

**DYDD LLUN, 20 GORFFENAF 2020**

**AT: HOLL AELODAU'R PWYLLGOR CYNLLUNIO**

**YR WYF DRWY HYN YN EICH GALW I FYNYSBU CYFARFOD  
RHITHWIR O'R PWYLLGOR CYNLLUNIO A GYNHELIR AM 10.00 YB,  
DYDD MAWRTH, 28<sup>AIN</sup> GORFFENAF, 2020 ER MWYN CYFLAWNI'R  
MATERION A AMLINELLIR AR YR AGENDA SYDD YNGHLWM**

*Wendy Walters*

**PRIF WEITHREDWR**

<b>Swyddog Democrataidd:</b>	<b>Janine Owen</b>
<b>Ffôn (Ilinell uniongyrchol):</b>	<b>01267 224030</b>
<b>E-bost:</b>	<b>JanineOwen@sirgar.gov.uk</b>

Wendy Walters Prif Weithredwr, *Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
*County Hall, Carmarthen. SA31 1JP*

# PWYLLGOR CYNLLUNIO

## 20 AELOD

### Y GRŴP PLAID CYMRU – 10 AELOD

- |     |                                       |                                     |
|-----|---------------------------------------|-------------------------------------|
| 1.  | Y Cyngorydd Mansel Charles            | Aelod o Gyngor Cymuned Llanegwad    |
| 2.  | Y Cyngorydd Tyssul Evans              | Aelod o Gyngor Cymuned Llangyndeyrn |
| 3.  | Y Cyngorydd Jeanette Gilasbey         | Aelod o Gyngor Tref Cydweli         |
| 4.  | Y Cyngorydd Ken Howell                |                                     |
| 5.  | Y Cyngorydd Carys Jones               |                                     |
| 6.  | Y Cyngorydd Alun Lenny<br>(Cadeirydd) | Aelod o Gyngor Tref Caerfyrddin     |
| 7.  | Y Cyngorydd Jean Lewis                |                                     |
| 8.  | Y Cyngorydd Dorian Phillips           |                                     |
| 9.  | Y Cyngorydd Gareth Thomas             | Aelod o Gyngor Cymuned Llanedi      |
| 10. | Y Cyngorydd Eirwyn Williams           |                                     |

### Y GRŴP LLAFUR – 4 AELOD

- |    |                           |  |
|----|---------------------------|--|
| 1. | Y Cyngorydd Penny Edwards |  |
| 2. | Y Cyngorydd John James    | Aelod o Gyngor Tref Pen-bre a Phorth Tywyn |
| 3. | Y Cyngorydd Dot Jones     | Aelod o Gyngor Cymuned Llannon             |
| 5. | Y Cyngorydd Kevin Madge   | Aelod o Gyngor Tref Cwmaman                |

### Y GRŴP ANNIBYNNOL – 4 AELOD

- |    |  |                                 |
|----|--|---------------------------------|
| 1. | Y Cyngorydd Sue Allen                      | Aelod o Gyngor Tref Hendy-Gwyn  |
| 2. | Y Cyngorydd Ieuan Davies                   |                                 |
| 3. | Y Cyngorydd Joseph Davies                  |                                 |
| 4. | Y Cyngorydd Irfon Jones (Is-<br>Gadeirydd) | Aelod o Gyngor Cymuned Bronwydd |

### Y GRŴP ANNIBYNNOL NEWYDD – 2 AELOD

1. Lle Gwag
2. Lle Gwag

CANIATEIR EILYDDION TAN Y 30AIN O EBRILL 2021

# **A G E N D A**

- 1. YMDDIHEURIADAU AM ABSENOLDEB**
- 2. DATGAN BUDDIANNAU PERSONOL**
- 3. RHANBARTH Y DWYRAIN - PENDERFYNU AR GEISIADAU CYNLLUNIO** 5 - 16
- 4. RHANBARTH Y DE - PENDERFYNU AR GEISIADAU CYNLLUNIO** 17 - 58
- 5. RHANBARTH Y GORLLEWIN - PENDERFYNU AR GEISIADAU CYNLLUNIO** 59 - 104

Mae'r dudalen hon yn wag yn fwriadol

*Ardal  
Dwyrain/  
Area East*

**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 28 GORFFENNAF 2020  
ON 28 JULY 2020**

**I'W BENDERFYNU/  
FOR DECISION**



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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>28/07/2020</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA EAST**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE</b>
<b>E/40072</b>	<b>ONE TWO-BED RESIDENTIAL DWELLING TO INCLUDE SITING OF TEMPORARY MOBILE HOME. OUTLINE PREVIOUSLY GRANTED E/22189, RESERVED MATTERS GRANTED 15/04/2016 NOW LAPSED. ORIGINAL PLANS WILL BE RESUBMITTED AT LAND AT 12A HENDRE ROAD, TYCROES, AMMANFORD, SA18 3LA</b>	<b>9</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**



<b>Application No</b>	<b>E/40072</b>
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<b>Application Type</b>	OUTLINE
<b>Proposal &amp; Location</b>	ONE TWO-BED RESIDENTIAL DWELLING TO INCLUDE SITING OF TEMPORARY MOBILE HOME. OUTLINE PREVIOUSLY GRANTED E/22189, RESERVED MATTERS GRANTED 15/04/2016 NOW LAPSED. ORIGINAL PLANS WILL BE RESUBMITTED AT LAND AT 12A HENDRE ROAD, TYCROES, AMMANFORD, SA18 3LA

<b>Applicant(s)</b>	Mr & Mrs Newman
<b>Agent</b>	N/A
<b>Case Officer</b>	Zoe James
<b>Ward</b>	Saron
<b>Date registered</b>	15 January 2020

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

## Site

The application site comprises an irregularly shaped piece of land forming part of a field enclosure on land adjacent to Sunnybank Farm, 12A Hendre Road. The site fronts onto and is accessed by an unmade access road which serves Sunnybank Farm from Hendre Road.

To the north of the site is no.s 12 and 14 Hendre Road with C2135 Hendre Road beyond, a river corridor and woodland to the east, agricultural fields to the south and existing dwelling Sunnybank Farm to the west. The site comprises a mix of vacant grassland and hardstanding with an existing temporary mobile caravan towards the rear of the site. The mobile caravan is the subject of a live enforcement investigation. The land has a slight slope down from south to north.

The site is not allocated but is situated within the Caeau Mynedd Mawr Special Area of Conservation.

The site has previously benefited from outline and reserved matters consent for a single dwelling in 2010 and 2016. This has now lapsed and the subject application seeks permission for the same scheme.

## Proposal

The application seeks outline planning permission with all matters reserved for future consideration for a detached two-bedroom dwelling, with dedicated parking and garden area. The application also seeks consent for siting of a mobile home for a temporary period. The submitted Proposed Site Plan indicates an approximate positioning for the dwelling along with garden area and car parking and the mobile home. The minimum and maximum parameters for the proposed dwelling are as follows:

- Width 13-14.5m;
- Depth 9-10.5m;
- Height to ridge 5.5-6.5m.

Whilst access is reserved for future consideration, the submitted Block Plan indicates that pedestrian and vehicle access and parking will be via the unmarked access road from Hendre Road to the north of the site as existing. A visibility splay as previously approved is also shown on the Proposed Site Plan which requires third party land. As such, Certificate B was served on the neighbouring property.

Appearance, layout and scale are also reserved matters, but the application is accompanied by floor plans and elevations showing the proposed size and appearance of the dwelling. The plans show a detached dormer bungalow, whilst the ground floor is fairly modest the first floor includes a large main bedroom along with en-suite, dressing room and storage room. The plans are indicative at this stage only and further details will be required to be submitted as part of a future reserved matters submission.

## Planning Site History

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

E/33007 - PROPOSED RESIDENTIAL DWELLING (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION E/22189) –  
Reserved Matters Granted 08/04/2016

E/27441 - VARIATION OF CONDITION NO 1 OF PLANNING PERMISSION E/22189 TO EXTEND THE OUTLINE PLANNING FOR A FURTHER 3 YEARS TO ALLOW SUBMISSION OF THE RESERVED MATTERS APPLICATION-  
Variation of Planning Condition Granted 21/01/2013

E/22189 - ONE TWO-BED DWELLING (RESUBMISSION OF E/21761 REFUSED 10.11.2009) –  
Outline Granted 04/03/2010

E/21761 - OUTLINE APPLICATION FOR ONE DWELLING –  
Outline Refusal 10/11/2009

## Planning Policy

In the context of the Authority's current Development Plan the majority of the site is within the defined development limits as contained in the adopted Local Development Plan (LDP). It is not the subject of any allocation in the Plan but is located within the Caeau

Mynedd Mawr Special Area of Conservation. Reference is drawn to the following policies of the Plan:-

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces

SP3 Sustainable Distribution- Settlement Framework

GP1 Sustainability and High Quality Design

GP2 Development Limits

GP3 Planning Obligations

GP4 Infrastructure and New Development

H2 Housing within Development Limits

AH1 Affordable Housing

TR3 Highways in Developments

EQ1 Protection of Buildings, Landscapes and Features of Historical Importance

EQ4 Biodiversity

EQ5 Corridors, Networks and Features of Distinctiveness

EQ7 Development within the Caeau Mynedd Mawr SPG Area

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** - No objection subject to imposition of conditions.

**Llandybie Community Council** - No observations on the application.

**Local Member(s)** - Councillor Anthony Davies and Councillor Dai Nicholas has not commented to date.

**Dwr Cymru/Welsh Water** – No objection subject to condition.

**Planning Ecology** – No objection subject to financial contribution for CMM and condition to ensure 7m buffer between the river and proposed development.

**Sustainable Drainage Approval Body** – responded advising of the new Sustainable Drainage System (SuDS) requirements and application process following the Flood and Water Management Act 2010.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of notification by way of neighbour letters and a site notice posted at the entrance to the site.

Two representations were received, both raising concerns regarding the proposal, the matters raised are summarised as follows:

- Concerns regarding the sewerage system and if there is sufficient capacity for an additional dwelling.
- Concerns regarding drainage as existing surface water flows down the drive along with stones and mud. During cold weather this freezes and is a safety hazard with a number of people having fallen previously.
- The site was infilled around 10 years ago with old vehicles and rubble.
- There is a wall and a wooden telephone post at the access off Hendre Road which is a busy road throughout the day.
- Proposed building will be very close to property and no.12's property.
- The visual splay at the access for the proposed site has been proven by various authorities to be inadequate & therefore dangerous.

All representations can be viewed in full on our [website](#).

## Appraisal

The principle of residential development at the site has previously been accepted through the granting of outline planning permission in 2010, variation of condition to extend the period for submission of reserved matters in 2013 and approval of reserved matters in 2016. Albeit the permission has now lapsed. The site is also largely located within the defined development limits whereby new residential development is typically supported, with land for the temporary siting of the mobile home located just outside of the limit.

The application is outline with all matters reserved, yet the submitted information demonstrates that the site, although irregular in shape, is of sufficient size to accommodate a modest dwelling alongside adequate parking and private amenity space.

The character of the area surrounding the site comprises existing residential dwellings and open fields. The style and design of properties in the immediate vicinity vary, with a mixture of two storey and bungalow properties. Whilst the design and appearance of the dwelling is a reserved matter, the scale parameters proposed, and indicative elevations submitted will result in a dwelling which is considered to be suitable for the site.

Concerns are raised from third parties regarding privacy. As previously referred the details regarding the siting and design of the dwelling are not being considered at this stage. However, based on the Proposed Block Plan and specified parameters, the proposed dwelling is not considered to adversely impact on privacy of neighbouring properties. Furthermore, a condition is proposed restricting clear glazing at first floor of the north elevation of the property to restrict opportunities for overlooking. The positioning of windows will also be considered at reserved matters stage.

In terms of the drainage concerns raised, Dwr Cymru Welsh Water have raised no objection to the proposal subject to the imposition of a condition regarding surface water drainage. In addition, the drainage will require separate approval from the Sustainable Drainage Approval Body (SAB) prior to commencement of development. Planning permission was granted for the site 10 years ago and no issues were raised at the time in relation to land contamination.

Concerns are raised in relation to the access and highway safety. However, the Proposed Site Plan demonstrates that the proposed dwelling will be served by an existing means of

access which is proposed to be improved. The Highways Officer has advised no objection to the application providing that the improvement works referred to on the submitted plan are undertaken to the boundary wall of no. 14 Hendre Road to improve visibility splays at the property. The required visibility works are located on third party land, as such Certificate B was served on the neighbouring property. The same access improvements were previously proposed and accepted by the Authority subject to conditions. Conditions are proposed to be attached to any permission granted securing the visibility improvements. As a result, the proposal is not considered to have a detrimental impact on Highway safety.

The application also proposes temporary retention of the mobile home presently at the site. This element was previously included within the 2016 reserved matters consent granted. It is worthwhile noting that the mobile home is subject of a current enforcement case at the site given it no longer benefits from planning permission. The applicant advises that the mobile home is required for a temporary period whilst the dwelling is built and will then be removed from the site. As such, a planning condition is imposed requiring the mobile home to be removed following completion of the dwelling or following 2 years after commencement of development.

## **Planning Obligations**

A draft Unilateral Undertaking has been submitted by the applicant regarding a commuted payment to contribute towards the provision of affordable housing in the locality and the Caeau Mynedd Mawr SPG Area as part of the proposal. The final Certificate of Title is outstanding at present as it is with the applicant's solicitor and due to be submitted shortly. As such, the proposal complies with the requirements regarding affordable housing within LDP Policy AH1 (Affordable Housing) and Policy EQ7 (Caeau Mynedd Mawr SPG Area).

## **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance that proposed dwelling is acceptable given the application site is largely located within the defined settlement limits as delineated within the Adopted LDP. In addition, given the planning history at the site, the principle of residential development has previously been accepted. The proposed parameters of the dwelling are considered to be compatible and conform to the character and appearance of the surrounding area in line with Policy GP1.

The concerns regarding the access issues are considered to be adequately dealt with under the proposed planning conditions and the improvements will ensure there is no detrimental impact to highway safety. Surface water drainage proposals at the site will be

assessed as part of a subsequent SAB application prior to the commencement of development.

On balance, the proposal is considered to be in accordance with the above identified LDP policies.

## **RECOMMENDATION – APPROVAL**

### **Conditions**

- 1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
  - a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- 3 Development shall not commence until detailed plans of the layout, scale, appearance and landscaping of the development, together with the means of access thereto, have been submitted to and been approved in writing by the Local Planning Authority.
- 4 The land subject to this permission is as identified on the 1:2000 scale Site Location Plan drawing no. 01 Rev A received 10 January 2020, Proposed Site Plan scale 1:250 drawing no. 02 Rev C received 10 July 2020 and Proposed Parameters Supporting Statement received 10 July 2020.
- 5 Any reserved matters application shall be accompanied by full cross sections, finished floor levels and means of enclosure so that the proposal can be seen in the context of the road and the surrounding dwellings.
- 6 The caravan hereby permitted for a temporary period shall be removed from the site and the land returned to grassland within 2 years of the commencement of development or within a period of five years from this permission being issued whichever is the later.
- 7 The external walls of the proposed dwelling shall be constructed of materials which reflect the character and style of local buildings and the roof shall be covered in natural or fibre cement slates or flat profiled tiles coloured dark grey.
- 8 There shall be no clear glazed windows at first floor level in the north elevation of the proposed dwelling.

- 9 Prior to the commencement of development, a means of enclosure shall be constructed along the northern boundary of the site to the written approval of the Local Planning Authority. The enclosure shall be implemented and maintained thereafter in accordance with the details.
- 10 No development shall commence until a visibility splay of 2.4 metres x 43 metres formed, and shall be thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.
- 11 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 12 A passing bay, giving a carriageway width of 5.0 metres over a 10 metres linear length of the road, shall be provided within the private access road to the site. This shall be implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 13 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 or be disposed of, or connected into, existing highway surface water drains.
- 14 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- 15 A minimum buffer strip of 7 along the riparian corridor between the river and proposed development must remain undisturbed from the development and any construction activity. The buffer strip must remain free from garden, fences, driveways etc and be allowed to vegetate naturally.

## Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 The application is in outline only.
- 3 In the interests of visual amenity.
- 4 For the avoidance of doubt.
- 5-7 In the interests of visual amenity
- 8-9 In the interest of residential amenity.
- 10-13 In the interest of Highway Safety.

- 14 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 15 To protect the integrity of the watercourse and riparian corridor and its associated vegetation in line with Policies EQ5 and EP1.

## Notes

- 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 The applicant/developer's attention is drawn to the signed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution of £41.98 per square metre internal floor area and £1,043 per dwelling towards the Caeau Mynedd Mawr SPG Area.
- 3 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).
  - Please see the relevant responses from Dwr Cymru/Welsh Water, The Highway Authority, Planning Ecologist and the Council's Sustainable Urban Drainage Body and refer to the recommendations and advice contained therein.



*Ardal Del/  
Area South*

**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 28 GORFFENNAF 2020  
ON 28 JULY 2020**

**I'W BENDERFYNU/  
FOR DECISION**



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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>28.07.2020</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA SOUTH**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE</b>
<b>S/39973</b>	<b>PROPOSED NEW DETACHED DWELLING AT LAND AT BRYNBEDW, 57 REHOBOTH ROAD, FIVE ROADS, LLANELLI, SA15 5DJ</b>	<b>21</b>
<b>S/40324</b>	<b>CHANGE OF USE OF EXISTING INDUSTRIAL UNIT FROM CLASS D1 TO USE CLASS B1/B2 AT T A D BUILDERS, UNIT 5 TEMPLE WORKS, FURNACE, LLANELLI, SA15 4HT</b>	<b>34</b>
<b>S/40466</b>	<b>EXTENSION TO BOUNDARY WALL AND REPLACEMENT FENCE. ALSO RETENTION OF INCREASED GARDEN LEVELS AND NEW DRAINAGE WORKS (RETROSPECTIVE) AT 105 PENTRE NICKLAUS VILLAGE, LLANELLI, SA15 2DF</b>	<b>43</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>	<b>PAGE</b>
<b>S/40411</b>	<b>DETACHED SINGLE STOREY DWELLING AT LAND REAR OF LOWER TROSTRE ROAD, LLANELLI SA15 2DY</b>	<b>52</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/39973</b>
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<b>Application Type</b>	FULL PLANNING
<b>Proposal &amp; Location</b>	PROPOSED NEW DETACHED DWELLING AT LAND AT BRYNBEDW, 57 REHOBOTH ROAD, FIVE ROADS, LLANELLI, SA15 5DJ

<b>Applicant(s)</b>	MARSHALL MAY LTD. C/O MR. J. LAWRENCE
<b>Agent</b>	MR. J. GLOVER (SELFBUILDPLANS)
<b>Case Officer</b>	EILIAN JONES
<b>Ward</b>	GLYN
<b>Date registered</b>	17 DECEMBER 2019

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

## Site

The site currently forms part of the rear garden of "Brynbedw", 57 Rehoboth Road which is located within the development limits of Five Roads. The application site and the existing dwelling are currently under the same ownership.

No.57 is a dormer bungalow and currently occupies a relatively large plot on the corner between Rehoboth Road and Llys Bryn Gwyrdd. This property appears to have been recently renovated both internally and externally. The principal elevation of No.57 faces Rehoboth Road but its vehicular access is via Llys Bryn Gwyrdd. The latter street appears to be a private road and provides access to approximately 4 other modern properties and would also provide access to the application site.

The application site at the rear of 57 Rehoboth Road of is generally rectangular in shape and is relatively flat but appears marginally lower than 1 Llys Bryn Gwyrdd. The surrounding area is predominantly residential in character with a mixture of house-types, age and designs.

## Proposal

The application seeks consent for detailed planning permission for a single dwelling and garage on land which is currently part of the garden of "Brynbedw", 57 Rehoboth Road, Five Roads.

The principal elevation of No.57 faces Rehoboth Road but its vehicular access is via Llys Bryn Gwyrdd. The latter street provides access to approximately 4 other modern properties and would also provide access to the proposed dwelling.

As part of the renovations to No.57, it appears that there have been modifications made to its curtilage. In this respect, a new boundary fence has been erected within a few metres of the rear (southern) elevation, in an attempt to subdivide its garden to create space for a plot. The plot currently includes a detached domestic garage and a small outbuilding, both of which would be demolished.

The proposal has been subject to extensive negotiations and has been subject to a number of amendments. The latest set of plans represent the outcome of the negotiations and are comprehensively assessed in this report.

## Planning Site History

D5/16689 – Garage Lawful Development Granted	23/11/94
D5/7868 – Extension and Improvements Approved	12/07/84

## Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) (CLDP)

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution- Settlement Framework  
SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
GP3 Planning Obligations  
H2 Housing within Development Limits  
AH1 Affordable Housing  
TR3 Highways in Developments – Design Considerations  
EQ4 Biodiversity  
EP1 Water Quality and Resources  
EP2 Pollution  
EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

The following guidance documents are considered relevant to the determination of this application:

[Nature Conservation and Biodiversity SPG](#)  
[Planning Obligations SPG](#)  
[Affordable Housing SPG](#)

## National Planning Policy and Guidance

[Planning Policy Wales](#) (PPW) Edition 10, December 2018 is considered relevant to the determination of this application.

The following [Technical Advice Notes](#) (TANs) published by Welsh Government are considered relevant to the determination of this application:

TAN 5 Nature Conservation and Planning (2009) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

TAN 12 Design (2016) seeks to promote sustainability principles through good design and identifies how Local Planning Authorities can facilitate this process through the planning system.

## **Summary of Consultation Responses**

**Local Member** - Councillor T. J. Jones has not commented to date.

**Llanelli Rural Council** - No objections to the proposal.

**Head of Transportation & Highways** – No objections to the proposal.

**Head of Public Protection** - No objections to the proposal.

**Dwr Cymru/Welsh Water** - No objections to the proposal subject to a condition.

**Drainage** – No objections to the proposal. Requested submission of further drainage details

All representations can be viewed in full on our [website](#).

## **Summary of Public Representations**

The application was the subject of notification by way of site notice.

2 representations were received, 2 objecting, and the matters raised are summarised as follows:

1. Incorrect boundary line and disputing the ownership of part of the application site
2. Overdevelopment
3. Localised flooding and surface water drainage issues
4. Loss of light to a living room
5. There are other, more suitable options for developing the land owned by the applicant
6. Lack of parking, inadequate access road which is private and highway safety issues
7. Lack of notification/publicity of the planning application
8. Loss of amenity due to light pollution from the new dwelling and its proximity to windows.
9. Empty properties being detrimental to the area
10. Planning refused for residential development on other sites along Llys Bryn Gwyrdd

All representations can be viewed in full on our [website](#).

## **Appraisal**

The application seeks consent for detailed planning permission for a single dwelling and garage on land which is currently part of the garden of “Brynbedw”, 57 Rehoboth Road, Five Roads.

### **Principle of development**

The site is located within development limits and could be considered as an infill plot given that it is a parcel of land between established residential properties. It is not allocated within the Carmarthenshire Local Development Plan (CLDP) for a particular purpose, but it would, in principle, be compatible with the requirements of Policy H2. It is also noted that since the site is within a predominantly residential area, the redevelopment of the site for residential purposes would, in principle, be compatible with neighbouring uses.

### **Site Layout, Design and Visual Amenity**

The plot is generally rectangular in shape and is relatively flat but marginally lower than 1 Llys Bryn Gwyrdd which is to the south of the site. It is proposed to construct an L-shaped dwelling and a detached garage. The dwelling would be two-storeys and contain three bedrooms. The main part of the dwelling would have a footprint of 6m x 8.8m with a hipped roof, reaching maximum heights of 4.9m (eaves) and 7.9m (ridge). The dwellings would also contain a two-storey forward-projecting element with a footprint of 4.6m x 5.2m and a gable roof with eaves and ridge heights matching the main part of the dwelling. A small single-storey bay-type feature would be located on the rear. The detached garage would be single-storey with a footprint of 3m x 5.7m and finished with a pitched roof, reaching maximum heights of 2.3m (eaves) and 3.5m (ridge).

Although 57 Rehoboth Road is a dormer bungalow and the proposed dwelling would be a taller two-storey property, it would have a design and appearance that would be compatible with its surroundings. In this regard, all dwellings along Llys Bryn Gwyrdd are large, modern two-storey properties whilst Rehoboth Road has a mixture of house types, scales and designs. The proposed development therefore would simply add to the diversity of properties within this part of the village but in a manner that would not be significantly detrimental to visual amenity.

Llys Bryn Gwyrdd appears to be a private road and large parts of the proposed dwelling would be screened from prominent public positions by 57 Rehoboth Road. Any public views of the dwelling would be seen in context with a variety of other surrounding properties, particularly the large two-storey dwellings along the private road. Furthermore, the proposed dwelling would have a degree of design interest, containing a forward-projecting gable element which is characteristic of 1 Llys Bryn Gwyrdd. Whilst the inclusion of a hipped roof would introduce a different roof style to the streetscene, it would not appear as an incongruous feature and has the added benefit of reducing the bulk and massing of the development upon neighbouring properties.

Furthermore, it is acknowledged that the proposed dwelling would be positioned marginally forwards of the building-line of properties along Llys Bryn Gwyrdd, however this has been deliberate to increase the distance between the rear elevation and the rear boundary for



residential amenity purpose and the L-shaped design of the dwelling would allow a welcoming entrance to this private street. It is therefore considered that its general scale, siting and design would not be unreasonably harmful to visual amenity or the character of the surrounding area.

The original proposal involved the inclusion of a garage that was attached to the dwelling, however to reduce the bulk and massing of the development for residential amenity purposes, it was considered more appropriate to separate the two structures.

The latest plans indicate that the garage would be sited in the north-western corner of the plot, thereby increasing the space between the dwelling and the rear of 57 Rehoboth Road so that it can be kept as a drive and for vehicular parking. This arrangement improves the spatial pattern of development in the area and is a feature of other dwellings on Llys Bryn Gwyrdd.

Notwithstanding the above, it is considered prudent to impose a condition for the external finishes of the dwelling and garage to be agreed. This will ensure that sympathetic materials are used, in the interest of visual amenities.

### **Residential Amenity**

Designing a dwelling on an infill plot with existing residential properties adjacent to the site represents the most challenging aspect of the proposal. As such, careful consideration has been given to the impact of the development upon neighbouring properties and extensive negotiation has been taken place which resulted in several amendments being made to the scheme. These amendments included: reducing the scale, height, bulk and massing of the proposed dwelling (formerly a 4-bed dwelling was proposed), separating the garage from the dwelling, repositioning the dwelling within the plot further forwards and realigning the proposed boundary between the plot and 57 Rehoboth Road.

As a result of these amendments, it is considered that the proposed dwelling sits sympathetically within the plot with reasonable circulation spaces between the dwelling and neighbouring properties. It also provides acceptable levels of outdoor amenity space access, parking and turning facilities. The footprint-to-plot ratio is reasonably balanced and does not amount to overdevelopment and would be comparable to several other properties in the area.

57 Rehoboth Road has several windows on its rear elevation, on both ground and first floors. Several of these windows relate to habitable rooms and would directly face the side elevation of the proposed dwelling. Whilst they would have a relatively close relationship (approximately 7m at their nearest points), it is considered that the proposal would not result in any unreasonable harm to the amenities of the occupiers of No.57. This is because the L-shape footprint of the proposed dwelling and the inclusion of a hipped roof has resulted in a dwelling which has been purposefully designed to avoid creating an overly dominant relationship. Reducing the height of the proposed dwelling, separating the garage from the dwelling and setting it back and away from windows on the rear elevation of No.57 and realigning the dividing boundary have also contributed to a development which would not be unduly harmful to the residential amenities of the neighbouring property. It is also noted that No.57 has been recently refurbished and it has been internally reconfigured so that the ground floor rear-facing windows are associated with an open-plan room which benefits from windows on other elevations. As such, whilst the proposed development may result in some reduction in the level of amenity to rear-facing windows of No.57, this would not be unreasonably harmful due to gains from other elevations.

The first floor, rear-facing dormer windows of No.57 are set further back with an approximate distance of 10.5m between them and the nearest part of the proposed dwelling. These windows are also in an elevated position and, as such, would not be unreasonably affected by the proposed development.

The side elevation of the main part of the proposed dwelling facing No.57 does not contain any windows, thereby ensuring that privacy standards are respected. However, the side elevation of the forward-projecting gable element would have secondary habitable windows directly facing No.57 and within 21m (approximate distance 15m). In the interest of privacy and amenity, it is considered necessary to impose a condition for these windows to be fitted with fixed pane obscure glazing and a condition for the agreement of boundary treatments.

Whilst the proposal would result in reductions in the level of private outdoor amenity space to No.57, it is considered that this property would retain sufficient space with more private areas available at the side of the property and the area forward of its principal elevation can be retained as open-plan.

Having regard to the above, it is considered that the proposal would not result in any unreasonable loss of amenity to the occupiers of 57 Rehoboth Road, with particular regard to dominance and loss of light, outlook and privacy.

The rear of the proposed dwelling backs onto the gardens of 1 and 4 Bryn y Mor. Extensive negotiation has resulted in the proposed dwelling (excluding the ground floor bay feature) being sited 10m from the rear boundary with these properties. Furthermore, no windows of the proposed dwelling would be within 21m of the windows of these neighbouring properties. The proposed garage would be sited in close proximity to the boundary however this would be a single-storey structure with its shortest span facing the boundary, thereby reducing its overall impact.

Having regard to the above, and subject to a condition for the agreement of boundary treatments, it is considered that that the proposal would not result in any unreasonable loss of amenity to the occupiers of 1 and 4 Bryn y Mor, with particular regard to dominance and loss of light, outlook and privacy.

The side elevation of 1 Llys Bryn Gwyrdd is to the south of the application site. This property is two-storeys (excluding loft space) and positioned marginally higher than the application site. Between its side elevation and the application site boundary is the drive and parking area of the neighbouring property. This leads to a detached garage which is at the rear of No.1 and is the nearest structure to the application site.

The side elevation of 1 Llys Bryn Gwyrdd facing the application site contain three windows on the ground floor, none on the first floor and one in the loft space. Extensive negotiation has resulted in the dwelling being made smaller and sited marginally forwards within the plot. This has resulted in the largest ground floor window on the side elevation of 1 Llys Bryn Gwyrdd being aligned with the proposed rear garden and not the proposed dwelling.

The other two ground floor windows of 1 Llys Bryn Gwyrdd, whilst it would appear that they serve a habitable room, are much smaller and this dwelling was purposefully designed in this manner with other potential light sources from the attached rear conservatory and the front dining room. One of the windows would be approximately aligned with the corner of the proposed dwelling whilst the other has a more direct alignment. The approximate

distance between these windows and the proposed dwelling would be 5.5m. These windows are small and predominantly north-facing, meaning that they currently do not benefit from significant sunlight. Whilst outlook from the windows would be reduced, the current outlook is not high standard of amenity since they face an existing detached garage (to be demolished) which is sited close to the boundary. It is therefore considered that the proposal, on, balance, would not result in any unreasonable loss of amenity to the ground floor side-facing windows of 1 Llys Bryn Gwyrdd.

The window in the loft space serves a habitable room but this is in an elevated position and has been fitted with obscure glass and is subject to a condition for it to remain obscured in perpetuity.

The side elevation of the proposed dwelling facing 1 Llys Bryn Gwyrdd would contain 1 door on the ground floor and an en-suite bathroom on the first floor. A condition requiring the agreement of boundary treatments and for the en-suite window to be fitted with fixed pane obscure glass would ensure that privacy and amenity of both properties would be reasonably safeguarded.

The siting of the proposed dwelling marginally forwards of 1 Llys Bryn Gwyrdd does not unreasonably affect windows on the front elevation of this neighbouring property. Furthermore, it is considered that there would not be unduly harmful on the external spaces of No.1 since the nearest areas are primarily used as a drive and vehicular parking.

The neighbour has also objected on light pollution and harm to amenity from any artificial lighting from the proposal dwelling. The site is within development limits with several properties nearby. Lighting associated with domestic properties are therefore commonplace and to be expected when living in an urban area. It is considered that any domestic security lighting or lighting from domestic dwellings would not be such so as to result in significant light pollution or any unreasonable loss of amenity.

Having regard to the above, it is considered that the proposal, on balance, would not result in any unreasonable loss of amenity to 1 Llys Bryn Gwyrdd, having particular regard to dominance and loss of light, outlook and privacy.

2 Llys Bryn Gwyrdd has also objected to the proposal. This property does not share a direct boundary with the application site and is located further away. The comments made are generally similar to those by the owner/occupier of 1 Llys Bryn Gwyrdd and have therefore already been addressed in the report. Additional comments are also made under the "Other Matters" Section of the report. It is considered that the proposal would not result in any unreasonable loss of amenity to 2 Llys Bryn Gwyrdd.

The proposed dwelling would face the road of Llys Bryn Gwyrdd and whilst it would be sited marginally forwards in the streetscene, there would be sufficient separation distance between the development and 55 Rehoboth Road and its garden which are on the opposite side of the private road. There would also be an indirect relationship between windows on the front elevation of the proposed dwelling and the nearest window on the side of No.55. As such, it is considered that the proposal would not result in any unreasonable loss of amenity to the occupiers of this neighbouring property.

The Public Health Department of the Council has not raised any objections to the proposal.

Whilst it is considered that the scheme as submitted and subject to conditions would not, on balance, be unduly harmful the amenities of neighbouring properties or future occupiers of the proposed dwelling, it is acknowledged that further development, under permitted development rights, may have a detrimental effect. It is therefore considered prudent to remove certain permitted development rights for this infill plot, which will ensure that the Local Planning Authority retains effective control over the dwelling and its curtilage.

### **Parking and Highway Safety**

The site is accessed off a private road of Llys Bryn Gwyrdd which connects to the public highway of Rehoboth Road. Vehicular access to 57 Rehoboth Road is also from Llys Bryn Gwyrdd. The proposal will involve alterations to the access and parking arrangements so that both properties have an appropriate access and an adequate amount of off-street parking.

The proposal has been reviewed by the Highways Authority and they have no objections to the proposal. Conditions have been recommended to ensure that the proposed layout and parking spaces for both properties are provided and to restrict the conversion of the garage to ensure that sufficient parking spaces are retained for the new dwelling. It is therefore considered that the proposal would not have any significant adverse effect on highway/pedestrian safety.

### **Affordable Housing**

The proposed development involves the construction of a private market dwelling. As such, the proposal generates the need for a financial contribution to be made towards affordable housing provision in the area. The applicant has submitted a Unilateral Undertaking to enable this contribution to be secured. It is therefore considered that the proposal promotes sustainable development and does contribute towards the objective of creating mixed communities and the creation of sustainable places.

### **Ecology/Biodiversity**

The site forms part of a domestic garden and contains a detached garage and outbuilding which would be demolished as part of the development. A bat survey report has been submitted and the Council's Ecologist agrees with its findings. There are no objections to the proposal subject to conditions. It is therefore considered that the proposal would not have any significant adverse effect on ecology/biodiversity.

### **Drainage**

Whilst limited details have been provided with the application concerning drainage, the site is not within a flood risk area and within development limits. Welsh Water has no objections to the proposal subject to a condition which ensure that surface water does not enter the public sewerage network.

The Council's Drainage Officer has requested further drainage details associated with the proposal however it is considered that that this could be appropriately dealt with by a planning condition requiring comprehensive details of both foul and surface water to be submitted prior to the commencement of development. It is therefore considered that the

proposal would not result in any harm to amenity, flood risk or the existing drainage infrastructure.

## **Other Matters**

The owners/occupiers of 1 and 2 Llys Bryn Gwyrdd have objected to the proposal on several grounds and the majority of these have already been addressed within this report. However, on the matter of consultation, the application was subject of a site notice being posted adjacent to the site, thereby complying with the relevant consultation regulations.

Land ownership issues and disputes over the position of boundaries have also been raised by neighbouring properties. The applicant was asked to check this specific matter and has confirmed in writing that the site is within his ownership and that the correct Certificate has been completed within the application forms. Notwithstanding this, land ownership disputes are private matters and should not preclude the ability to determine this planning application.

Each application is assessed on its own merits and in context to current adopted policies, guidelines and any material planning consideration. References by objectors to previous planning applications for residential development on other sites along Llys Bryn Gwyrdd, whether there are more suitable options to develop the application site, or whether there are already empty properties in the village, are not considered to be such significant material considerations in the determination of this application.

## **Planning Obligations**

The proposed development involves the construction of a private market dwelling. As such, the proposal generates the need for a financial contribution to be made towards affordable housing provision in the area. The applicant has submitted a Unilateral Undertaking to enable this contribution to be secured.

## **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance that the proposed dwelling within development limits, represents an acceptable form of development which is appropriate in scale and to the character and appearance of the surrounding area. The proposed development would not have an unreasonable adverse effect on visual amenity, residential amenity, highway/pedestrian safety and drainage. The proposal would also contribute to the delivery of sustainable development and affordable housing in the area and generally accords with Policies SP1, SP2, SP3, SP14, GP1, GP2, GP3, H2, AH1, TR3, EQ4, EP1, EP2 and EP3 of the adopted Carmarthenshire Local Development Plan.

## 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 in accordance with the following schedule of plans:  
  
SPB4667-PD-02 Rev. C – Proposed Site & Location Plan (Scales 1:100, 1:1250, received 1 June 2020)  
SBP4667-PD-03 Rev. B – Proposed Dwelling and Garage [Floorplans and Elevations] (Scales 1:150, 1:100, received 1 June 2020)
- 3 Notwithstanding the submitted plans, no development shall commence until a detailed specification for, or samples of, the material to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 Notwithstanding the submitted plans, no development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details and plan and implemented prior to the beneficial occupation of the approved dwelling or in accordance with a timetable which shall first be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be retained as approved in perpetuity.
- 5 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- 6 No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water from that phase will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the beneficial use of any part of the development or in accordance with a timetable which has first been submitted to and approved in writing by the Local Planning Authority.
- 7 The access, parking spaces and layout for both the new dwelling and 57 Rehoboth Road, as shown on the plans herewith approved, shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of access and parking only. In particular, no part of the access or parking facilities shall be obstructed by non-motorised vehicles.
- 8 The garage hereby approved shall be kept available for vehicular parking associated with the new dwelling at all times and shall not be converted into habitable space without the prior written approval of the Local Planning Authority.

9 Prior to the beneficial occupation of the dwelling hereby approved, the following windows, as shown on drawing SBP4667-PD-03 Rev. B – Proposed Dwelling and Garage, shall be fitted with fixed pane obscure glazing to a minimum of level 5 on the Pilkington index of obscurity:

- i) Ground floor living room window facing 57 Rehoboth Road
- ii) First floor windows serving Bedroom 1 facing 57 Rehoboth Road
- iii) First floor en-suite window facing 1 Llys Bryn Gwyrdd

The obscured windows shall then be retained in that condition thereafter in perpetuity.

10 Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking or re-enacting that Order, Schedule 2, Part 1, no development within Classes A, B, C and E shall be carried out within the curtilage of the dwelling hereby approved without the prior written approval of the Local Planning Authority.

11 No development shall commence until a scheme of ecological enhancements in accordance with Paragraph 4.2.1 of the document: Bat Survey Report (IG2020Garage57RehobothRoad, conducted by I&G Ecological Consulting, received 10 June 2020), and a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable.

12 Prior to the installation of any external lighting, a detailed lighting plan, focusing particularly on minimising lighting impacts to features of ecological importance identified in the document: Bat Survey Report (IG2020Garage57RehobothRoad, conducted by I&G Ecological Consulting, received 10 June 2020), shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved lighting plan.

## **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 and for the avoidance of doubt or confusion as to the extent of the permission hereby granted.

3-4 For the Local Planning Authority to retain effective control over the development hereby approved and in the interests of visual, general and residential amenities.

5 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

6 To ensure that effective drainage facilities are provided to serve the development and to ensure that flood risk is not increased.

7-8 In the interests of highway safety and residential amenity.

9-10 In the interests of residential amenities.

11-12 In the interests of ecology/biodiversity

## NOTES

- 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 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)).

- 3 It is recommended that the applicant be informed that 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 2017*.

Regulation 9(1) of the 2017 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 43 of the 2017 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).*

The applicant/developer is informed that all British bats are also 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/developer is informed of the possibility of encountering bats unexpectedly during works.

If bats are encountered on site works should stop immediately and NRW should be contacted (Natural Resources Wales, - General Enquiries: [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) or 0300 065 3000 Mon-Fri, 8am - 6pm) a licence may then need to be applied for from NRW. 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.

- 3 The affordable housing contribution required in line with Policy AH1 of the Local Development Plan has been secured with the applicant entering into a S106 agreement/Unilateral Undertaking.

<b>Application No</b>	<b>S/40324</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CHANGE OF USE OF EXISTING INDUSTRIAL UNIT FROM CLASS D1 TO USE CLASS B1/B2 AT T A D BUILDERS, UNIT 5 TEMPLE WORKS, FURNACE, LLANELLI, SA15 4HT

<b>Applicant(s)</b>	Mr Anthony Jones – TAD Builders Ltd
<b>Agent</b>	Mr Phillip Lewis – Lewis Partnership Ltd
<b>Case Officer</b>	Zoe James
<b>Ward</b>	Hengoed
<b>Date registered</b>	6 March 2020

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

## Site

The application site comprises Unit 5, TAD Builders at Temple Works in Furnace. Unit 5 is located adjacent to existing units in industrial use. Access to the site is via the existing access to the wider Temple Works from the B4309 New Road. The unit fronts in a northerly direction with access to the unit and associated parking situated to the north.

The site is located within Temple Works where the majority of existing units are in B2 industrial use. To the south of the site is a building yard, with the access road to Furnace United Rugby Football Club, residential uses and a children's nursery beyond. Directly to the north is an access road with rear gardens and existing dwellings beyond and to the east beyond the works are existing residential dwellings and rugby football ground to the west.

The site has recently been in use as an unauthorised parcel delivery service (Use Class B8).

## Proposal

The planning application seeks change of use of Unit 5 from D1 (non-residential institution) for B1 (office) and B2 (general industrial use). The planning application was initially registered in March 2020 following an enforcement investigation seeking change of use to B1/B2/B8 use at the site to accommodate the current parcel delivery business being run from the unit. However, during the course of the application the agent has advised that the existing tenant is relocating from the unit and as such the application is changed to seek planning permission for B1 and B2 use only.

The application now proposes operating hours of 07:00-18:00 Monday to Friday and 08:00-13:00 Saturdays, Sundays, public and bank holidays. The agent has advised that employee numbers will be a maximum of 5 with up to 3 cars. No further information has been provided in relation to the nature of the business as the agent has advised the future tenant is unknown as yet. The application form confirms that the proposal is not for a waste management facility.

As per the planning history, the original use of the site was B1/B2 use prior to its change in 2011.

## Planning Site History

The following applications have previously been submitted at the site:

- S/25337      Change of Use from B1/B2 to D1. The change of use is requested to establish a Training Workshop for the delivery of Pre-Apprenticeship and General Building Craft Training  
Full Granted  
26/10/2011
- S/23451      Proposed external changes to industrial units at Temple Works due to operational requirements of business. (No change of use)  
Approved  
06/10/2010
- D5/13488      New Timber Store  
Approved  
11/02/1991

## Planning Policy

In the context of the Authority's current Development Plan the site is within the defined development limits of Llanelli as contained in the adopted Local Development Plan (LDP). It is not the subject of any designation or allocation in the Plan. Reference is drawn to the following policies of the Plan:-

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution- Settlement Framework  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
EMP3 Employment – Extensions and Intensification  
TR2 Location of Development  
TR3 Highways in Developments  
EP2 Pollution

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – The Highways Officer initially responded to the application requesting a Delivery Management Plan was submitted given the nature of the B8 use. However, following the amended proposal revised comments have been received which confirms no objections based on the existing and surrounding uses.

**Head of Public Protection** - No adverse comments to make.

**Environmental Health Noise** – originally required that the noise levels at the site do not exceed the existing background noise level. A Noise Survey was originally requested to demonstrate this given the operating hours previously proposed for the B8 use. However, following the amendment to the application a revised response has been received which raises concerns with the proposed B2 use on Sundays and Bank Holidays. Recommend a condition is imposed to restrict the operating hours.

**Environmental Health Contaminated Land** – No adverse comments to make.

**Llanelli Rural Council** - No objection providing there is no detrimental impact on amenity of surrounding residential area.

**Local Member(s)** - Councillor Susan Phillips has not commented to date.

**Local Member(s)** - Councillor Penny Edwards is a member of the Planning Committee and has made no prior comment.

**Natural Resources Wales** – highlight location within Flood Zone C2 and recommend developer installs flood-proofing measures.

**Dwr Cymru/Welsh Water** – confirm no comments to make on the application.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of notification by way of a site notice initially and re-consultation through neighbour letters.

21 representations were received, all objecting the matters raised are summarised as follows:

- Air pollution is an existing problem.
- Existing dust from the yard is ridiculous and some days cannot open windows or use gardens.
- Traffic through the village is very heavy, particularly at peak times and has worsened since Stradey housing development and new Furnace school.
- Existing traffic causes so much noise and pollution already.

- Any additional traffic is unsustainable and dangerous for the road network.
- Drivers to the site presently show little respect for road/pedestrian safety. Incidents of aggregate being spilled onto highway.
- Many of the existing vehicles visiting the site are large lorries delivering building materials and often take up entire road causing highway safety concerns.
- Existing roads are unsafe for children to cross and walk to school.
- Children's nursery at the entrance to the site. Increasing noise and pollution in the vicinity would not be safe.
- Existing noise levels experienced during early hours of the morning having significant impact on mental health, causing anxiety and sleep deprivation. Hours of operation for delivery service will have negative impact.
- Noise disturbance from engines of delivery vehicles, doors/gates slamming and trolleys during the night.
- Loud building operations taking place on weekends and late at night.
- Application is not supported by a Noise Assessment or Travel Plan/Transport Statement.
- Concerns regarding use of the site for a commercial waste collection and the flies this will attract.
- There is a lot of scrap presently left at the works.
- Light pollution is caused by the number of spotlights used on site.
- B2 use will allow the applicant an open cheque to do whatever they want at the site without further permission required.
- Residents currently suffer enough disruption and disturbance, any more will result in upset, mental and physical health problems.
- Garden is no longer safe due to unknown people hanging around the area.
- Increase in robberies recently in the area.
- Concern regarding stability of walls of wider site.
- Queries whether residential use has been granted as appears someone is living on the site.
- Location in the centre of a village surrounded by existing residential properties, pub, nursery and nearby schools is not suitable for such uses.
- Situation concerning noise, dust and traffic is so bad considering moving from the area.
- Application is unclear as to what changes are proposed at the site.
- As the application is retrospective this should be taken into consideration.
- Company continues to operate even though planning permission has not been granted.

**Community Councillor** – Sian Caiach has requested to speak at Planning Committee and objects on the basis of the location, traffic congestion, air pollution, concerns regarding industrial waste storage and flooding matters.

All representations can be viewed in full on our [website](#).

# Appraisal

## Principle of development

The planning application seeks consent for change of use from D1 (non-residential institution) to B1 (office) and B2 (general industrial) use at the site. The application as submitted originally sought consent for B8 (storage and distribution) use to accommodate the unauthorised parcel distribution service operating at the site. However, the application has now been amended and no longer seeks consent for B8 use with the existing operator vacating the premises.

It is worthwhile noting that the original use of unit 5 was, as per the wider Temple Works, B1/B2 prior to planning permission being granted in 2011 to allow the unit to be occupied as a training workshop for general building craft. Furthermore, the wider site is presently unrestricted by planning conditions regarding the nature of the industrial use. As such, the use of unit 5 for B1/B2 use as previously permitted is considered acceptable in principle, subject to recommended conditions.

## Amenity

A number of concerns have been raised regarding noise and disturbance from the site. The amended scheme seeks operating hours of 07:00-18:00 Monday to Friday and 08:00-13:00 Saturdays, Sundays, public and bank holidays in line with the neighbouring uses at Temple Works. No activities or operations are now proposed throughout the night and a maximum of three cars are identified for the proposed use at Unit 5. On this basis, the concerns raised regarding noise and disruption experienced during the night/early hours of the morning are no longer relevant. A condition is proposed restricting the hours of operation and in line with the recommendation from the Authority's Environmental Health Officer, this does not allow for any B2 use at the site on Sundays and Bank Holidays.

Turning to concerns regarding air pollution and dust created, the objections raised presently relate to the wider use and operations of Temple Works and not the application site given the existing permitted use and present unauthorised use of the site.

Concerns are also raised regarding the use of the site for a waste management facility. The planning application form specifically states that the proposed change of use for unit 5 is not for a waste management development and a condition is proposed to ensure the site is not utilised for such a facility in future. Similarly, concerns are raised regarding the proposed unit changing to an alternate commercial operation in future and specifically B8 operations in line with permitted changes within the relevant legislation. Given the concerns regarding the operation of a distribution company at the site, a condition is proposed to restrict change of use to B8 without formal submission of an application to the Local Planning Authority first. As such, it is considered that the concerns regarding the use of the unit for a waste management facility and future change of use without obtaining permission are able to be effectively controlled via planning conditions.

Concerns are also raised regarding light pollution. As the application now proposes revised operating hours, the requirement for spotlights at unsociable hours is not anticipated to be a problem. Nevertheless, a condition is proposed to ensure any external lighting at the unit is only used during the permitted operating hours.

## **Visual and privacy impacts/ impact upon character and appearance of the area**

The planning application is for change of use only with no external alterations proposed to the unit. Given the site location within the existing building/industrial works site, the proposal is not considered to have a negative visual or an adverse impact on the character and appearance of the area. The proposal is not considered to raise privacy implications given there are no external alterations to the site and will not result in additional activity at the site during unsociable hours.

## **Highway Impacts**

A number of the objections received relate to concerns regarding the access and highway safety. As identified the application originally sought B8 (storage and distribution) use for a parcel distribution service to operate from the unit which included higher levels of vehicular activity at the site. The timings of which were at unsociable hours and also partly during the peak period, also the site is located in close proximity to a nursery and on the school route. The Highways Officer reviewed the original submission and requested a Delivery Management Plan was provided to further assess and address these matters. However, following the amended scheme the Highways Officer has re-assessed the application and considers that as the proposal is to revert back to Office or Light/General Industrial use as it was prior to the current D1 use, they have no objections based on the existing and surrounding uses. In terms of the parking requirements, this would be 2-4 spaces which is available. Based on the foregoing, the Highways Officer has raised no objection to the planning application and it is not considered to adversely impact upon highway safety.

## **Flood Risk Implications**

The site is located within Flood Zone C2 as defined by the Development Advice Maps (DAM) prepared by Natural Resources Wales (NRW). However, given the existing and previous use of the unit along with the existing adjacent uses operating it is considered that the proposal is acceptable. NRW have responded advising of the location within Flood Zone C2 but consider that due to the scale and nature of the proposed development the proposal could be acceptable subject to the developer being aware of the potential flood risks. They also advise that flood-proofing measures are installed. Any planning permission granted will include reference to NRW's comments and the advice for flood resilience measures.

## **Other Matters**

Other matters raised relate to the application being retrospective and also unclear. The Local Planning Authority is required to consider retrospective planning applications in line with relevant policies in the LDP alongside material planning considerations. In terms of the application being unclear, there have been amendments to the application following the original submission and the change to exclude reference to Use Class B8. There are no external changes proposed to the unit, the application seeks to change the use of unit 5 only.

The comments in relation to increase in robberies in the area and unknown people within the area are not considered to be relevant to the proposal or the determination of the planning application. In terms of the query relating to residential use at Temple Works, planning permission has not been granted for residential use and any concerns in this regard should be directed to Planning Enforcement to investigate.

## Planning Obligations

*None.*

## Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## Conclusion

After careful consideration of the revised scheme, along with third party comments and the relevant material considerations it is concluded on balance that the proposed change of use is acceptable. The proposal involves change of use from D1 non-residential institution reverting to the original B1/B2 use of the unit. No changes are proposed to the external appearance of the unit. The majority of the concerns raised by respondents relate to the original scheme and the unauthorised B8 distribution/delivery service being operated from the premises. As the application no longer seeks consent for B8 use and a condition is proposed restricting permitted change to such use, it is considered these concerns are addressed. The operating hours are also restricted by condition to protect residential amenity.

The proposal is in accordance with the policies of the adopted Local Development Plan and is therefore put forward with a favourable recommendation subject to the below conditions.

## 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 details shown on the following plans:-
  - Site Location Plan and Site Plan drawing no. 1963 01 received 15 November 2019;
  - Existing and Proposed Site Layout Plan, Floor Plans and Elevations drawing no. 1963 02 received 15 November 2019.
- 3 The premises shall be used for uses falling within B1/B2 only but does not include any waste management operation and for no other purpose (including any other purpose in class B8 of the schedule to the Town and Country Planning (Use Classes)



Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

4 The use/s hereby permitted shall not operate other than between the hours:

<b>Use</b>	<b>Monday to Friday</b>	<b>Saturday</b>	<b>Sunday and Bank Holidays</b>
B1 - Business	Start Time: 07:00 End Time: 18:00	Start Time: 08:00 End Time: 13:00	Start Time: 08:00 End Time: 13:00
B2 - General industrial	Start Time: 07:00 End Time: 18:00	Start Time: 08:00 End Time: 13:00	

5 There shall be no external lighting turned on at the unit outside of the operating hours specified.

6 The rating level of sound emitted from the proposed development as a whole/emitted from any fixed part or machinery associated with the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.

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 sound emissions arising from the development to determine whether they exceed the sound levels specified in condition 6. The assessment shall be undertaken under the supervision of the Local Authority.

8 In the event that Condition 6 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in condition 6. These measures will then be implemented forthwith.

## Reasons

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

2-3 To define the permission and in the interest of the living conditions of local residents.

4-5 To protect residential amenity of local residents.

6-8 To ensure appropriate noise levels are achieved at the site in the interest of residential amenity.

## Notes

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

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

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

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

- 2 Comments and responses received from consultees and third parties can be found on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)). They may also relate to other permissions or consents required or include further advice and guidance.
  - Please see the relevant responses from Natural Resources Wales, Highways Officer and the Council's Environmental Health team and refer to the recommendations and advice contained therein

<b>Application No</b>	<b>S/40466</b>
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<b>Application Type</b>	FULL PLANNING
<b>Proposal &amp; Location</b>	EXTENSION TO BOUNDARY WALL AND REPLACEMENT FENCE. ALSO RETENTION OF INCREASE GARDEN LEVELS AND NEW DRAINAGE WORKS

<b>Applicant(s)</b>	MR MATHEW WILLIAMS
<b>Agent</b>	COPPERWORKS ARCHITECTURAL SOLUTIONS
<b>Case Officer</b>	ROB DAVIES
<b>Ward</b>	GLANYMOR
<b>Date registered</b>	20/04/20

## Reason for Committee

This application is being reported to the Planning Committee

- \* following a call-in request Cllr J Prosser and Cllr L Roberts
- \* following the receipt of more than one objection from third parties

## Site

The application site consists of a modern detached dwelling located on the Pentre Nicklaus Village housing development in Machynys, Llanelli. The property itself occupies a corner plot on the estate.

Members will recall visiting the application site on the 10<sup>th</sup> January, 2019 to assess an application for a single storey rear extension with balcony to first floor (S/37933). Following the site visit and consideration of the application, Members resolved to approve the application subject to conditions.

## Proposal

The application is partly retrospective in nature and seeks full planning permission to retain an increase made to the rear garden levels and erect a higher new boundary wall and fencing.

Members may recall from their previous visit to this property, that the rear garden did slope down away from the rear of the property and down towards the south eastern corner. There was previously raised decking along the eastern boundary which stepped down with the levels. This stepping down was also reflected in the boundary definition, with the previous boundary wall and fence along the eastern boundary also stepping down towards the south.

Previous levels did not reduce as much to the western side of the garden adjacent to the boundary with no.106 Pentre Nicklaus.

During the construction works of the extension, the eastern boundary wall and fence were taken down and the previous raised decking areas removed in order to facilitate the works. The applicant proceeded to raise levels in the rear garden in order to create a level rear garden for his young family before they move into the newly renovated and extended property. At the most levels have been increased by 500mm in the south west corner. The increase in levels tapers down to 200mm in the south west corner. The applicant was incorrectly of the opinion that the previous planning permission for the extension allowed for such an increase in levels. The previous approved plans only indicated that areas immediately around the extension were to be raised.

A new section of block built boundary wall has been constructed along the eastern boundary with the road. This blockwork is continued along the southern boundary to the south western corner on the inside of the boundary fence to retain the respective increase in levels. It is proposed to alter the blockwork along the eastern boundary slightly to achieve a slight step down, and render it to match the dwelling. A capping stone will be placed on top of the wall and a new 1.8m feather edge fence erected, with the feather edge element facing the road. A new 1.8m high feather edge fence from the new land levels is proposed along the southern boundary with 104a Pentre Nicklaus, whilst the existing 1.8m high fence along the boundary with no.106 is to remain, however damaged sections will be replaced, and there will be slight increase in the bottom corner to retain a 1.8m height.

In addition to the detailed drawings, the application has been accompanied by information from both a Structural and Drainage Engineer.

The ongoing works have been subject to complaints and the following Planning Enforcement Files have been opened and investigated:-

S/ENF/09236            Non compliance with S/37933 – Ground levels

S/ENF/09588            Permanent siting of rotten skip

## **Planning Site History**

S/38372 -	Non material amendment to S/37933, granted 15.01.19 – Changing window and sliding door to a bi-fold door coming across the back NMA Granted	14/02/19
S/37933 –	Single storey rear extension with a balcony to the first floor Full Granted	10/01/2019
S/12435 -	Proposed amendments to previously approved application ref. LL/02037 dated 19.09.02 to include change of house types, plot reorientation, plot & highway realignment and amended slab levels Full Granted	20/04/2006
LL/02037 -	Residential - 176 Houses Full Granted	19/09/2002
S/03042 -	Residential	

## Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

GP1 Sustainability and High Quality Design  
GP4 Infrastructure and New Development  
EP2 Pollution  
EP3 Sustainable Drainage

## Summary of Consultation Responses

**Land Drainage Section** – No adverse comment.

**Llanelli Town Council** – Object to the application on the following grounds:-

- The application will have a detrimental and significant effect of the privacy of adjacent properties causing a significant impact on the amenity of their properties and is therefore in breach of policy GP1 (D).
- The application will have a detrimental and significant effect on the local environment and amenity of adjacent properties and is therefore in breach of policy GP6 (D).
- There have been numerous complaints regarding the works thus far with the Planning Authority having to intervene on occasions.
- It is apparent that the boundary wall has already been extended (without consent) and plans for a significantly raised garden level which was not fully specified in the original planning application has already had a detrimental effect on adjacent properties.
- There are numerous resident concerns that this raised level will compromise privacy further.

Llanelli Town Council request that this application is dealt with by the Planning Committee.

**Local Member(s)** – Cllr J Prosser objects to the application. The development is not being undertaken in accordance with the original application and was this always the intention of the applicant.

The applicant has paid scant regard to any rules or their neighbours throughout the building work so far. There have been numerous complaints about this site and the Council have had to intervene. I believe that there is an outstanding court case being brought by the Council.

Cllr Prosser requests that the application goes to Planning Committee and he would like to address the Committee in this respect.

The applicant should return the ground levels back to the original plans until the outcome of this application is decided.

Cllr L Roberts objects to the application for the following reasons:-

- Unacceptable ground levels

- Lack of neighbour consultation
- Eyesore of a building site
- Further digging and works have taken place recently without planning permission
- Applicant has flouted Planning regulations

Cllr Roberts requests that the application is considered by Planning Committee and she would like to address Members.

**Dwr Cymru/Welsh Water** – No objection.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of notification by way of neighbouring letters. To date five neighbouring properties have objected to the application for the following reasons:-

- The extended boundary wall extends outside of land owned by the applicant.
- The unauthorised raising of garden levels has repeatedly caused contamination of the adjacent road/pavement every time it rains.
- Poorly built boundary wall.
- Visual impact of new higher wall and fence.
- Loss of daylight
- Loss of privacy
- The applicant has continued with the unauthorised works despite requests by the LPA to cease works.
- Increasing garden levels by 500mm has compromised the privacy of adjacent properties (104a and 106 Pentre Nicklaus) as boundary fences are no longer effective in this respect.
- The plans do not accurately depict the extent of raised ground levels, for example the levels have been raised in the bottom corner adjacent to no.106 meaning that the previous 1.8m is now effectively 1.6m rendering it ineffective for privacy.
- The plans do not show a new 1.8m fence around whole garden to ensure same level of privacy that existed pre-development works.
- If the boundary fences were raised 500mm then this would compromise daylight.
- What if the applicant also wants to install a slide, climbing frame or trampoline for his young family, this would compromise privacy further.
- Health and Safety Regulations have been ignored. The site is not properly secured.
- Visual eyesore with rubbish and skips.
- Disruptive works especially on weekends.
- Due to the level of concerns from neighbours, raising garden levels should not have been approved under non material amendment granted S/38372.
- Lack of enforcement action.

All representations can be viewed in full on our [website](#).

## Appraisal

As aforementioned, letters of representation have been received from five neighbouring properties objecting towards the application, whilst both local members and the town council have also objected. The material reasons for concern raised will now be addressed in this section of the report. In terms of land ownership, the applicant has confirmed in writing that the new boundary wall has been constructed on land within his ownership, however as Members will be aware, land ownership is not a material planning consideration. Members will also be aware that the comments raised in relation to the potential for a future slide, swing or trampoline set in the garden are also not material considerations as such garden paraphernalia are not classed as development requiring planning permission.

The objectors have opined that there has been a lack of Enforcement action on behalf of the LPA, with the applicant continuing with the unauthorised disruptive works without due regard to neighbours. In this respect, two planning enforcement files were opened and are subject to ongoing investigation. On the 25<sup>th</sup> February, 2020 a formal Section 215 notice was served by the LPA to improve the visual amenity of the area. This notice required the applicant to remove building materials; remove damaged perimeter fencing; remove skip; and remove building waste. The majority of this was done the following day.

As with any Planning Enforcement case the LPA has sought to liaise with and work with the owner to rectify matters. Unfortunately, the LPA had to resort to serving a S.215 notice to improve matters from a visual amenity perspective, however it was always acknowledged that works were ongoing at the site. In terms of the ground levels and boundary treatment, site meetings were held with the owner, and he advised that it was his intent to submit a retrospective application to regularise matters in this respect.

In terms of the visual impact of the proposed works and impact of the raised ground levels and revised boundary treatment on the local environment, this needs to be assessed based upon what is shown on the proposed drawings in terms of the finished product. It must be acknowledged that the site is still presently a construction site, and therefore it is within everyone's interest for works to be completed as soon as practically possible.

As aforementioned, at worst levels have been increased by circa 500mm in comparison to previous in order to create a level garden for a young family. Such an increase in levels is not considered excessive, whilst the proposed revised boundary treatment in the form of a rendered wall and feather edge fencing is considered to be in keeping with the area. The LPA acknowledge that the revised boundary wall is not a grey engineering brick as replicated elsewhere, however sections of grey brick will remain, whilst the rendered finish picks up on the prevailing external material on the estate. In terms of scale, the revised boundary treatment is not considered excessive, whilst there are similar examples on the adjacent cul de sac.

With regards to the concerns raised over privacy and amenity by virtue of overlooking and loss of daylight. As aforementioned in this report, levels along the boundary with no.106 Pentre Nicklaus, with the exception of a small increase in the bottom corner, are the same as previous. Therefore the existing boundary treatment along this boundary, with the exception of a slight increase in the bottom corner still serves a purpose in retaining privacy. The fence along the boundary with no.104a is to be replaced with a new 1.8m fence from the new land levels. This will ensure that the privacy of this property is retained. The fence is to the north of 104a Pentre Nicklaus, and the pine end of 104a which is offset from the

boundary will face it. Therefore it is not considered that this proposed fence will not have an adverse effect on 104a Pentre Nicklaus in terms of loss of daylight.

Since the unauthorised works have taken place, neighbours have advised that the pavement adjacent to the new boundary wall has been contaminated by runoff seeping through the wall during periods of rainfall. This is evident on the pavement and therefore the LPA asked the applicant to commission a drainage engineer to assess the drainage aspect. Concern has also been raised over the structural integrity of the built wall, and as such a structural engineer was also commissioned to assess. As can be seen from recent site photographs the inner side of the walls has been exposed for such assessments to be made and the excess material stockpiled ready for use as backfill.

In terms of drainage, the drainage engineer has designed and proposed a land drain, and proprietary tanking (waterproof membrane), and has confirmed that this will prevent future seepage on to the road. This drainage trench is designed to deal with land drainage in terms of rainfall falling on to the garden. It has been confirmed that roofwater from the main house and extension are directed to the designated surface water system on the estate.

The exposed wall has been assessed by a structural engineer also, who has produced a structural design calculations report, which in turn has recommended some minor re-inforcement works prior to material being backfilled.

The application has been subject to the correct statutory consultation process in terms of neighbour consultation.

With regards to the accuracy of the plans, some of the drawings were amended and re-consulted upon during the course of the planning application process to accurately reflect the works undertaken to date and what is proposed.

Finally in terms of health and safety, as aforementioned the application site is still a development site and the ongoing works to the main house are subject to Building Regulations. Whilst the building works have taken a long time it is understood that this is as a result of the applicant's personal circumstances in so far as he works away and has not been at hand to project manage the development. The works to finish the garden have been on hold pending the determination of this planning application, which in itself has been delayed due to Covid-19. As aforementioned, it is considered both within the applicant's interest to allow his family to move in, and in the interest of immediate neighbours for the works to be completed as soon as practically possible.

## **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.



## Conclusion

The works undertaken to date and proposed as part of the application are considered to be acceptable in size, scale and design terms in keeping with the immediate surroundings.

It is considered that there are no loss of amenity issues associated with the development whilst the reasons for concern and objection raised have adequately been addressed as part of the above appraisal.

After careful consideration of the scheme as submitted it is concluded on balance that applications accords with the relevant policies contained within the LDP and is put forward with a recommendation for approval.

## 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 as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 20<sup>th</sup> April, 2020.
- 2 The development hereby permitted shall be retained and completed strictly in accordance with the following schedule of plans:-
  - Site location and block plans 1:1250; 1:500; 1:200 @ A3 (0.01A) received 1<sup>st</sup> April, 2020
  - Retaining wall drain 1:125; 1:20 @ A3 (J008/011) received 1<sup>st</sup> April, 2020
  - Existing and proposed side elevations 1:100 @ A3 (3.03A) received 7<sup>th</sup> April, 2020
  - Typical retaining wall details (Sheet 1 of 2) 1:20 @ A3 (20/082(01) received 30<sup>th</sup> April, 2020
  - Typical retaining wall details (Sheet 2 of 2) 1:20 @ A3 (20/082(01) received 30<sup>th</sup> April, 2020
  - Existing and proposed indicative sections 1:100 @ A3 (4.01B) received 9<sup>th</sup> June, 2020
  - Existing and proposed external works 1:100 @ A3 (1.03C) received 9<sup>th</sup> June, 2020
  - Indicative Sections (4.02D) received 10<sup>th</sup> July, 2020.

### Reasons

- 1 To comply with Section 73A of the Town and Country Planning Act (as amended).
- 2 In the interest of visual amenity.

## Notes

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

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

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

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

- 2 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)).

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**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>S/40411</b>
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<b>Application Type</b>	<b>FULL</b>
<b>Proposal &amp; Location</b>	<b>DETACHED SINGLE STOREY DWELLING AT LAND REAR OF LOWER TROSTRE ROAD, LLANELLI SA15 2DY</b>

<b>Applicant(s)</b>	<b>MR AND MRS NICHOLAS</b>
<b>Agent</b>	<b>ARCHITECTURAL DESIGN SERVICES – MR PHIL JOHNSON</b>
<b>Case Officer</b>	<b>ROB DAVIES</b>
<b>Ward</b>	<b>GLANYMOR</b>
<b>Date registered</b>	<b>23/03/20</b>

## **Reason for Committee**

This application is being reported to the Planning Committee following a call-in request by County Cllr L Roberts

## **Site**

The application site consists of land to the east and to the immediate rear of residential dwellings that front on to Lower Trostre Road in Llanelli. The application site forms part of a larger holding owned by the applicants, and which is used for equestrian related uses. The site is occupied by a number of outbuildings of varying scales and condition, which are used for equine shelter and storage purposes. There is a menage owned by the appellants to the immediate south of the application site with the New Dafen River beyond. The site is accessed from Lower Trostre Road to the west.

## **Proposal**

The application seeks full planning permission for the construction of a detached, two bedroom single storey residential dwelling which is referred to by the applicant as an eco chalet, with associated amenity and parking areas. The proposal is of a sloping roof design with external finishes consisting of steel to the roof and cedar cladding to the walls. The plans indicate that the internal finished floor level of the proposed dwelling is to be set 1.2m above ground level for flood risk mitigation reasons.

The application is a re-submission of an identical scheme which was recently refused by the Local Planning Authority on the 12<sup>th</sup> September, 2019. This refusal is currently subject of an ongoing appeal with the Planning Inspectorate which has been suspended as a result of Covid-19. The previous reasons for refusal related to unacceptable flood risk, backland development out of keeping with the spatial character of the area, and also due to the absence of a legal agreement to provide a financial contribution towards affordable housing.

The re-submission application has been accompanied by the following:-

- Coal Authority Mining Report
- Design Statement
- Flood Consequences Assessment.

## Planning Site History

S/39151 -	Proposed detached single storey dwelling (eco chalet) Full Refusal	12/09/2019
S/32110 -	Erection of replacement stables and formation of a menage Full Granted	14/07/2015

## Planning Policy

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution – Settlement Framework  
SP6 Affordable Housing  
SP9 Transportation  
SP13 Protection and Enhancement of the Built and Historic Environment  
SP14 Protection and Enhancement of the Natural Environment  
SP17 Infrastructure  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
GP4 Infrastructure and New Development  
H2 Housing within Development Limits  
AH1 Affordable Housing  
TR2 Location of Development – Transport Considerations  
TR3 Highways in Developments – Design Considerations  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ4 Biodiversity  
EP1 Water Quality and Resources  
EP2 Pollution  
EP3 Sustainable Drainage

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution- Settlement Framework

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Suds Approval Body** – Has confirmed that SAB approval is needed.

**Llanelli Town Council** – Object to the application on the same grounds as previously:-

- Tandem development
- Unacceptable backland development
- Loss of privacy to neighbours.

**Local Member(s)** - Councillor J Prosser has not commented to date.

Councillor L Roberts has requested that the application is presented to the Planning Committee for consideration and that the Planning Committee visit the site. The reasons for the request are as follows:-

- To facilitate this New Build a wreck of a barn would be taken down.
- This would be a big improvement to the surrounding Area.
- Eco friendly Structure would be advantageous to Area.
- Promoting wildlife Bees etc, through their Eco friendly life style.

**Natural Resources Wales** – Object on the basis that the Flood Consequences Assessment fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level over the lifetime of the development.

**Dwr Cymru/Welsh Water** – No objection.

**Coal Authority** – No objection.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of notification by way of a site notice. No letters of representation received to date.

All representations can be viewed in full on our [website](#).

## Appraisal

As aforementioned, the application is a re-submission of that previously refused by the LPA. The applicant has appealed that decision, and a decision is awaited. There has been no changes in circumstance since the previous refusal. The previous reasons for refusal were largely threefold, namely flooding, spatial character and lack of affordable housing contribution.

In terms of flooding the applicant's acknowledge that flooding is an issue that affects the application site. They opine however that the risks and consequences of flooding can be managed principally by raising the finished floor level of the dwelling by 1.2m above existing ground levels.

The application site is fully contained within Zone C1 as defined by the Development Advice Maps referred to under TAN15. As a result the justification tests referred to in Paragraph 6.2

of TAN15 are applicable to the consideration of this application which represents highly vulnerable development within Zone C1. With respect to the first two criteria of Paragraph 6.2, the proposal is not necessary to assist or be part of a local authority regeneration initiative or strategy and does not contribute towards key employment objectives. It is apparent from the pending appeal submission that the proposed dwelling is required to satisfy the personal preferences of the appellant to live close their business in the area and to be more convenient to tend to the horses.

The LPA would accept that the application site relates to previously developed land, however in addition to the first two criteria, the proposed development also fails the last criteria of Paragraph 6.2 in that the Flood Consequences Assessment submitted with the application fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level.

The FCA outlines the significant flood depths that would affect the application site should a breach occur during different flood events. It outlines that it is tidal flood risk that affects the site and therefore there is scope to ensure effective flood warnings. It opines that displacement is not an issue as existing buildings are to be replaced and goes on to make a series of recommendations including raising finished floor levels. It is telling that the FCA does not confirm compliance with TAN 15 and in the recommendation section places the onus upon the applicant and LPA to determine whether the significant flood risks are acceptable.

The FCA has been considered in detail by Natural Resources Wales who have opined that the FCA is inadequate and does not demonstrate that the risks and consequences of flooding can be managed to an acceptable level. NRW in their response confirm that the application site is within Zone C1 and refer to Paragraph 6.2 of TAN15 in terms of its relevance. NRW advise that during a tidal breach scenario the FCA indicates that the site will flood to a depth of 2.948m during the 1 in 200 year annual probability event plus an allowance for climate change. Whilst the FCA only identifies such risks during breach scenarios, NRW advise that they hold information that would indicate risks without a breach of defences. Therefore based upon the FCA as submitted NRW object to the proposed development.

Therefore in relation to flooding the LPA is of the opinion that the proposal to replace existing equestrian related buildings (less vulnerable) with a new dwelling (highly vulnerable) is in conflict with both the LDP flooding policy and TAN 15 for the reasons outlined.

In terms of residential spatial character, the appellant acknowledges in the pending appeal submission that the proposal represents backland development. The immediate area is characterised by residential development that fronts on to well established roads used regularly by vehicular traffic. Whilst the application site does currently contain buildings, they are equestrian in nature, often characteristic of such a locale. Introducing residential development in this location would in the LPA's opinion represent an unacceptable form of backland development accessed via a rear lane, at odds with the prevailing spatial character. If approved, a development of this nature could set an undesirable precedent for residential development on other immediately adjacent parcels of land that are also located within the defined settlement limits.

Finally, in order to adhere to Policy AH1 of the LDP and relevant Adopted Supplementary Planning Guidance in relation to Affordable Housing, a proposal of this nature would need to make a financial contribution towards affordable housing. This contribution would equate

to £53.35 per sqm of internal floorspace and would need to be secured via an Unilateral Undertaking. No such legal agreement was submitted with the planning application and therefore this previous reason for refusal also remains valid in the LPA's opinion.

Whilst the LPA accepts that there have historically been buildings in this location, they are not residential in nature. The appellant contests that the removal of some of the buildings and their replacement with a sustainably designed dwelling would enhance the area as a whole, however the LPA is still of the opinion that the proposal represents an unacceptable form of development for the reasons expanded upon above.

## **Conclusion**

Therefore after careful consideration of the scheme as submitted it is concluded on balance that there has been no change in circumstances since the previous planning refusal on this site. As such the application is put forward with a recommendation for refusal.

## **RECOMMENDATION – REFUSAL**

### **Reasons**

- 1 The proposal is contrary to Policy SP2 "Climate Change" of the Adopted Carmarthenshire Local Development Plan, 2014:-

In that the application site is located within Flood Zone C1 and the proposed residential development does not accord with the provisions of TAN 15. The Flood Consequences Assessment fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level.

- 2 The proposal is contrary to paragraph 6.2 of Planning Policy Wales Technical Advice Note 15 "Flooding" (2004):-

In that the application site is located within Flood Zone C1 and the proposed residential development does not satisfy the justification tests outlined in Paragraph 6.2. The proposed development does not assist and is not part of a local authority regeneration initiative; does not contribute to key employment objectives, and the Flood Consequences Assessment fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level.

- 3 The proposal is contrary to Policy GP1 "Sustainability and High Quality Design" of the Adopted Carmarthenshire Local Development Plan, 2014:-

In that the proposed development represents an unacceptable form of backland development which is out of keeping with the prevailing spatial character of the immediate area which primarily consists of road fronted residential development. The proposal therefore does not conform with or enhances the character of the area in terms of siting.

- 4 The proposal is contrary to Paragraph 2.6 of Planning Policy Wales Technical Advice Note 12 'Design' (2016):-



In that the proposed development represents an unacceptable form of backland development which is inappropriate within its context which primarily consists of road fronted residential development.

- 5 The proposal is contrary to Policy AH1 "Affordable Housing" of the Adopted Carmarthenshire Local Development Plan, 2014:-

In that the application has not been accompanied by an appropriate Unilateral Undertaking to secure a commuted sum contribution towards affordable housing.

Mae'r dudalen hon yn wag yn fwriadol

**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 28 GORFFENNAF 2020  
ON 28 JULY 2020**

**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 yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>28.07.2020</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA WEST**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE</b>
<b>W/39207</b>	<b>OUTLINE PLANNING APPLICATION FOR THE ERECTION OF 1NO DWELLING (ACCESS FOR APPROVAL) AT LAND ADJACENT TO COLTS PARK, SIR JOHNS HILL LANE, GOSPORT STREET, LAUGHARNE, SA33 4TD</b>	<b>63</b>
<b>W/39998</b>	<b>PROPOSED REDEVELOPMENT OF THE EXISTING BUILDING ( A1 CLASS) INCLUDING EXTENSION, ALTERATIONS AND ASSOCIATED EXTERNAL WORKS FOR PROPOSED CONVENIENCE STORE AND RETENTION OF EXISTING ACCESS AND CAR PARKING FOR ADJOINING CAR BODY REPAIR SHOP AT NEW ROAD ANTIQUES, NEW ROAD, NEWCASTLE EMLYN, SA38 9BA</b>	<b>73</b>
<b>W/40140</b>	<b>OUTLINE CONSENT FOR 1 NEW HOME, ALL MATTERS RESERVED AT 112 CARMARTHEN ROAD, CROSS HANDS, LLANELLI, SA14 6TD</b>	<b>82</b>
<b>W/40177</b>	<b>CONSTRUCTION OF A TWO STOREY DWELLING WITH CAR PARKING AT ARWERYDD, HEOL ARAD, ABERARAD, NEWCASTLE EMLYN, SA38 9DB</b>	<b>96</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/39207</b>
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<b>Application Type</b>	Outline Planning with some matters reserved
<b>Proposal &amp; Location</b>	OUTLINE PLANNING APPLICATION FOR THE ERECTION OF 1NO DWELLING (ACCESS FOR APPROVAL) AT LAND ADJACENT TO COLTS PARK, SIR JOHNS HILL LANE, GOSPORT STREET, LAUGHARNE, SA33 4TD

<b>Applicant(s)</b>	Mr Michael Jones
<b>Agent</b>	Ceri Evans – Harold Metcalfe Partnership
<b>Case Officer</b>	Charlotte Greves
<b>Ward</b>	Laugharne
<b>Date registered</b>	30 <sup>th</sup> September 2019

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

## Site

The application site comprises part of a moderately sloping agricultural field with an easterly aspect located at the southern extent of and within the development limits of Laugharne. Low hedgebanks bound the northern, western and part of the southern boundaries of the field with the remainder of the southern and all of the eastern boundary bounded by post and rail timber fencing. There are three existing dwellings beyond the fenced boundaries to the south and east including three single storey dwellings.

The access to the site is proposed to be obtained off Sir Johns Hill Lane, following part of an existing narrow, unsurfaced agricultural track which currently runs past Colts Park to the north west of the site boundary leading to neighbouring agricultural land. Beyond the track and further north of the site is the existing housing site known as Pludds Meadow which is currently being developed.

## Proposal

Outline planning permission is sought for the construction of one dwelling and detached garage with the matter of access also submitted for approval. The matters concerning appearance, layout, scale and landscaping are to be considered at the later reserved matters applications stage subject to first gaining outline planning permission. As required under legislation an indicative layout has been provided which suggests how the site may be developed and includes the following scale parameters:

### Dwelling:

Width: 8m – 9m

Length: 16m – 18m

Height (to ridge): 5.5m – 6m

Height (to eaves): 2.4m – 2.6m

### Detached garage:

Width: 4m – 5m

Length: 6m – 7m

Ridge: 4m – 5m

Eaves: 2.4m – 2.5m

The access to the site is proposed to be obtained off Sir Johns Hill Lane, following part of an existing agricultural track. It is proposed to construct an entrance through the existing hedgebank immediately west of the curtilage of Colts Park and into the field where an access drive is proposed to be created which leads to the proposed dwelling and garage. Whilst layout is a reserved matter, the indicative layout suggests that the dwelling and garage would occupy the most level and elevated portion of the site. A more detailed plan of the proposed access point with Sir Johns Hill Lane has been provided which details proposed improvements to visibility to the south.

## **Planning Site History**

D4/7823 –	Siting of bungalow and garage Refusal	20/11/1980
D4/707 -	Siting of 2 residential bungalows Refusal	12/09/1974

## **Planning Policy**

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces

SP3 Sustainable Distribution- Settlement Framework

SP13 Protection and Enhancement of the Built and Historic Environment

SP14 Protection and Enhancement of the Natural Environment

GP1 Sustainability and High Quality Design

GP2 Development Limits

H2 Housing within Development Limits

AH1 Affordable Housing

TR3 Highways in Developments – Design Considerations



EP2 Pollution

EP3 Sustainable Drainage

EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

EQ4 Biodiversity

EQ5 Corridors, Networks and Features of Distinctiveness

EQ6 Special Landscape Areas

### [Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** - No objection – conditions recommended.

**Laugharne Township Community Council** – Raise concerns regarding the potential visual impact of the proposal due to the elevated location of the site and the highway safety impacts in respect of a proposed new access onto Sir Johns Hill Lane.

**Local Member(s)** – Councillor Jane Tremlett has not provided any comments to date.

**Land Drainage** – SAB approval is required.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of notification by way of a site notice. Three representations were received objecting to the proposed development, and the matters raised are summarised as follows:

- The proposed dwelling is not in keeping with the character and appearance of existing dwellings due to its proposed height and elevated position in relation to the adjacent highway and other dwellings.
- Impact on privacy due to elevated position of proposed dwelling.
- Noise impact resulting from vehicles, including construction traffic, using the proposed access track to serve the development.
- Issues of highway safety, in particular the introduction of an additional access off Sir Johns Hill Lane and within close proximity of other accesses. The road does not have sufficient capacity to serve the additional volume of traffic.

- Insufficient visibility at the access onto Sir Johns Hill Lane.
- The junction onto Sir John's Hill Lane would be in close proximity to a proposed footpath planned for the Pludds Meadow housing development.
- Sir John's Hill Lane and Back Lane are Public Rights of Way.
- Issue of additional refuge being placed at the junction with Gosport Street on waste collection days and causing a visibility issue.
- Concern has also been raised that part of the access lane (i.e. the part of the existing agricultural track which is within the application site edged red) is not within the applicant's ownership.

## **Appraisal**

### ***Principle of the development***

The application site is located within the development limits of Laugharne, categorised as a Local Service Centre within the Local Development Plan's (LDP) settlement framework. The proposal for the development of a single dwelling within the development limits of a local service centre is permitted in accordance with Policies H2 and GP2 of the LDP. The principle of the proposed development is therefore considered acceptable subject to detailed considerations as discussed below.

### ***Impact on the character and appearance of the area***

As explained above the application is for outline planning permission only with most detailed matters reserved except access. Detailed design matters relating to the layout of the site, appearance and scale of the dwelling and landscaping are for determination at the reserved matters application stage.

It is acknowledged that based on the indicative layout the proposed dwelling and garage would be sited within the most elevated portion of the site, however, based on the scale parameters provided it is considered that the site, which is within the development limits of Laugharne is capable of being developed for a dwelling and garage of the scale proposed. Furthermore, the maximum height parameter indicates that the proposed dwelling and garage would be single storey in nature akin to the nearest dwellings and thus reducing the resultant visual impact.

Concerns about visual impact are acknowledged but considering the development that is taking place and the wider character it is not considered that this would be sufficient to warrant refusal. Furthermore, the site is located outside of the Carmarthen Bay and Estuaries Special Landscape Area (SLA) as defined within the LDP. Whilst the development would be visible from locations within the SLA the proposed scale of the dwelling is such that any visual and landscape impact would not be significant and the dwelling would largely be seen in the context of adjacent, existing residential development. The site is also close to the edge of the Laugharne Conservation Area but is visually divorced from the historic core of the settlement, including the Castle and the Grist and therefore it is also considered

that there would be no adverse impact on the Conservation Area as a result of the proposed development.

A suitable landscaping scheme together with appropriate boundary treatments can be secured at reserved matters stage and will further ensure that the development can be acceptably integrated with its surroundings and in relation to existing dwellings.

Therefore subject to an acceptable design which will be considered at the reserved matters stage, development of the site for a dwelling would not, on balance, have an unacceptable impact upon the character and appearance of the area or upon the landscape. The application is therefore, at this stage, considered to comply with Policy GP1(a) of the LDP.

### ***Living conditions of neighbouring occupiers***

Based on the indicative layout it is considered that the site is capable of accommodating a dwelling that would sit comfortably within the site, and could replicate the scale and form of the nearest dwellings and therefore limit the impact on the living conditions of nearby properties. The indicative siting of the proposed dwelling and access road would result in acceptable distances being achieved between the closest properties which coupled with the scale of the proposed property, particularly its height, would not result in a significant adverse impact upon the nearest neighbour's amenity. Furthermore, an appropriate landscaping scheme and boundary treatments will provide additional screening of the development and further safeguard the amenity of neighbouring properties.

It is therefore considered at present that the proposal complies with Policy GP1(d) of the LDP. It is the case however that this will be further scrutinised at the reserved matters stage when further details are submitted for consideration.

### ***Impact upon highway safety***

The access to the site is proposed to be obtained off Sir Johns Hill Lane, following part of an existing agricultural track. It is proposed to construct an entrance through the existing hedgebank immediately west of the curtilage of Colts Park and into the field where an access drive is proposed to be created which leads to the proposed dwelling and garage. Access to the site is for consideration at this stage.

The Head of Highways and Transportation initially responded to consultation with concerns regarding the visibility to the south from the site access looking south, across the frontage of Colts Park bungalow. These concerns are shared by third parties. The visibility is largely restricted by the trees and vegetation fronting the property known as Colts Park.

Further information has since been submitted and agreed by the Head of Highways and Transportation which details removal of 2 conifer trees along with scrub and brambles for a distance of 20m to the south of the entrance track. The dwelling known as Colts Park is within the joint ownership of the applicant and the applicant has served notice on those who jointly own the property with him. There have been no objections from anyone with an interest in the land and therefore it is considered that the required visibility splay is therefore achievable.

A condition will also be included which requires full details of the construction and surfacing of the access drive to be submitted to and approved at reserved matters stage.

The concern raised regarding refuse collection at the junction onto Gosport Street has also been raised by a third party. The Waste Services team within the Council has been contacted for comment and has advised that this is an existing situation and is the Council Policy. It is not considered that one additional dwelling would exacerbate the current situation.

It is therefore considered that, subject to the imposition of conditions, the proposed development complies with Policy TR3 Highways in Developments – Design Considerations in terms of the proposed access.

### ***Impact on biodiversity***

An Extended Phase 1 Habitat Survey has been submitted in support of the application. The survey report makes site enhancement recommendations which should be integrated with the proposed landscaping of the site. As such an Ecological Design Scheme will be required to be submitted and approved as part of any future reserved matters applications.

### ***Drainage***

The application form submitted with the application states that foul water is proposed to be disposed of via a septic tank and surface water disposal is proposed to be to a soakaway. Notwithstanding this, Land Drainage have advised that due to the construction area of the proposed development SAB approval will be required.

A condition requiring full details of foul and surface water drainage to be submitted and agreed at reserved matters stage will be included in any outline planning permission.

The proposed development is considered to accord with Policies EP2 and EP3 of the LDP.

### ***Other matters***

In order to address validity issues with the application as a result of land initially being included within the application site edged red that is not in the applicant's ownership, the applicant was required to amend the ownership certificate on the application form. As the applicant does not know who the owner of the agricultural track is, in accordance with the requirements of the relevant legislation and Certificate C of the application form, he was required to take all reasonable steps to find out the owners of the land. The steps taken by the applicant have entailed a notice dated 13<sup>th</sup> May 2020 being published in the Carmarthen Journal with an expiry of 10<sup>th</sup> June 2020. To date no-one has come forward to claim ownership of the track however the Laugharne Township Corporation have been in contact declared an interest in the track as it leads to land beyond which is within their ownership. This remains a civil matter between the applicant and interested parties however, it is considered that the applicant has complied with the legislation in regard to taking all reasonable steps to find out the names and addresses of the owners. Access over the land therefore remains a civil matter.

With regard to concerns raised in respect of Public Rights of Way, whilst there are Public Rights of Way located near to the site, these would not be directly affected by the proposed development.

## **Planning Obligations**

The applicant has completed and signed a Unilateral Undertaking agreeing to pay the requisite commuted sum contribution to affordable housing in accordance with Policy AH1 of the LDP. The contribution amount in this area of the County is equivalent to £77.58 per sqm of the internal floorspace of the dwelling. The final level of contribution would be determined at the reserved matters stage when details of the floorspace would be provided.

## **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance that the proposed development is acceptable in principle and the submitted indicative information confirms that the site, which is within the defined settlement limits of Laugharne, is capable of accommodating a dwelling without having an unacceptable impact upon the character and appearance of the area, the landscape or the living conditions of neighbouring residents. Sufficient safeguards are in place to ensure that the development would not have an unacceptable impact upon the biodiversity. The concerns regarding impact of the development on highway safety are acknowledged, however, the further information submitted by the agent has confirmed that improvements to visibility to the south of the access is achievable. The applicant has also agreed to pay a financial contribution towards affordable housing secured by way of a Unilateral Undertaking. The application is therefore considered to comply with policies SP1, SP3, SP6, SP13, SP14, GP1, GP2, H2, AH1, TR3, EP1, EP2, EP3 and EQ4 and EQ6 of the Carmarthenshire Local Development Plan and is recommended for approval subject to the Unilateral Undertaking and the following conditions:

## **Recommendation – Approval**

### **Conditions**

- 1 Application for approval of reserved matters must be made to the local planning authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
  - a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

- 2 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
- 3 The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
  - 1:2500 Scale Location Plan received 18<sup>th</sup> May 2020
  - 1:500 Scale Block Plan received 18<sup>th</sup> May 2020
  - 1:500 Scale Visibility Improvement Plan received 5<sup>th</sup> November 2019
  - Extended Phase 1 Habitat Survey received 4<sup>th</sup> July 2019
- 4 Details and plans showing the existing and proposed ground levels of the site including the proposed access drive and finished floor / roof levels of the dwelling and garage hereby approved, together with existing and proposed cross sections through the site shall be submitted to and approved in writing by the local planning authority as part of any Reserved Matters application for the site. The details shall reflect the scale and character of existing neighbouring dwellings. The development shall thereafter be carried out in accordance with the approved details.
- 5 Details of the surfacing of the proposed access drive to the dwelling hereby approved shall be submitted to and approved in writing as part of any reserved matters application for site. The development shall be carried out in accordance with the approved details.
- 6 Prior to its use by vehicular traffic, the shared private drive shall be widened to provide a carriageway width of 4.5 metres for the first 5.0 metres in relation to the nearside edge of the Gosport Street / Sir John's Hill (U6620) carriageway.
- 7 **Shared access with Gosport Street / Sir John's Hill (U6620)**

Prior to any use of the access by vehicular traffic, a visibility splay of 2.0m metres x 25 metres shall be formed and thereafter retained in perpetuity, to the south side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.
- 8 Details of a scheme of parking and turning dedicated to serve the dwelling within the application site area shall be submitted at the reserved matters stage. The approved scheme shall be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 9 No development shall commence until full 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. Such details are to form part of any reserved matters application for the site. 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.

- 10 The development hereby approved shall be carried out strictly in accordance with works to proceed in strict accordance with the recommendations contained within section 5.1 of the submitted Extended Phase 1 Habitat Survey by Habitat Matters dated May 2018 received 4<sup>th</sup> July 2019.
- 11 A comprehensive Ecological Design Scheme (EDS) shall be submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application. 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 as detailed within Section 5.2 of the submitted Extended Phase 1 Habitat Survey by Habitat Matters dated May 2018 received 4<sup>th</sup> July 2019.

## Reasons

- 1 Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 This is an outline planning permission only and reserved matters approval must be sought from the Local Planning Authority.
- 3 In the interest of clarity as to the extent of the permission.
- 4-5 In the interests of visual amenity and to ensure that the dwellings reflect the character and appearance of the area.
- 6-8 In the interests of highway safety.
- 9 In the interest of securing a satisfactory method of surface and foul water drainage for the development .
- 10-11 In the interests of biodiversity.

## Notes

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

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

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of

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

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

- 2 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)).
- 3 The applicant/developer's attention is drawn to the signed legal agreement dated xx pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution of £77.58 per square metre internal floor area.



<b>Application No</b>	<b>W/39998</b>
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<b>Application Type</b>	Full
<b>Proposal &amp; Location</b>	PROPOSED REDEVELOPMENT OF THE EXISTING BUILDING (A1 CLASS) INCLUDING EXTENSION, ALTERATIONS AND ASSOCIATED EXTERNAL WORKS FOR PROPOSED CONVENIENCE STORE AND RETENTION OF EXISTING ACCESS AND CAR PARKING FOR ADJOINING CAR BODY REPAIR SHOP AT NEW ROAD ANTIQUES, NEW ROAD, NEWCASTLE EMLYN, SA38 9BA

<b>Applicant(s)</b>	Cawdor Cars (Newcastle Emlyn)
<b>Agent</b>	Sauro
<b>Case Officer</b>	Helen Rice
<b>Ward</b>	Cenarth
<b>Date registered</b>	20 December 2020

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties and the application is recommended for approval.

## Site

The application site relates to an existing building and associated parking/access area located approximately 200m to the west of the town centre of Newcastle Emlyn. The building was formerly a builders merchants (trade and public) that is understood to have vacated the building in 2009, with the building then being used as an antiques shop up until 2017. Since 2017, the building has remained vacant.

The building is set back from the main road (A475), known as New Road and faces onto residential properties on the opposite side of the road. The site adjoins the neighbouring Cawdor Cars Garage and body shop business to the east, the rear boundaries of residential properties to the south and the Blaenwern estate road to the west. On the opposite side of the estate road lies the Newcastle Emlyn Fire station. Vehicular access to Ysgol y Ddwylan primary school via New Road lies to the north west of the site.

The building principally comprises a single storey pitched roof commercial building, with a projecting two storey flat roof frontage and a further single storey side extension.

## Proposal

The proposal involves re-use of the principal building along with the demolition of the existing side building and erection of a new extension extending along the length of the existing main building. A further plant area would be situated to the rear of the main building. Current internal walls within the main principal building would be demolished to create a single room sales area, with the new extension providing back of house storage/office/staff facilities. Physical changes to the existing principal building includes blocking up all side windows, replacement roof including bringing forward the dual pitched roof section onto the frontage, use of cladding to the frontage along with corporate signage.

Access to the site would be via the existing access off New Road albeit with some highway improvements to include a kerbed radii and tactile paving at the bell mouth crossing. This access would serve the co-op as well as retaining access to the adjacent body shop to the rear of the site.

The proposal will formalise the parking provision with the creation of 3 spaces (including 1 disabled space) in front of the building, 5 along the side access road and a further 7 along the rear. Provision for 4 cycle spaces is also proposed. A dedicated pedestrian access will be provided to the site, demarcated on the ground by paviours which will also extended around the building. Turning areas and unloading bays for delivery vehicles are provided within the site towards the rear. A 600mm high brick wall will feature across the site's frontage with the adjoining highway with a timber dwarf fence, replacing an existing chain link fence along the boundary with New Road. The existing chain link fence will be retained along the site's southern boundary.

Store opening times would be:

- 07:00 – 23:00 Mondays to Sunday and Bank Holidays

An external 24 hour ATM machine is also proposed, positioned within the front of the store.

The former use of the building falls within the same A1 use class as a convenience store and therefore were it not for the proposed physical changes to the building and the new extension/plant area, no planning permission would be required. It is understood that should planning permission be granted the current Co-op store within the town would be relocated to the site.

## Planning Site History

D4/2440	Extension to building and change of use to builders merchant Granted -	03/06/1976
D4/25262	Extension to warehouse Granted	17/01/1995
W/29610	Proposed change of use of part of ground floor to car showroom (sui generis use) and change of use of first floor to office (B1 use), previously approved under W/11984 and to include minor alterations to fenestration to building from that previously approved under W/24861. Also, retention of galvanised steel fence erected to side & rear boundaries – 2.1 - 2.5m high	

Planning permission W/29610 relates to the building to the east of the application site, now Cawdor Cars Showroom and Bodyshop. However, the above permission also included use of the existing vehicular access to the west of the current application, including the area to the rear of the existing building for parking in association with the proposed bodyshop.

## Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces  
SP3 Sustainable Distribution- Settlement Framework  
SP8 Retail  
SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
RT6 Town Centres (Service Centres) - Convenience Stores  
TR3 Highways in Developments- Design Considerations  
EQ4 Biodiversity

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – raise no objections subject to the imposition of conditions.

**Head of Public Protection** – raise no objections to the proposal.

**Newcastle Emlyn Town Council** – wish to make no observations on the application.

**Local Member(s)** - Councillor Hazel Evans has not commented to date.

**Natural Resources Wales** – raise no objections to the proposal

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of notification by way of a site notice. 3 representations were received, all objecting to the development on the following grounds:

- noise and disturbance to the residents of New Road and Blaenwern due to refrigeration equipment, customers/car parking and delivery vehicles from early morning to late at night
- Increase in traffic affecting road safety near to the primary school
- Potential increase in anti social behaviour.

All representations can be viewed in full on our [website](#).

# Appraisal

## Principle of development

As referred to above, the building is already classed as an A1 use and therefore no planning permission is being sought for the change of use, only to the proposed physical changes and extension to the building. The proposal would not therefore result in a new A1 use but rather improvements to the existing building to cater for an alternative A1 use. The site is located within the settlement boundary of Newcastle Emlyn and within a short distance from the core of the town centre itself some 200m to the west. The development is therefore considered acceptable in principle subject to other material planning considerations.

## Impact upon character and appearance of the area

The proposal will result in changes to the appearance of the existing building along with the creation of a new extension. However, these changes will represent an improvement in terms of the building's existing appearance and would therefore have a positive impact upon the character and appearance of the area and would bring the building back into beneficial use. The external changes to the parking and boundaries would also improve the overall appearance of the site. It is therefore considered that the proposal complies with Policy GP1(a) and (c) of the LDP.

## Impact upon the living conditions of nearby residents, including noise and disturbance

A number of local objectors have raised concerns over the potential impact of the development upon the living conditions of those living nearby, and specifically refer to noise and disturbance as a result of the operation of plant, delivery vehicles and customer vehicle manoeuvres and customers. These concerns are acknowledged given that the proposal will bring back a former commercial building into active use. However, it is the case that the building has been previously used for A1 uses and could continue to be used for such uses without planning permission were it not for the changes required as mentioned above. Furthermore, the car parking area to the rear already has permission in place for use as a car park in association with the neighbouring garage use. Notwithstanding this, the application is accompanied by a Delivery Management Plan which includes measures to minimise noise disturbance emanating from deliveries. Therefore having regard to the current circumstances and the measures set out in the Delivery Management Plan, it is not considered that the proposed development would give rise to unacceptable impacts upon the amenity/living conditions of nearby residents from noise/disturbance emanating from delivery vehicles and customers.

Turning to the introduction of refrigeration plant to the rear of the building, it is acknowledged that this will introduce a new source of potential noise in comparison to the current situation. This is proposed to be located to the rear of the building and would be approximately 15m from the rear boundary of the nearest residential property to the site located on Blaenwern to the south. The application has been assessed by the Council's Public Protection department who have raised no objections to the proposal in relation to noise impacts. Nevertheless, it is recommended that a condition is imposed to ensure that noise emanating from the plant area does not exceed background noise levels and thus would not amount to an impact upon the amenity or living conditions of nearby properties.

It is therefore considered having regard to the above and subject to the imposition of the aforementioned condition, that the proposal would not give rise to significant impacts upon

the amenity/living conditions of nearby residents and therefore complies with policy GP1 (d) of the LDP.

### **Highway Impacts**

Policy GP1, TR2 and TR3 of the LDP requires careful consideration of the location and the highway safety impacts of development and seek to ensure that proposals have considered all modes of transport with sufficient provision in terms of access, parking and turning within the site to meet the requirements of the development.

The application is accompanied by a Transport Statement that has detailed the highway implications of the proposal and how the development has sought to address those issues. This includes the provision of adequate car parking spaces in accordance with CSS Parking Standards whilst having regard to the site's location in close proximity to the town centre and bus stops within the town centre. The Transport Statement also details anticipated trip generation of 430 trips (arrivals and departures) per day, with the busiest hour (17:00 to 18:00) anticipated to generate 49 trips (arrivals and departures). It has been estimated that 142 more daily vehicle movements could be generated by the proposal in comparison with the current non-food retail use (estimated to be 288 daily trips). Whilst this will be an increase, the statement suggests that the majority of these movements would not be new on the highway network and therefore it concludes that the impact of the increased vehicle movements would not have a significant impact on the highway network.

The Transport Statement is supplemented by Delivery Management Plan which clarifies that a maximum of 6 deliveries would take place each day and that such deliveries would only take place during store opening hours and would be programmed to take place outside school arrival and departure times. Furthermore, the statement clarifies that whilst access to the adjoining body repair business will be maintained, the proposal will not displace any parking requirements as sufficient parking provision for the body repair business can be contained within its site boundaries.

The Highways Officer has reviewed the Transport Statement and Delivery Management Plan and is now satisfied that the proposal would not give rise to highway safety concerns, subject to the imposition of conditions to secure the measures set out in the Delivery Management Plan and to ensure adequate parking, turning and access provision. Therefore whilst it is acknowledged that the new store would attract more vehicles than historic uses, the change in traffic would not be so significant to raise concerns. The proposal provides sufficient access, parking and turning areas for both the proposal and access provision for the adjoining body shop. Furthermore, it is considered that sufficient measures are proposed to ensure that there would not be unacceptable impacts upon highway safety as a result. The site is located within a sustainable location with good links to the town centre and nearby residential areas. The proposal is therefore considered to comply with Policy GP1(h), TR2 and TR3 of the LDP.

### **Biodiversity impacts**

The proposal involves the demolition of the existing building and thus it necessary to ensure that such proposals would not have an impact upon protected species such as bats. The accompanying Bat Survey concludes that whilst bats were found to be using the surrounding environment no bats were detected leaving or entering the building. Furthermore, there was no evidence of any owl activity or nesting birds at the property. In light of the submitted survey report undertaken, it is concluded that the proposal is unlikely to impact upon

protected species such as bats and owls. Nevertheless, as set out in the report, a bat box could be installed on the southern elevation of the new development in an elevated position away from artificial light and not directly above any windows or doors. This is considered to be an acceptable form of biodiversity enhancement and as such its provision will be secured through the imposition of conditions. NRW nor the Council's Planning Ecologist have raised objections. The development is therefore considered to comply with policy SP13 and EQ4 of the LDP.

## **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance that the proposal would represent an opportunity to re-use an existing building with an established A1 use within close proximity to the town centre and would result in an improvement to the character and appearance. Whilst the proposal would introduce activity to the site, including traffic movements, footfall and operational plant, it is considered that sufficient measures are proposed to mitigate any potential impacts to a level that would not result in unacceptable impacts upon the living conditions of nearby residents or highway safety. Such measures are capable of being controlled by way of appropriately worded conditions. The proposal is therefore considered to comply with policies GP1, TR3, SP13 and EQ4 of the LDP and is recommended for approval subject to the following conditions:

## **Recommendation – Approval**

### **Conditions**

- 1 The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
  - 1:1250 scale Location Plan [LP-01] received 13 December 2019
  - 1:500 scale Block Plan [833 03A] 10 July 2020
  - 1:100 scale Proposed Floor Plans, Elevations and Sections A-A [833 02B] received 13 December 2019
  - 1:200 scale Site Finishes Block Plan [833 04A] received 10 July 2020
  - Transport Statement by LvWHighways dated 16 March 2020, received 19 March 2020

- Delivery Management Plan by LvWHighways dated 29 May 2020, received 5 June 2020
  - Bat Survey by I&G Consulting received 25 September 2019
- 3 Prior to its use by vehicular traffic, the amended access road shall be laid out and constructed in accordance with the details shown on drawing: AP501 - 2020-522-Rev: B, Dated 29/05/2020 included in Appendix A of the Delivery Management Plan by LvWHighways dated 29 May 2020, received 5 June 2020.
  - 4 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.
  - 5 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 33 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.6 metres within this splay area.
  - 6 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
  - 7 The parking spaces and layout shown on the plans herewith approved shall be provided prior any part of the development hereby approved being brought into use. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
  - 8 During published school term times no delivery or refuse collection vehicles shall access or egress the site during the following hours:
    - 08:20 hours to 09:05 hours, and;
    - 15:00 hours to 15:45 hours.
  - 9 The rating level of the noise emitted from the proposed development shall not exceed the existing background noise level. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound. Where the background noise levels shall be expressed as LA90 1hr and the ambient noise levels shall be expressed at Laeq 1hr.
  - 10 At the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for rating and assessing industrial and commercial sound to determine whether noise arising from development exceeds the level specified in condition 1 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 9 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 9. The development shall then be undertaken in accordance with the approved details.

- 11 The development hereby approved shall be carried out strictly in accordance sections 4.2 and appendix 6 and the method statement detailed within section 5.1.1, 5.1.2 and 5.1.3 of the submitted bat report produced by I & G Ecological Consulting dated September 2019. Full details of a scheme of the referenced enhancements must be submitted to the LPA prior to the commencement of the development and thereafter implemented as approved.
- 12 Prior to the installation of any lighting a detailed lighting plan, focusing particularly on minimising lighting impacts near to proposed bat roosts and maintaining flight lines and dark corridors in line with the mitigation measure regarding bats and external lighting detailed within section 5.1.2 and 5.1.3 of the Bat Survey Report produced by I & G Ecological Consulting dated September 2019, shall be submitted to and approved in writing by the local planning authority.

## Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3-8 In the interests of highway safety.
- 9-10 To exert control and minimise impacts upon the living conditions of nearby residents.
- 11-12 In the interests of biodiversity.

## Notes

- 1 All British bat species are protected by virtue of the EC Habitats Directive, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981. It is an offence to intentionally kill, injure, take from the wild, possess or trade 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 and to disturb bat(s) whilst they are using such a place. If bats are encountered all works must cease immediately and contact made with Natural Resources Wales via [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) or 0300 065 3000 for further advice.
- 2 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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



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

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

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

<b>Application No</b>	<b>W/40140</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	OUTLINE CONSENT FOR 1 NEW HOME, ALL MATTERS RESERVED AT 112 CARMARTHEN ROAD, CROSS HANDS, LLANELLI, SA14 6TD

<b>Applicant(s)</b>	MR AND MRS SURA, 112 CARMARTHEN ROAD, CROSS HANDS, LLANELLI, SA14 6TD
<b>Agent</b>	DARKIN ARCHITECTS - DAVID DARKIN, 1 JOHN STREET, LLANELLI, CARMARTHENSHIRE / SIR GAERFYRDDIN, SA15 1UH
<b>Case Officer</b>	Eilian Jones
<b>Ward</b>	Gorslas
<b>Date of validation</b>	28/01/2020

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

## Site

The site is located within the development limits of Cefneithin/Cross Hands with its frontage facing Carmarthen Road (C2062) which connects the village with Drefach. The site covers an approximate area of 430 sq.m. and contains a sloping parcel of land with the highest (and flattest) being alongside the road frontage to the South and the lowest being to the north. The site is located in a predominantly residential area with all immediate neighbouring properties in residential use.

## Proposal

The application seeks outline consent with all matters reserved for subsequent approval for a single dwelling on the site.

The planning history of the site indicate that during the last 25 years, planning permission has been previously approved and refused for the construction of a dwelling on this site. The most recent decision was in March 2019 resulting in the refusal of an outline application with all matters reserved for subsequent approval for a single dwelling (W/39479 refers).

The application was refused on multiple grounds including the absence of a legal agreement to secure contributions towards affordable housing and ecology (Caeau Mynydd Mawr). The application was also refused on the adverse impact that the development would have on neighbouring properties.

This latest application represents a resubmission of that refusal and includes a draft Unilateral Undertaking concerning affordable house and ecology contributions. The scale parameters of the proposed dwelling have also been reduced, thereby making the dwelling smaller. Extensive negotiations have also taken place with the applicant's agent which has resulted in amendments to the indicative site plan and associated section drawings to illustrate how the site could, in principle, be developed, to overcome the previous reasons for refusal.

## Planning Site History

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

W/37479	Erection of a new home Full planning refused	18 March 2019
W/02248	Construction of one house Full planning permission	04 February 1999
W/00457	Siting of a dwelling Outline planning refused	23 December 1996
W/00137	Siting of a detached dwelling Outline planning refused	15 August 1996
D4/8393	Erection of a temporary storage building Approved with conditions	02 July 1981

## Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) (CLDP)

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution- Settlement Framework  
SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
GP3 Planning Obligations  
H2 Housing within Development Limits  
AH1 Affordable Housing  
TR3 Highways in Developments – Design Considerations  
EQ4 Biodiversity  
EQ5 Corridors, Network and Features of Distinctiveness  
EQ7 Development within the Caeau Mynydd Mawr SPG Area  
EP1 Water Quality and Resources  
EP2 Pollution

EP3 Sustainable Drainage  
EP6 Unstable Land

### [Carmarthenshire Supplementary Planning Guidance](#)

[The following guidance documents are considered relevant to the determination of this application:-](#)

[Caeau Mynydd Mawr SPG](#)  
[Nature Conservation and Biodiversity SPG](#)  
[Planning Obligations SPG](#)  
[Placemaking and Design SPG](#)  
[Affordable Housing SPG](#)

### National Planning Policy and Guidance

[Planning Policy Wales](#) (PPW) Edition 10, December 2018 is considered relevant to the determination of this application.

The following [Technical Advice Notes](#) (TANs) published by Welsh Government are considered relevant to the determination of this application:

TAN 5 Nature Conservation and Planning (2009) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

TAN 12 Design (2016) seeks to promote sustainability principles through good design and identifies how Local Planning Authorities can facilitate this process through the planning system.

## **Summary of Consultation Responses**

**Head of Transportation & Highways** - No objections subject to conditions.

**Head of Public Protection** - No objections subject to conditions relating to contamination.

**Gorslas Community Council** - No observations received to date.

**Local Member(s)** - Councillor A. V. Owen has not commented to date. Councillor D. Price has not commented to date.

**Natural Resources Wales** – No objections to the proposal. Provided advisory notes.

**Dwr Cymru/Welsh Water** – No objections to the proposal subject to a condition relating to the protection of the public sewer.

**Drainage Officer** – No objections. Advise that separate SAB approval is likely to be required.

**Coal Authority** – No objections to the proposal subject to conditions relating to site investigations and remedial works.

*All representations can be viewed in full on our [website](#).*

## Summary of Public Representations

The application was the subject of notification by way of neighbouring letters.

Three representations were received, three objecting and the matters raised are summarised as follows:-

- Loss of light;
- Loss of privacy;
- Dominance and dwelling being too large;
- Japanese Knotweed on site;
- Highway safety;
- Noise and disturbance by engineering and construction work.
- Drainage – the proximity of a proposed soakaway to their property;
- Previous application W/37479 refused and the proposal, although smaller, will have a detrimental impact on their property and neighbours.

All representations can be viewed in full on our [website](#).

## Appraisal

The application seeks outline consent with all matters reserved for subsequent approval for a single dwelling on the site.

### Principle of Development

Since the application is seeking outline planning consent with all matters reserved for subsequent approval, only the principle of the development is being considered with an indicative plan submitted to show how the site could be developed and the scale parameters of any buildings to be constructed. In this particular case, the application is proposing a single building with the following scale parameters:

Height: 4.5m – 8m

Length: 7m – 10m

Depth: 7m – 10m

The site is within a predominantly residential area and within development limits, therefore the proposed construction of an additional dwelling in this area would, in principle, be in accordance with sustaining an existing settlement be and compatible with surrounding uses.

### Site Layout, Design and Visual Amenity

The indicative plan shows the footprint of a dwelling which is based on the maximum dimensions. The plan shows the dwelling being sited relatively central within the plot but closer to the southern boundary, as this has a road frontage. Access would also potentially be from the south given the direct access onto Carmarthen Road. Indicative parking and turning facilities have been shown along the front and side of the dwelling with the remaining areas as curtilage/external amenity space.

The indicative plan has been supported with section drawings and indicative streetscene elevation to demonstrate how a dwelling of the proposed scale parameters could potentially be assimilated within the site. In this respect, the topography of the site represents the most challenging aspects of the scheme and whilst it is acknowledged that these are only indicative plans, extensive negotiation has taken place regarding the scale and siting of the dwelling, particularly in context to its compatibility with streetscene views and relationship with neighbouring properties.

The plans suggest a split-level dwelling since this would make allowance to the sloping nature of the site. In this respect, the elevation facing the road, which is the highest point of the site, would have the appearance of a bungalow. As the site slopes down to the north, the plans suggest a dwelling which would have two-storeys as this would reduce the need for significant or excessive engineering/ground works.

Although indicative, the dwelling has been strategically sited further to the south of site to benefit from a better road frontage but also to allow most of its bulk to be alongside an outbuilding of 110 Carmarthen Road. Moving the proposed dwelling further south has also created greater distances and an improved relationship with other neighbouring properties, namely 114 Carmarthen Road and 36 Heol y Dre, both of which are located on a lower level but not in direct alignment with the proposed dwelling.

The site is located in an area which has a mixture of house types, designs and age. Furthermore, there is no clear spatial pattern of development in this immediate area, especially on this side of Carmarthen Road, with some properties sited close to the road frontage and others set much further back in their respective curtilages. The immediate neighbouring properties to this site for example have highly contrasting relationship to the road frontage and positioning the proposed dwelling in this location would enable an effective streetscene transition between one and the other.

Whilst most properties along this part of Carmarthen Road are two-storeys, there are a few prominent bungalow-type units present such as 109 and 111 Carmarthen Road, which are located to the south-west of the site, at an approximate distance of 50-70m. As such, it is considered that the addition of a dwelling with a bungalow sized frontage would not, in principle, be out of character or detrimental to the visual amenities of the area.

Split-level dwellings are already present in this area since it would appear that Nos.116-118, which are approximately 20m from the site, have a two-storey street frontage but are three-storeys at the rear. The side and rear boundaries of the site backs onto the curtilages of other neighbouring properties. Also, since the topography of the site lowers, large parts of a split-level dwelling of the proposed scale parameters, would be below road level. There would not be any significant or prominent public views of the side and rear of the proposed dwelling, especially from Heol y Dre. The erection of boundary treatments along the boundaries of the site could also ensure that the impact of side-on views of the proposed dwelling is reduced further.

Having regard to the above, it is considered that the proposed indicative plans have successfully demonstrated that a split-level dwelling of the stated scale parameters could be sympathetically assimilated within the site and have a compatible site frontage, without any unreasonable adverse harm on visual amenity or the character of the area. Conditions regarding agreement of boundary treatments and external finishes of the dwelling are recommended.

## **Residential Amenity**

Since the application is seeking outline planning consent with all matters reserved for subsequent approval, only the principle of the development is being considered. The precise details of the development would be subject to separate approval; however, the indicative plans enable an assessment of general principles concerning residential amenity.

Careful consideration has been given to the impact of the proposal on the residential amenities of neighbouring properties. This has been considered as part of the extensive negotiations with the applicant's agent which led to the submission of amended indicative plans concerning the scale, siting and general layout of the site.

The dwelling has been strategically sited further to the south of site to benefit from a better road frontage but also to allow most of its bulk to be alongside an outbuilding of 110 Carmarthen Road. Moving the proposed dwelling further south has also created greater distances and an improved relationship with other neighbouring properties, namely 114 Carmarthen Road and 36 Heol y Dre, both of which are located on a lower level but not in direct alignment with the proposed dwelling.

Based on the indicative plan, there is now an approximate distance of between 12m and 15m between the rear most part of the dwelling and the tapered rear boundary of the site which backs onto the garden of 36 Heol y Dre. This siting and separation distances allows for habitable room windows to be potentially sited on two elevations (front and rear) without resulting in unreasonable loss of amenity.

The suggested split-level design demonstrates an appropriate method of developing this sloping site since it avoids significant or excessive engineering/ground works and reduces the scale of the overall dwelling and its consequential impact upon neighbouring properties and their respective gardens. 36 Heol y Dre itself is on a right angle to the site because it relates to a different street and, as such, a dwelling on the application site would only have an indirect relationship with this property. It is therefore considered that the proposal could achieve an acceptable separation distance and relationship with 36 Heol y Dre and in a manner that would not result in unreasonable loss of amenity to this neighbouring property and its garden, with particular regard to dominance and loss of light, privacy and outlook.

114 Carmarthen Road is sited to the north-west of the site. This property is significantly set-back from the road frontage (approximately 24m) with its front elevation parallel with the suggested rear garden of the proposed dwelling. This neighbouring property is also sited much lower than the road frontage.

The indicative plans suggest a dwelling that would be sited forwards of the front elevation of 114 Carmarthen Road. However, since the site is parallel to No.114, it would not have a direct alignment with the front elevation of this neighbouring property. It is also noted that the indicative plans suggest a dwelling that is sited approximately 10.5m from the nearest part of the front elevation of 114. This alignment and separation distance, together with the suggested siting, scale and split-level design of a dwelling, reduces the overall impact of the development upon any habitable room windows positioned on the front elevation of 114, with particular regard to dominance and loss of light outlook and privacy.

The side elevation of the main part of No.114 which faces the application site is a blank elevation and whilst there are side-facing windows on the rear wing of this neighbouring property, these are largely beyond the rear boundaries of the application would not be unreasonably affected by the proposed development.

114 Carmarthen Road benefits from a long and relatively large garden between its front elevation and Carmarthen Road. This garden shares similar topography pattern as the application site, namely that its highest point is adjacent to Carmarthen Road frontage and slopes downwards to the north to the front elevation of the property. The indicative site plan suggests a dwelling being sited closer to the highest point of the garden and not the lowest point and, as such, would assist in reducing the impact of the development upon the garden of the neighbouring property. The indicative site plan also suggests a dwelling being centrally aligned within the plot and set-in from the boundary with any neighbouring property. This results in circulation spaces being provided around all sides of the dwelling, acting as a degree of buffer zone. The indicative plan suggests an approximate distance of between 2.5m - 3.5m between a potential dwelling and the tapered boundary with 114 Carmarthen Road and this would generally assist in reducing the impact of the development upon the garden of the neighbouring property.

Notwithstanding the above, whilst it is acknowledged that the proposed development may result in some degree of dominance and loss of light to a small part of the garden of No.114, it is considered that this would not unduly harm the overall level of amenity enjoyed by the occupiers of this property so as to warrant refusal of the scheme. In this respect, regard is given to the extent of other external spaces within its curtilage that would not be significantly affected by the proposal and acknowledging that the property is within an established urban area with topographical factors forming part of the character of the area. A condition for the agreement of boundary treatments would also ensure that residential amenity between properties are reasonably safeguarded.

The final immediate neighbouring property is 110 Carmarthen Road. This is a two-storey property built directly adjacent to the footway of Carmarthen Road. Although indicative, the plan shows a dwelling being strategically sited to allow most of its bulk to be alongside an outbuilding of 110 Carmarthen Road. The plan also suggests sufficient space being provided between the dwelling and the boundary with No.110 to cater for a drive and vehicular parking. It would be possible to design a dwelling of the proposed scale parameters within the plot without having an unreasonable adverse effect on the amenities of the occupiers of this property, with particular regards to dominance and loss of light, outlook and privacy.

Based on the indicative plan and scale parameters, the plot itself could potentially accommodate a dwelling which achieves an acceptable standard of amenity for future occupiers without resulting in unreasonable harm to others. In this regard, the plan does not indicate an over-developed plot with sufficient outdoor amenity space and space for off-street parking and turning facilities being provided. Separation distances indicate that habitable room windows of a new dwelling could be sited on two different elevations. The Public Health Department of the Council has no objections to the proposal.

### **Parking and Highway Safety**

Since the application is seeking outline planning consent with all matters reserved for subsequent approval, it is not possible to precisely determine the point of access or the required amount of off-street parking. However, the indicative plan shows access from



Carmarthen Road which is the only logical point of access to the site. The plan also shows a turning area and parking for approximately 2 spaces.

The indicative plan has been reviewed by the Highways Authority and they have no objections to the proposal subject to conditions. It is therefore considered that the proposal would not have any significant adverse effect on highway/pedestrian safety.

### **Affordable Housing**

The proposed development involves the construction of a private market dwelling. As such, the proposal generates the need for a financial contribution to be made towards affordable housing provision in the area. The applicant has agreed, in principle, to provide this contribution and subject to the completion of a legal agreement for this to be secured, it is considered that the proposal promotes sustainable development and contributes to the objective of creating mixed communities and the creation of sustainable places.

### **Ecology/Biodiversity**

The site is currently largely overgrown with vegetation. This has been reviewed by the Council's Ecologist who has no objections to the proposal but recommends a series of conditions regarding site clearance, biodiversity enhancements and controls over external lighting. It is also noted that Natural Resources Wales (NRW) has no ecology/biodiversity objections to the proposal.

The site lies within the catchment area of the Caeau Mynydd Mawr Special Area of Conservation (SAC) as defined by Caeau Mynydd Mawr SPG (SPG: CMM). In such areas, there is a need to consider proposed developments which have the potential of impacting upon the Caeau Mynydd Mawr SAC. The SPG establishes a management strategy to ameliorate for the loss of and secure the ongoing and future management of habitat used by the Caeau Mynydd Mawr SAC marsh fritillary butterfly metapopulation. In such instances, the SPG provides a mechanism for funds to be secured from planning permissions issued in order to mitigate for the loss of habitat that is likely to occur as a result of development. It also similarly mitigates for any reduction in the permeability of the landscape within the SPG area due to development. This enables planning permission to be granted without the need for an Appropriate Assessment in every instance.

Having regard to the above, the proposal generates the need for a financial contribution towards ecology. The applicant has agreed, in principle, to provide this contribution and subject to the completion of a legal agreement for this to be secured, it is considered that the proposal would not have any significant adverse effect on ecology/biodiversity.

Whilst the Council's Ecologist has not directly commented on whether the site contains Japanese Knotweed, neighbouring properties have claimed that this invasive species is present on site. Since issuing any planning permission will inevitably require site clearance and ground works, it is considered prudent, to impose a condition for the submission and agreement of a scheme for the identification and eradication of any Japanese Knotweed that is present on site.

### **Drainage and Utilities/Infrastructure**

Whilst limited details have been provided with the application concerning drainage, the site is not within a flood risk area. NRW have no objections to the proposal but advise

consultation with other Water/Drainage Departments. In this respect, the Council's Drainage Officer has acknowledged that the drainage associated with the proposal will require separate consent from the Sustainable Drainage Approval Body (SAB) and, as such, has not raised any adverse comments. Welsh Water has no objections to the proposal subject to a condition which ensure that surface water does not enter the public sewerage network.

Having regard to the above, it is considered that the proposed development and site could, in principle, be supported by adequate drainage facilities which would not result in any harm to amenity, flood risk or the existing drainage infrastructure. A condition would be imposed requiring comprehensive details of both foul and surface water to be submitted with any subsequent reserved matters application. The site is within the development limits where other utilities and infrastructure necessary to support the proposed development are present.

### **Contamination and Coal Mining Legacy**

The Public Health (Scientific Officer – Contaminated Land) has no objections to the proposal but note that the site is situated at or within 250 metres of a former commercial or industrial land use. As such, there is potential for the site to be contaminated by former uses. Conditions have been recommended which will ensure that the site is appropriately remediated to enable its redevelopment for residential use.

The application site lies within the Coal Authority's referral area due to historical coal mining activities in the area. The application has been accompanied by a Coal Mining Risk Assessment report. The Coal Authority has reviewed the report and has no objections to the proposal subject to a condition.

Having regard to the above, it is considered that the proposal is acceptable and would not have any significant adverse effect on public health, residential amenity or land stability.

### **Planning Obligations**

The site lies within the catchment area of the Caeau Mynydd Mawr Special Area of Conservation (SAC) as defined by Caeau Mynydd Mawr SPG (SPG: CMM). The proposal generates the need for a financial contribution towards ecology.

The proposed development involves the construction of a private market dwelling. As such, the proposal generates the need for a financial contribution to be made towards affordable housing provision in the area.

The applicant has agreed, in principle, to provide these contributions and the completion of a legal agreement is required to enable these to be secured.

### **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## Conclusion

After careful consideration of the scheme as submitted it is concluded, on balance, that the proposed development accords with Policies SP1, SP2, SP3, SP14, GP1, GP2, GP3, H2, AH1, TR3, EQ4, EQ5, EQ7, EP1, EP2, EP3 and EP6 of the LDP in that the proposed dwelling within development limits, represents an acceptable form of development in principle which is appropriate to the character and appearance of the surrounding area and promotes sustainable development. The proposed development, in principle, would not have an unreasonable adverse effect on visual amenity, residential amenity, ecology/biodiversity, highway/pedestrian safety, drainage, water quality, and land stability.

Members are respectfully requested to resolve to approve the application subject to the completion of a legal agreement towards affordable housing and ecology and the below-mentioned conditions. If no legal agreement is signed within 6 months of any Committee resolution to approve, the Head of Planning requests delegated power to refuse the application.

## Recommendation – Approval

### Conditions

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development shall commence not later than whichever is the later of the following:-
  - a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2 The development hereby permitted shall be carried out in accordance with the following schedule of plans:-
  - 001 – Site Location Plan (Scale 1:1250, received 16 May 2019);
  - 003 Rev. F – Proposed Site Block Plan (Scale 1:200, received 28 April 2020);
  - 301 Rev. E – Proposed Contextual Elevations [Front and Rear] (Scale 1:200, received 28 April 2020);
  - 401 Rev. G – Proposed Contextual Elevations [Section B-B] (Scale 1:200, received 20 May 2020).
- 3 In pursuance of any reserved matters application, details of access, appearance, landscaping, layout and scale of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 In pursuance of any reserved matters application, details of existing and proposed site levels and the finished floor levels of the proposed dwelling shall be submitted to

and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 5 No development shall commence until a detailed specification for, or samples of, the material to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6 No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments (including any retaining structures) to be erected. The boundary treatments and retaining structures shall be completed in accordance with the approved details and plan and implemented prior to the beneficial occupation of the approved dwelling or in accordance with a timetable which shall first be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be retained as approved in perpetuity.
- 7 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Council's (Transport and Engineering Services) Typical Layout No. 1 specification prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 8 Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.
- 9 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 Carmarthen Road frontage within 2.4 metres of the near edge of the carriageway.
- 10 In pursuance of any reserved matters application, a scheme of parking and turning facilities within the curtilage of the site and dedicated to serve the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 11 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- 12 No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water from that phase will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the beneficial use of any part of the development or in accordance with a timetable which has first been submitted to and approved in writing by the Local Planning Authority.
- 13 No development (including ground works) shall commence until a sensitive site clearance strategy for reptiles undertaken by a competent ecologist has been

submitted to and approved in writing by the Local Planning Authority. The site shall be cleared in accordance with the approved Strategy.

- 14 No development shall commence until a scheme of ecological enhancements and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable.
- 15 Prior to the installation of any lighting, a detailed lighting plan, focusing particularly on minimising lighting impacts to features of importance to nocturnal wildlife and maintaining flight lines and dark corridors, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved lighting plan.
- 16 No development (including ground works) shall commence until a scheme for the identification and eradication of any Japanese Knotweed present on site and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable.
- 17 No development (including ground works) shall commence until the applicant has:-
  - i) Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.
  - ii) Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
  - iii) Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards. The Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencing of any development. Development of the site shall be carried out in accordance with the approved Remediation Strategy.
- 18 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy

detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

- 19 Prior to the importation of any soil and/or material for the purposes of land remediation and ground works, that soil and/or material shall be chemically tested, to demonstrate that it meets the relevant contamination screening requirements for the proposed end uses. A copy of the certificate of analysis, details of the source of the soil and/or material and an interpretation of the analytical results by a suitably qualified individual shall be submitted to and approved in writing by the Local Planning Authority prior to its import. No other soil and/or material shall be imported onto the site.
- 20 In pursuance of any reserved matters application, the following shall be submitted to and approved in writing by the Local Planning Authority:-
  - i) The submission of a scheme of intrusive site investigations for approval;
  - ii) The undertaking of that scheme of intrusive site investigations;
  - iii) The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring;
  - iv) The submission of a scheme of remedial works for approval and a timetable for its implementation.

Thereafter the approved scheme, including any remedial measures identified, shall be implemented strictly in accordance with the details submitted and approved timetable.

## **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 and for the avoidance of doubt or confusion as to the extent of the permission hereby granted.
- 4-6 For the Local Planning Authority to retain effective control over the development hereby approved and in the interests of visual, general and residential amenities and highway/pedestrian safety.
- 7-10 In the interests of highway/pedestrian safety and to protect highway infrastructure.
- 11 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 12 To ensure that effective drainage facilities are provided to serve the development and to ensure that flood risk is not increased.
- 13-16 In the interests of ecology/biodiversity.

- 17-19 To ensure that the site is appropriately remediated, in the interests of pollution prevention and public safety.
- 20 To ensure that the site is appropriately remediated, in the interests of pollution prevention, public safety and land stability.

## Notes

- 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 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/40177</b>
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<b>Application Type</b>	Full
<b>Proposal &amp; Location</b>	CONSTRUCTION OF A TWO STOREY DWELLING WITH CAR PARKING AT ARWERYDD, HEOL ARAD, ABERARAD, NEWCASTLE EMLYN, SA38 9DB

<b>Applicant(s)</b>	Mr Alexander Matthews
<b>Agent</b>	N/A
<b>Case Officer</b>	Helen Rice
<b>Ward</b>	Cenarth
<b>Date registered</b>	5 February 2020

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties and the application is recommended for approval.

## Site

The application site lies within the residential area of Aberarad approximately 1km east of Newcastle Emllyn, and currently comprises a large garden area afforded to the property currently known as Arwerydd. The site is accessed via an unclassified road from the main A484 which links up with the B4333 to the south. The road is characterised by a mixture of dwelling styles and designs that are not uniformly orientated.

The application site itself comprises part of the lawned garden area for an attractive detached two storey traditional dwelling that is set back from, and on a higher level to, the adjoining highway behind a stone wall. The part of the garden the subject of this application lies to the south of the existing dwelling and in front of the existing vehicular access from the unclassified highway. The southern and eastern boundaries of the site are defined by existing boundary vegetation, with the northern boundary currently open onto the side elevation and remaining garden of Arwerydd. The southern boundary coincides with the defined settlement boundary with the eastern boundary adjoining an LDP residential housing allocation.

## Proposal

The proposal seeks the erection of a detached two storey property set back within the garden area but adopting the same orientation as the existing dwelling with the principal elevation facing west onto the unclassified highway. The development would involve the creation of a new demarcated plot that would extend up to the existing rear boundary with a



proposed part hedgerow, part 2m high close boarded fence forming a new boundary between the new dwelling and the remaining garden area for Arwerydd. Access to the property would be via the existing entrance onto the unclassified highway with improvements to comply with highway requirements and the creation of a porous tarmac driveway leading to a parking and turning area in front of the proposed dwelling.

The dwelling would provide a kitchen/diner, lounge, utility and bathroom on the ground floor with three bedrooms and a bathroom on the first floor. With a footprint of 11.4m by 6.6m with a 2.2m single storey projection and covered porch area on the ground floor and an overall ridge height of 8.2m the dwelling is modest in scale. The dwelling is proposed to be finished in painted render, with a facing brick plinth and side quoins and matching brick window detailing, grey uPVC windows, natural slate roof with the single storey front projection finished in timber cladding.

## Planning Site History

W/39524 - Construction of a two storey dwelling with car parking  
Refused 05 November 2019

The above application refers to the opposing side of the garden and was refused on the following grounds:

- 1 The proposal would, by reason of its proposed scale, siting and design result in a cramped form of backland development that would unacceptably detract from the character and appearance of the host dwelling, being an imposing detached traditional dwelling centrally set within established grounds. The proposed orientation and siting of the dwelling which is significantly set back from Heol Arad and alongside the rear elevation of the host dwelling would be at odds with the established character of the built form and is rather a consequence of the application site being an unsuitable location for an additional dwelling. The necessity of puncturing a vehicular access through the existing stone wall fronting on Heol Arad, the associated visibility splay requirements and the resulting groundworks required would also have an unacceptable impact upon the character and appearance of the area and setting of the host dwelling. The proposal is therefore considered to be contrary to Policy GP1 (a) of the Adopted Carmarthenshire Local Development Plan 2014.
- 2 The proposal, by reason of its orientation, scale and siting adjacent to the rear boundaries of neighbouring properties and within the rear garden of the host property, would have an unacceptable impact upon the living conditions of residents through its overbearing impact and loss of privacy contrary to Policy GP1 (d) of the Adopted Carmarthenshire Local Development Plan 2014.
- 3 Insufficient information has been submitted to confirm that a suitable vehicular access can be provided that would meet required standards for visibility splays. The development is therefore considered contrary to TR3 (e) of the Adopted Carmarthenshire Local Development Plan 2014.
- 4 Insufficient information by way of a completed Unilateral Undertaking has been provided to secure a financial contribution towards affordable housing as required by Policy AH1 of the Adopted Carmarthenshire Local Development Plan 2014 and Supplementary Planning Guidance: Affordable Housing revised June 2018.

This application has sought to address the above reasons for refusal by relocating the proposed dwelling on the opposite side of the dwelling further away from the rear boundaries of neighbouring properties and would not require the creation of a separate access to the highway.

## Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces  
SP5 Housing  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
H2 Housing within Development Limits  
TR3 Highways in Developments- Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** - No objections subject to the imposition of conditions to secure appropriate improvements to the access.

**Newcastle Emlyn Town Council** - No observations received to date.

**Local Member(s)** - Councillor Hazel Evans has not commented to date.

**Dwr Cymru/Welsh Water** – No objections subject to a condition to ensure no surface water/land drainage to be allowed to enter the public sewerage network.

**Sustainable Drainage Approval Body** – No objections but confirms that SAB approval would be required under separate legislation.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of notification by way of a site notice. 5 representations were received, objecting to the development on the following grounds:

- Proposal would directly overlook rear garden areas of neighbouring properties\*
- New access would compromise structure of adjoining retaining wall\*
- Inadequate access and parking provision
- Increased traffic would compromise road safety and exacerbate current poor road standards
- Proposal would give rise to noise and disturbance
- Detrimental impact upon the character and appearance of the area and the existing dwelling

- Would set an unwelcome precedent
- Previous reasons for refusal have not been addressed by this application
- Construction work would affect adjacent woodland
- Overdevelopment and density of development is not acceptable
- Development would not provide affordable housing

\*Whilst these comments were received on the current application, it appears that these may relate to the previously refused planning application.

All representations can be viewed in full on our [website](#).

## **Appraisal**

The main considerations of this case are deemed to be whether the development is acceptable in principle, the impact of the development on the character and appearance of the area and living conditions of neighbouring residents, impact upon highway safety and whether the proposal complies with the Council's Affordable Housing policies.

### **Principle of development**

Policies GP2 and H2 specify that residential development within defined development limits will be permitted in principle subject to adherence with any other relevant planning policies and material planning considerations. The application site lies within the development limits for Newcastle Emlyn, albeit within the residential area known as Aberarad as defined in the LDP and as such complies with Policies GP2 and H2 subject to consideration of other policies and material planning considerations as indicated below.

### **Impact upon character and appearance of the area**

Policy GP1 of the LDP requires new development to conform with, and enhance the character and appearance of the area having regard to any site specific considerations.

As referred to above, a similar proposal was refused on grounds, which included its impact upon the character and appearance of the area. That proposal involved a new dwelling located on the opposing side of the garden, sandwiched between Arwerydd and the rear boundaries of properties fronting onto the A484, with minimal distance between the proposed dwelling and these boundaries. Furthermore, the previous proposal would result in the creation of a new vehicular access, puncturing a hole through the existing stone wall, with groundworks being required to enable a suitable access given the level changes between the plot and the road. The dwelling was also orientated with the side elevation fronting onto the road and the widest elevation being along the rear boundaries of neighbouring properties and facing directly into the rear garden area of Arwerydd. The convoluted design of the dwelling and the implications that arose from it were as a direct result of the unsuitability of that location to accommodate a dwelling. Given the cramped appearance of the dwelling, it was also considered to detrimentally affect the character of Arwerydd itself.

This application seeks to address those concerns by utilising a larger plot area that enables a more conventional design that follows the same orientation as Arwerydd and by reason of it being able to be stepped back within the site and utilising the existing access into Arwerydd its presence would appear as a more organic development in comparison to the previous proposal. Whilst the proposal would add a new dwelling within the garden area, it is

considered that the spacing now achieved between the proposed and existing dwelling, coupled within its siting away from neighbouring properties, the new dwelling would not appear as an overdeveloped, cramped form of development as previously the case and as raised by third party objectors. The remaining plot area for Arwerydd will remain substantial. Furthermore the current proposal avoids the need to puncture a hole through the existing stone wall to create an access and rather relies on the existing access thus also maintaining the character and appearance along the road. Whilst the new dwelling would utilise more modern materials, the material palette chosen includes materials used within the wider residential area. As referred to above, there is no uniform, regimented character to Heol Arad with a mixture of dwelling sizes, scales, design and orientation along the road. It is therefore considered that this proposal conforms with the character and appearance of the site and therefore is considered to now comply with the Policy GP1(a), (b) and (c) of the LDP.

### **Impact upon living conditions**

Policy GP1 also requires that new development must not have a significant impact upon the amenity of neighbouring residents and users. The previous application was considered to have a significant impact upon the living conditions of nearby residents, not only on the residents of Arwerydd but also to the residents of adjoining properties that face onto the A484 due to its position and orientation. This proposal has sought to directly address the point through its relocation away from neighbouring properties and re-orientation of the dwelling so that only a side elevation faces onto the side elevation and remaining garden area for Arwerydd. The dwelling would now be situated some 30m away from the rear boundaries of properties along the A484 with Arwerydd being situated in between. This compares to a nearest distance of 3m from rear boundaries as previously proposed. As such, the development is not considered to have an impact upon the living conditions of those properties along the A484.

Turning to the impact of the development on the living conditions of those living at Arwerydd, whilst the proposed dwelling would be set back from the front elevation of Arwerydd, with the front elevation along the same building line as the rear of the two storey element of Arwerydd, it is considered that the combination of the separation distance between the two properties (6m nearest wall to nearest wall), the orientation of the proposed dwelling and provision of a 2m fence would reduce the impacts to an acceptable level and reflect similar separation distances and orientations of other dwellings within the area. There are two secondary first floor windows on the side elevation facing onto Arwerydd which could give rise to concerns over loss of privacy and as such it is proposed to include a condition that requires these windows to be obscure glazed. In summary therefore, it is considered that the proposal would not give rise to an unacceptable impact upon the living conditions of nearby residents and therefore complies with Policy GP1(d) of the LDP.

### **Highway Impacts**

Policies GP1 and TR3 requires all developments to be served by appropriate means of access with sufficient parking provided to meet the demands of the proposed development.

The proposal seeks to utilise the existing access and thus would become a shared access serving the new and existing dwelling. Some improvements to the existing access would be required to ensure sufficient visibility can be provided, although these are considered to be minor in nature and certainly a significant improvement on previous proposals that required

the creation of a new vehicular access. Furthermore, sufficient parking and turning areas can be provided within the site to cater for the needs of the proposed dwelling.

A number of local residents have objected to the development on grounds that it would increase traffic along the road and further exacerbate the poor state of repair of the road. Whilst these comments are acknowledged, the level of increased traffic movements from a single dwelling are not deemed so significant to create a highway safety concern and warrant an objection to the proposal. Whilst there are concerns regarding the poor state of repair of the road, this is an existing situation which is not considered to be exacerbated to unacceptable levels by the proposed development. The application has been the subject of consultation with the Highways Officer who has raised no concerns subject to the imposition of conditions. The application is therefore considered to comply with Policies GP1 and TR3 of the LDP.

### **Affordable Housing**

Policy AH1 of the LDP requires all developments that result in a net increase of new dwellings to contribute towards affordable housing provision within the area. In relation to single dwelling proposals, this is secured by way of a legal agreement that secures a financial contribution towards affordable housing within the area based upon the total floorspace of the proposed dwelling. The applicants have already entered into a Unilateral Undertaking agreement in accordance with the Council's templates to secure this financial contribution and therefore the development complies with Policy AH1.

### **Third Party Objectors**

The majority of the objections raised by third party objectors have been addressed in the above report. It is evident that one of the objectors may have confused between the previous planning application that was refused as there are objections relating to a new access adjacent to their dwelling which would have been the case previously but is not now proposed. Concerns regarding the development's impact upon the neighbouring woodland are acknowledged, but this development would not encroach upon the woodland. Whilst it would result in development becoming closer to the woodland it is not considered that this would give rise to unacceptable impacts. In terms of concerns regarding the blocking of entrances by construction traffic, it is considered that there is sufficient space within the plot to allow for construction vehicles to park off site. Concerns regarding noise and disturbance during the construction period are noted, however, this will be for a short term only.

### **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

### **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance that the proposal, by reason of its siting, scale, design, orientation, use of materials and utilising of

the existing access to the site would not have an unacceptable impact upon the character and appearance of the area or the living conditions of nearby residents. The proposal would not result in a significant increase in traffic movements to the extent that highway safety would be compromised and sufficient off-street parking and turning can be provided to serve the dwelling. The applicant has entered into a legal agreement to secure affordable housing contributions within the area. As such the development is considered to comply with policies GP1, GP2, H2, AH1 and TR3 of the LDP and is recommended for approval subject to the following conditions:

## **Recommendation – Approval**

### **CONDITIONS**

- 1 The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
  - 1:1250 and 1:500 scale Proposed Location and Site Plan [002-02] received 31 January 2020
  - 1:100 and 1:50 scale Proposed Floor Plan and Elevations [002-03] received 31 January 2020
- 3 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Councils (Highways and Transport services) Typical Layout No. 5 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 4 Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.
- 5 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the application site's whole Heol Arad Road frontage within 2.0 metres of the near edge of the carriageway.
- 6 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 7 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 8 The access shall be hard surfaced in a bonded material for a minimum distance of 5.0 metres behind the highway boundary, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.

- 9 The first floor side elevation windows serving bedrooms 2 and 3 within the southern elevation of the dwelling hereby approved shall be obscure glazed and shall be maintained and retained as such in perpetuity.

## Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3-8 In the interest of highway safety.
- 9 To protect the amenity and living conditions of the residents of the neighbouring property.

## Notes

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

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

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

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

- 2 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)).

Mae'r dudalen hon yn wag yn fwriadol