

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR AMGYLCHEDD**

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

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

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

**AR 02 MAI 2019  
ON 02 MAY 2019**

**I'W BENDERFYNU/  
FOR DECISION**

***Ardal  
Gorllewin/  
Area West***



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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>02 MAY 2019</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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<p><b>APPLICATIONS RECOMMENDED FOR APPROVAL</b></p>
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<b>Application No</b>	<b>W/37160</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	AGRICULTURAL BUILDING FOR THE STORAGE OF FARM MACHINERY, FEED BINS FOR LIVESTOCK AND STORAGE OF PRODUCE AT PWLL LLALLAU, CWMFELIN BOETH, WHITLAND, SA34 0RU

<b>Applicant(s)</b>	PAUL KIRBY, 237 YSTRAD ROAD, FORESTFACH, SWANSEA, SA5 4ND
<b>Agent</b>	
<b>Case Officer</b>	Helen Rice
<b>Ward</b>	Llanboidy
<b>Date of validation</b>	26/04/2018

## CONSULTATIONS

**Llanboidy Community Council** – No comments received.

**Local Member** – Cllr D Phillips is a Member of the Planning Committee and has not made any comments on the application.

**Neighbours/Public** – The application was the subject of notification by way of a site notice. 4 representations from were received as a result, all objecting to the development on grounds which are summarised as follows:

- Whilst the building is of a similar footprint to a previous building on the site, concerns are raised over the ultimate objective of the applicant;
- An existing stable block on the land would be suitable for storage and therefore question the need for this building;
- the building is over-engineered for its purpose and is more akin to a dwelling;
- the applicant is seeking to establish residential status on the land and has historically sought to live on the site;
- access to the site has substandard visibility;
- the holding is of poor quality and thus could not sustain an agricultural use;
- the site is badly maintained and appears derelict and abandoned;
- evidence of damage to the highway by heavy vehicles
- it is unclear what form of agriculture the land supports

- highway safety concerns due to parking of vehicles across the gateway

## RELEVANT PLANNING HISTORY

W/22860 -	Construction of concrete pig sty (agricultural) Full Granted	28/06/2010
W/19772 -	One log cabin for the storage of tools, equipment and materials, to be used as a workshop and to accommodate toilet and wash basin. Full Refused Appeal Dismissed	21/11/2008 12/08/2009
W/16057 -	One bungalow Outline Refused	27/06/2007
W/00988	Construction of stables Full Granted	07/10/1997
D4/15874 –	Construction of an agricultural building Full Refused	16/06/1988

## APPRAISAL

This application has been received as a result of action by the **Planning Enforcement Team**.

## THE SITE

The application site is situated in the open countryside to the north east of the village of Cwmfelin Boeth. Located within a small valley, the site is visible from the adjoining public highway and lies opposite a pair of semi-detached residential properties albeit mature trees along the site's southern boundary largely screen the site from these properties. The site comprises a range of outbuildings which are partly finished.

## THE PROPOSAL

Planning permission is sought, partly in retrospect, for a concrete block storage building. The lower sections of the building have been in situ for a number of years, although the upper sections and roof comprised of corrugated sheeting supported by wooden poles. The corrugated sheeting and wooden pole sections have since been demolished and the applicant has continued to erect the concrete block building on the same footprint, including the provision of a pitched tiled roof. This application follows enforcement investigations triggered as a result of the works to remove the corrugated sheeting and erection of the concrete block walls. Information submitted in support of the application explains that building is proposed to be a multi-purpose agricultural building to enable the storage of machinery and feed to serve the 5.9 acres of land owned by the applicant. The submitted information indicates that the applicant intends to grow fruit and vegetables on the land, along with introducing pigs, chickens, geese and goats although no specific numbers are stated.

## PLANNING POLICY

This application has been considered against relevant policies of the Carmarthenshire Local Development Plan (Adopted December 2014) ('the LDP') and other relevant Welsh Government Guidance. The application site lies within the countryside as defined by the LDP and the following policies are of key relevance to the proposal:

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

**Policy SP3 Sustainable Distribution Settlement Framework** seeks to concentrate development in sustainable locations within existing defined settlements such as identified growth areas, service centres, local service centres and other defined sustainable communities.

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

## APPRAISAL

The main issues of this case are considered to be the justification for the development, impact upon character and appearance of the area and highway safety.

As explained above, the building the subject of the application has been in situ for a number of years albeit in a different form with a corrugated roof and upper wall sections rather than a tiled roof with full concrete block wall as is now the case. Whilst the extent of the holding is minimal at 5.9 acres, this application relates to the works undertaken to effectively complete the building. The resultant effect is a building which is in a far better state of repair than the previous structure and therefore can better serve its intended purpose for the storage of machinery and feed. Whilst it is noted that there are other buildings on the site, including a pig sty and a stable block which may be able to serve the same purpose, it is considered that the building as now improved provides facilities to better serve the use of the land whilst also being a more acceptable form of development in the interest of visual amenity.

Concerns raised by third parties regarding the intended objective of the applicant to live on the land are not matters to be considered as part of this application. In addition, whilst concerns regarding highway safety are noted, it is not considered that this application would generate any additional traffic given that the overall footprint of the building remains the same.

## CONCLUSION

After careful consideration of the scheme as submitted it is considered that, on balance, the proposal represents an acceptable form of development that completes a building that

has been in situ on the land for a number of years. The works to complete the building has improved the overall appearance of the site which can better serve the intended use.

## **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 retrospective permission, shall have been deemed to have been implemented on 25 January 2018.
- 2 The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
  - 1:1250 scale Block Plan received 25 January 2018
  - 1:400 scale Floor Plan
  - 1:400 scale Elevation Plan B
  - Elevation plans 2 (west), 3 (east) and 4 (south)
- 3 The development hereby approved shall only be used for agricultural purposes as defined under Section 336 of the Town and Country Planning Act 1990 (As amended) and for no other purpose whatsoever.

### **REASONS**

- 1 Required to be imposed pursuant to Section 73A of the Town and Country Planning Act 1990 (as amended).
- 2 In the interest of clarity as to the extent of the permission.
- 3 To clarify the nature of the development in the interests of surrounding amenity and highway safety.

### **NOTES**

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

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

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the



submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

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

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

<b>Application No</b>	<b>W/38125</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	PROPOSED DEVELOPMENT OF 36 RESIDENTIAL DWELLINGS AND ASSOCIATED WORKS AT LAND TO THE SOUTH OF, DOL Y DDERWEN, LLANGAIN, CARMARTHENSHIRE, SA33 5BE

<b>Applicant(s)</b>	GARETH WILLIAMS, C/O AGENT, ,
<b>Agent</b>	ASBRI PLANNING LTD - LLINOS HALLETT, UNIT 9, OAK TREE COURT, CARDIFF GATE BUSINESS PARK, CARDIFF, CF23 8RS
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Llansteffan
<b>Date of validation</b>	05/12/2018

## CONSULTATIONS

**Head of Highways and Transport** - Has raised no objection to the application subject to the imposition of suitable conditions on any permission granted.

**Head of Waste and Environmental Services (Land Drainage)** – Has confirmed his acceptance of the surface water drainage strategy proposed.

**Head of Public Protection and Housing** – Has raised no objection to the application subject to the imposition of suitable conditions on any permission granted.

**Llangain Community Council** – Have raised no in-principle objection to the residential development of the site in that it will bring a younger element to an ageing community and assist in supporting the school, memorial hall and recreation activities in the village. They also opine that the development will also support the village public house, Pantydderwen, which has recently re-opened.

Notwithstanding the above, the Council highlight that there are concerns regarding the proposed means of access to the development which include the following:

- The residents of Dol y Dderwen object to the proposed means of access to the site via their estate in that there are currently 56 dwellings on the estate with their own vehicular movements together with delivery vehicles and medical/carers vehicles as many residents are senior citizens. They therefore suggest that the estate road cannot accommodate another 70+ vehicles likely to be generated by the development.
- In leaving the existing estate, the extra traffic would use a narrow exit onto a single track road with no pavement which is currently used by residents, school traffic as well as traffic visiting the nearby memorial hall. The road is also used by large farm vehicles which bring their own dangers.
- The additional traffic would join the B4312 at Smyrna Cross Roads which is a very busy junction and vehicle speeds along the B4312 often exceed the 40mph speed limit.
- If the above concerns are accepted by the Authority, the only practical alternative would be to access the development via Church Road which is itself restricted and would need to be improved by means of widening and improvements works at its junction with the B4312.

**Local Member** - County Councillor C Jones is a member of the Planning Committee and has made no prior comment.

**Dwr Cymru Welsh Water** – Have examined the drainage proposals submitted with the application and confirmed that they have no objection subject to the imposition of suitable conditions.

**Natural Resources Wales** - Have raised no objection to the application.

**Public Rights of Way** – Have not commented on the application to date.

**Dyfed Archaeological Trust** – Have not commented on the application to date.

**Neighbours/Public** – The application has been publicised with the posting of a number of site notices within the vicinity of the site and the publication of a notice in the local newspaper. In response, some 16 letters of representation have been received from neighbouring residents, including a local action group, all of whom raise concerns regarding the proposal. A number of respondents have indicated that they support the principle of new housing on the site subject to access concerns being addressed. The objections are summarised below:

- The site is adjoined by a public footpath which is a significant link in the local network and should be maintained as part of the development.
- The development should result in increased road safety for all; instead it will have the opposite effect.
- The analysis of the traffic flows and speeds have been underestimated in the application.
- Turning a cul de sac into a through road will result in increased traffic and accidents.
- The current trend towards increased personal, service and delivery vehicles entering the existing estate is likely to continue resulting in parking on the pavement in the estate and the development will make this substantially worse.
- One property in the estate does not have any off street parking.

- Concerns regarding further future phases of development.
- The detrimental impact of additional traffic upon three existing junctions – B4312/School Lane, School Lane/Dol y Dderwen, internal junction in Dol y Derwen estate between nos. 32 and 40.
- No paving of the existing public rights of way.
- An access route via Church Road would provide a more direct and safer access to the development and generate less pollution and disturbance to existing residents while having better visibility. It would remove access issues relating to the safety, flow of traffic and parking in the existing estate and the owner of the field next to Church Road is prepared to undertake a 'land swap' to enable Church Road to be widened.
- The outline plan shows an emergency access via Church Road and respondents question the need for this.
- Surface water flooding from the development.
- Increased traffic in the estate would make it less safe for children to play and cycle.
- Problems with sewerage capacity.
- Change to the visual landscape.
- The need for social gain to the community such as pedestrian improvements.
- Safety effect upon the adjacent public footpath.
- The remainder of field will become neglected and an eyesore.
- Poor visibility at the junction of School Lane with B4312.
- Impact of increased traffic upon road users and pedestrians including school children using the bus stop.
- Disturbance and pollution caused by additional traffic during and following completion of development.
- Increased traffic along Heol Smyrna which is unsuitable with no pedestrian facilities.
- There is a restrictive covenant limiting the surface water drainage from the development and the Dol y Dderwen estate to just 60 dwellings.
- Limited visibility along parts of Dol y Dderwen due to bends, service, delivery and visitor vehicles and parking.
- Parts of Dol y Dderwen would have parking restrictions as a result of the proposal.
- The application fails to provide ease access for all vehicles.
- Reducing the speed limit on the B4312 will not in itself prevent speeding along this road and the increased use of the junction as a result of the development will increase the risk of vehicle collisions.

## **RELEVANT PLANNING HISTORY**

The following previous applications are of relevance to the proposal:

D4/4214 - Siting of residential development  
Withdrawn

15 July 1980

## **APPRAISAL**

### **THE SITE**

The application site consists of a roughly square shaped parcel of land located to the south of the Dol y Dderwen residential estate in Llangain. It covers an area of approximately 1.45 hectares and forms the eastern half of a large field enclosure that

bounds the southern side of the estate. The land slopes down gently towards its northern boundary with the estate which consists of a mix of hedgerows and post and wire fencing. The estate road serving Dol y Dderwen terminates in a cul de sac on the boundary of the site.

The site has no physical western boundary separating it from the wider field enclosure whilst the eastern boundary consists of mix of hedgerow and wire fencing that runs contiguous with Church Road which extends in a southerly direction from its junction with the B4312. Similarly, the southern boundary is defined by an established hedgerow beyond which is a public right of way that provides a direct link from Church Road to School Lane to the west.

The Dol y Dderwen estate is characterised by relatively low density detached bungalows. The properties of Coedmor Avenue are located to the west of the field enclosure wherein the site is located and consist of a mix of detached bungalows and semi detached housing. The primary school, community hall and village park are located beyond Coedmor Avenue along School Lane and can be accessed from the site via the existing public right of way referred to above. There is a public house and bus stop in the village which are located a short distance from the site on School Lane and the B4312. The areas to the south and east of the site consist of open countryside.

## **THE PROPOSAL**

The application seeks outline planning permission for the residential development of 36 dwellings on the site together with associated works. All detailed matters relating to the development have been reserved for future consideration and, as such, the application seeks to establish the principle of the development of the site.

The applicant has provided a schematic layout plan of the development for illustrative purposes to demonstrate how the site could be developed in an acceptable manner. The development is shown to be accessed via the existing Dol y Dderwen estate road that currently terminates at the northern boundary of the site. The new estate road will be to an adoptable standard having flanking footways and will form a loop within the development with a number of shared drives leading off this to a number of the dwelling units. The road layout incorporates two access points to the remainder of the field enclosure to the west as well as an emergency access onto Church Road to the east. The latter is shown to include bollard provision which will allow access in the event of an emergency and preclude access at all other times.

The units are set around the side boundaries of the site and estate road while provision is also made for a central area which will incorporate an area of public open space as well as a small number of units. The scheme is shown to comprise a mix of dwelling types which include 8 no. detached 4 bedroom bungalows, 13 no. detached 3 and 4 bedroom houses, 12 no. 2 and 3 bedroom semi detached houses and 3 no. 3 bedroom terraced houses. It includes 11 affordable dwellings consisting of 2 and 3 bedroom semi detached and terraced houses with these representing a 30% proportion of the overall number of units proposed. The detached bungalows are shown to be located in the northern part of the site to reflect and complement the residential context of the adjacent Dol y Dderwen estate and minimise the potential for the overlooking and overshadowing of existing properties. The density of the development will be approximately 25 units per hectare.

Parking within the scheme will consist of driveways set predominantly to the front and side of the dwellings with garages also set behind the building line. The layout will aid in reducing the visual dominance of cars which, with the provision of landscaping proposals, will provide a pleasant and attractive streetscape.

The existing hedgerows along the site's boundaries are to be retained as part of the development with, as mentioned above, new landscaping and planting frameworks being provided throughout the development layout. The finished levels of the development will be comparable with the prevailing levels of the site.

The application has been accompanied by the following supporting information certain of which are appraised below:

- Design and Access Statement
- Transport Statement
- Pre-application Consultation Report
- Drainage Strategy
- Planning Statement
- Ecological Appraisal.

The transport statement considers the highway impacts of the development upon the surrounding road and transport network. It estimates that the development will generate up to 19 vehicle movements in the AM peak period and 20 vehicle movements in the PM peak period which equates to 1 additional vehicle movement every 2 - 3 minutes. This additional level of traffic is envisaged to have a marginal impact upon the local highway network and will not therefore be detrimental to the free flow of traffic.

The statement acknowledges that the visibility at the existing junction of School Lane with the B4312 is currently substandard whereby it is obstructed by hedgerow growth that abuts the latter. The speed limit for vehicles travelling along the B4312 is currently 40 mph and, following discussions with the officers of the Local Highway Authority, the statement sets out the applicant's intention to reduce the speed limit to 30mph as part of the development to ensure the visibility at the junction meets the requisite standard contained in Technical Advice Note (TAN) 18: Transport (2007). This will serve to improve the current level of visibility for both existing residents and road users as well as the occupiers of the proposed development.

The statement also highlights the sustainability benefits of the development in that it is within close proximity to local amenities and existing bus services and will also provide the necessary pedestrian facilities within the scheme to encourage residents to use sustainable modes of travel.

The drainage strategy confirms that ground conditions within the site will preclude the use of soakaways for the disposal of surface water from the development while the absence of a watercourse within the vicinity of the site also prevents a discharge to the same. As a result, it sets out a strategy to dispose of surface water from the new dwellings and estate road to an existing public surface water sewer located in the Dol y Dderwen estate road which drains to a watercourse located to the north of the B4312 via a piped system. The scheme will include underground storage within the development which will include an allowance for climate change and provide an attenuated discharge into the existing system at a maximum rate of 5 litres per second.

Foul water from the development will be discharged to the existing public sewer network which is again located in the Dol y Dderwen estate.

Finally, the ecological appraisal confirms that the site consists of improved pasture which is considered to be of low ecological value. The hedgerow along the southern boundary of the site is considered to be the primary feature of ecological value which, along with the other existing boundary hedgerows, is to be retained as part of the development. The appraisal sets out a series of recommendations for ecological enhancements as part of the development which include new hedgerow and tree planting within the development as well as provision for bird and bat boxes.

## **Community Benefits**

The applicants have agreed to enter into a Section 106 Agreement that will secure the following level of community benefits as part of the development. The precise level of contributions have been agreed following negotiations and discussions with officers of this Department as well as the relevant service providers of the Authority.

1. **Affordable Housing** - A total of 30% of the units proposed are to be 'affordable' which will equate to 11 dwellings. The precise type, mix and tenure of the units are to be agreed with the Authority as part of any subsequent reserved matters application.
2. **Play facilities/open space** – The payment of a financial contribution of £24,000 towards the improvement of the play equipment in the existing park in the village along with the provision of an area of informal open space within the development.
3. **Education Facilities** – The payment of a financial contribution towards the provision/improvement of educational facilities within the local primary and secondary catchment schools which will be calculated on the basis of the Authority's Supplementary Planning Guidance formula, the number of units proposed and the current capacity of the relevant catchment schools. Based upon a development of 36 units and the current capacities of the relevant catchment schools, this would equate to a contribution of £22,000.
4. **Highway Improvements** – The implementation of a scheme to reduce the speed limit of vehicular traffic from 40mph to 30mph along the B4312 within the vicinity of its junctions with School Lane and Heol Smyrna.

## **PLANNING POLICY**

### **Local Development Plan (LDP)**

In the context of the Authority's current Development Plan the application site is located within the development limits of Llangain as defined in the adopted LDP. The site is designated as a housing allocation in the Plan and is identified as accommodating 25 dwellings under Policy H1. However, this figure is indicative for the purposes of the Plan. The remainder of the field enclosure wherein the site is located falls outside the development limits of the settlement. Llangain itself is identified as a sustainable community in the Plan under Policy SP3 (reference SC/18).

Reference is drawn to the following policies of the Plan which are of relevance to the proposal.

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

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

Policy SP5 allocates sufficient land for 15,778 new dwellings within the Plan area in accordance with the Settlement Framework wherein Llangain is identified as a sustainable community (SC/18).

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

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

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

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

Policy GP2 permits proposals within defined development limits subject to the policies and proposals of the plan, national policies and other material planning considerations.

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

Policy GP4 states that proposals 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 H1 allocates land for residential development for the plan period to 2021.

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

Policy TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Reference is also made to the need to meet required access and parking standards as well as promoting the interests of pedestrians, cyclists and public transport as part of proposals.

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

Policy EP1 permits proposals where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters.

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

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

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

### **National Planning Policy**

Planning Policy Wales (PPW) (Edition 10, November 2018) provides a national overview of planning policy on a wide range of issues relevant to the proposed development.

It highlights the need to provide a range and choice of housing to respond to changes in household need and that the provision of quality housing with access to services, green spaces and community facilities helps to create the right conditions for better health and well being. Furthermore, it advocates locating new housing within existing settlements to

allow people to travel to places of employment, retailing and other community services by walking, cycling or public transport.

It also refers to the need for new housing in both urban and rural areas to include a mix of market and affordable house types, tenures and sizes to cater for a range of identified housing needs and contribute to the development of sustainable and cohesive communities. It highlights that a community's need for affordable housing must be taken into consideration in determining planning applications.

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

TAN 2 (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.

TAN 12 (Design) seeks to promote sustainability principles through good design and identifies how local planning authorities can facilitate this process through the planning system.

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**

As noted above, the application has attracted considerable objection from local residents. The local community council have raised no in principle objection to the development of the site in that they suggest that it will assist in bringing younger residents to an ageing community and support local services in the village such as the school, memorial hall and public house. Notwithstanding this, they highlight local residents' concerns regarding the access to the development. The grounds of objection are appraised below.

A common ground for concern amongst respondents is that the existing highway network in the surrounding area is inadequate to safely accommodate the additional traffic generated by the development. Concerns have been raised regarding the suitability of the Dol y Dderwen estate road, School Lane and Heol Smyrna and their associated junctions to accommodate the increased traffic with many siting concerns regarding current levels of on street parking, the lack of footways as well as poor visibility. In light of these concerns, the majority of respondents suggest that the development should be accessed via Church Road to the east of the site whereby it is suggested that the road could be widened and improved to provide a safer and more direct route to the development and obviate the likely traffic impacts upon existing residents.

The Head of Highways and Transport has assessed the application and the findings of the transport statement and confirmed that he has no objection from a highway capacity or safety perspective subject to the imposition of suitable conditions. These include, amongst others, the requirement to reduce the speed limit of traffic along the B4312 within the vicinity of its junction with School Lane to ensure that the existing level of visibility for vehicles egressing onto the B4321 is improved to a level that meets the requirements of TAN 18. The speed reduction is to be secured via a Section 278 agreement between the developer and the Local Highway Authority and will need to be implemented prior to the commencement of the development. Once implemented, it will provide a highway betterment for existing residents as well as the occupiers of the new development.

The additional vehicle movements predicted by the applicant are accepted by the Head of Transport as being accurate and, in the context of the local road network, are not deemed to be of such a level that would cause unacceptable congestion or prevent the effective and safe operation of the network. In terms of pedestrian safety, the existing Dol y Dderwen estate road is constructed to an adoptable standard with footways either side whereby it provides safe pedestrian facilities for existing residents notwithstanding the likely increase in traffic. Moreover, the residents of the new development will have good pedestrian links to the bus stops in the village while also being well related to and within walking distance of existing services and facilities such as the school, public house, community hall and park.

Turning to the respondents' concerns regarding the level of on street parking in the Dol y Dderwen estate, the majority of existing properties in the estate have their own off street parking facilities. Whilst matters relating to parking within the development itself will be considered as part of any subsequent reserved matters application, the level of provision will nevertheless need to accord with the Authority's parking standards thereby ensuring that any existing problems will not be exacerbated by the development.

As to the respondents' suggested alternative access to the development via Church Road to the east of the site. The Authority is required to determine the application in its current form and in the absence of a sustainable highway objection to the proposed access via the Dol y Dderwen estate, it is not considered reasonable or necessary to consider an alternative to this. Notwithstanding this, the carriageway and junction of Church Road with the B4312 would need to be widened and improved as part of the development and the land required for the same is not in the control of the applicant.

A number of respondents have questioned the purpose and need for the emergency vehicular access from the development onto Church Road which is shown on the indicative layout plan provided with the application. Detailed matters relating to the layout and access of the development will be considered as part of any subsequent reserved matters application, however, it is noteworthy that the Head of Transport and Highways has not requested its inclusion within the scheme in responding to the application nor is it a requirement of his recommended conditions.

The proposal is therefore considered to be in compliance with Policies SP1, SP9, GP1, and TR3 of the LDP in terms of its sustainability and highway impacts upon the surrounding area.

A further common ground of objection is the effect of the proposal on the living conditions of nearby occupants due to noise, disturbance and pollution both during and following the completion of the development. It is acknowledged that there will be disruption to

neighbours during construction, however, this will be temporary in duration. Furthermore, the permission granted will be conditioned to require the submission of a Construction Management Plan (CMP) which will include measures such as a dust and noise mitigation and ensure that best practice measures are employed as part of the development.

In terms of the completed development, it is not envisaged that any increased noise or disturbance resulting from a development of the scale proposed would be incompatible with the prevailing residential context of the site's surroundings. It is of note that the Head of Public Protection has raised no objection to the development from a residential amenity perspective.

The proposal is therefore in accord with the objectives of policies GP1 and TR3 of the LDP in that it will not materially harm the living conditions of nearby occupants.

With regard to the landscape impact of the development, the construction of the dwellings will inevitably alter the existing character of the site. Nonetheless, the site is an established housing allocation located on the edge of the existing settlement and its development will represent a logical extension of the existing urban form. Whilst matters relating to the detailed design of the scheme are reserved for future consideration, it is considered that a development of the scale and density proposed can be accommodated within the site without compromising the quality of the scheme or detracting from the visual amenity and spatial character of the surrounding area. The site is well contained by existing hedgerows and the careful design of the dwellings combined with the provision of new landscaping proposals and areas of open space will ensure the development will respond well to the site's setting and not result in harm to the character and appearance of the area.

The proposal is therefore in accord with the objectives of policies SP1, H2 and GP1 of the LDP in terms of its impact upon the surrounding area.

Concerns have been raised regarding the risks of surface water flooding from the development while a number suggest that a restrictive covenant will preclude the discharge of surface water from the development into the existing drainage system. Colleagues in the Authority's Land Drainage team have raised no objection to the drainage strategy proposed in that will provide a sustainable means of disposal ensuring that no surface water will enter the public sewerage system and no detriment will be caused to neighbouring occupiers and landowners. NRW have also raised no objection to the development. Restrictive covenants relating to the drainage scheme are civil matters rather than planning concerns and cannot therefore be given weight in the consideration process.

Turning to foul drainage, Welsh Water have raised no objection to the applicants' proposal to discharge foul water into the existing public sewer within the Dol y Dderwen estate.

The permission granted will be conditioned to require the submission and approval of the detailed design of the foul and surface water drainage scheme prior to the commencement of the development. The proposal is therefore in accord with the objectives of policies EP2 and EP3 of the LDP in that it will dispose of foul and surface water in an acceptable and sustainable manner.

As to the impact of the development upon the neighbouring public footpath to the south of the site, the footpath will not be affected by the development while the Head of Transport

has recommended the imposition of a suitable condition securing the provision of a direct link to the footpath from the development. This will improve the sustainable travel options of the future occupiers of the development by providing a footpath link to the existing services and facilities in the village.

On the opined need for community improvements as part of the development, members will have noted from the appraisal above that the development will provide 11 affordable dwellings as well as securing a financial contribution towards the improvement of facilities in the local catchment schools and the nearby park in the village. The development layout will also include an element of informal open space. The level of community benefits is commensurate with the scale of the development and in accord with the objectives of GP3 and REC2 of the LDP.

Finally, concerns regarding the future development and perceived neglect of the remainder of the field enclosure wherein the site is located are not relevant to the application. It is of note that this land is outside the development limits of the LDP whereby there is a presumption against its development for further housing.

## **CONCLUSION**

After careful examination of the site and its surrounding environs, together with the representations received to date, the principle of the residential development of the site is considered to be acceptable. The site is allocated for housing purposes and its development complies with the key policy and sustainability objectives of the Authority's LDP and national planning policy.

The site is well integrated with the existing pattern of development in Llangain and is capable of accommodating a development of the scale and density proposed without detracting from the character and appearance of the surrounding area. The development will provide a wide range and choice of housing types and sizes which will be well related to and assist in supporting and sustaining the existing services and facilities in the village including the school and public house. It will also be within easy access of existing public transport facilities and contribute to the improvement of local education and play facilities.

In addition, the development 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.

The Authority's Planning Ecologist and NRW have raised no objections to the development from an ecological perspective and there are also no sustained amenity or highway objections to the proposal

The application is therefore 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. The permission hereby granted relates to the land defined by the 1:1250 scale location plan received on 13 November 2018.

2. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
4. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
5. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall include a programme of implementation of the scheme and shall be implemented in accordance with the approved details prior to the residential use of the development and retained in perpetuity.
6. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. Such details are to form part of any Reserved Matters application for the site and the development shall be carried out in accordance with the approved details.
7. No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP must include:
  - Construction methods: details of materials used in construction; details of how waste generated will be managed;
  - General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage site set-up plan detailing how sensitive receptors will be protected from harm e.g. fencing, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
  - Biodiversity Management during construction: details of habitat retention and protection; invasive species management; species and habitat protection, avoidance and mitigation measures (as detailed with the Ecology reports).
  - Soil Management: details of topsoil strip, storage and amelioration for re-use.
  - CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
  - Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill.
  - Resource Management: details of fuel and chemical site storage and containment; details of waste generation and its management; details of the consumption of water, wastewater and energy use.
  - Traffic Management: details of site deliveries access points, storage and use of plant on site,; details of wheel wash facilities

- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities set out in the CEMP and emergency contact details. For example, contract manager, site manager, contractors, visitors, site environmental advisor, landscape clerk and ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented in accordance with the approved details.

8. No development shall commence until an Ecological Design Scheme (EDS) has been submitted to and approved in writing by the Local Planning Authority. The EDS scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions. The scheme shall be in compliance with the principles of the landscape and ecological information contained in sections 5.14 – 5.25 of the Ecology Appraisal by Ecology Planning dated 06 April 2017 and received on 13 November 2018. The EDS shall be implemented in accordance with the approved details
9. Prior to its use by vehicular traffic, the new access road (connecting to Dol-y Dderwen) shall be laid out and constructed with 5.5 metre carriageway and 1.8 metre footways.
10. Prior to the commencement of the development hereby approved, a speed limit reduction scheme for the B4312, reducing the speed limit from 40mph to 30 mph in the vicinity of the junction with Heol Smyrna, shall be submitted for the written approval of the Local Planning Authority and to the specification of the Local Highway Authority. The scheme shall be implemented in accordance with the approved details prior to commencement of the development.
11. Prior to commencement of the development a scheme detailing the provision of a footway or footpath (with public utility suitable for adoption) connecting to the Public Right of Way forming the southern boundary of the development site and to the specification of the Local Highway Authority, shall be submitted for the written approval of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details

## **REASONS**

1. For the avoidance of doubt as to the extent of this permission.
- 2&3. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990
4. In order to ensure a satisfactory layout of the site and in the interest of visual amenities.
5. To ensure the development is drained in a sustainable and acceptable manner.
6. In the interests of visual amenity.
7. To safeguard residential amenity and prevent the pollution of the environment.

8. In the interests of visual amenity and to safeguard and enhance existing features of
- 9-11. In the interest of highway safety.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- The proposed development complies with Policies SP1, SP3 and GP1 of the LDP in that it consists of a sustainable form of development that is appropriate in scale and design to the existing urban form of the area and is not likely to cause unacceptable harm to neighbouring properties.
- The proposed development complies with Policy H1 and H2 of the LDP in that it is allocated for residential development purposes within the Plan. Furthermore, the proposal is in accord with policies AH1 of the LDP in that it will provide a proportion of affordable housing.
- The proposed development complies with Policies SP9, GP1 & TR3 of the LDP in that the proposal is located in a sustainable location and will not be detrimental to highway safety.
- The proposed development complies with policies EQ4, EP2 and EP3 of the LDP in that it will not result in any unacceptable ecology, flooding or pollution impacts.
- The proposed development complies with policy GP4 in that it will be served by infrastructure that is adequate to meet the needs of the development.
- The proposed development complies with policies GP3 and REC2 of the LDP in that provision is to be made for improvements to open space and education facilities in area.

## **NOTES**

1. The applicant/developer is advised that this permission is granted subject to the completion of a Section 106 agreement securing a proportion of affordable housing as well as commuted payments towards the improvement of education and open space facilities as part of the development.
2. Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.
3. 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.