

*Ardal  
Gorllewin/  
Area West*

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR AMGYLCHEDD**

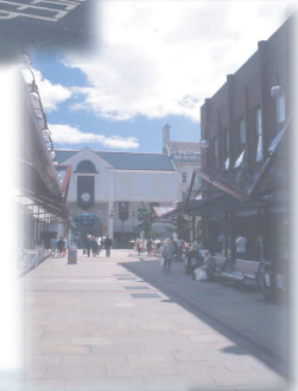
**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN/**

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

**AR 15 MAI 2018  
ON 15 MAY 2018**

**I'W BENDERFYNU/  
FOR DECISION**



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yn rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

|                   |                           |
|-------------------|---------------------------|
| <b>COMMITTEE:</b> | <b>PLANNING COMMITTEE</b> |
| <b>DATE:</b>      | <b>15 MAY 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/35903</b> |
|-----------------------|----------------|

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

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

## CONSULTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

The AQA concludes that the development will have a negligible impact on air quality within the vicinity and in relation to the Carmarthen Air Quality Management Area, the boundary of which lies about 350m of the proposed development. The Assessment offers mitigation by way of a Travel Plan for the site along with connecting in to local footpaths to enable active travel. The developer is also advised to consider to the provision of infrastructure to allow installation of electric vehicle charging points in the future.

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

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

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

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

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

They do not feel they have sufficient information to provide any comments on this application.

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

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

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

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

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

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

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

**Public Rights of Way** – has responded making reference to public footpath 61/18, which crosses the site. The proposed development will obstruct the definitive line of public footpath 61/18 on its present alignment. The Indicative Site Layout plan acknowledges the existence of footpath 61/18 and suggests re-routing. A public footpath Diversion Order will be necessary to change the route of the path. Public paths can only be diverted or closed by legal order; the proposed alteration to the alignment of 61/18 will require an application to divert a public footpath under section 257 of the Town and Country Planning Act (1990).



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

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

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

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

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

- Certain areas should be limited to single storey only to be in keeping with the adjacent properties.
- New boundary treatments changing rural character of the area.
- Loss of a rural area of the town/rural walk which provides amenity for local residents leading to negative impacts on the health and well-being of nearby residents.
- Impact of the development on the adjacent Conservation Area.
- Query whether the site is partly within a Conservation Area.
- Damage to the natural environment.
- Abundance of wildlife on the site.
- Wildlife affected by works at the site prior to the ecology report and impacted on the results of the survey.
- Loss of habitat leading to isolation of remaining species.
- Concern over works to the site previously in terms of it being cleared and impacts on flora and fauna.
- Request for new ecological survey to be carried out.
- Those carrying out the ecology survey did not speak to nearby residents.
- Query how trees/hedgerows will be protected if development proceeds.
- Removal and works to trees having already taken place – concern over possible loss in terms of visual amenity and on wildlife.
- NRW have requested a bat survey of the trees.
- Query over protection of the existing trees and impacts from construction works.
- Parts of the site cross land outside the applicant ownership.
- Understand the need for housing query of need for a development of this size, given current development already under construction in the town.
- Impact on local infrastructure would be quite significant including impacts on local schools, doctors surgeries, local hospital, parking etc.
- Impact on Welsh language education in the area due to current limited primary provision.
- Query over whether the public right of way is to be retained and managed.
- The Right of Ways is a “promoted route” and would be lost.
- Development will affect the view and character of the footpath.
- New route between properties would create a narrow path and encourage anti-social behaviour.
- Current water supply not sufficient.
- Issues regarding drainage from sewers and the road at present and would be worsened.
- Lack of capacity in the local sewer network.
- Underground springs on Springfield Road causes damage to the road surface.
- Increase in rubbish collections unworkable.
- Possible unauthorised accesses being created for certain plots.
- Reference to refusal of smaller development due to impact on the character of the area and loss of greenfield area (TMT/02737 and TMT/02738) in 2003. Same reasons apply to this development.
- Contrary to the Human Rights Act in relation to enjoyment of possessions and private/family life.
- Archaeological impacts – further information needed to inform the application.
- Concern that due to the slope of the site and the site will not be suitable for disabled access and comparison with similar areas.
- Inaccuracies within the application details.
- Query over changes to the application since submission.
- Reference to planning permission for 4 dwellings off Capel Evan Road.

## RELEVANT PLANNING HISTORY

TMT/02738 Outline planning for 2 houses  
Outline Refused

09 January 2003

TMT/02737 2 no detached houses

|          |  |                 |
|----------|--|-----------------|
|          | Full Refused                               | 09 January 2003 |
| D4/15735 | Electricity supply<br>Full Granted         | 14 April 1988   |
| D4/15463 | Electricity supply<br>Full Granted         | 13 January 1988 |
| D4/11802 | Siting of two dwellings<br>Outline Refused | 23 July 1984    |

## **THE SITE**

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

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

## **THE PROPOSAL**

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

The application has provided an indicative layout of 29 properties. The site would be accessed off Lluet y Bryn to the south of the site. A new cul-de-sac leading north and then turning east is shown. The details provided show a mix of bungalows and 2 storey properties across the site. The properties are shown to be mainly detached with some semi-detached properties also included. Scale parameters of the dwellings have been provided with ridge heights being 5-7m and 6-8m for the bungalows and the 2 storey dwellings being between 8-10m. Indicative cross sections of the site have also been provided and indicative levels. Details have been provided including a tree survey indicating that mature trees and hedgerows would be protected.

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

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

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

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

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

- Clearance of dense/woody vegetation within the site outside of the bird breeding season;
- Installation of reptile barrier fencing around the site;
- A programme of trapping and relocation of reptiles from within the site and site boundaries
- Vegetation clearance within the site carried out using methods which minimize risk of harm to reptiles, and which facilitate their capture during the trapping programme;
- Habitat enhancement of a suitable 'receptor site' to which the captured reptiles shall be taken and released (located at the National Botanic Gardens, Carmarthenshire).
- Ongoing management of the 'receptor site' for reptile conservation, and monitoring of the relocated reptile population over 2 years.

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

## **PLANNING POLICY**

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

This policy states that proposals for development will be supported where they reflect sustainable development and design subject to a number of criteria. These include distributing development to sustainable locations in accordance with the settlement

framework, promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling and Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness

### **Policy SP9 Transportation.**

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

### **Policy SP6 Affordable Housing**

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

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

This states that development proposals will be permitted where they accord with a number of criteria including the following, it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing, utilises materials appropriate to the area within which it is located; it retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity; an appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality.

### **Policy H1 Housing Allocations**

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

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

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

The notes of the policy go on to state cycling and walking have a significant role in achieving the delivery of sustainable transportation. This may be achieved through such measures as safe and convenient cycle routes and footpaths, new improved routes, utilising the design

process for new developments to ensure that the needs of those walking and cycling are considered. The design and layout of new developments should have regard to the needs of walking and cycling including where possible, access to routes and networks. Regard will be had to the provisions of WG's Safe Routes in Communities Programme in relation to the consideration and development of local walking and cycling routes. The initiative focuses on developing safe walking and cycling routes within communities, linking to schools and other key facilities. Reference should be made to the Rights of Way Improvement Plan (RoWIP) for Carmarthenshire, and the interrelationship of the Plan area's footpaths, bridleways and bye-ways and linked leisure opportunities.

### **Policy SP5 Housing**

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

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

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

### **Policy EP3 Sustainable Drainage**

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

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

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

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

This policy states that the design and layout of all development proposals will, where appropriate, be required to include an integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport; suitable provision for access by public transport; appropriate parking and where applicable, servicing space in accordance with required standards; infrastructure and spaces allowing safe and easy access for those with mobility difficulties; required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced;

provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

It goes on to state that proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

### **SP17 Infrastructure**

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

### **Policy GP2 Development Limits**

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

### **Policy GP3 Planning Obligations**

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

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

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

## **Policy SP9 Transportation**

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

## **SP6 Affordable Housing**

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

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

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

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

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

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

## **Policy AH1 Affordable Housing**

For developments of this scale the policy states that a contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford / Cross Hands sub-market areas. Where viability at the target levels cannot be achieved, variation may be agreed on a case-by-case basis.

On Site Contributions



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

### **SP18 The Welsh Language**

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

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

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

### **EQ4 Biodiversity**

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

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

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

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

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

## **NEIGHBOUR/PUBLIC REPRESENTATIONS**

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

### **Highways Impacts**

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

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

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

Reference is made to a number of existing issues including parking, footways, road capacity and width. The Head of Transport has not raised any objections to the proposal. A number of conditions have been recommended with any approval. He has not requested any further information. Conditions refer to footways being provided within the site. They also request conditions to provide two tactile crossing points. These are to link both footways adjacent to the Lluest-y-Bryn road near its junction with Capel Evan road and also connecting both footways adjacent to Capel Evan Road, north of its junction with Belvedere Avenue. Therefore there will be improvements to the linkages to the wider area. The application is in outline form and the site shares a boundary with Lluest y Bryn and Springfield Road. Given the layout of the road network and lack of pedestrian footways it is not felt that access on to Springfield Road would be appropriate. This would also lead to more significant works to the boundary landscape features.

## **Amenity Impacts**

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

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

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

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

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

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

Objectors raised the cumulative impacts of residential developments in the Carmarthen area affecting the appearance of the area and loss of green areas. The site is currently a field and the site is visible in the wider landscape however it is allocated for residential development in the LDP. There will clearly be an impact on the character and appearance of the site due to the development. The suitability of this and any other allocation for development would have been considered as part of the LDP process. There is a need to provide housing and the site is located amongst other residential streets within the development limits of Carmarthen.

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

and based on the surrounding area the density of development is not considered to be out of character with the area.

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

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

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

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

## **Ecological and Landscape Impacts**

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

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

The ecology details provided have indicated that there are certain species on the site. The Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal concluded that

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

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

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

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

- Clearance of dense/woody vegetation within the site outside of the bird breeding season;
- Installation of reptile barrier fencing around the site;
- A programme of trapping and relocation of reptiles from within the site and site boundaries
- Vegetation clearance within the site carried out using methods which minimise risk of harm to reptiles, and which facilitate their capture during the trapping programme;
- Habitat enhancement of a suitable 'receptor site' to which the captured reptiles shall be taken and released (located at the National Botanic Gardens, Carmarthenshire).
- Ongoing management of the 'receptor site' for reptile conservation, and monitoring of the relocated reptile population over 2 years.

The proposal therefore addresses the ecological impacts that have been raised. Other information would be provided as part of the reserved matters submission were this outline application to be approved. The Authority's Planning Ecologist has responded to the proposal, including the mitigation now suggested, raising no objection to the application. He has recommended the imposition of conditions relating to compliance with the mitigation strategy, that the vegetation clearance and reptile mitigation strategy be undertaken under the supervision of a suitably qualified ecologist and that a Tree and Hedgerow Protection Plan and Arboricultural Method Statement be provided. It is considered that the provision of the tree and hedgerow details are needed as part of the reserved matters as they would be

an important consideration of the layout and design of the scheme. As the mitigation includes off site works at the National Botanic Gardens this element will also need to be secured as part of the Section 106 Agreement.

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

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

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

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

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

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

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

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

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

### **Other Matters**

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

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

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

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

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

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

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

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

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

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

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

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



## **CONCLUSION**

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

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 2 The permission now granted relates to the land defined by the 1:1250 scale plan received on 27<sup>th</sup> June 2017.
- 3 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
  - a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the Local Planning Authority.
- 5 No development shall take place until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local planning authority. This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved.

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

- 13 The gradient of the vehicular access serving the development shall not exceed 1 in 20 for the first 10m metres from the edge of the carriageway.
- 14 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole estate road frontage within 2.0 metres of the near edge of the carriageway.
- 15 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 16 Prior to the commencement of any part of the development herewith approved, two tactile crossing points shall be provided (a) linking both footways adjacent to the Llust-y-Bryn road near its junction with Capel Evan road (b) connecting both footways adjacent to Capel Evan Road, north of its junction with Belvedere Avenue. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority Highways.
- 17 There shall be no vehicular access to the site from Springfield Road.
- 18 Any reserved matters application for 'landscaping' or 'layout', shall include an appropriate and comprehensive Detailed Landscape Design Scheme, to be submitted and approved in writing by the Local Planning Authority. The scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions; and shall be in compliance with relevant guidance as provided by the Local Planning Authority.
- 19 The Detailed Landscape Design Scheme as submitted to discharge condition 18 shall be fully implemented in the first available planting and seeding seasons following commencement of development.

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

- 20 No development or site clearance shall take place until appropriate and comprehensive landscape maintenance and management information has been submitted to and approved in writing by the Local Planning Authority. The information shall include the following:
  - Landscape Maintenance and Management Responsibility Plan;
  - Plans, specifications and schedules to cover establishment and long term proposals for landscape maintenance and management.

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

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

- 21 Prior to the determination of any application for reserved matters seeking approval of 'layout', 'landscaping' or 'access'; no trees with trunk/stem diameter exceeding 100 mm, measured at a height of 1.5 metres above ground level, which are located within or on the site boundary shall be cut down, up-rooted, destroyed, topped, lopped or pruned without the prior written approval of the Local Planning Authority. Following such approval or determination of an application for the hereby specified reserved matters, all approved works are to be carried out in accordance with BS3998.
- 22 All site operations shall be undertaken in compliance with the approved arboricultural information, as submitted to discharge condition 12. Any construction operations and/or access within the construction exclusion zone defined within the Tree Protection Plan (TPP) shall be limited to those undertaken in compliance with the recommendations of BS5837. The approved TPP shall be fully implemented, prior to the commencement of any works associated with the development; and thereafter shall be maintained in its entirety, throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.
- 23 Prior to the commencement of any works associated with the development, an earthworks plan, including cross sectional and levels information shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include sufficient detail to enable assessment of proposed levels in relation to existing trees and other landscape elements identified for retention. Development shall be carried out in accordance with the approved plans.

## **REASONS**

- 1 This application is in outline.
- 2 For the avoidance of doubt.
- 3 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 4 In the interest of visual amenity.
- 5 To protect historic environment interests whilst enabling development.
- 6-7 To ensure that the amenity of local residents/businesses is adequately protected during demolition/construction.
- 8 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 9 In order to mitigate against impacts in terms of air quality.
- 10-12 To ensure appropriate protection or and compensation for impacts upon species and their habitats.
- 13-17 In the interest of highway safety.
- 12,
- 18-23 To ensure that the development, respects and reflects, and protects and enhances, the landscape; local character and distinctiveness; and the biodiversity value of the area and, integrates nature conservation and retains, incorporates, and makes provision for the appropriate management of, existing landscape and important local features which contribute to local qualities and distinctiveness

## REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposed development complies with Policy H1, AH1, GP1, GP2, GP3, GP4, SP17, TR3, SP9, SP6, SP13, SP14, SP5, TR4, EP3, EQ1, EQ4, EQ5, SP18, REC2 and SP1 of the adopted Local Development Plan in that the proposal provides a contribution towards affordable housing and education **along with public open space** in line with the policy requirements (subject to viability). Their affordability is to be secure through a legal agreement and there is a need for the housing this type in the area has been identified. Subject to conditions imposed and further details being provided at the reserved matters stage it is not considered there are significant impacts to highway safety or traffic generation. Further measures for pedestrian linkages are secured through conditions. Subject to conditions it is considered that appropriate surface water drainage can be achieved and further details will be required as part of any reserved matters submission. The site is not located in a flood zone and the proposal would not lead to concerns over the public sewer capacity. Further details at reserved matters stage would confirm the methods of drainage. The development provides appropriate connectivity and permeability to allow easy pedestrian access to and from the site and surrounding facilities and the reserved matters scheme would need to provide details of impacts on the route of the Public Right of Way crossing the site. Subject to conditions and a legal agreement there are no significant concerns regarding the developments impact on ecology or landscape features. Further details of landscape features and their protection are covered by conditions. The proposal includes a scheme of mitigation for slow-worms with them being moved to an alternative site. The site consists of land allocated for residential development in the LDP located among other areas of residential development in a sustainable location in a Growth Area as identified in the LDP. Subject to conditions imposed and details to be provided at the reserved matters stage it is felt that impacts on amenity of residents of existing properties can be addressed along with provision of suitable amenity for the proposed dwellings. Subject to the reserved matters submission it is not felt that the principle of development at the site would be harmful to the character of the adjacent Conservation Area.

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

## NOTES

- 1 The applicant is advised that this planning permission is subject to the applicant/developer first entering in to a Section 106 Agreement for a contribution towards community benefits in relation to:

- provision of 30% of the units at the site are affordable housing
- financial contribution towards Education in accordance with the formula given in the Planning Obligations SPG

The agreement will also include securing the provision of:

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

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

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

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

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

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



|                       |                |
|-----------------------|----------------|
| <b>Application No</b> | <b>W/36577</b> |
|-----------------------|----------------|

|                                |  |
|--------------------------------|--|
| <b>Application Type</b>        | Variation of Planning Condition(s)   |
| <b>Proposal &amp; Location</b> | VARIATION OF CONDITION 2 OF PLANNING PERMISSION W/30595 (EXTENSION OF TIME IN WHICH TO SUBMIT RESERVED MATTERS) AT LAND AT CAE GLAS, ST CLEARS, CARMARTHEN, SA33 4EY |

|                           |   |
|---------------------------|---|
| <b>Applicant(s)</b>       | MRS ROSEMARY EVANS, BRYNHEULOG, HIGH STREET, CARMARTHEN, SA33 4DY   |
| <b>Agent</b>              | ASBRI PLANNING - MR MATTHEW GRAY, SUITE 4 THE J SHED, SA1 SWANSEA WATERFRONT, ST THOMAS, SWANSEA, SA1 8BJ |
| <b>Case Officer</b>       | Stuart Willis   |
| <b>Ward</b>               | St Clears   |
| <b>Date of validation</b> | 05/02/2018  |

## CONSULTATIONS

**St Clears Town Council** – Has not commented to date.

**Local Member** - County Councillor P M Hughes has stated that he supports the application and requested the application be presented to the Planning Committee if recommended for refusal.

**Dwr Cymru/Welsh Water** – Has responded raising no objections to the proposal.

**Neighbours/Public** - The application has been publicised by the posting of Site Notices at/near the application site. Seven representations have been received from each of the five existing dwellings along Cae Glas and the former owner of one of the houses who has retained ownership of part of the estate road. The grounds of objection refer to one or more of the following:-

- the accuracy/content of the notice required to be served on third party landowners;
- the required notice has not been served on all third party landowners;
- the accuracy/content of the application form;
- information not correctly shown on the Authority's website;
- question whether there have been material changes including planning policy, traffic and pedestrian activities since the previous permissions;



- highway/pedestrian safety issues regarding narrow width of and lack of footway along Heol Goi; junction of Heol Goi with High Street; on road parking; the suitability of the access off Cae Glas;
- concern over location of turning head in relation to safety and pipes;
- the delay in commencing the development is unreasonable and the cause of mental anguish to residents;
- comment that landowner is not capable of delivering development on the site;
- as third party landowners they will not give the applicant consent to build.

## RELEVANT PLANNING HISTORY

The following relevant planning applications have been previously submitted on the application site:-

|         |   |                                  |
|---------|---|----------------------------------|
| W/30595 | Variation of condition 2 on planning permission W/21657 (to extend by 3 years the time allowed to submit the reserved matters)<br>Variation of Planning Condition granted | 11 September 2014                |
| W/21657 | Five family dwellings<br>Outline planning refused<br>Appeal upheld  | 06 July 2011<br>10 February 2012 |
| W/19792 | Five family dwellings<br>Withdrawn  | 22 January 2009                  |
| D4/4811 | Certificate of alternative development  | 04 October 1978                  |

## APPRAISAL

### THE SITE

The application site is the western portion of a field located to the east of a street of dwellings known as Cae Glas at St Clears and includes the private road serving these houses. The site is located to the south of the A40 Trunk Road and has the remainder of the larger field to the east. To the south of the application site, beyond the timber post and rail fence is a strip of land that is apparently in third party ownership, beyond which is a highway known as Heol Goi. The site is currently under grass and is fairly level and has a post and rail fence to the north and south boundaries with a post and wire fence to the west. The eastern boundary of the site is notional as it is not delineated on the ground.

Access to the site is intended to be via Cae Glas and Heol Goi and to that end an area of highway verge was included within the previous application site, along the northern side of Heol Goi to provide a pedestrian footpath.

A further area of land within the highway verge to the south of Heol Goi had also been included within the initial application site (W/21657) to allow for the provision of a passing place. Although that initial application was refused by the Authority due to issues relating to the public sewer, access and impact on the highways network, the decision was appealed and the Inspector upheld the appeal and issued outline planning permission.

A variation of condition was approved under application reference W/30595 at Planning Committee to extend the time period for the submission of reserved matters by a further 3 years. That took the time to submit the reserved matters for 10th February 2018. Commencement of the development was consequently amended to be 6 years from the date of the original permission or 2 years from the date of the last reserved matters being approved.

The application site is located within development limits and forms part of a residential allocation T2/5/h5.

## **THE PROPOSAL**

The application seeks to vary condition 2 of W/30595, that relates to the time period for the submission of reserved matters and commencement of the development.

The existing condition requires reserved matters to be submitted by 10<sup>th</sup> February 2018 and commencement 2 years after the approval of these matters.

When this variation of condition application was originally submitted it sought to extend the period of time to submit the reserved matters to 9 years from the first planning permission – from 10th February 2012 to 10th February 2021. That would have essentially renewed the application and sought to extend the overall time period of the application.

The application now however seeks only to vary condition 2 to allow an additional year to submit the reserved matters. Therefore, looking to submit the reserved matters by 10th February 2019. The overall time period for the permission to be implemented is no longer to be amended.

The additional one year to submit the reserved matters is at the expense of the two years to commence the development after reserved matters approval. Having due regard to the fact that the initial time period has been previously extended in W/30595, the submission now seeks to amend the condition to ask for reserved matters to be submitted seven years from the first permission (10th February 2019) and commencement to be within one year following reserved matters approval.

## **PLANNING POLICY**

The site is located within the defined settlement limits for St Clears in the Carmarthenshire Local Development Plan. The site also forms part of the allocation for residential development under site reference T2/5/h5. The indicative allocated numbers of dwelling units for this allocation is 40.

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

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

### **Policy SP9 Transportation**

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

#### SP17 Infrastructure

Development will be directed to locations where adequate and appropriate infrastructure is available or can be readily provided. The LDP therefore supports the economic provision of infrastructure by allocating sites in identified settlements and in accordance with the Settlement Framework.

Renewable energy generation and associated utility connections will be encouraged, in appropriate locations, subject to other Plan policies.

Proposals for ancillary developments to the utilities infrastructure will be permitted where:

- a) they have regard to their setting;
- b) incorporate landscaping;
- c) do not conflict with the areas built, historic, cultural and nature conservation and landscape qualities. (Policy SP13 and SP14)

Planning Obligations relating to developer contributions towards necessary infrastructure improvements may be sought subject to policy GP3.

#### Policy GP1 Sustainability and High Quality Design

This policy states that development proposals will be permitted where they accord with various criteria. This includes where 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, it incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridge, it utilises materials appropriate to the area within which it is located, it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community, includes an integrated mixture of uses appropriate to the scale of the development, 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, it achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement), 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, it protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment, it ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water, it has regard to the generation, treatment and disposal of waste, it has regard for the safe, effective and efficient use of the transportation network, it

provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all and it includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 4 and TAN12: Design and Planning Policy Wales 2010).

### Policy GP3 Planning Obligations

The Council will, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new developments.

Where applicable, contributions will also be sought towards the future and ongoing maintenance of such provision either in the form of initial support or in perpetuity.

In implementing this policy schemes will be assessed on a case-by-case basis.

### Policy GP4 Infrastructure and New Development

Proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development.

Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by (or an appropriate contribution is provided by) the developer.

Planning obligations and conditions will be used (where appropriate) to ensure that new or improved facilities are provided to serve the new development.

### Policy H1 Housing Allocations

Land has been allocated for residential development for the plan period 2006 – 2021 at those locations as set out below and as depicted on the Proposals Map.

Proposals for the residential development of allocated housing sites submitted in the form of a Full Planning application or as a Reserved Matters application should be accompanied by a layout of the proposal in its entirety to ensure the site is developed to its full potential.

### Policy AH1 Affordable Housing

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

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

### On Site Contributions

The affordable housing will be required to be provided on proposals of 5 or more dwellings in all settlements.

Where adjacent and related residential proposals result in combined numbers meeting or exceeding the above threshold, the Council will seek an element of affordable housing based on the affordable housing target percentages set out above.

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

### Commuted Sums

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

### Policy TR3 Highways in Developments - Design Considerations

This policy states that the design and layout of all development proposals will, where appropriate, be required to include an integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport; suitable provision for access by public transport; appropriate parking and where applicable, servicing space in accordance with required standards; infrastructure and spaces allowing safe and easy access for those with mobility difficulties; required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced; provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

It goes on to state that proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

### **THIRD PARTY REPRESENTATIONS**

Turning to the adverse third party representations received to date.

Concerns were raised over the content of the submission. This included the application form, associated details and the formal notice required to be served on other landowners. In this particular instance the residents along Cae Glas each own a part of the estate roadway that is included within the application site as it shall facilitate access from the public highway (Heol Goi) to the proposed development.

While it is acknowledged that the application form includes errors such as incorrectly stating the site cannot be seen from a public highway, when it is clearly visible from Heol Goi, it is not felt though that any such errors have affected the assessment of the application.

A key thread in the objection is the matter of land ownership. Having requested clarification over the land ownership the applicant subsequently acknowledged that the incorrect ownership certificate was initially completed. Whereas the application form was initially completed to the effect that the applicant owned or controlled all of the application site, she has now submitted an amended certificate of ownership and served notice on the other landowners. Following this we have received a response from one of the owners questioning the content of the notice served on the other parties. Generally this process is carried out prior to the application being submitted and therefore certain details such as the application number are not known. Whether information on the submission should be removed following amendments having been made to the scheme was raised, however, all details remain on the file and website as is standard practice.

The objectors have indicated that they will not give the applicant consent to build and that the applicant is not capable of implementing any permission. Objectors indicate however it is possible that the issue could still be resolved. Whether the site is suitable to remain within development limits would be a matter to be considered as part of the LDP process and any related review of the LDP.

Objectors have referred to highway/pedestrian safety issues regarding narrow width of and lack of footway along Heol Goi; junction of Heol Goi with High Street; on road parking; the suitability of the access off Cae Glas

The issues of land ownership and highway safety were considered in detail at the 2012 appeal with the Inspector commenting, *"I am aware of the ownership dispute regarding these two alternative routes, but for the reasons previously given, that dispute is not something about which I can comment. Whether it could be constructed is a matter that goes to land ownership, but on the basis of the information before me, I conclude that there is a reasonable expectation that a footway to the south of the proposed dwellings could be provided within the lifetime of any permission, following negotiations with any other land owners who may have a legal interest in the land concerned."*

*"... any works that may be necessary and the funding of such works to the private road, including the provision of a turning head and footway connections, are matters that can be addressed under the Highways Act and through agreements with the various owners. Being an outline planning application, my concern is limited to whether the appeal site is of sufficient size to accommodate those elements. The indicative plan (09/357/22B) indicates that it is, details of which would be considered at the later Approval of Reserved Matters (ARM) stage. Therefore I need comment no further about this matter now."*

*"As to car parking, the indicative plan shows that the development could accommodate parking within each plot in a similar manner to that provided in the existing development. Therefore at this outline stage, I find nothing to convince me that it would not be possible to provide adequate parking and that unacceptable highway congestion would result. Again, the precise layout and provision of car parking within the site would be considered at the ARM stage."*

*"Heol Goi is a relatively narrow, no-through road that joins the High Street some way to the east. There are currently no footways alongside the carriageway which is flanked by banks,*

*some trees and hedges, other than to the west of the appeal site adjacent to the recent development, Cae Glas. However, as such highway characteristics must have been evident and taken into account when the site and the adjoining land were allocated in the UDP for residential development, I need to consider whether any material considerations in respect of the highway implications are such as to justify rejecting the proposal now.”*

*“There is no compelling up-to-date highway evidence relating to the likely traffic generation arising from the proposed five dwellings and the effect upon the capacity of the local highway network. No recent traffic flow readings have been submitted, either in terms of vehicles or pedestrians: the only information from the appellant dates from 2001. However, although the existing development generates traffic, I must limit my consideration to the current proposal and establish whether this would create unacceptable highway conditions. In this regard, I find nothing to convince me that the volume of traffic generated by the five proposed dwellings would be likely to have a significant impact upon the overall use of Heol Goi. Even though the junction with the High Street is not ideal, I observed that the visibility is such that, with care, vehicles can join the High Street safely. Similarly, having regard to Manual for Streets 2, I find nothing to show that the visibility at the Cae Glas access would be dangerous.”*

*“...given the absence of any evidence relating to traffic flows and the resultant need for passing bays arising from the proposed development, although there is a pinch point, I similarly find no justification in highway safety terms for imposing a planning condition requiring that element to be provided as part of the current proposal.”*

The Inspector concluding that, *“... the proposal would not conflict with the Development Plan and that there are no material considerations of such weight as to justify rejecting the proposal, other than where I have indicated.”*

As indicated in the extract of the Inspector’s comments the approved development is outline with all matters reserved and therefore access details were not agreed as part of the previous outline submission or in this variation of condition submission. It is not felt that there have been any significant changes to the area that warrant the refusal of the application.

Matters have been raised which would be dealt with under separate legislation or as part of the reserved matters submission if the variation of condition is approved. This includes the position of pipes across the site and any proposed turning head, with regard to which it is noted that Dwr Cymru Welsh Water offer no objection to the application.

The impact on local residents from the delay in building commencing and the anguish this has caused has been referred to. It is acknowledged that there has been a delay in development however in relation to material planning considerations it is not felt there are any issues that warrant the refusal of the application. It is also noted that the residents convey that they shall not consent to the implementation of the proposed development.

## **CONCLUSION**

As indicated in the description of the proposal above, this application seeks only to extend the time period for the submission of the reserved matters to be submitted by one year and reduce the time for commencement by one year. No other changes are proposed to the scheme approved by the appeal Inspector in 2012. That outline permission includes a condition requiring a scheme for the provision of one affordable house to be agreed, prior to the commencement of development.

The extension of one year for the submission of the reserved matters represents the final opportunity for any such extension within the lifetime of the permission as previously extended in application W/30595 granted in February 2014. In the absence of any material change in circumstances at an application site allocated for residential development in the LDP, or any sustainable reason to refuse, it is recommended, on balance, that the variation of condition should be granted.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than seven years from the date of the original outline planning permission reference W/21657 dated 10/2/2012. The development shall begin either before the expiration of 7 years from the date of the original permission (10/2/12) or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 3 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 unit shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN2 or any future guidance that replaces it. The scheme shall include:-
  - i) the type, tenure and location on the site of the affordable housing unit;
  - ii) the timing of the construction of the affordable housing unit and its provision in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing unit to an affordable housing provider or the management of the unit;
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing unit; and



- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing unit and the means by which such occupancy criteria shall be enforced.
- 4 No development shall commence until schemes for the provision of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be completed before any dwelling is occupied.
- 5 No development shall commence 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.
- 6 No development shall commence until a scheme has been submitted and approved in writing by the Local Planning Authority for the provision of a footway along the southern side of the site on land adjacent to plot 10 and to the north of Heol Goi and extending to the eastward extremity of that part of the appeal site, and a turning area within the development site. The footway and a turning area shall be completed in accordance with the approved scheme before any dwellings are occupied.

## **REASONS**

- 1 In the interest of visual amenity.
- 2 The application is in outline form.
- 3 To ensure appropriate provision of affordable housing.
- 4 To ensure appropriate drainage methods to protect the environment and reduce risk of flooding.
- 5 To protect historic environment interests whilst enabling development.
- 6 In the interest of highway and pedestrian safety.

## **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 TR3, AH1, H1 and GP1 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') of the Carmarthenshire Unitary Development Plan, 2006 (UDP) in that the development located within an area of land allocated for residential development, seeks to vary previous permission where there has been no material change to circumstances. There are no highways, amenity or utility concerns to warrant refusal of the application. Appropriate contributions are made towards affordable housing.

## **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.

- 2 This outline consent relates to the principle of development only and not to the other information provided on the sketch/indicative layout drawings or dimensions submitted in support of the proposal unless indicated in the above conditions. The consent does not imply any support by the Local Planning Authority for the illustrative plans or information submitted with the application.

**APPLICATIONS RECOMMENDED FOR REFUSAL**

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

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

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

## CONSULTATIONS

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

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

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

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

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

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

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

## **RELEVANT PLANNING HISTORY**

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

## **APPRAISAL**

### **THE SITE**

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

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

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

### **THE PROPOSAL**

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

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

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

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

## **PLANNING POLICY**

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

**Policy GP1 Sustainability and High Quality Design.** This states that development proposals will be permitted where they accord with a number of criteria including the following, it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing, utilises materials appropriate to the area within which it is located; it retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity; an appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality.

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

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

- d. The building is structurally sound, substantially intact and is of sufficient size to accommodate the proposed use without extensive alteration, extension or re-construction;

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

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

Policy TR3 Highways in Developments - Design Considerations. This policy states that the design and layout of all development proposals will, where appropriate, be required to include:

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

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

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

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

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

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

## **NEIGHBOUR/PUBLIC REPRESENTATIONS**

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

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

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

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

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

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



## CONCLUSION

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

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

## RECOMMENDATION – REFUSAL

### REASONS

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

#### **Policy TSM4 Visitor Accommodation**

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

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

In that

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

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

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

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

- a. **The authority is satisfied that every reasonable endeavour has been made to secure an alternative business use and the application is supported by a statement of evidence to the Council's satisfaction of appropriate efforts that have been undertaken to achieve this;**

- b. Any residential use would be a subordinate element associated with a wider scheme for business re-use; or,**
  - c. The residential use contributes to the provision of affordable housing to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:**
    - i) The benefits of the initial affordability will be retained for all subsequent occupants;**
    - ii) It is of a scale compatible with an affordable dwelling and would be available to low or moderate income groups.**
- Proposals will also be required to demonstrate that the following criteria can be met:**
- d. The building is structurally sound, substantially intact and is of sufficient size to accommodate the proposed use without extensive alteration, extension or re- construction;**
  - e. The building demonstrates and retains sufficient quality of architectural features and traditional materials with no significant loss of the character and integrity of the original structure.**

In that

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

**ADDITIONAL ITEMS FOR DECISION**

|                       |                |
|-----------------------|----------------|
| <b>Application No</b> | <b>W/35450</b> |
|-----------------------|----------------|

|                                |   |
|--------------------------------|---|
| <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 was originally deferred for a site visit by Members at the Planning Committee on 16 November 2017. Following the site visit that took place on 23 January 2018, Members resolved to defer determination of the application to seek amendments to the layout in terms of affordable housing and highways and to further request the applicant to include the same Community Benefits Package that was previously agreed to in the original planning application (W/09082) which expired in September 2013. At the Planning Committee of 17 April 2018, amendments to the proposed layout that included dispersal of the affordable housing units and changes to the highway were considered along with a statement submitted by the applicant confirming that they did not wish to enter into the same Community Benefits Package as previously entered into.

Whilst the layout amendments were supported by Members at the Planning Committee of 17 April 2018, Members resolved to overturn the Officer's recommendation and refuse the application on grounds that the applicant would not enter into the same Community Benefits Package as previously agreed to secure the long term future of the adjacent playing fields. Members resolved to refuse the application in the knowledge of the legal opinion received by the Authority as described at the committee.

Planning Policy Wales (9<sup>th</sup> Edition) 2016, stipulates that a '*local planning authority should have good reasons if it approves a development which is a departure from the approved or adopted development plan, or is contrary to the Welsh Government's stated planning policies, the advice of a statutory consultee or the written advice of its officers, and those reasons should be recorded in the Committee's minutes*'.

Planning legislation dictates that all applications should be determined in accordance with the approved or adopted Development Plan for the area, unless material considerations indicate otherwise.

It was understood at the Planning Committee that Members considered that the lack of the same Community Benefits Package as previously agreed was a material planning consideration. The Community Benefits Package had previously been given significant weight to warrant a departure from the then UDP and Members considered that the same weight should be given now despite the site's allocation in the LDP to secure the long term provision of the playing fields.

The following therefore sets out suggested wording that aims to reflect the reasons for refusal based on the discussions by Members at the Planning Committee on 17 April 2018:

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy GP3 of the Adopted Carmarthenshire Local Development Plan (2014) which states:

**The Council will, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new developments.**

**Where applicable, contributions will also be sought towards the future and ongoing maintenance of such provision either in the form of initial support or in perpetuity.**

**In implementing this policy schemes will be assessed on a case-by-case basis.**

In that the proposed development fails to secure the long term future of the adjacent playing fields as originally secured by way of a Community Benefits package included within a previous Section 106 Legal Agreement for the application site. The previous Community Benefits Package agreement was considered to comprise a material consideration to warrant a departure from the then Unitary Development Plan and thus the site's subsequent allocation in the Local Development Plan. As such, the same Community Benefits as originally agreed to, which included the transfer of ownership of the playing fields to Laugharne Athletic Club, remains to be required to make this development acceptable.

- 2 The proposal is contrary to Policy SP16 Community Facilities of the Adopted Carmarthenshire Local Development Plan (2014) which states:

**The LDP will support the provision of new facilities, along with the protection and enhancement of existing facilities, in accordance with the settlement framework and based upon evidence of need. Proposals for new education**

**and training related developments will be supported where it supports the settlement framework and accords with the policies of this Plan.**

**Any proposals that will result in the loss of an existing facility will be permitted where it can be clearly demonstrated that the facility is no longer viable and that a suitable alternative is accessible within the settlement or sustainable community (where applicable).**

**In order to mitigate the impacts of particular developments, and to facilitate the delivery of the Plan's strategic objectives, community contributions may be sought through planning obligations as and where appropriate.**

In that the proposed development fails to secure the long term future of the adjacent playing fields as originally secured by way of a Community Benefits package included within a previous Section 106 Legal Agreement for the application site. The previous Community Benefits Package agreement was considered to comprise a material consideration to warrant a departure from the then Unitary Development Plan and thus the site's subsequent allocation in the Local Development Plan. As such, the same Community Benefits as originally agreed to, which included the transfer of ownership of the playing fields to Laugharne Athletic Club, remains to be required to make this development acceptable.

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| <b>Application No</b> | <b>W/35730</b> |
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|                                |   |
|--------------------------------|---|
| <b>Application Type</b>        | Full Planning   |
| <b>Proposal &amp; Location</b> | CONSTRUCTION OF TWO A1 UNITS AND ONE A3 UNIT WITH ASSOCIATED CAR PARKING AT FORMER CARTREF TAWELAN, ASH GROVE, CARMARTHEN, SA31 3PY |

|                           |   |
|---------------------------|---|
| <b>Applicant(s)</b>       | ASPECT DEVELOPMENTS LTD, C/O AGENT,   |
| <b>Agent</b>              | JCR PLANNING LTD - MR JASON EVANS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE |
| <b>Case Officer</b>       | Stuart Willis   |
| <b>Ward</b>               | Carmarthen West   |
| <b>Date of validation</b> | 26/06/2017  |

This application was originally deferred at the Planning Committee on 5<sup>th</sup> April for a site visit that took place on 17<sup>th</sup> April 2018. At the Planning Committee of 17 April 2018, Members resolved to overturn the Officer's recommendation and refuse the application on a number grounds.

Planning Policy Wales (9<sup>th</sup> Edition) 2016, stipulates that a '*local planning authority should have good reasons if it approves a development which is a departure from the approved or adopted development plan, or is contrary to the Welsh Government's stated planning policies, the advice of a statutory consultee or the written advice of its officers, and those reasons should be recorded in the Committee's minutes*'.

Although the Committee made reference to TAN20 – Planning and the Welsh Language (October 2017), with concern being expressed that the proposed development would change the character of the area, it is noted that the relevant reference to the 'characteristics of the area' within TAN 20 is with regard to the development plan making process and not the determination of individual planning applications. Members may consider that criterion (i) of suggested reason 1, in relation to policy GP1, may satisfactorily address their concerns.

The following therefore sets out suggested wording that aims to reflect the reasons for refusal based on the discussions by Members at the Planning Committee on 17 April 2018:

### **RECOMMENDATION – REFUSAL**

#### **REASONS**

- 1 The proposal is contrary to Policy GP1 of the Carmarthenshire Local Development Plan (2014) which states:

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

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

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

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

In that:

- (i) the proposed introduction of the retail development within a largely residential area does not conform with or enhance the character and appearance of the local area



- (ii) the proposed development gives rise to highway safety concerns by reason of the proposed 21 car parking spaces being considered to be insufficient, that shall result in customers parking along the local roads to the detriment of the free flow of traffic during peak periods

2 The proposal is contrary to Policy GP4 of the Carmarthenshire Local Development Plan (2014) which states:

**Policy GP4 Infrastructure and New Development**

**Proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development.**

**Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by (or an appropriate contribution is provided by) the developer.**

**Planning obligations and conditions will be used (where appropriate) to ensure that new or improved facilities are provided to serve the new development.**

In that it is considered that the local infrastructure is inadequate to meet the needs of the proposed development, by reason of the impact of the additional vehicular traffic upon the local road network

3 The proposal is contrary to Policy SP14 of the Carmarthenshire Local Development Plan (2014) which states:

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

**Development should reflect the need to protect, and wherever possible enhance the County's natural environment.**

**All development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of this Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas, including those outlined below:**

- a. **Statutory designated sites including Ramsar sites, SPAs, SACs, SSSIs and National Nature Reserves;**
- b. **Biodiversity and Nature Conservation Value, including protected species and habitats of acknowledged importance as well as key connectivity corridors and pathways; (Policy EQ4 and EQ5)**
- c. **Regional and Locally important sites (and their features) including Local Nature Reserves and RIGS; (see Policy EQ3)**
- d. **Areas of identified Landscape and Seascape quality; (including SLAs)**
- e. **Features which contribute to local distinctiveness, nature conservation value or the landscape; (see Policy EQ5)**

- f. **The Open Countryside; (see Policy GP2)**
- g. **The best and most versatile agricultural land; (Grade 2 and 3a)**
- h. **Natural assets: including air, soil (including high carbon soils) controlled waters and water resources. (See Policies EP1 and EP2)**

In that the proposed development shall result in the loss of an attractive green space within the urban area

- 4 The proposal is contrary to Policy RT8 of the Carmarthenshire Local Development Plan (2014) which states:

**Policy RT8 Local Shops and Facilities**

**Proposals which would result in the loss of a local shop or service outside of the identified Growth Areas and Service Centres will only be permitted where:**

- a. **There is another shop or service of a similar compatible use available for customers within:**
  - i. **a convenient walking distance; or,**
  - ii. **where applicable, the Sustainable Community.**
- b. **Its loss would not be detrimental to the social and economic fabric of the community.**

**In the absence of an alternative provision, proposals resulting in the loss of the local shop or service will only be permitted if it can be demonstrated to the Council's satisfaction that all reasonable attempts have been made to market the business for sale or let over a 12 month period and have failed.**

In that there are existing, compatible local shops within walking distance of the application site