

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH ADFYWIO A
HAMDDEN**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF REGENERATION
AND LEISURE**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

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

**AR 03 RHAGFYR 2015
ON 03 DECEMBER 2015**

**I'W BENDERFYNU/
FOR DECISION**

***Ardal Del/
Area South***



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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	03 DECEMBER 2015
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/31228
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Application Type	Full Planning
Proposal & Location	PARTLY RETROSPECTIVE APPLICATION FOR THE CONSTRUCTION OF 91 DWELLING HOUSES TOGETHER WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESSES, CAR PARKING, LANDSCAPING, LIGHTING, DRAINAGE INFRASTRUCTURE AND OTHER ANCILLARY DEVELOPMENT AT LAND OFF HEOL LLWYN BEDW, HENDY, LLANELLI, SA4 0XL

Applicant(s)	PERSIMMON HOMES WEST WALES LIMITED, C/O AGENT,
Agent	GVA - OWAIN GRIFFITHS, ONE KINGSWAY, CARDIFF, CF10 3AN
Case Officer	Paul Roberts
Ward	Hendy
Date of validation	25/11/2014

CONSULTATIONS

Head of Transport – Has raised no objection to the application subject to the imposition of suitable conditions on any planning permission granted and the applicant making a financial contribution of £91,000 towards a scheme of junction improvements at the junction of Heol Llwyn Bedw with Heol y Parc. The latter is to be secured via a Section 106 Agreement.

Head of Street Scene (Highway Adoptions) – Has raised no objection to the application.

Head of Public Protection – Has raised no objection to the application.

Head of Street Scene (Drainage Consent Engineer) – Has raised no objection to the surface water drainage scheme proposed as part of the development.

Llanedi Rural Council – In their initial response to the application, the Council opined that the scale of the development would have a significant impact on the existing play area in Hendy which is in need of upgrading and improvement and requested that an appropriate contribution towards children's play facilities is levied as part of a Section 106 agreement.

The Council have subsequently submitted further letters of representation which raise the following concerns regarding the proposal:-

- The potential impact upon Iscoed Road particularly during rush hour periods and lack of adequate road infrastructure to serve the development.
- The Council supports neighbouring residents' concerns regarding the detrimental impact the traffic will have on the safety and wellbeing of the residents of Heol Llwyn Bedw. It also supports residents' objections to the difficulties traffic has, and will increasingly have following the completion of the development, gaining access from Heol Llwyn Bedw onto Heol y Parc in a safe and timely manner.
- The Council opine that residents' have suggested alternative solutions to the problem of traffic flow and that these should be considered by the County Council.
- The Council supports residents' dismay that land which is outside the LDP was sold by the County Council to the developers for access to the development without consulting residents or the Community Council.

Local Member – County Councillor G Thomas has raised concerns regarding existing traffic problems along Heol y Parc particularly where traffic from Heol Llwyn Bedw enters this road. He's opined that a development of the scale proposed will only increase the problem unless improvements are made.

Councillor Thomas has also expressed concerns regarding the proposed surface water drainage scheme and the proposal to create a new marshy grassland area on part of the site with the diversion of an existing spring. He suggests that the latter could interfere with the water table in the area potentially resulting in the creation of new springs and saturated soils that could affect neighbouring properties. He's also concerned that the flow of surface water and the diverted spring water have been underestimated. In light of the foregoing, he's requested that the Planning Committee undertake a site visit before determining the application.

Finally, Councillor Thomas has also expressed his disappointment at the way the applicant has acted whereby they have commenced the development without firstly obtaining planning permission.

Dyfed Archaeology – Have confirmed acceptance of the findings of the historic environment appraisal submitted in support of the application which concludes that the archaeological potential of the site is low to negligible. They've therefore raised no objection to the application.

Dwr Cymru/Welsh Water – Have confirmed that they have no objection to the application.

Natural Resources Wales - Have raised no objection to the application subject to the imposition of suitable conditions on any permission granted. They have also confirmed acceptance of the findings of the Authority's Test of Likely Significant Effect (TLSE) of the proposed development upon the Carmarthen Bay & Estuaries European Marine Site (CBEEMS), which was undertaken in accordance with the requirements of the Habitat Regulations. The TLSE concludes that the development both alone and in combination with other developments will have no likely significant effects upon the features and conservation objectives of the CBEEMS both alone or in combination with other development proposals.

Public Rights of Way Officer – Has raised no objection to the application.

Welsh Government (Transport Division) – Have raised no objections to the application subject to the imposition of suitable conditions on any permission granted.

Neighbours/Public – The application has been publicised via the posting of three site notices within the vicinity of the site and the publication of a press notice in the local newspaper. Further site notices have been posted during the application process publicising the submission of additional information and revisions to the development. As a result of these publicity exercises a significant number of third party letters of representation have been received from neighbouring residents and interested parties all of whom object to the proposed development and draw reference to the following issues of concerns:

- The inadequacy of the local highway network to accommodate the additional level of traffic and the likely impact upon highway safety.
- Traffic congestion on the surrounding highway network particularly along Heol y Parc and Iscoed Road.
- The proposed entrance to the site is dangerous.
- Narrowness of Heol y Parc and lack of footway together with proximity to Hendy Park.
- The nearby M4 motorway junction is running at maximum capacity and the development together with additional housing developments proposed in Pontarddulais will make matters worse.
- Narrowness of Llwyn Bedw estate road and existing level of on-street parking.
- Limited visibility at the junction of Heol Llwyn Bedw with Heol y Parc.
- Surface water run-off onto neighbouring properties and estate road.
- Pollution of water courses.
- Site prone to flooding.
- Disposing of water to the river Gwili could lead to the flooding of the park.
- Presence of springs on the site and the altering of levels and draining the site could affect these as well as the water table.
- Surface water pond close to houses.
- Diverting spring to create new marshy grassland will affect neighbouring properties and protected trees.
- Loss of marshland, protected trees and hedgerows.
- Loss of wildlife and reptile habitats.
- Removal of existing trees has resulted in loss wildlife and privacy of neighbours.

- Proposal goes against recommendations of applicant's ecological report with regard to the need to retain marshy grassland areas within the site.
- Lack of public consultation.
- Local school and health facilities already running at capacity.
- Loss of privacy to existing residents facing the site.
- Disturbance and dangers associated with construction traffic.
- The amenity impact upon neighbours in terms of noise and direction of headlights.
- The access road leading to the development goes through a field that it not in the Local Development Plan thereby effectively opening up the field for development.
- Proximity of new houses to existing trees in neighbouring gardens.
- Retrospective nature of the development with work having already commenced on the site.

RELEVANT PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

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

This is an application in which Carmarthenshire County Council has an interest in terms of land ownership of the highway wherein surface water drainage works proposed to serve the development are to be undertaken.

THE SITE

The application site consists of an irregular shaped parcel of land measuring some 3.3 hectares in area located to the west of Heol y Parc and Heol Llwyn Bedw on the western outskirts of Hendy. The main part of the site is located immediately adjacent to two existing housing estates with the Llwyn Bedw estate adjoining its western boundary while the Clos Ty Gwyn estate is located immediately to the south. The M4 motorway runs contiguous with the western boundary of the site with a belt of mature trees providing a dense buffer between both. To the north are the Ty Hendy care home and the neighbouring Clos Glyndwr housing estate which are both accessed via Heol y Parc to the east.

An area of land to the north of the Llwyn Bedw estate extending eastwards towards Heol y Parc and the River Gwili has been included within the application site for access and drainage purposes. This area previously consisted of a mix of semi improved and marshy grassland together with scattered trees and scrub, however, large parts of the site have

recently been excavated and cleared as part of unauthorised works undertaken by the applicant to form the proposed access road to the development.

The main body of the site is vacant and, similar to the area to the north, consists predominantly of semi improved grassland together with some smaller areas of marshy grassland. It is bounded in parts by trees and hedgerows as well as fencing to the rear gardens of adjacent properties; however, it has no defined northern boundary. Some clearance works have been undertaken in the northern area of this part of the site as part of the formation of the access road, as referred to above. This area of the site slopes down gently in a southerly and easterly direction towards the rear of the neighbouring Llwyn Bedw and Clos Ty Gwyn estates. The land to the north wherein the access road is to be formed follows the gradient of the Llwyn Bedw estate road whereby it slopes down towards Heol y Parc to the east.

The site is located within a primarily residential area with the neighbouring Bryn Bedw and Clos Ty Gwyn estates consisting of a mix of semi detached and terraced properties. The neighbouring estates of Maes Deri and Heol Morlais to the south and east respectively are characterised by a similar mix of properties. Hendy Parc is located a short distance to the east of the site on the opposite side of Heol y Parc. There is a public footpath to the south west of the site which leads to a footbridge over the adjacent M4 motorway.

THE PROPOSAL

The application seeks full planning permission for the construction of 91 dwellings together with associated vehicle and pedestrian accesses, car parking, landscaping, lighting, drainage infrastructure and other ancillary infrastructure. The dwellings are to be constructed on the main part of the site immediately to the west and north of the Llwyn Bedw and Clos Ty Gwyn estates respectively with this area being designated for residential development purposes in the Authority's LDP. The area to the north and north east will incorporate a new access road as well as surface water drainage infrastructure.

It is noteworthy that the original scheme submitted with the application proposed the construction 96 dwellings together with an alternative access arrangement, however, following concerns raised by officers regarding the intended design, layout and means of access, elements of the development have been re-planned with the resulting number of dwellings being reduced to that referred to above.

The scheme consists of a predominance of two storey houses together with a smaller number of two and a half storey dwellings which will incorporate additional loft space accommodation. In terms of the breakdown of the units, the scheme will include 36 semi detached and 22 terraced dwellings that will provide two and three bedroom accommodation. The remaining 33 units will consist of detached dwellings that will offer both three and four bedroom accommodation.

The layout of the scheme looks to maximise the development potential of the site while at the same time having regard to the character of the local area as well as the amenity of the occupiers of existing neighbouring properties. The house types proposed have been designed to reflect the architectural styles of the wider surrounding area as have the mix and density of units with the predominance of semi detached and terraced properties. In this regard, the proposal seeks to round off the existing neighbouring developments.

Vehicular access to the development will be achieved via a new roadway that will have a junction onto the existing Heol Llwyn Bedw estate road some 100 metres to the west of its junction onto Heol y Parc. The roadway will extend in a westerly direction through the grassland area to the north of Llwyn Bedw before turning in a southerly direction to traverse the housing development. It is to have a carriageway width of 5.5 metres with footways either side which will connect with a new footway along Heol Llwyn Bedw either side of the new junction. The built form of the dwellings will be arranged around and orientated towards the estate road with a number of units being served by private driveways. Parking within the scheme is provided via a mixture of parking solutions that include a mix of integral garaging, side and front driveways which look to seek to minimise the visual impact and dominance of car parking areas. The scheme also includes provision for a small car parking area close to the junction of new road with Heol Llwyn Bedw that will provide additional off road parking for nearby residents of the estate as well as the neighbouring properties of Heol y Parc who currently have no off road parking facilities. Pedestrian links to an existing footpath adjoining the site are also incorporated within the scheme.

The external finishes of the dwellings will include a mix of facing brick types in order to create visual interest and variation in the street scene. The application has been accompanied by a detailed landscaping scheme which provides for the retention of existing landscape features along the site's boundaries as well as the implementation of robust planting treatments throughout the development and along the new access road. The boundary treatment measures are of an equally high standard consisting of a mix of face brick walling and fencing.

The application has been accompanied by a range of supporting information which includes the following:-

- 1 Planning and Design and Access Statement;
- 2 Site Investigation Report;
- 3 Pre-Development Tree Survey and Assessment and Tree Constraints Plan;
- 4 Transport Statement;
- 5 Extended Phase 1 Habitat and Species Assessment and Bat and Reptile Report;
- 6 Reptile Method Statement and Relocation Report;
- 7 Drainage Strategy and Flood Consequences Assessment;
- 8 Historic Environment Appraisal;
- 9 Geophysical and Topographical Survey;
- 10 Ecological Management Plan.

The site investigation report confirms that the removal of surface water through infiltration such as soakaways is not considered practical for the development. As a result, the drainage strategy confirms that surface water from the development is to be disposed of via an attenuated system whereby surface water run-off will be discharged to the River Gwili at greenfield run-off rates. In essence, the water will be disposed of via a piped system that will include an "off-line" storage facility in the form of an attenuation tank that will be installed in the ground and is designed to accommodate water for a 1 in 30 year event. The tank will include an overflow facility to allow flows to an above ground balancing/detention pond above the tank in an extreme 1 in 100 year event. The attenuation facility is to be located in the grassland area to the north of Heol Llwyn Bedw close to the new road junction. The system will be fitted with hydro brakes that will restrict flows to greenfield rates and a back pipe to the attenuation facility. The surface water will eventually discharge to a new outfall into the River Gwili. The system, together with the

foul water system which is to connect to the public sewerage system via an existing sewer chamber within the site, is to be adopted by Welsh Water.

In addition to the above, the scheme includes providing a conduit for an existing spring located in an area of marsh grassland in the northern periphery of the housing site whereby the water will be diverted to the River Gwili via a new land drain that will follow the route of the main surface water drain.

The Transport Statement provides an assessment of the likely impact of the proposal upon the local highway network both from a capacity and highway safety perspective and concludes that the development is acceptable in highway terms. Allied to this, and in response to a request from the Welsh Government, the application has been accompanied by a junction capacity assessment of the nearby signalised junction of the M4 (Junction 48) which concludes that the addition of the development traffic will not impact upon the overall operation of the junction during peak periods and will not therefore have an adverse impact upon the trunk road network.

The habitat and species assessment and associated reports presents the findings of a combination of desk and field surveys of the site and confirms that the site is of moderate to high ecological interest and that the careful design of the development with the retention of existing tree lines and as much of the marshy grassland areas as possible will preserve much of the ecological value of the site. The surveys of the site deemed the land to have potential for reptiles and as a result the application has been accompanied by a detailed method statement for their phased relocation prior to clearance and construction works. Bat surveys of the site indicate that it is being used for commuting and foraging and a series of measures are put forward to minimise their disturbance. The tree constraints assessment shows a small number of trees within the site being removed as part of the development with the majority of these being of low quality and value.

Finally, the Site Investigation Report confirms there is no evidence of ground contamination while the Historic Environment Appraisal concludes that the archaeological potential of the site is low to negligible.

Community Benefits

The applicants have agreed to enter into a Section 106 Agreement whereby they will provide the following level of contributions as part of the development. The precise level of contributions has been agreed following negotiations and discussions with officers of this department as well as those of the relevant service providers of the Authority:-

- 1 Affordable Housing – 9 of the 91 dwellings are to be ‘affordable’. These are to consist of 5 no. 2 bedroom, semi detached and terraced properties and 4 no. 3 bedroom, semi detached properties. Furthermore, a commuted payment of £5446.50 will also be made to the provision of additional affordable housing in the locality.
- 2 Education – A financial contribution of £85,540 towards the improvement of education facilities in Hendy CP School.
- 3 Open space - A financial contribution of £195,500 towards the improvement of open space and play facilities at Hendy Park.

- 4 Highways - A financial contribution of £91,000 towards a scheme of junction improvements at the junction of Heol Llwyn Bedw and Heol y Parc.

PLANNING POLICIES

Local Development Plan (LDP)

In the context of the Authority's current development plan the main part of the site wherein the houses are to be constructed is located within the development limits of Hendy and allocated for housing purposes under Policy H1 of the Plan. Housing allocation T3/7/h2 refers. The allocation is identified as being capable of accommodating approximately 66 dwellings under Policy H1, however, this figure is indicative for the purposes of the Plan.

The area of the site to the north of the proposed housing that will provide part of the access road leading from Heol Llwyn Bedw and the surface water attenuation system is located outside the development limits as defined in the Plan.

Reference is drawn to the following policies of the Plan.

Policy SP1 promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

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

Policy SP3 states that provision for growth and development will be at sustainable locations in accordance with the LDP's settlement framework wherein Hendy is identified as a Service Centre which is located on sustainable transport corridors and has a broad range facilities and services that provide for the needs of the settlement and wider local catchment.

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

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

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

Policy GP1 is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

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

Policy H1 allocates land for residential development for the plan period to 2021. Policy GP3 states that the Council will, where necessary seek developers to enter into planning obligations or to contribute via the Community Infrastructure Levy to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites. Hendy is located within the Ammanford/Cross Hands sub market area whereby a 10% proportion of affordable housing is sought for development proposals.

Policy GP4 states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

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

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

Policy EQ1 stipulates that proposals affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ4 relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made. Similarly, Policy EP1 requires that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

Policy EP2 states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land. Policy EP3 requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

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

National Planning Policy

Planning Policy Wales (PPW) (Edition 7, July 2014) provides a national overview of planning policy on a wide range of issues relevant to the proposed development. The Welsh Government supports the vision for good quality, mixed housing accessible to all which conforms to sustainability principles which underpin all planning policy guidance.

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

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

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

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

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

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

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

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

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

THIRD PARTY REPRESENTATIONS

The application has attracted a significant number of objections from neighbouring residents who raise a range of concerns regarding the development. Concerns have also been raised by the County Councillor for the Ward as well as Llanedi Community Council. The issues raised are addressed in the following appraisal.

A common ground of concern amongst respondents is that the local highway network has inadequate capacity to accommodate the additional level of traffic generated by the development and the resulting detrimental impact in terms of traffic congestion and highway safety. Many are of the perception that Heol Llwyn Bedw, Heol y Parc and Iscoed Road and their respective junctions are unsuitable to deal with the additional traffic. Particular reference has been made to the narrowness of Heol y Parc and its lack of footway as well as the limited visibility available at its junction with Heol Llwyn Bedw. Concerns have also been raised regarding the capacity of the nearby M4 motorway junction.

The application has been accompanied by a transport statement which provides a thorough analysis of the potential impact of the development upon the operational capacity of the wider highway network and junctions. The statement concludes that adequate capacity exists in the surrounding highway network to accommodate the proposal whereby the development traffic will be easily absorbed within the daily variations in existing traffic movements without any adverse impacts in terms of traffic congestion or highway safety. Furthermore, whilst the capacity assessment of the signalised junction of the M4 acknowledges that the junction currently operates above capacity in the weekday morning peak hour, it nevertheless concludes that the addition of the development traffic will not impact on the overall operation of the junction during peak periods thereby not adversely affecting the trunk road network.

The Head of Transport and Welsh Government's Transport Division have both confirmed their acceptance of the findings of the transport statement and M4 junction assessment and have thereby offered no objection to the application subject to the imposition of suitable conditions. The Head of Transport in making his recommendation has requested that the applicant make a financial contribution of £91,000 towards a scheme of improvements to the junction of Heol Llwyn Bedw with Heol y Parc with these taking the form of new traffic calming measures along Heol y Parc either side of the junction. These measures will form part of a wider scheme of highway improvements proposed by the Highway Authority along Heol y Parc that will also include the introduction of a 'priority give-way' system along the narrowest section of the road, the widening of parts of the carriageway as well as the provision of new footway links.

The applicant has agreed to pay the required contribution via a Section 106 Agreement with the payment being made prior to the commencement of any further development on the site. This will enable the Highway Authority to implement the necessary improvement works. Any permission granted will be conditioned in accordance with the recommendations of the Head of Transport and Welsh Government thereby ensuring compliance with Policies SP9, TR2 and TR3 of the LDP in terms of the highway and transport impacts of the development.

In addition to the above, it is noteworthy that the applicant has included provision for a small car parking area for some six vehicles on land close to the junction of the new access with Heol Llwyn Bedw. This car park has been provided in response to residents'

concerns that a number of nearby properties of Llwyn Bedw and Heol y Parc currently have no off road parking facilities and therefore have to park along the estate road on the approach to the new junction.

A further common ground of concern is that the development will lead to the surface water flooding of neighbouring properties and the estate road while a number of respondents opine that the site is currently prone to flooding. Reference is also made to the pollution of watercourses while a number of respondents have raised concerns regarding the proposal to divert an existing spring within the site to create a new marshy grassland area on adjoining land and its impact upon adjacent properties and trees.

The flood consequence assessment confirms that the site lies in Zone A which is at little or no risk of flooding. Furthermore, the application has been accompanied by a comprehensive surface water drainage scheme whereby run-off from the development will be disposed of to the River Gwili via an attenuated system at greenfield rates. The scheme will provide a sustainable means of drainage for the development which together with the foul water system will be adopted by Welsh Water. Having assessed the details submitted, the Authority's drainage engineers have offered no objection to the scheme while Natural Resources Wales have also confirmed their acceptance of the proposals.

In terms of the concerns raised regarding an existing spring, the spring is located on the land immediately to the north of the main housing site which is surrounded by an area of marshy grassland that extends into the site. The applicant previously proposed the diversion of this spring to create a new area of marshy grassland on land close to the new junction with Heol Llwyn Bedw as mitigation for the loss of the same habitat within the housing development. However, in light of flooding concerns raised by the County Councillor and neighbouring residents, it has subsequently been omitted from the application. The applicant now proposes to provide a conduit to the spring whereby it will be diverted to the River Gwili via a new land drain. This revision will provide betterment to the adjacent lower lying properties of Llwyn Bedw by removing the existing surface water flows onto their rear garden areas. The Authority's drainage engineers have again confirmed their acceptance of this aspect of the scheme.

The application also proposes a series of pollution prevention measures that will safeguard against any adverse impacts upon the surrounding environs during construction works. The proposal is therefore considered to be in accord with the objectives of policies EP2 and EP3 of the LDP in that it will dispose of surface water in an acceptable and sustainable manner without causing unacceptable harm to neighbouring properties or the environment.

Turning to the ecological impact of the development, certain of the respondents are concerned that the development will result in the loss of marshy grassland areas within the site contrary to the recommendations of the applicant's ecological report. Concerns have also been raised regarding the impact upon existing wildlife and reptile habitats within the site as well as the loss of existing trees.

In terms of marshy grassland, the development will result in the loss of two areas within the site one of which is located in the north eastern corner within the vicinity of the spring and the rear garden of neighbouring properties of Llwyn Bedw. While the applicant previously proposed to create a new area of marshy grassland to mitigate the loss of those within the site, this has since been removed from the scheme upon the advice of officers in light of concerns raised. Although the development will therefore result in the loss of

existing areas of marshy grassland, the site's allocation within the LDP and the benefits associated with its development whereby it will provide a range and choice of new housing in accordance with the sustainability objectives of the Plan and national planning policy are considered to outweigh any ecological harm caused. Moreover, the diversion of the existing spring will accrue betterment to neighbouring residents while areas of marshy grassland on land immediately to the north of the main site will be retained as part of the proposal.

Although the works undertaken to date and the proposal as a whole will result in the removal of a small number of trees, the majority of these have been shown to be of low quality and value. There are a number of protected trees located close to the foul and surface water drainage infrastructure proposed on the land adjacent to the new access road; however, these are shown not to be affected by the development. The applicant has been requested to provide arboricultural impact assessment of the development upon these protected trees as well as others to be retained on the periphery of the site and the findings of the same will be reported in the addendum to this report. Any visual impact associated with the loss of existing trees within the site will be mitigated through the implementation of a robust planting scheme both within the housing development and along its northern boundary and that of the new access road.

With regard to the impact upon existing wildlife, the application has been accompanied by a detailed method statement for the phased relocation of reptiles from the land prior to clearance and construction works while a series of measures are also put forward to minimise the disturbance of nesting birds and bats within the vicinity of the site. The Authority's Planning Ecologist and NRW have raised no concerns in respect of the development subject to the provision of the protective and enhancement measures referred to above. These will form a conditional requirement of any planning permission granted. NRW have also confirmed acceptance of the findings of the Authority's Test of Likely Significant Effect (TLSE) of the proposed development upon the CBEEMS which was undertaken in accordance with the requirements of the Habitat Regulations. The TLSE concludes that the development both alone and in combination with other developments will have no likely significant effects upon the features and conservation objectives of the CBEEMS both alone or in combination with other development proposals.

The proposal is therefore considered to be in accord with the objectives of policies EQ4 of the LDP whereby it will cause no demonstrable harm to protected species or their habitats and will include the retention and enhancement of existing habitats.

The issue of the impact of the development upon the amenity levels of neighbouring residential properties in terms of loss of privacy and noise and disturbance has been carefully examined as part of officers' assessment of the application. The separating distances between the new houses and existing properties adjoining the site together with proposed boundary treatment measures will safeguard against any unacceptable impacts by way of overlooking. Moreover, the scale of the development is not considered to be of such a level so as to cause adverse impacts in terms of traffic noise and disturbance. Whilst it is acknowledged there will inevitably be an element of noise and general disturbance to neighbouring residents during the construction phase of the development, these will only occur in the short term and the Authority has powers under separate legislation to control such matters should the need arise.

The proposal is therefore considered to be in accord with the objectives of policies GP1 and TR3 in terms of its likely amenity impact.

As to the location of part of the access road outside the development limits of the LDP, the means of access to the development was discussed and agreed with officers prior to the submission of the application. The layout put forward whereby the new housing will be served by its own access road that will have a junction onto the northern end of Heol Llwyn Bedw close to the entrance to the estate will obviate the need for the additional traffic to access the development via the existing estate roads of Llwyn Bedw, Clos Ty Gwyn or indeed the neighbouring estate of Maesderi. These estate roads currently have a high level of one street parking and the creation of a separate access road to the development will therefore not only provide benefits from a highway safety perspective but will also assist in minimising amenity impacts upon existing properties in terms of traffic generation. Furthermore, from a visual perspective the provision of planting along the northern side of the access road and the new housing development will provide a defined natural boundary between the development and the grassland area to the north.

Concerns that the proposal will open up the area of land to the north of the housing site for development are misjudged in that this land is located outside the development limits defined in the LDP where there is a general presumption against residential development.

A number of respondents have concerns regarding the impact of the development upon local services and facilities such as schools and health facilities and question whether sufficient capacity exists to accommodate the development. The application site is well related to the range of services and facilities available in Hendy as well as those in the wider areas of Pontarddulais and Llanelli. In terms of health care, it is envisaged that the range of services available in the wider area including doctor's surgeries and hospital facilities will be able to accommodate a development of the scale proposed.

Furthermore, attention is drawn to the community benefits to be provided as part of the scheme which have been detailed in the appraisal of the proposal above. These include the provision of commuted payments toward the provision and improvement of existing education and recreation facilities in the local area. In this regard, the proposal accords with the requirements of Policy GP3 of the LDP.

With regard to the respondents' perception of a lack of public consultation, the original application together with subsequent amendments have been publicised in the manner outlined in the neighbours/public appraisal above with the publication of a press notice and numerous site notices.

Concerns regarding part of the site having previously been sold by the County Council are not material in the determination of the application. Finally, whilst it is unfortunate that the application is partly retrospective whereby the applicant has proceeded to undertake works on the formation of the access road, these have since ceased on the site pending a decision on the application.

CONCLUSIONS

On balance, and after careful examination of the site and its surrounding environs, together with the representations received to date, the proposal is considered to represent an acceptable form of residential development which will be in keeping with and complement the general character and appearance of the surrounding area. The site is allocated for housing purposes and its development complies with the key policy and

sustainability objectives of the Authority's adopted Local Development Plan and National Planning Policy.

The general scale, design and spatial layout of the scheme are acceptable and combined with the hard and soft landscaping proposals and pallet of external finishes will provide a high quality development that responds well to the site's setting in the wider area. The permeability of the site in terms of vehicular and pedestrian links to the neighbouring estates together with the mix of parking solutions and quality boundary treatment measures will reinforce the attractiveness of the scheme. Although the number of dwellings proposed will result in a higher density of development than that indicated in the LDP, it represents a far more efficient use of the land in accordance with the objectives of national planning policy. Moreover, the spatial layout of the scheme is not considered to be at variance with the character of the surrounding area and will serve to round off existing developments in this part of Hendy.

The development will provide a range and choice of housing types and sizes that will be well related to the existing services and facilities in Hendy and the wider Pontarddulais and Llanelli areas as well as being within easy access of existing public transport facilities and the M4 motorway.

The proposal also satisfies the sustainability requirements of the LDP from an environmental quality and utility provision perspective by implementing a drainage strategy that will dispose of foul and surface water in a sustainable and controlled manner. Furthermore, and as outlined in the appraisal above, there are no highway, amenity, or ecological objections to the development and the proposal will cause no unacceptable harm to sites of archaeological interest

The development will accrue benefits to the local community in the form of affordable dwellings and a financial contribution towards the improvement of existing facilities in the locality. The latter will not only provide for the general improvement of education and recreational facilities in the local area, but also assist the Local Highway Authority in providing improvements to the existing highway network.

Accordingly, the application is put forward with a favourable recommendation subject to the successful completion of a Section 106 Agreement securing the community benefits outlined above.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a partly retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 19 October 2015.
- 2 The works hereby granted consent shall be carried out strictly in accordance with the following schedule of plans and subject to the conditions below:-
 - 445/LP-01 Rev C Site Location Plan (Scale 1:1250 @ A3);
 - 445/SL-01 Rev N Site Layout (Scale 1:500 @ A1, 1:1000 @ A3);

- 445/ML-01 Rev D Materials (Scale 1:500 @ A1, 1:1000 @ A3);
- 445/BT-01 Rev F Boundary Treatments (Scale 1:500 @ A1, 1:1000 @ A3);
- 445/EW-01 Rev F External Works (Scale 1:500 @ A1, 1:1000 @ A3);
- RS-WD16 Rev P Plans & Elevations (Planning) Roseberry (Village) (Scale 1:50 @ A1, 1:100 @ A3);
- SU-WD16 Rev IV Plans & Elevations (Planning) Souter (Village) (Scale 1:50 @ A1, 1:100 @ A3);
- SCCH-WD15 Plans & Elevations (Planning) Chester (Village) (Scale 1:50 @ A1, 1:100 @ A3);
- HT-WD16 Rev L Plans & Elevations (Planning) Hatfield (Village) (Scale 1:50 @ A1, 1:100 @ A3);
- RF-WD16 Rev NPlans & Elevations (Planning) Rufford (Village) (Scale 1:50 @ A1, 1:100 @ A3);
- MR-WD16 Rev F Plans & Elevations (Planning) Morden (Village) (Scale 1:50 @ A1, 1:100 @ A3);
- HB-WD16 Rev M Plans & Elevations (Planning) Hanbury (Village) (Scale 1:50 @ A1, 1:100 @ A3);
- MS-WD16 Rev LPlans & Elevations (Planning) Moseley (Village) (Scale 1:50 @ A1, 1:100 @ A3);
- CD-WD10 Rev M Plans & Elevations (Planning) Chedworth (Village) (Scale 1:50 @ A1, 1:100 @ A3);
- 628-WHQS-WD01 Plans & Elevations (Planning) 628-WHQS (Scale 1:50 @ A1, 1:100 @ A3);
- 835-WHQS-WD04 Plans & Elevations (Planning) 835-WHQS (Scale 1:50 @ A1, 1:100 @ A3);
- 1021/001A/CCW/DLO Topographical Survey (1 of 3) (Scale 1:250 @ A0);
- 1021/002A/CCW/DLO Topographical Survey (2 of 3) (Scale 1:250 @ A0);
- 1021/003A/CCW/DLO Topographical Survey (3 of 3) (Scale 1:250 @ A0);
- 14103-DD-300 Rev G Engineering Layout (1 of 4);
- 14103-DD-301 Rev G Engineering Layout (2 of 4);
- 14103-DD-302 Rev J Engineering Layout (3 of 4);
- 14103-DD-303 Rev F Engineering Layout (4 of 4);
- 14103-DD-320 Rev C Engineering Layout – Spring Water Outfall;
- TDA.2173.01 Rev A Detailed Soft Landscaping Proposal (Scale 1:500 @ A0).

- 3 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.5 metre carriageway, 1.8 metre footways and 6.0 metre kerbed radii at the junction with the Heol Llwyn Bedw.
- 4 The gradient of the vehicular access serving the development shall not exceed 1 in 20 for the first 15.0 metres from the nearside edge of the existing highway at its junction with Heol Llwyn Bedw.
- 5 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Heol Llwyn Bedw Road frontage within 2.4 metres of the near edge of the carriageway.
- 6 The parking spaces and layout shown on the plans herewith approved shall be provided in accordance with the details shown prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the

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

- 7 Prior to the beneficial occupation of any part of 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 and timetable for implementation shall be submitted to and agreed in writing with the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.
- 8 The development hereby approved shall be implemented strictly in accordance with the pollution prevention and other detailed measures and recommendations contained in the Construction and Environmental Management Plan received on 16 November 2015.
- 9 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 10 The development hereby approved shall be implemented strictly in accordance with the ecological recommendations contained within:
 - (i) Section 10.3 to 10.12 of the 'Phase 1 Survey Report' prepared by Just Mammals dated July 2014.
 - (ii) Sections 10.2 to 10.10 of the 'Reptile and Bat Survey Report' prepared by Just Mammals dated September 2014.
 - (iii) The 'Ecological Management and Monitoring Plan' prepared by Just Mammals dated November 2015.
- 11 The planting scheme detailed on the amended detailed soft landscaping proposals plan referenced TDA.2173.01 REV A shall be carried out in accordance with the approved details to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with a timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

12 The foul and surface water drainage scheme proposed to serve the development shall be undertaken in strict accordance with the details shown on the following drawings:

- 14103-DD-300 Rev G Engineering Layout (1 of 4);
- 14103-DD-301 Rev G Engineering Layout (2 of 4);
- 14103-DD-302 Rev J Engineering Layout (3 of 4);
- 14103-DD-303 Rev F Engineering Layout (4 of 4);
- 14103-DD-320 Rev C Engineering Layout – Spring Water Outfall.

The scheme shall be fully implemented in accordance with the details shown prior to the occupation of the dwellings herewith approved.

13 The garages of the proposed dwellings hereby approved shall be used for private purposes incidental to the enjoyment of the dwelling and not for any business or commercial use.

14 Prior to the beneficial occupation of the dwellings hereby approved, all the required boundary treatment measures to serve those respective dwellings as shown on the Boundary Treatments drawing referenced 445/BT-01 Rev F, shall be fully constructed strictly in accordance with the details shown.

15 The vertical boarded fence proposed along the side and rear boundary of the existing property of no. 56 Llwyn Bedw, as shown on the Boundary Treatments drawing referenced 445/BT-01 Rev F, shall be erected in accordance with the details shown within a period of one month of the date of this planning permission.

REASONS

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

2 To ensure that only the approved works are carried out.

3-6 In the interests of highway safety.

7 To promote and encourage more sustainable modes of travel.

8+9 To prevent the pollution of the environment.

10 To retain and protect features of landscape and biodiversity value.

11 To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

12 To ensure the installation of an appropriate drainage scheme and to prevent the pollution of the environment.

13-15 To ensure the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

REASONS FOR GRANTING PERMISSION

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

- The proposal complies with Policy H1 of the LDP in that it is allocated for residential development.
- The proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- The proposal complies with Policy GP1 of the LDP in that it is appropriate in terms of scale and will not cause unacceptable loss of amenity to neighbouring properties.
- The proposal complies with Policy EQ1 of the LDP in that it will not adversely affect landscapes, townscapes and features of historical or archaeological interest.
- The proposal complies with Policy TRS3 of the LDP in that it will be served by suitable access and parking provision and the traffic generated by the proposed development will not adversely affect highway safety or residential amenity.
- The proposal complies with Policies REC2, AH1 and GP3 of the LDP in that the applicant/developer will contribute towards community benefits as part of the development.
- The proposal complies with Policy EQ4 and SP14 in that the development will not cause demonstrable harm to priority species or their habitats and the natural environment.
- The proposal complies with Policy EP3 of the LDP in that adequate surface water disposal methods can be put in place.
- The proposal complies with Policy GP4 and EP2 in that will be served by adequate infrastructure and not pose an unacceptable risk to the natural environment.

NOTE(S)

- 1 The applicant/developer is advised that this consent is subject to the applicant entering into a legal agreement with the local planning authority under Section 106 of the Town and Country Planning Act 1990. This agreement shall cover the requirement for the applicant/developer to provide an element of affordable housing within the development and to pay commuted sums to the Council in respect of improvements to educational and recreational facilities as well as improvements to the existing highway network.
- 2 Comments and responses received from consultees and third parties can be found on the Authority's website (www.carmarthenshire.gov.uk). They may also relate to other permissions or consents required or include further advice and guidance.

- 3 All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation of Habitats and Species Regulations 2010.

Regulation 9(5) of the 2010 Regulations requires all local planning authorities, in the exercise of all their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

Under Regulation 41 of the 2010 Regulations it is an offence to:

- (1) deliberately capture, injure or kill any wild animal of a European protected species;
- (2) deliberately disturb animals of any such species. Disturbance of animals includes in particular any disturbance which is likely—
 - (a) to impair their ability—
 - (i) to survive, to breed or reproduce, or to rear or nurture their young; or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - (b) to affect significantly the local distribution or abundance of the species to which they belong
- (3) deliberately take or destroy the eggs of such an animal; or
- (4) damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).

Furthermore that all British bats are protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally to kill, injure, take from the wild, possess or trade in any species of British Bat, as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/ bats whilst they are using such a place. The applicant and contractors should be aware of the possibility of encountering bats unexpectedly during works.

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

- 4 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.

- 5 The developer is advised to contact the Authority's Highways Adoption Officer with regard to the offering of the proposed estate road for adoption by the local authority under Section 38 of the Highways Act 1980.
- 6 It is the responsibility the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence under Section 184 of the Highways Act 1980 before undertaking any works on an existing Public Highway.
- 7 Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement, and the total cost of completing such an agreement shall be borne by the developers.
- 8 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 9 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.

Application No	S/32634
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Application Type	Full Planning
Proposal & Location	ERECTION OF A 100KW WIND TURBINE AND ASSOCIATED INFRASTRUCTURE AT LAND AT BETHEL ROAD, PONTYBEREM, LLANELLI, SA15 5NH

Applicant(s)	NORVENTO WIND ENERGY - MR ROBERT STYLES, UNIT 1.32, 111 POWER ROAD, LONDON, GREATER LONDON, W4 5PY
Agent	TNEI - MR NIALL KELLY, TNEI SERVICES LTD, FLOOR B MILBURN HOUSE, DEAN STREET, NEWCASTLE, TYNE AND WEAR (MET COUNTY), NE1 1LE
Case Officer	Gary Glenister
Ward	Llannon
Date of validation	08/09/2015

CONSULTATION

Head of Transport – Has no observations.

Head of Public Protection – Has no objection subject to the imposition of appropriate conditions.

Llannon Community Council – No observations received to date.

Local Members - County Councillor E Dole has not commented to date, while County Councillor M K Thomas is a member of the Planning Committee and has not made any prior comment.

Natural Resources Wales – Has no objection to the proposed development however seeks a condition stating that there shall be at least 50m from the tip of the turbine to any nearby hedgerow and pollution prevention measures shall be submitted.

Dyfed Archaeology – Has no objection and no further action is needed.

Coal Authority –Expressed an initial objection, however after the submission of an up to date risk assessment within a mining report, has withdrawn the objection and recommends a condition securing the implementation of the recommendations contained in the mining report.

Ministry of Defence – Has no objection.

Civil Aviation Authority – Has no observations however recommends that the MoD be consulted.

National Air Traffic Control – Has no objection.

Spectrum on behalf of Ofcom – Has no adverse comments.

Joint Radio Company – Has no adverse comments.

Dwr Cymru/Welsh Water – Has no objection.

Neighbours/Public - The application has been publicised by the posting of six site notices with two responses received to date raising the following issues:-

- Landscape character;
- Visual impact;
- Residential amenity;
- Impact on livestock;
- Impact on nature conservation;
- Global scale weather disruption.

RELEVANT PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

THE SITE

The turbine is proposed on a hillside location approximately 545m from the farm complex at Bryn Banal Farm off Bethel Road, which is a minor road which links the B4306 (Llannon to Pontyberem Road) over Mynydd Sylen to the B4309 Llanelli to Carmarthen Road at Five Roads. The site is 2.3km to the North West of Llannon 1.6km to the South of Pontyberem and 3.2km to the South West of Tumble.

The site is a relatively flat piece of improved grassland which appears to have been cut into the hillside at some point and is set against the backdrop of rising land which forms the lower slopes of Mynydd Sylen. Historically there appears to be past mining activity in the area however there is no evidence of any recent activity and the site is considered to be Greenfield agricultural land.

The site is in a rural area however is surrounded by individual properties, the nearest as follows. Bryngwyn (450m to the South West) Yr Efail (457m to the North) Ty Bethel (525m to the North East) Penllwyn Isaf (580m to the East) and Ystodwen (600m to the South).

It should be noted that the site is in close proximity to two lines of national grid power lines with associated pylons which are significant in the landscape currently.

THE PROPOSAL

The application seeks full planning permission for an NED100 100 kW wind turbine 545m to the south of the Bryn Banal farm complex.

The proposed turbine is 29.5m to the hub and 40.4m to the tip with three blades at 22m diameter. The turbine has internal switch gear housing within the mast which obviates the need for a separate cabinet. It is proposed to link to the grid via an existing three phase connection at the holding with a small cabinet proposed at the connection point.

Based on the proposed turbine selected with an installed capacity of 100kW it is predicted that the wind turbine will generate between 278MWh and 405MWh per annum.

On this basis, the CO₂ reduction of the wind turbine is estimated to be between 64 tonnes and 94 tonnes annually. Based on an operational lifespan of 25 years it can be estimated that the turbine could offset between 1280 tonnes and 1880 tonnes of CO₂ over the proposed lifetime of the development

The application has been accompanied by the following information:-

Design and Access Statement. This summarises the statutory prescribed topic areas such as access, movement, community safety and character in the local context and summarising the background information.

Landscape and Visual Impact Assessment. This has been carried out in accordance with current good practice and methodology. The report concludes "Overall, it is considered that the simple, large scale open landscape of the site is an appropriate receiving environment for a small-scale wind turbine, which in the main, avoids any unacceptable comparisons of scale with local features. The site's location also means that there are limited effects on any nationally designated landscapes."

Heritage Assessment. The historic environment has been assessed and a historic appraisal submitted which opines that the proposal is not likely to affect historical or cultural interests.

Coal Mining Report. After an initial objection from the Coal Authority on the basis of past mining activity, an up to date mining report and risk assessment has been carried out. As a result the Coal Authority has withdrawn its objection provided the recommendations contained therein are followed.

Ecological Assessment. The application has been accompanied by an ecological assessment. This was supplemented by additional bat survey information which showed low levels of bat activity in the general area. The report concludes that there are ecological interests in the proximity of the proposal however the proposal does not present a significant ecological risk to habitats or species in the area as it is improved grassland in excess of 50m from any hedgerow.

Noise Report. The application included noise information including technical information concerning the turbine, noise contours and assessment of third party properties. Further clarification was sought and received through the process. As a result, subject to appropriate conditions the proposal is not considered likely to have an adverse impact on third parties.

Environmental Report which includes an environmental appraisal, analysis of Planning Policy and wider environmental and social effects. The environmental appraisal examines the impact of the construction, operational and decommissioning phases, and draws together information from the other report along with an assessment of shadow flicker and hydrology, transport to the site, aviation, telecommunications, infrasound and icing. The report concludes “This document has demonstrated that the proposal accords with the relevant policies of the Development Plan where they exist. In addition, it is consistent with the policies of the Planning Policy Wales and TAN8. On balance, the adverse effects of the proposal are considered to be minor and acceptable and outweighed by the considerable wider significant public benefits.”

PLANNING POLICIES

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

Policy SP11 Renewable Energy & Energy Efficiency states:-

Development proposals which incorporate energy efficiency measures and renewable energy production technologies will be supported in areas where the environmental and cumulative impacts can be addressed satisfactorily. Such developments will not cause demonstrable harm to residential amenity and will be acceptable within the landscape. Each proposal will be assessed on a case by case basis.

Large scale wind farms will only be permitted within Strategic Search Areas.

Policy RE2 Local, Community and Small Wind Farms states:-

Local, Community and Small wind farms or individual turbines will be permitted provided the following criteria can be met in full:-

- a) The development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size, design and siting of turbines and associated infrastructure;
- b) The development will not have an unacceptable cumulative impact in relation to existing wind turbines and other renewable energy installations and those which have permission;
- c) The siting, design, layout and materials used should be sympathetic to the characteristics of the land-form, contours and existing features of the landscape;
- d) The development would not cause demonstrable harm to statutorily protected species, and habitats and species identified in the Local Biodiversity Action Plan;
- e) Turbines and their associated structures will not be sited in, or impact upon archaeological resources, the setting and integrity of Conservation Areas, Listed Buildings or other areas of historical value;

- f) Proposals will not cause an unreasonable risk or nuisance to, and impact upon the amenities of, nearby residents or other members of the public;
- g) No loss of public accessibility to the area, and existing bridleways and footpaths will be safeguarded from development with no permanent loss to their length and quality;
- h) Turbines and associated infrastructure will, at the end of the operational life of the facility, be removed and an appropriate land restoration and aftercare scheme agreed;
- i) The development will not result in significant harm to the safety or amenity of sensitive receptors and will not have an unacceptable impact on roads, rail or aviation safety;
- j) The development will not result in unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems.

National Policy is provided by Planning Policy Wales Edition 7 July 2014 as follows:-

12.8 Renewable and Low Carbon Energy

12.8.1 The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020. The UK Renewable Energy Roadmap sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change (see 4.5) whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the Welsh Government's Energy Policy Statement Energy Wales: A Low Carbon Transition (2012).

12.8.2 Planning policy at all levels should facilitate delivery of both the ambition set out in Energy Wales: A Low Carbon Transition and UK and European targets on renewable energy. The Renewable Energy Directive¹⁴ contains specific obligations to provide guidance to facilitate effective consideration of renewable energy sources, high-efficiency technologies and district heating and cooling in the context of development of industrial or residential areas, and (from 1 January 2012) to ensure that new public buildings, and existing public buildings that are subject to major renovation fulfil an exemplary role in the context of the Directive. The issues at the heart of these duties are an established focus of planning policy in Wales, and in this context both local planning authorities and developers should have regard in particular to the guidance contained in Technical Advice Note 8: Planning for Renewable Energy¹⁵ and Planning for Renewable Energy – A Toolkit for Planners¹⁶. The Welsh Government will however consider the preparation of further targeted guidance where appropriate.

12.8.6 The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and

prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by:-

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

12.8.10 At the same time, local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and
- encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings (see 4.11 and 4.12).

12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;

- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Consideration is also given to Planning Policy Wales - Technical Advice Note (TAN) 8 - Planning for Renewable Energy. Para 2.12 states –

“The Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5MW). This could be done through a set of local criteria that would determine the acceptability of such schemes and define in more detail what is meant by "smaller" and "community based". Local planning authorities should give careful consideration to these issues and provide criteria that are appropriate to local circumstances.”

Technical Advice Note (TAN) 6 Planning for Sustainable Rural Communities is also pertinent to the consideration of this proposal as on-farm renewable energy production is seen as a form of farm diversification that is positively encouraged in the right location. Not only does it potentially provide an alternative income source to sustain a rural enterprise, but also affords that enterprise energy security against rising energy costs.

THIRD PARTY REPRESENTATIONS

There is concern over landscape & visual Impact given the elevated position on the lower part of Sylen.

The visual impact of the proposal has to be carefully considered in each case and the individual merits have to be taken into account. The applicants have submitted a landscape and visual impact assessment along with images showing the proposal in context, with both photos and wireframes so that the impact can be assessed. The application has been reviewed by the County Landscape Officer who has no objection and makes the following comments.

Landscape Impacts

i] Physical landscape impacts

It is considered that the scale of the turbine model is such that, potential impacts to existing landscape elements and features may be expected to challenge the relevant policy objectives of the Carmarthenshire County Council LDP [December 2014]; however, it is likely that the impacts would be able to be effectively minimised or mitigated through detailed scheme design.

ii] Landscape character impacts

The location and scale of the turbine model and its relation to topography, other Operational Consented or in Planning (OCP) development, and the predicted magnitude of effect in relation to the sensitivity of the receiving landscape, are such that the significance of impacts to landscape character, or areas designated for their landscape value, are considered to represent a challenge to the relevant policy objectives of the Carmarthenshire County Council LDP [December 2014]. However, it is not considered that the impacts are of a significance which would justifiably represent a reason for objection to the application, although the proposed development will result in residual adverse impacts to landscape character on a local scale.

Visual Impacts

i] Impacts to residential visual amenity

It is advised that the location of the scheme, scale of the turbine model and its relation to the topography; other OCP development; and the proximity and orientation in relation to residential properties, and any intervening screening elements; is such that the proposal would not result in impacts to residential visual amenity which would challenge the relevant policy objectives of the Carmarthenshire County Council LDP [December 2014].

ii] Impacts to visual amenity from areas accessible to the public.

It is advised that the proposed scheme will form new, manmade moving elements within some views from publicly accessible areas, however, the location and scale of the turbine model and its relation to the topography; other OCP development and proximity to roads and footpaths, and other areas accessible to the public, is such that the proposal is not considered to be of a significance to challenge the relevant Carmarthenshire County Council LDP [December 2014] policy criteria.

Given the Landscape Officer's comments, it is evident that the case needs to be carefully balanced as there is likely to be an impact on the wider landscape which challenged the policies, however this can be mitigated by the submission of landscape mitigation schemes as recommended to be conditioned below.

There is concern that the proposal would have an adverse impact on residential amenity in terms of noise and shadow flicker.

Noise has been assessed both individually and cumulatively and the Head of Public Protection has no objection subject to the imposition of conditions. Given the height, distance and relative orientation of the proposal and third party properties, shadow flicker is not considered likely to have an adverse impact as there are no third parties within the zone potentially affected.

The impact of turbines on livestock has not been proven. It should be noted that the land around the proposal is owned or controlled by the same land owner so if any impact was to occur it would not affect third party livestock.

There is concern over ecology with the potential impact on birds with red kites said to be prevalent in the area. An ecological assessment has been submitted with the application which reveals that the site has no ecological implications. The ecological report addresses

birds and reveals that the nearest Red Kite record is 2.9km from the turbine site. The County ecologist and Natural Resources Wales has assessed the proposal and supporting information and has not objected to the proposal subject to a condition to ensure the tip is not within 50m of a hedgerow, therefore ecology is not considered likely to be harmed by the proposal.

There is no evidence that wind turbines disrupt the global weather system. The whole ethos of renewable energy is that natural energy is harnessed, in this case wind. In the context of the global flow of air in the upper atmosphere known as the jet stream and the lower atmosphere weather fronts, the impact of individual turbines is not likely to be significant.

CONCLUSION

In accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the application has been screened to establish whether an Environmental Impact is required. Given the scale and nature of the proposal, the development is not considered to give rise to any significant adverse environmental impacts upon the surrounding area. On this basis, the requirements of an Environmental Impact Assessment are not considered to be applicable to the application. In arriving at this decision the authority has taken into account the selection criteria as set out in Schedule 3 of the above regulations.

After careful consideration of the site and surrounding environs in light of the application and supporting information, it is considered that the proposal is for a 41.5m (tip) 100kW turbine which whilst modest compared to the commercial wind farms seen within the strategic areas, would be a significant development within the context of the site. The scale height and impact of each turbine has a different potential impact depending on the specific location and therefore each case has to be considered on its merits.

A recent audit of the County has revealed that the County has a potential to produce the following renewable energy if all the permitted schemes are developed.

i] Wind Energy

Total rated capacity of operational and approved onshore wind energy schemes within Carmarthenshire: 177,284kW. This equates to a potential annual electrical energy production, based upon a 25.74% load factor of: -

Output [kWh/annum] = 177,284kW x 8760 x 25.74% = 399,744,218 kWh/annum

This estimation represents sufficient electrical energy from wind turbine generation to provide the annual electricity requirements for 99,811 households.

ii] Solar PV Energy

Total rated capacity of operational and approved photovoltaic schemes of greater than 50kW capacity within Carmarthenshire: 88,196 kW. This equates to a potential annual electrical energy production, based upon a 9.02% load factor of: -

Output [kWh/annum] = 88,196kW x 8760 x 9.02% = 69,688,245 kWh/annum

This represents sufficient electrical energy from photovoltaic installations [>50kW capacity] to provide the annual electricity requirements for 17,400 households.

The potential quantity of electricity generated within Carmarthenshire from onshore wind; and solar sources [>50kW] is therefore sufficient to deliver the energy requirements from renewable sources for 117,211 households. The 2013 estimate of the number of households within Carmarthenshire is 79,561.

The above figures show that the proposed 100kw machine would not produce a significant amount of electricity in the context of the County total so overall need for renewable energy is not considered to be the decisive factor and the application should be considered on its own local merits.

In terms of direct impacts the proposal is not likely to be detrimental in terms of noise, health and residential amenity given the scale and the distance from residential properties.

The proposal needs to be assessed within the context of the open countryside and the landscape within which it is proposed. The site at Bryn Banal farm off Bethel Rd is on the lower slopes of Sylen but within the context of the foothills which are cut by a series of river valleys forming rolling countryside. It is considered that the proposal would not have a significant direct impact on the site or the surrounding landscape in terms of physical harm even though it is visible within the immediate context. The landscape officer has assessed the proposal and has no objection.

In terms of cumulative impact, the proposal needs to be assessed in the context of Blaenlliedi (2No. 43.5m to tip 225kW turbines 1.25km to the South West) which has recently been erected, Tir Emanuel (2No. 46m 50kW turbines 1.95km to the south west), Ty Mawr (1No. 36m 50kW turbine which is operational approximately 3km to the south) and the pending 36.5m turbine at Coed Cyw Fawr (S/32665) 1.5km to the South East. However it is considered that the siting of the proposal is such that whilst there are other turbines permitted, proposed and operational within the area, Sylen itself dominates the context so intervisibility is limited or non-existent between turbines and there would not be an unacceptable impact overall in conjunction with the other turbines.

It is therefore concluded that whilst there would be a localised impact on the immediate surroundings, it is considered that given the separation distance, the proposal is not likely to have an unacceptable adverse impact on residential amenity or the character and appearance of the open countryside overall, therefore the proposal is in accordance with the above policies.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans dated 3 July 2015:-
 - 1:2500 scale Location Plan. Drawing No. 01Rev01.02;
 - 1:1250 scale Proposed Development Layout. Drawing No. 02 Rev 01.02;

- 1:500 scale Site Plan – Swept Paths. Drawing No. 03 Rev 01.00;
- 1:50 scale Foundation Section, Elevation and Floor Plan. Drawing No. DA100-CPL-961B Rev 04.01;
- NTS Turbine Elevation. Drawing No. NA100-002X_V01 Rev 01.00;
- NTS Indicative Construction Layout. Drawing No. DA100CPL-T001. Rev 01.00; and
- 1:2000 scale Access Route from B4306. Drawing No.01 dated 2 September 2015.

- 3 During the construction phases, no works or construction shall take place other than within the hours of 08:00 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays.
- 4 To prevent any demonstrable harm to the amenity of residents, the rating level of noise immission from the wind turbine (including the application of any tonal penalty) should not exceed a sound pressure level not exceeding 35dB LA90, 10 mins, within the amenity space of any non-financially involved lawfully existing dwelling, between cut-in wind speeds and the wind speed corresponding to the turbines maximum sound power level, measured to a height of 10m.
- 5 To prevent any demonstrable harm to the amenity of any residents, the cumulative rating level of noise immission from the wind turbine (including the application of any tonal penalty), should not exceed a sound pressure level not exceeding 35dB LA90, 10 mins, within the amenity space of any non-financially involved lawfully existing dwelling, between cut-in wind speeds and the wind speed corresponding to the turbines maximum sound power level, measured to a height of 10m.
- 6 To prevent any demonstrable harm to the amenity of any residents residing at any financially involved properties, the cumulative rating level of noise immission from the wind turbine(s) (including the application of any tonal penalty) should not exceed 45dBLA90,10min as measured at least 3.5 meters from the façade of any financially involved noise sensitive property at any time, up to and including on-site wind speeds of 12 m/s at 10m height.
- 7 Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind turbines at the complainant's property following the procedures described in ETSU-R-97 "The Assessment and Rating of Noise from Wind Farms". The scheme for assessing the level of noise shall be agreed in writing by the Local Planning Authority prior to being implemented.
- 8 The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location where measurements for compliance checking purposes shall be undertaken, the method to assess the presence of any tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions.

- 9 In the event that the operational turbine subsequently develops an audible tone, then a penalty shall be added to the measured sound levels in accordance with ETSU-R-97. This condition applies where no tone has been identified at the assessment stage and no penalty applied.
- 10 During the course of the investigation, should the wind turbine be identified as operating above the parameters specified in condition 1, 2 and 3, the wind turbine/s will be modified, limited or shut down. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified in conditions 1, 2 and 3.
- 11 The turbine shall operate in “Low Noise Mode” at all times.
- 12 If the wind turbine hereby permitted ceases to operate for a continuous period of 6 months, or is erected and is not commissioned within 6 months of erection, unless otherwise approved in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment and structures relating solely to the wind turbine shall be submitted and approved in writing by the Local Planning Authority within 3 months of the end of the cessation period (or 9 months from erection). The scheme shall include details for the restoration of the site. The decommissioning scheme shall be implemented within 3 months of the date of its approval by the Local Planning Authority.
- 13 Turbines shall not display any sign, symbol or logo on any external surface, unless previously agreed in writing with the Local Planning Authority, except as required for health and safety purposes.
- 14 No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.
- 15 No development shall take place until written proposals for a Landscape Compensation and Biodiversity Enhancement Scheme have been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include a timescale for implementation.
- 16 The Landscape Compensation and Biodiversity Enhancement Scheme, as submitted to discharge Condition 11 shall be fully implemented in the first available planting and seeding seasons following the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority.

Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Landscape Compensation and Biodiversity Enhancement Scheme which, within a period of 5 years after implementation are removed; die; or become in the opinion of the Local Planning Authority, seriously diseased; damaged or otherwise defective, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification, unless otherwise agreed in writing by the Local Planning Authority.

17 No development shall take place until a comprehensive Physical Landscape Impact Mitigation Scheme [PLIMS] has been submitted to and approved in writing by the Local Planning Authority.

18 Development shall be fully implemented in accordance with the approved Physical Landscape Impact Mitigation Scheme [PLIMS] and to the approved implementation and long term management programmes, unless agreed otherwise, in writing, by the Local Planning Authority.

Any new landscape elements planted or seeded; or existing landscape elements retained; in accordance with the approved PLIMS which, within a period of 5 years after implementation, die or become, in the opinion of the Local Planning Authority, seriously diseased, damaged or otherwise defective shall be replaced in the next planting or seeding season with replacement elements of similar size and specification, unless the Local Planning Authority gives written consent to any variations.

19 No spoil should be spread within 5 m of any tree or hedgerow; this should be a condition of any consent.

20 Any vegetation clearance should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season; therefore care should be taken to ensure that no nesting birds are affected.

REASONS

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

2 In the interests of visual amenity.

3-11 To prevent disturbance and loss of amenity to occupiers of nearby buildings.

12 To ensure derelict or obsolete structures do not adversely affect the environment.

13 To prevent unacceptable landscape and visual impacts.

14 To avoid the pollution of ground waters.

15-18 In order to mitigate physical and landscape impacts.

19-20 In the interests of biodiversity.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposal complies with Policies RE2 & SP11 in that it is an appropriate form of renewable proposal which is not likely to cause unacceptable harm to the amenities of third parties or the character and appearance of the open countryside.

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

The applicant should be aware of their legal duties regarding certain protected species. All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations (1994). Bats are also fully protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended*). Under the Conservation Regulations (1994) it is an offence deliberately to capture or kill a wild animal of a European protected species; deliberately to disturb any such animal; or to damage or destroy a breeding site or resting place of such an animal. For bats this includes roosts that are not currently being used.

If bats are encountered on site works should stop immediately and NRW should be contacted (Natural Resources Wales, - General Enquiries: enquiries@naturalresourceswales.gov.uk or 0300 065 3000 Mon-Fri, 8am - 6pm) - an EPS development licence may then need to be applied for. Licences are not automatically granted by virtue of a valid planning consent and it may be possible that the necessary licence application may be refused.

Nesting Birds

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

- 3 All construction works associated with the installation of the turbine, shall comply with the guidance found in BS 5228-1:2009 Code of Practice for Noise and Vibration Control on Construction and Open Site: Noise and BS 5228-2:2009 Code of Practice for Noise and Vibration Control on Construction and Open Site
- 4 Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement and the developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical works on site, shall be met by him.
- 5 Advisory Notes on the Landscape Compensation Scheme and Physical Landscape Mitigation Scheme [PLIMS] can be found on the Carmarthenshire website under the application number.

Application No	S/32710
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Application Type	Full Planning
Proposal & Location	PROPOSED CUBICLE HOUSING AT CWMBEREM FARM, PONTYBEREM, LLANELLI, SA15 5BP

Applicant(s)	MR NOEL RICHARDS, COEDMOELON FARM, PONTYBEREM, LLANELLI, SA15 5AN
Case Officer	Gary Glenister
Ward	Pontyberem
Date of validation	23/09/2015

CONSULTATION

Head of Public Protection – Has no adverse comments as there is no increase in stocking numbers proposed.

Pontyberem Community Council – Raises the following matters:-

- the need to protect natural resources;
- the provision of sufficient notice to neighbours;
- the possibility that the proposal amounts to over-development;
- the possibly adverse effect upon Public Footpath 59/13; and
- the proximity of the river.

Local Member – County Councillor J S Williams has requested the proposal be reported to Planning Committee.

Natural Resources Wales – Has no objection as no increase in stock numbers is proposed however provides advice regarding the slurry arising from the proposal.

Neighbours/Public – The application has been advertised by the posting of one site notice with six responses received to date raising the following matters:-

- Proximity to third party property;
- Highway safety –
 - increase in vehicles,
 - mud on road,
 - damage to verges,
 - speed/weight of vehicles,

- Loss of amenity;
- Odour/air quality;
- Flies;
- Starlings;
- Noise/hours of operation;
- Silage storage;
- Public footpath;
- Lack of consultation.

RELEVANT PLANNING HISTORY

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

S/31889	Retrospective application for extension to existing cubicle/feed building. Full planning permission	23 June 2015
S/31827	Discharge of condition 4 of planning permission S/30670 (provide Method Statement). Discharge of Condition granted	27 April 2015
S/30670	Replacement of existing dwelling. Full planning permission	26 September 2014
S/08474	Construction of loose housing cattle building Approved	14 February 2005
S/00922	New kitchen/dining/bedroom extension Approved	27 November 1997
S/00548	Hay and cattle shed Permitted Development	

APPRAISAL

THE SITE

The application site is a well established farm holding in open countryside to the North of Pontyberem. The site has existing buildings approved in 2005 and extended in 2014 and an existing slurry pit. The site of the proposal is unused land immediately adjacent to the existing sheds.

The site also has one residential dwelling which has full planning permission for a replacement dwelling and work is underway to demolish and rebuild.

There is a third party farm dwelling which is currently being extended approximately 66m to the northwest of the nearest part of the shed, however it is noted that the residential garden lies between the dwelling and the proposal.

The farm complex is crossed by a public right of way, however this is not affected by the proposal.

THE PROPOSAL

The application seeks full planning permission for the erection of a 54m by 26.1m cubicle shed on the holding. The shed is proposed to be 4.852m high to the eaves and 8.151m to the ridge.

Externally the shed is proposed to be precast concrete lower walls with timber boarding above under a fibre cement roof with two roof lights per bay to provide a degree of natural lighting.

The applicant states that the intention is to re-organise the livestock on the holding and replace the cubicles currently within an existing building which will be used for loose housing. The proposal is not therefore intended to increase the stocking level on the holding.

PLANNING POLICIES

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

Policy GP1 of the LDP (Sustainability and High Quality Design) states:-

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

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;

- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

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

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 7 – July 2014 provides the following guidance.

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

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

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

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

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

example to biodiversity, climate protection, air quality and the protection of water resources.

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

Paragraph 2.2 of Technical Advice Note 12 Design (2014) states:-

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

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (2014) states:-

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

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

THIRD PARTY REPRESENTATIONS

There is concern over the proximity of the proposal to third party properties. It is acknowledged that there is a residential dwelling approximately 66m from the proposal. However, it is noted that the site is in a rural area and the new shed is proposed immediately adjacent to existing buildings. It is also noted that the nearest property is itself a small holding with an agricultural building present. The proximity of the proposal to a residential dwelling is not therefore considered to be unacceptable.

There is concern over highway safety, however it should be noted that the proposal is for animal welfare purposes and no increase in stock is proposed. Therefore the proposal is not likely to lead to an increase in traffic generation.

The presence of mud on the road and damage to verges is not a material planning consideration.

The speed of agricultural vehicles using the road is outside the control of the local planning authority and is a police matter if the applicant is breaking the speed limit. It should be noted that the road is a 60mph limit and it is unlikely that agricultural vehicles are exceeding this. The weight of vehicles is reflective of modern agricultural practices and therefore is appropriate for an agricultural business.

There is concern over loss of amenity in respect of odour, air quality, flies, starlings, noise & hours of operation. As a result, public protection has been consulted and has assessed the proposal. The submission shows that the applicant is proposing to improve animal welfare rather than increase stocking levels and therefore public protection has no adverse comments.

The storage of silage is a reasonable activity on a farm complex. As stated elsewhere in this report, the applicant is not proposing an increase in stocking levels so the increase in silage is not therefore likely.

A public footpath runs through the farm complex however the proposal does not affect its alignment. It is recommended that any permission should include the standard note that planning permission does not give the right to stop up or divert rights of way. If the applicant seeks to divert a public right of way, this is done through other legislation.

The site has been subject to statutory consultation by way of posting a site notice on the site entrance. It came to officer's attention that this was no longer in place so a second notice was posted shortly after. Six representations have been received as a result of the consultation process.

Natural Resources Wales has been consulted on the proposal and has no objection. Advice is however given regarding the slurry arising from the site.

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of the representations received to date, it is considered that the cubicle shed is proposed on an existing farm complex immediately adjacent to existing buildings. Whilst there is concern locally, issues have been carefully examined and given the fact that the proposal is for animal welfare purposes rather than an increase in numbers, the use of the site would remain as existing. There is a residential dwelling approximately 66m away from the proposal which is itself a small holding, however the impact is not considered likely to be unacceptable. The proposal is therefore considered to be in accordance with the above policies.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans dated 22 September 2015:-
 - 1:100 scale Elevations and Section. Drawing No. P/01A;
 - 1:100 scale Plan. Drawing No. P/02;
 - 1:2:500 & 1:500 scale Site and Location Plans. Drawing No. P/03.

- 3 The entire building hereby approved shall be used for agricultural purposes as defined under Section 336 of the Town and Country Planning Act 1990 and not for any other purposes.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenities.
- 3 The proposal is for agricultural purposes only.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposal complies with Policy GP1 of the LDP in that the cubicle shed is considered to be reasonably necessary for agricultural purposes, is appropriate in terms of scale and design, and will not cause unacceptable loss of amenity to neighbouring uses.

NOTE(S)

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

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

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

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

- 2 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow onto any part of the public highway.

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

The applicant should be aware of their legal duties regarding certain protected species. All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations (1994). Bats are also fully protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended*). Under the Conservation Regulations (1994) it is an offence deliberately to capture or kill a wild animal of a European protected species; deliberately to disturb any such animal; or to damage or destroy a breeding site or resting place of such an animal. For bats this includes roosts that are not currently being used.

If bats are encountered on site works should stop immediately and NRW should be contacted (Natural Resources Wales, - General Enquiries: enquiries@naturalresourceswales.gov.uk or 0300 065 3000 Mon-Fri, 8am - 6pm) - an EPS development licence may then need to be applied for. Licences are not automatically granted by virtue of a valid planning consent and it may be possible that the necessary licence application may be refused.

Nesting Birds

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

- 5 Planning permission does not give permission to stop up or divert any public rights of way on the site. If necessary, the footpath would need to be diverted through other legislation.

Application No	S/32729
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Application Type	Full Planning
Proposal & Location	DEMOLISH SUB STANDARD EXISTING REAR EXTENSION AND CONSTRUCT NEW EXTENSION AT 5 NEWTOWN, MYNYDDYGARREG, KIDWELLY, SA17 4PF

Applicant(s)	MRS ELIZABETH MATHIAS, 6 NEWTOWN, MYNYDDYGARREG, KIDWELLY, SA17 4PF
Agent	HAROLD METCALFE PARTNERSHIP - MR CERI EVANS, 32 SPILMAN ST, CARMARTHEN, CARMARTHENSHIRE, SA31 1LQ
Case Officer	Gary Glenister
Ward	Kidwelly
Date of validation	28/09/2015

CONSULTATION

Kidwelly Town Council – No observations received to date.

Local Members – There is no local member pending by-election.

Neighbours/Public – Three neighbour consultation letters have been sent out, with two objections received to date raising the following matters:-

- Structural damage
- Levels
- Loss of privacy
- Noise
- Overdevelopment of site
- Health risk (asbestos removal)
- Lack of parking
- Dispute over hedge

RELEVANT PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

THE SITE

The application site is a small semi detached single storey cottage off a no through road known as Newtown Mynyddygarreg. The cottage is in a hill side location which is elevated above the road with a front retaining wall. The rear garden is elevated above the floor level of the cottage with steps leading to the higher level. To the rear there is a recently constructed housing estate. The cottage has a small single storey extension to the rear. The attached dwelling has a relatively modern single storey extension of a similar scale to the proposal.

THE PROPOSAL

The application seeks full planning permission for a single storey rear extension. The extension is proposed to measure 6.3m in depth by 8.5m wide with a ridge height less than the original cottage. Externally the extension is proposed to be render under a tiled roof.

The site is not level, so there is cutting proposed to the rear with two retaining walls so that there is a terraced garden.

PLANNING POLICIES

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

Policy GP1 (Sustainability and High Quality Design) of the LDP states:-

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

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

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

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

Policy GP6 (Extensions) of the LDP states:-

Proposals for the extension of existing residential dwellings/Use Class C3 (which require planning permission) whether buildings, other structures or a particular land use must comply with the following:-

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

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 7 – July 2014 provides the following guidance.

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

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

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

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

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

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

Paragraph 2.2 of Technical Advice Note 12 Design (2014) states:

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

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (2014) states:

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

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

THIRD PARTY REPRESENTATIONS

There is concern over potential structural damage to third party land due to the excavation of material to form the proposal. Due to there being properties at a higher level, the concern is that there will be land slippage. It should be noted that a cross section has been submitted showing the finished levels and the presence of retaining walls which would be designed to structural engineering standards. A specific design is not possible until excavation takes place as the ground conditions are not known, however compliance with the plans would entail an engineering solution. The ground level adjacent to third party properties is not proposed to be changed so it is unlikely that there will be any impact on third parties.

In order to achieve a flat level site, there would need to be removal of material. This is a matter for the applicant to ensure there is compliance with health and safety in terms of working practices and deposition of material using skips etc.

Loss of privacy is not considered likely as the fenestration would be looking into the bank with retaining walls and patio area. The site would be overlooked by properties to the rear, however is unlikely to result in loss of privacy to the neighbouring properties.

Noise during construction is a temporary loss of amenity and not a permanent matter of concern which would have an unacceptable impact on residential amenity.

There is concern over the overdevelopment of site given the fact that the extension is proportionately large compared to the original house. It should be noted however that a) there is an existing extension present and b) the original cottage is extremely small c) there is a reasonable separation distance from the rear of the proposal to the boundary. The rear garden is approximately 20.6m long with the proposal being approximately 6.3m in depth so there is still over 14m rear garden. Therefore the proposal is not considered to be excessive or overdevelopment of the site.

The health risk of asbestos removal is not a material planning consideration as asbestos is a controlled waste and would need to be removed by licenced contractors.

Lack of parking is not considered to be material as there is no increase in residential units. It should be noted that the proposal does not reduce parking as it is to the rear of the property and there is no access to the rear of the dwelling.

Any dispute over the boundary hedge is not material as it is a civil matter.

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of the representations received to date, the proposal is considered to be a single storey extension which is unlikely to have a detrimental impact on the character and amenity of the area or the residential amenity of third parties. The proposal is therefore considered to be in accordance with the above policies.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - 1:1250 scale Location Plan dated 24 September 2015;
 - 1:500 scale Block Plan dated 24 September 2015;
 - 1:50 scale Proposed Floor Plan. Drawing No. C/4468/2 dated 22 September 2015;
 - 1:100 & 1:50 scale Proposed Elevations and Section A-A. Drawing No. C/4468/3 dated 22 September 2015;
 - 1:100 scale Existing and Proposed Sections. Drawing No. C/4468/4 dated 13 November 2015.
- 3 The external roof and wall materials shall match those of the original cottage.
- 4 Prior to construction of the retaining walls hereby approved, the detailed engineering design shall be submitted to and approved in writing by the Local Planning Authority. The retaining walls shall be designed by a suitably qualified and indemnified structural engineer.

REASONS

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

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposal complies with Policy GP1 of the LDP in that it is appropriate in terms of scale and design, and will not cause unacceptable loss of amenity to neighbouring uses.
- It is considered that the proposed development complies with Policy GP6 of the LDP in that it is appropriate in terms of scale and design, sufficient amenity/garden space remains, and it shall not adversely affect the amenities of the occupiers of the neighbouring properties.

NOTE(S)

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

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

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

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

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

The applicant should be aware of their legal duties regarding certain protected species. All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations (1994). Bats are also fully protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended*). Under the Conservation Regulations (1994) it is an offence deliberately to capture or kill a wild animal of a European protected species; deliberately to disturb any such animal; or to damage or destroy a breeding site or resting place of such an animal. For bats this includes roosts that are not currently being used.

If bats are encountered on site works should stop immediately and NRW should be contacted (Natural Resources Wales, - General Enquiries: enquiries@naturalresourceswales.gov.uk or 0300 065 3000 Mon-Fri, 8am - 6pm) - an EPS development licence may then need to be applied for. Licences are not automatically granted by virtue of a valid planning consent and it may be possible that the necessary licence application may be refused.

Nesting Birds

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

- 3 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 4 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.