. The application is allocated for residential development in the LDP and therefore lies within the settlement of Laugharne which is classed as a Local Service Centre.

The following LDP policies are of key relevance to the proposal:

**Policy SP1 Sustainable Places and Spaces** stipulates that proposals for development will be supported where they reflect sustainable development and design principles by concentrating developments within defined settlements, making efficient use of previously developed land, ensuring developments positively integrate with the community and reflect local character and distinctiveness whilst creating safe, attractive and accessible environments that promote active transport infrastructure

**Policy SP3 Sustainable Distribution Settlement Framework** seeks to concentrate development in sustainable locations within existing defined settlements such as identified growth areas, service centres, local service centres and other defined sustainable communities. This policy is further supplemented by **Policy GP2 Development Limits**.

**Policy SP5 Housing** refers to the requirement for housing development within the County over the plan period and specifies that 13,352 units are allocated on land included within the LDP with the remaining requirement being delivered on site of less than 5 dwellings. **Policy H1 Housing Allocation** allocates land for residential development for the plan period to 2021. The application site is allocated for a residential development of 42 dwellings (reference T3/1/h2).

**Policy SP17 Infrastructure**, as supplemented by **Policy GP4 Infrastructure and New Development** states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

**Policy GP3 Planning Obligations** stipulates that the Council will, where necessary seek contributions towards improvements to infrastructure, community facilities and other services to meet requirements arising from new developments, including future and ongoing maintenance of such provision as necessary in compliance with the legislative requirements. Allied to this, **Policy AH1 Affordable Housing** states that a contribution towards affordable housing will be required on all housing allocations and windfall sites. The application site falls within the St Clears and Rural Hinterland sub-market area whereby a 30% proportion of affordable housing is sought for development proposals.

**Policy SP9 Transportation** promotes the provision of an efficient, effective, safe and sustainable integrated transport system while Policy SP13 requires that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets, and, where appropriate, their setting in accordance with national guidance and legislation.

**Policy TR3 Highways in Developments – Design Considerations** 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 EP3 Sustainable Drainage** requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

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

**Policy SP14 Protection and Enhancement of the Natural Environment** requires that development should reflect the need to protect, and wherever possible enhance the County's natural environment in accordance with national guidance and legislation.

**Policy EQ4 Biodiversity** 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 (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made. Furthermore, **Policy EQ5 Corridors, Networks and Features of Distinctiveness** seeks to ensure that existing ecological networks, including wildlife corridor networks are retained and appropriately managed.

**Policy EP2 Pollution** states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

**Policy SP16 Community Facilities** states that the LDP will support the provision of new facilities, including the protection and enhancement of existing facilities and that community contributions would be sought through planning obligations to mitigate the impacts of particular developments.

**Policy REC2 Open Space Provision and New Developments** requires that all new development of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards unless there is sufficient existing provision available.

**Policy SP13 Protection and Enhancement of the Built and Historic Environment** seeks to ensure that development proposals preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets and their setting.

Other Welsh Government Guidance of relevance include:

- Planning Policy Wales (9<sup>th</sup> Edition) November 2016

- Technical Advice Note 5 (TAN 5) - Nature Conservation and Planning (2009)
- Technical Advice Note 12 (TAN) 12: Design (2014)
- Technical Advice Note 18 (TAN) 18: Transport (2007)
- Technical Advice Note 24 (TAN) 24: The Historic Environment (2017)

## **PLANNING CONSIDERATIONS**

### **Principle of Development**

The application site is allocated in the LDP for residential development and therefore this proposal is considered acceptable in principle subject to adherence with other LDP policies and other material considerations.

However, Officers are mindful of the significant public feeling regarding this application and in particular the lack of a Section 106 agreement to secure a package of Community Benefits as previously agreed. As documented above, the planning history of the site is extensive, including its consideration for inclusion in the UDP and subsequently the LDP and the granting of a planning permission at the same time.

Whilst the site history may be taken into account and can comprise a material consideration to the determination of an application, this must be balanced against the policies of the current Development Plan and legislative position. The site is now allocated in the LDP and therefore, its development for residential development is considered acceptable in principle. It is acknowledged that the site was initially put forward for inclusion in the LDP as it had extant planning permission, however, that permission lapsed before the LDP was adopted. Had it been the case that the site would only have been considered acceptable on the grounds that the benefits would be secured, the Inspector could have made it a requirement when allocating the land. However, the Inspector comments that there were no insurmountable reasons not to allocate the land for residential development.

Furthermore, since the previous planning permission was granted, legislation regarding Section 106 agreements has changed considerably, with previous policy and guidance for S106 agreements now being a statutory requirement as introduced by the Community Infrastructure Levy Regulations 2010 placed limitations on the use of Section 106 Planning Obligations, and specifies in Section 122 that:

*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is —*

*(a) necessary to make the development acceptable in planning terms;*

*(b) directly related to the development; and*

*(c) fairly and reasonably related in scale and kind to the development.*

Requests from the community for the application to be the subject of the same Community Benefits, particularly the land ownership transfer of the playing fields to the Athletic Club as previously agreed must therefore be considered on the basis of the current policy and legislation.

On this basis, the land ownership transfer is not considered necessary to make the development acceptable in planning terms as the playing fields are not affected in any way

by the development. The applicant confirms in their statement that the playing fields remain to be rented at a nominal rate to the Athletic Club and there is no reason why this would end as a result of this development. The only connection between the application and the playing fields is that the applicant is the landowner. Landownership is not a matter for this application and Section 106 Planning Obligations cannot be used to rectify landownership matters which fall outside the planning remit. Therefore, officers consider that the sought after obligation would fail to meet tests (a) and (b). It appears that the community is relying on the planning system to resolve a long-standing landownership matter that is normally resolved through the civil legal process. It should be noted that the land was recently up for sale and had the land been purchased by a different owner then there would be no option for the community as the benefit being sought via the application can only be potentially realised as a result of the applicant being both the owner of the application site and the adjacent playing fields. It therefore falls that such a benefit would no longer meet with test (c) in that it is not fairly and reasonably related in scale and kind to the development.

Whilst Officers are sympathetic to the issues raised by Laugharne Athletic Club and wider community given the previous promises put forward to secure the ownership of the playing field, it is not considered that such requests can legally be requested now in light of current policy and legislation. It is not for the planning system to rectify civil landownership matters. The matters concerning landownership are therefore matters for the relevant parties to resolve through civil proceedings. It is also important to note that the existing playing fields are allocated for recreational use within the LDP and thus serves to protect them from future development for purposes other than recreation subject to Policy REC1 of the LDP.

However, a Section 106 Agreement will remain to be required that meets the above legislative tests. These include a contribution of £26,000 towards primary and secondary school education within the site's catchment area to meet with the additional demand for education provision directly from the development site; mechanisms to secure the provision of 13 of the dwellings for affordable housing purposes; and, highway improvements to include the provision of a footpath along the site's frontage and further along into the village of Broadway and a contribution towards highway improvements. The Authority's Parks Manager has not requested to date a commuted payment towards the provision or improvement of play or open space facilities in the local area. An update will be provided should this situation change ahead of the Planning Committee.

### **Impact upon character and appearance of the area, including historic assets**

Whilst located within the settlement boundary for Laugharne, given its elevated position the site is somewhat visually divorced from the historic core of Laugharne which centres around Laugharne Castle and the Grist. It is therefore not considered that the development site would have a significant impact upon the setting of the historic assets in Laugharne, including the Castle, Listed Buildings and Conservation Area.

However, the site lies adjacent to the more recent development of Orchard Park which itself is located in an elevated position with Laugharne Primary School and the Playing Fields located beyond. The site would be viewed as an extension to this area. However, development of the site would bring this area closer to the settlement of Broadway which at present is visually separated from Laugharne by existing agricultural fields. This site therefore needs to be carefully developed to avoid the feeling of coalescence with neighbouring Broadway. As such, the proposal to reinstate the hedgerow boundary along the highway is supported, as well as setting the residential dwellings back from the main road so that the transition between the settlement's edge and the countryside is softened.

The layout appears to provide relatively generous plot sizes for dwellings which reflect the neighbouring area whilst respecting the site's "edge of settlement" location.

It is therefore considered, subject to consideration of the details at the reserved matters stage, that the proposal would not have an unacceptable impact upon the character and appearance of the area nor upon the setting of nearby historic assets.

### **Impact on Residential Amenity**

The development site is located in proximity to existing residential properties and therefore has the potential to have an impact upon residential amenity, particularly upon the neighbouring property at Mel-Gwyn and houses along Cwrt Wooford. However, based upon the submitted revised layout, it is considered that adequate siting of the proposed dwellings can be achieved without having an unacceptable impact on existing amenity.

Concerns were originally expressed by some third parties concerning the impact of additional highway traffic utilising the existing cul-de-sac and the impact upon the amenity of the existing residents along Cwrt Wooford. This concern has now been addressed following the submitted revisions.

There will be short term impacts upon amenity associated with the construction of the site however it is considered that these can be adequately controlled by condition.

### **Impact on Highway Safety**

The proposal involves improving the existing site access onto the A4066, providing an extended pavement along the site's boundary with the A4066 and providing a pedestrian access from the application site into Cwrt Wooford. The supporting transport statement concludes that whilst the development could generate an additional 201 trips per day, the likely traffic impact of the proposed development can be satisfactorily accommodated on the surrounding highway network.

In response to the application, the Highway Authority initially raised concerns with the originally proposed location of the access due to its proximity to the existing junction. Consequently, the access, as now proposed, has been moved slightly further to the west to ensure that sufficient junction separation is achieved. The Highway Authority has confirmed that this revised location is acceptable and that sufficient visibility splays can be achieved. In addition, the Highway Authority has requested that on the basis of the increased pedestrians from the development site, that a footpath/pavement is created along the entire application site boundary with the A4066 partly within the ownership of the highway authority and the applicant as well as further along on land within the applicant's control to provide a pedestrian link between the application site and the village of Broadway further west. This request is considered essential having regard to the requirements placed on the Highway Authority under the Active Travel Wales Act 2013 which makes it necessary for Local Authorities in Wales to consider the needs of walkers and cyclists. Furthermore, the highway authority has also requested a contribution towards the installation of two driver feedback signs to further enforce the speed limit at this location in the interests of pedestrian safety.

It is considered that these requirements are directly related to the development and are of a reasonable scale and kind, proportionate to the proposed development and would inevitably improve highway safety for both pedestrians and users of the highway. The applicant has

confirmed that they would be willing to enter into a Section 106 agreement to secure these requirements.

### **Impact on Biodiversity**

The application is supported by an Ecological Appraisal report which concludes that the site has low ecological value but does provide foraging opportunities for badgers from the adjacent woodland. As such a suite of recommendations are provided, including locating any badger setts within the adjacent woodland area and providing the necessary mitigation measures to avoid impacts, retention of remaining hedge-banks for reptiles and strong recommendation for the reinstatement of the hedge-banks which have been removed. Given the site's proximity to the SAC and SSSI a Pollution Prevention Method Statement was also prepared and sets out measures which would be employed to ensure that any potential impacts upon the SAC/SSSI during construction are adequately managed and mitigated.

The Authority's Planning Ecologist has not raised any objections to the proposal subject to the imposition of conditions to require the submission of an Ecological Design Scheme for approval and adherence with the submitted Pollution Prevention Method Statement. In addition, the Planning Ecologist has completed a TLSE which concludes that there will be no likely significant effects on the Carmarthen Bay and Estuaries SAC features and their conservation objectives both alone or in combination provided that the proposal accords with the submitted Pollution Prevention Method Statement.

### **Impact on Landscaping & Trees**

Whilst the site was once characterised by mature hedgerows and vegetation along the site's boundary with the A4066, these were removed shortly before the application was submitted. However, as indicated on the submitted Landscape Concept Plan and subsequent landscape details, plans include the reintroduction of a native hedgerow along this boundary which is welcomed. In general, the Landscape details are considered acceptable and allows potential to soften the impact of the development on the wider area and assist with the visual transition between the main built up area of Laugharne and the adjoining countryside. It is considered important to ensure that this is achieved to avoid the sense of coalescence with neighbouring Broadway and that adequate management and maintenance of the landscape is secured. Any subsequent reserved matters applications would need to be submitted in accordance with the overall concept set out in the submitted landscaping plan.

### **Drainage**

As recognised by the response from DCWW above, there is currently no capacity for additional flows within the Wastewater Treatment Works (WwTW) at Laugharne. However, improvements to the WwTW are earmarked for completion by 31 March 2019 and therefore, on this occasion, it is considered reasonable to impose a condition that specifies that none of the proposed dwellings shall be occupied prior to 31 March 2019. Should the works be completed prior to this date, then dwellings could be occupied provided that written confirmation from the Local Planning Authority (in consultation with DCWW) is received.

The application is supported by an initial drainage strategy which indicates preferred options and connection points. Whilst it is noted that concerns have been raised by neighbouring landowners concerning the location of existing connection points, and the need for agreement to be reached between parties, this is a matter for consideration and discussion

between the relevant parties. Further detailed information will be required once the full details of the scheme are known and as such a condition requesting the submission of such details is recommended.

## **Archaeology**

An archaeological appraisal of the site by the applicants conclude that no designated archaeological sites would be either directly or visually affected by the proposed development. Historical data indicates that the land has remained as open fields throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries and as such it is suggested that there is a low-medium possibility of archaeology to be encountered on the site. However, this would need to be confirmed by way of a geophysical survey to confirm presence either way and duly inform any required mitigation measures. In response to the submitted report, Dyfed Archaeological Trust have confirmed that given the low-medium potential, it is considered acceptable on this occasion to impose a condition for works to be carried out in accordance with a Written Scheme of Investigation to be approved prior to the commencement of any development.

## **Response to third party representations**

The majority of issues raised by third parties have been addressed in the above report. A number of objections appeared to suggest that the development would lead to the loss of the playing fields. This is not the case in that the application site does not directly impact upon the playing fields. It is only assumed that these objections relate to the perceived impact upon the playing fields due to the lack of a community benefits package as previously agreed. As referred to above, this largely relates to a landownership matter which is not a matter for the planning system to resolve.

Concerns regarding references towards further development to the west are noted however, the development for determination solely relates to the application site area. Any proposal for further development to the west would have to be the subject of planning permission and consideration against the policies and legislative position at that time.

Laugharne Corporation refer to the presence of a longstanding historic public right of way across the land. However, no such right of way is registered on the Definitive Map and therefore whilst there may be a permissive right of way across the land, this again relates to a landownership matter. In response to the comments regarding the need for further information on the proposed footpath between the site and Broadway, Officers confirm that the full details of the proposed footpath will be the subject of a Section 278 Highway agreement to be secured through the Section 106 agreement. The footpath would extend from the front of the application site along the frontage of the neighbouring field and up to the first property when entering Broadway, known as Wooford House. The land required for the footpath is either within the applicant's control or the highway authority. Full details of the proposed footpath, including boundary treatments, will be required prior to the submission of the reserved matters application in order to ensure that the final details of the footpath can be incorporated into the detailed stage reserved matters application. This requirement can be secured through the Section 106 agreement. Nevertheless, as stated on the proposed landscaping plan there is a clear statement confirming that boundary vegetation along the site's frontage with the highway/footpath would be reinstated.

Concerns regarding the availability and affordability of the affordable homes are noted. The provision of the affordable units would be the subject of a Section 106 Legal Agreement which will impose clauses to ensure that only qualifying persons who are in need of housing

will be able to reside in the properties and that they will be for affordable housing purposes only. The Head of Housing has confirmed that the demand in Laugharne would be for 2 and/or 3 bed low cost home ownership units. Concerns raised in relation to the siting of the affordable units has now been addressed, with units being more dispersed within the site and accessed from the same access point albeit with a pedestrian access into Cwrt Wooford.

## **CONCLUSION**

After careful consideration of the scheme as submitted, and having regard to the site's planning history and the current planning policy and legislative position, on balance the proposal is considered acceptable. The objections referring to the lack of a Community Benefits Package, as previously agreed, have been considered, however, it is not considered that such a package would meet with the required statutory tests now in place and such requirements were not a definitive pre-requisite for the site's allocation for residential development within the LDP.

The submitted information indicates that the site is capable of being developed without having an unacceptable impact upon the character and appearance of the area, setting of nearby historic assets and residential amenity. The site would be served by a suitable access and traffic generated by the development would not have an adverse effect on highway safety subject to contributions towards highway improvements for new signage and the provision of a new footpath/pavement along the A4066. The development would not have an unacceptable impact upon protected species and nearby designated sites and sufficient safeguards are in place to mitigate against any impacts upon archaeological assets. The submitted information indicates that there are appropriate drainage options for the site and safeguards are imposed to ensure that the development would not overload the existing wastewater treatment works. The applicant/developer has confirmed that they are willing to contribute towards education and highway improvements in the area along with the provision of affordable housing secured through a planning obligation that meets the required statutory tests.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
  - a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2 Development shall not commence until detailed plans of appearance; landscaping; and scale of each building stated in the application have been submitted to and agreed in writing by the Local Planning Authority.



- 3 The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:
- 1:2500 scale Location Plan (LP-01) received 25 April 2017
  - 1:500 scale Site Layout Plan and Scale Parameters (696/01C) received 23 March 2018
  - 1:500 scale Proposed Drainage Strategy Plan (C-SK01C) received 23 March 2018
  - 1:500 scale Proposed Landscape Concept (RS044-01-0) received 23 March 2018
  - 1:250 scale Site Sections (696/02B) received 23 March 2018
  - Pollution Management Plan prepared by Sauro Architectural Design dated 7 May 2017
  - Air Quality Assessment (Section 7) by WYG dated March 2017
  - Ecological Appraisal Report (Section 5 – Recommendations and Conclusions) by I & G Ecological Consulting dated February 2017
  - Archaeological Appraisal (Section 5) by Archaeology Wales dated April 2017
  - Transport Statement by LvW received 23 March 2018
- 4 Any reserved matters application shall include a Detailed Landscaping Design Scheme that accords with the Proposed Landscape Masterplan (drawing RS044-01-01) for written approval. The approved scheme shall be fully implemented in the first planting season following commencement of the development. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within a period of 5 years after implementation (with the exception of the new hedgerow along the A4066 which shall be retained in perpetuity) 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.
- 5 Cross sections taken through the site detailing the finished floor levels of the proposed dwellings in relation to the existing ground levels of the site and adjacent properties shall be submitted as part of any reserved matters application. The development shall be carried out in accordance with the approved details.
- 6 No dwelling(s), hereby approved, shall be occupied earlier than 31 March 2019, unless the upgrading of the Laugharne Wastewater Treatment Works has been completed and written confirmation of the completion of works from the Local Planning Authority is received prior to the occupation of any dwelling(s).
- 7 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water,

surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

- 8 No development shall take place until a scheme for the control of noise and dust has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the guidance found in the BS5228: Noise Vibration and Control on Construction and Open Sites. The development shall be carried out in accordance with the approved scheme.
- 9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The written scheme of investigation shall be undertaken by a qualified archaeological contractor and shall include details on how the developer intends to mitigate against any adverse effects on the historic environment and shall include a phased archaeological investigation commencing with a geophysics survey of the site. The development shall be carried out in accordance with the approved scheme.
10. No development or site clearance shall take place until an appropriate and comprehensive Ecological Design Scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions. The scheme shall be in compliance with the principles of the landscape and ecological information submitted with the following approved application documents section 5 of the Ecological Appraisal Report by I & G Ecological Consulting dated February 2017 and relevant guidance as provided by the Local Planning Authority.
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 8.0 metre kerbed radii at the junction with the A4066 road.
12. There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole A4066 road frontage within 2.4 metres of the near edge of carriageway.
13. There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole estate road frontages within 2.0 metres of the near edge of carriageway.
14. Prior to any use of the new 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 the A4066 carriageway. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
15. A scheme of parking and turning facilities shall be provided as part of any reserved matters submission. The approved scheme shall be fully implemented prior to any part of the development the subject of that reserved matters submission being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In

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

16. Prior to the 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.
17. Prior to any use of the estate road serving plots nos.2-13 by vehicular traffic, a visibility splay of 2.0 metres x 25 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 the main estate road carriageway. In particular there shall at no time be any growth or obstruction over 0.6m within this splay area.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To clarify the nature of the remaining details that must be submitted for approval prior to the commencement of any works.
- 3 For the avoidance of doubt as to the extent of this permission.
- 4-5 In the interests of visual amenity and to safeguard an appropriate visual transition between the site and the neighbouring countryside.
- 6-7 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.
- 8 To ensure that the amenity of local residents/businesses is adequately protected from dust during construction.
- 9 To protect historic environment interests whilst enabling development.
- 10 In the interests of biodiversity.
- 11-17 In the interests of highway safety.

## **NOTES**

- 1 The applicant/developer is advised that this consent is subject to a legal agreement with the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. This agreement includes the provision of affordable housing as part of the development and financial contributions towards education and highway improvements.
- 2 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the

approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

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