

# Grounds of Appeal

NH370

Replacement of Sardis Cottage

Marc Maliphant

<b>Title</b>	Grounds of Appeal	<b>Author</b>	David Darkin	<b>Approved</b>	David Darkin		
<b>Date</b>	08.06.2019	<b>Reference</b>	0303	<b>Version</b>	03	<b>Page</b>	1 of 8

# Contents

1. Introduction ..... 3

2. Project Brief + Design Brief ..... 3

3. Design Development & Application Submission ..... 4

4. Policy Response ..... 5

    Development Limits (Appendix 1 Indent 1) ..... 5

        Site Context ..... 5

        Alignment with Development Limits ..... 5

        Visual Impact and Aesthetics ..... 5

        Sustainability and Transport ..... 5

        Environmental Considerations ..... 6

        Alignment with Planning Objectives ..... 6

    Flooding Concerns (Appendix 1 Indent 2) ..... 6

    Access (Appendix 1 Indent 5) ..... 7

    Foul Water Drainage ..... 7

5. Conclusion ..... 7

6. Bibliography ..... 7

Appendix 1 – Decision Notice Reasons ..... 8

<b>Title</b>	Grounds of Appeal	<b>Author</b>	David Darkin	<b>Approved</b>	David Darkin
<b>Date</b>	08.06.2019	<b>Reference</b>	0303	<b>Version</b>	03
				<b>Page</b>	2 of 8

## 1. Introduction

- 1.1. This statement has been prepared to support an appeal against the refusal of planning application **PL/05988** for a replacement home at **Sardis Cottage, Trimsaran, Llanelli, SA17 4EH.**
- 1.2. This statement describes our client's proposal and explains the design philosophy and approach taken in the formulation of the scheme. It will be concluded that our client's proposal should receive support and be granted planning consent.
- 1.3. This statement intends to demonstrate that the criteria of local policies have been objectively met.

## 2. Project Brief + Design Brief

- 2.1. The applicant's brief was to site a replacement home on land at the site of Sardis Cottage, a former family home.
- 2.2. Following on from the context appraisal and consultations with others, the project brief was evolved into a design brief.
- 2.3. This site is accessed by an existing road, which provides access to the where Sardis Cottage was located and provides access to Colliers' Cottage, the property that was formerly the Colliers Inn. (Refer to fig 1, plan view of the proposed site, the red boundary pertains to application PL/05988, the parcel of land (blue boundary) is also owned by the client)

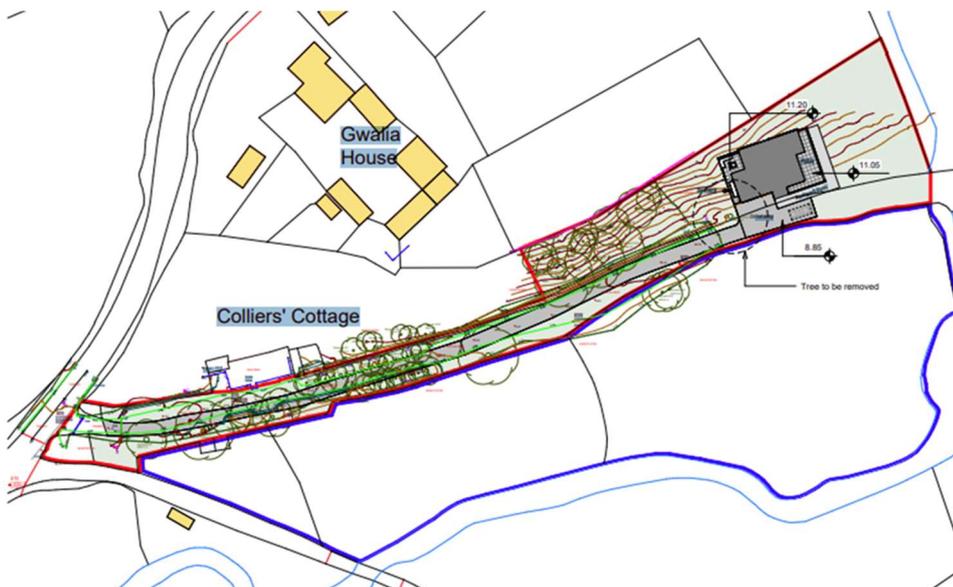


fig 1

- 2.4. The surrounding area is characterised by clusters of 3 to 5 dwellings at regular intervals adjacent the B4317 and the B4308. Below are some screenshots from Google Maps to illustrate this point. (Not to Scale) Refer to figures 2a, 2b, 2c,2d

<b>Title</b>	Grounds of Appeal	<b>Author</b>	David Darkin	<b>Approved</b>	David Darkin
<b>Date</b>	08.06.2019	<b>Reference</b>	0303	<b>Version</b>	03
					Page 3 of 8

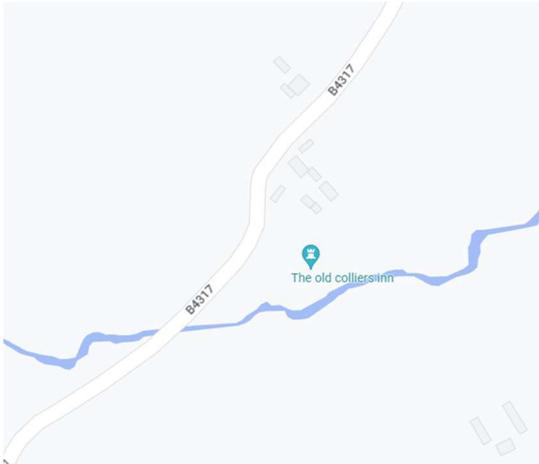


Fig 2a

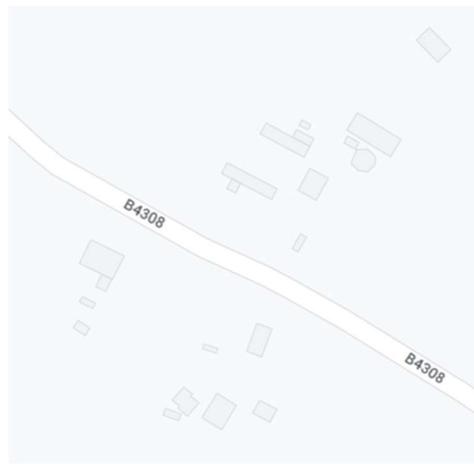


Fig 2b

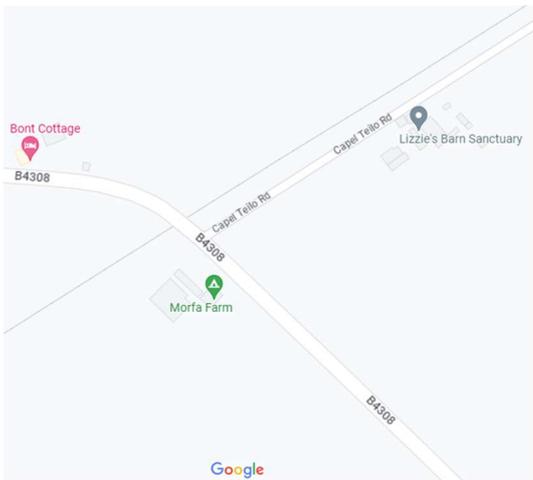


Fig 2c



Fig 2d

### 3. Design Development & Application Submission

- 3.1. Planning Application **PL/05988** for **Replacement Home at Sardis Cottage, Trimsaran, Llanelli, SA17 4EH** was submitted on **15.05.2023**.
- 3.2. **17.05.2023** – Acknowledgement of application by Carmarthenshire County Council
- 3.3. **23.05.2023** – Application deemed invalid by Carmarthenshire County Council for not including a Coal Mining Risk Assessment
- 3.4. **22.06.2023** – Coal Mining Risk Assessment Submitted to Carmarthenshire County Council
- 3.5. **27.06.2023** – Site Notice Request Received from Carmarthenshire County Council
- 3.6. **31.07.2023** – On review of the Local Authority website, it is noted that the highways department have requested additional information from the applicant on formalising the junction (18.07.2023). As such, Darkin Architects submitted an enquiry to the highways team requesting a phone call or meeting to discuss how we can meet their requirements. This request was not forwarded to us as agent or the applicant by the planning officer.
- 3.7. **15.08.2023** – Decision notice PL/05988 received from the Local Authority refusing the application.

<b>Title</b>	Grounds of Appeal	<b>Author</b>	David Darkin	<b>Approved</b>	David Darkin
<b>Date</b>	08.06.2019	<b>Reference</b>	0303	<b>Version</b>	03
					Page 4 of 8

## 4. Policy Response

4.1. This section will address the points raised in the decision notice PL/05988 from the Local Authority, as per Appendix 1 of this document.

### Development Limits (Appendix 1 Indent 1)

Following the feedback from Carmarthenshire planning authority, we would like to present a comprehensive perspective on how the proposed development aligns with local and national planning policies, such as PPW and the 1990 Town and Country Planning act while contributing positively to the existing character and sustainable well-being of the area.

### Site Context

The site, formerly occupied by Sardis Cottage, is not open countryside but rather a brownfield site with a history of previous residential use. It is noteworthy that the surrounding area is characterized by clusters of 3 to 5 dwellings at regular intervals along the B4317 and B4308 roads. Additionally, the presence of nearby buildings such as Collier's Cottage and Gwalia Cottage further substantiates the existing pattern of development, refuting the notion of sporadic development. This residential plot, formerly known as Sardis Cottage, lies between Gwalia House and Cil-Rhedyn Farm.

Access to the proposed development is facilitated by an existing road over a dismantled railway, adding to the site's brownfield nature, the site was previously used for the transportation of coal, and industrial purposes.

### Alignment with Development Limits

While the plot is located approximately 400 meters from the Development Limit boundary of Trimsaran, it should be emphasized that the proposed development aligns well with the broader settlement boundaries (as detailed in Section 2.4). The site's proximity to an existing settlement and its access to local amenities demonstrate that this is not an isolated or unsustainable location.

### Visual Impact and Aesthetics

The proposed development's modest scale, traditional proportions, and pitched roof are in harmony with the architectural style of the surrounding area. Moreover, the development is strategically nestled away from the main road, minimizing its visibility and ensuring that its presence does not compromise the visual or aesthetic character of the locality.

### Sustainability and Transport

In terms of transportation, the proximity of Trimsaran village, reachable in a matter of minutes by foot, bicycle, or car, underlines the accessibility of local amenities. While the nearest bus stop is a short distance away, it is worth noting that residents would have convenient access to public transport options. The walking distances as detailed below are acceptable distances, this claim is supported following the results of the 2021 Census of people who live in Carmarthen South & Llangynnwr (<https://storymaps.arcgis.com/stories/3914f818d77e4be8b6f70f9cff7535de>) (Refer to figure 3 below)

The nearest bus stop is approx 0.5miles (800 m) Heol Morlais bus stop (12-minute walk)

The nearest grocery shop is (Morison Daily) approx. 1 mile away. (24-minute walk)

The nearest café is 0.7 miles (Pantry Eleri) (16-minute walk)

The nearest garage approx 0.5miles (800 m) (Trimsaran Tyres and Servicing) (12-minute walk)

Note. Distance source based on post code SA17 4EH (Gwalia House) adjacent property using Google maps.

<b>Title</b>	Grounds of Appeal	<b>Author</b>	David Darkin	<b>Approved</b>	David Darkin
<b>Date</b>	08.06.2019	<b>Reference</b>	0303	<b>Version</b>	03
				<b>Page</b>	5 of 8

Mode	Less than 1 mile	Up to 2 miles	Up to 3 miles	Up to 4 miles	Less than 5 mile	Less than 7.5 mile	Less than 15 mile
	●	●	●	●	●	●	●
	●	●	●	●	●	●	●
	●	●	●	●	●	●	●
Colour	Average active user likelihood						
●	Many users likely to travel this distance for utility journeys.						
●	Some users likely to travel this distance for utility journeys.						
●	Few or no users likely to travel this distance for utility journeys.						

Fig 3

### Environmental Considerations

The commitment to incorporating environmentally sustainable technologies and ecological mitigation measures such as swift boxes and bat boxes reflects the applicant's dedication to preserving the local ecosystem and enhancing biodiversity.

### Alignment with Planning Objectives

The proposed development is in alignment with the primary objective of Planning Policy Wales (PPW) (Edition 11), which aims to achieve sustainable development and enhance the social, economic, environmental, and cultural well-being of Wales. By restoring a family home and promoting Welsh language and heritage the applicant has deep connections to the area, a father to two young children he is a Welsh speaker originally from Llanelli, the applicants wife also has connections to the area as Gwalia House a neighbouring property was her family home. The proposal exemplifies the aspirations of the Well-being of Future Generations (Wales) Act 2015 (Annex A (A.3 indent 8)).

### Flooding Concerns (Appendix 1 Indent 2)

Please see enclosed Flood Consequences Assessment (NH370\_903) which discuss the potential access way flood statement:

- there are no recorded floods recorded/ experienced in the area.
- the proposed build site location is not at a risk of flooding, National Resource Wales source details the proposed site as a non-flood risk area.
- only a small portion of the access road is at the outer edge of a floodplain.
- the access could be protected using mitigation measures.

It's respectfully requested that should the inspector be minded to allow the appeal, that a condition be applied to include mitigation measures against flooding to protect the site entrance in the event of a flood to ameliorate these concerns.

### Section 106 Agreement (Appendix 1 Indent 3)

The applicant has appointed Sam Hawking & Co. Solicitors to prepare the required documentation. The solicitors were pending a response from Carmarthenshire County Council's legal team when the decision notice was issued. The applicant confirms that the agreement will be entered into in line with policy AH1 should the appeal be allowed.

### Broadleaved Woodland (Appendix 1 Indent 4)

The woodland area is not the area where the proposed family home will sit. The woodland area is South of the plot, outlined in blue below. The area of the plot where the proposed family home will be located doesn't contain any

<b>Title</b>	Grounds of Appeal	<b>Author</b>	David Darkin	<b>Approved</b>	David Darkin
<b>Date</b>	08.06.2019	<b>Reference</b>	0303	<b>Version</b>	03
				<b>Page</b>	6 of 8

trees. As noted in the arboricultural report submitted with the application (Report reference ArbTS\_1568.1 ), only 1 tree is proposed to be removed to facilitate construction.

### Access (Appendix 1 Indent 5)

The access road is not new or in addition and will continue to be used. However following the original submission whereby the current access way was represented, the access route has been redesigned to use the entirety of the land available, the access route now adjoins the current access used by the adjoining property Cil Rhedyn Farm. Thus opening up the visibility splay, the improvement benefits both the proposed site entrance and offers better viability for the for neighbouring drive including all highway users. The widened entry point also improves the junction radius to afford better turning onto and off the highway especially for larger farm vehicles." (Refer to attachment NH370\_006 for the revised access way and improved visibility splay.)

In support hedge-ways at the access point can be trimmed to an appropriate height to enhance visibility further.



### Foul Water Drainage

Foul water drainage to be served by a septic tank in compliance with the requirements of Section 2 of Welsh Government Circular 008/2018 'Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants' (July 2018). See updated site drawing attached for clarification (NH370\_003)

## 5. Conclusion

- 5.1. The proposal complies with Carmarthenshire County Council's Local Development Plan 2018 - 2033 and Planning Policy Wales Edition 11 | February 2021
- 5.2. The proposal follows the established pattern of development in the area.
- 5.3. In conclusion, it is considered that the proposed development represents a high-quality design.
- 5.4. It is respectfully requested, therefore, that the inspectorate look favourably on this appeal and allow the appeal, thereby granting planning permission.

## 6. Bibliography

- Ordnance Survey Maps Downloaded through Promap. Licence No. 100022432
- Maps retrieved 21.08.2023 from <https://www.google.com/maps>

<b>Title</b>	Grounds of Appeal	<b>Author</b>	David Darkin	<b>Approved</b>	David Darkin
<b>Date</b>	08.06.2019	<b>Reference</b>	0303	<b>Version</b>	03
				<b>Page</b>	7 of 8

## Appendix 1 – Decision Notice Reasons

1. It is located outside the development limits of any recognised settlement defined in the Local Development Plan and would represent an unjustified and sporadic form of development in the open countryside that would be detrimental to the rural character and appearance of the surrounding area. Further, the site is located in an unsustainable location whereby the occupants of the development would have poor access to public transport facilities and sustainable means of travel and be highly dependent on motorised private transport. The proposal would therefore run counter to the sustainable transport objectives of the Local Development Plan as well as those of national planning policy contained in Planning Policy Wales, Edition 11, February 2021.
2. The proposed means of access to the development is located within Zone C2 of the Development Advice Maps (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004) and Flood Zone 3 (Rivers) of the Flood Map for Planning, and the applicant has failed to provide sufficient information in the form of a flood consequence assessment to enable the local planning authority to assess whether the risks of flooding to the access to the new dwelling accord with the requirements of paragraph A1.15 of Appendix 1 of the TAN in terms of the depth and velocity of floodwaters.
3. The applicant has failed to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 securing a financial contribution towards the provision of affordable housing in local area.
4. It will result in the loss of existing semi-natural broadleaved woodland within the site that is identified as a habitat of principal importance for the purposes of maintaining and enhancing biodiversity in relation to Wales under Section 7 of the Environment (Wales) Act 2016. Further, the loss of this habitat would result in a loss of biodiversity that would be at odds with the objectives of paragraph 6.4.5 of Planning Policy Wales, Edition 11, February 2021 in that the proposal will not provide a net benefit for biodiversity.
5. The traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the County Road.
6. The applicant has failed to demonstrate how the proposed means of foul drainage to a septic tank complies with the requirements of Section 2 of Welsh Government Circular 008/2018 'Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants' (July 2018) in relation to the assessment of private drainage facilities.

<b>Title</b>	Grounds of Appeal	<b>Author</b>	David Darkin	<b>Approved</b>	David Darkin
<b>Date</b>	08.06.2019	<b>Reference</b>	0303	<b>Version</b>	03
				<b>Page</b>	8 of 8