

**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 09 MAWRTH 2017  
ON 09 MARCH 2017**

**I'W BENDERFYNU/  
FOR DECISION**

*Ardal De/  
Area South*



**Cyngor Sir Gâr  
Carmarthenshire**  
County Council



**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>09 MARCH 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/34486</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CHANGE OF USE OF LAND TO FORM CUSTOMER VEHICULAR PARKING AREA AT LAND OFF ANDREW STREET, LLANELLI, SA15 3YW

<b>Applicant(s)</b>	C DAVIES COMMERCIALS - MR C DAVIES, OFF ANDREW STREET, LLANELLI, SA15 3YW
<b>Agent</b>	DIMENSION DRAWING SERVICES - IAN JONES, 15 STEBONHEATH TERRACE, LLANELLI, SA15 1NE
<b>Case Officer</b>	Robert Davies
<b>Ward</b>	Lliedi
<b>Date of validation</b>	30/09/2016

## CONSULTATIONS

**Head of Public Protection** – No objection.

**Head of Transport** – No objection.

**Llanelli Town Council** – No response received to date.

**Local Members** – County Councillor J Williams has not responded to date.

County Councillor B Thomas objects to the application on the following grounds:-

- Blocking of the highway and pavements in the area with cars and vans being worked on whilst parked on the road and pavements.
- Not all of the recommendations in the Welsh Inspector's appeal decision have been met.

**Natural Resources Wales** – No objection.

**Neighbours/Public** – The application was publicised by posting four site notices within the locality. To date two letters of representation and a petition signed by 30 residents of Andrew Street have been received objecting to the application on the following grounds:-

- The application is retrospective and is currently being used by the applicant to store in a locked up area, auction bought old campers and vans. The applicant previously built a garage, a pit and erected galvanised steel sheet fencing around the land without planning permission.
- An appeal against an Enforcement Notice was dismissed however the applicant has still not complied with the majority of the requirements of the Enforcement Notice.
- There is already too much congestion around this area and objectors believe that the applicant will not clear this area to allow customer vehicular parking and abide by any clause to remove any said vehicle parked in this area beyond 48 hours. He will still use the land to store vehicles and continue to park vehicles that he is working on, on the road, lane and pavements during the day and overnight.
- Health and safety concerns associated with indiscriminate parking. Emergency vehicles will not gain access down the lane whilst the area is used daily by the Llanelli Scouts. Other commercial garages located in the area are aware of neighbouring residents and do not overspill on to the lanes.
- The residents and local councillors have been complaining about the applicant's commercial garage to various departments of the Council for a number of years. Allowing this proposal to proceed will only make matters worse.
- The applicant has no consideration for neighbours, the application site was originally a wild grassed area leading to the river which contained wildlife, but this has diminished due to the noise, smell, fumes and pollution from the applicant's garages.
- Allowing this change of use will set a precedent and assist the applicant in justifying future applications for erecting a building on the site.
- The applicant has claimed land which is not within his ownership.
- Andrew Street was traditionally a residential area however over the past 15 years the applicant has slowly changed the area from a garage dealing with garden machinery to car and van spraying and repair with no respect to the surrounding residents.

## RELEVANT PLANNING HISTORY

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

S/ENF/07056	Unauthorised commercial garage/change of use of land Enforcement notice served Appeal dismissed	23 June 2015 26 October 2015
LL/02803	Erection of one dwelling Outline planning permission Appeal dismissed	9 January 2003 30 April 2003
LL/00280	Erection of two store flats Planning permission refused	10 January 2002

## **APPRAISAL**

### **THE SITE**

The application site consists of an almost triangular parcel of land situated off the rear service lane behind Andrew Street in Llanelli, and next to the footbridge that links Andrew Street with Toft Place which is located on the opposite side of the Lliedi River. The rear lane in this location not only provides rear access for the properties along Andrew Street, but also serves the adjacent residential cul-de-sac of Clos Andreas, and the small number of commercial businesses located further along the lane. Clos Andreas borders the majority of the southern boundary of the appeal site, while the entire northern boundary runs along the bank of the River Lliedi.

The area is generally residential in character inclusive of development on the opposite bank of the river, while there are a small number of commercial businesses interspersed along the rear lane, inclusive of the applicant's own established garage at the rear of no.45 Andrew Street.

The site previously comprised of an empty, open and overgrown area of land located between the lane, footpath and river. Although the site was previously enclosed along the common boundary with Clos Andreas by a timber fence, together with a much shorter and lower masonry wall along the boundary with the footpath, the remaining boundaries were open. The previous landowner submitted planning applications in 2002 and 2003 for residential development on the site, which in the main were refused for reasons relating to over development. The later refusal was appealed against, and in dismissing the appeal the Inspector also included flooding as a reason also.

The application site was later sold to the current applicant and in recent years a metal storage container had been placed on the site, albeit with no obvious purpose. This was subsequently removed and in February/March 2015 the applicant commenced work on the construction of a garage building on the site without the benefit of planning permission. Despite advice from the Local Planning Authority to cease works, the applicant proceeded to complete the mono pitch breeze block and upvc cladded garage measuring approximately 9.5m by 4.5m.

The remainder of the site was resurfaced in compacted stone to serve as a parking/storage area and in addition to the length and height of the eastern boundary wall being extended, the remaining open boundaries were also enclosed within a tall metal profile fence, with the exception of a sheet metal gate in front of the garage, and personnel doorway in the rear fence providing direct access onto the river bank.

As a result of these unauthorised works the Local Planning Authority served an Enforcement Notice on the 23<sup>rd</sup> June, 2015 against the unauthorised change of use of the land and construction of a building in association with a commercial garage business. The reasons for serving the notice related to residential amenity; flooding; design; ecology and highways, whilst the requirements of the notice were as follows:-

- Permanently cease all commercial activity;
- Demolish the commercial garage building and remove all resulting demolished materials;
- Remove boundary wall along the eastern boundary;
- Remove all steel perimeter fencing along the boundary of the site;

The time for compliance was 6 calendar months, which expired on the 23<sup>rd</sup> January, 2016.

The applicant opted to appeal to the Welsh Government against the Enforcement Notice. In his decision on the 26<sup>th</sup> October, 2015 the Planning Inspector dismissed the appeal agreeing with the Local Planning Authority on the majority of the Enforcement Notice requirements with the exception of the requirement relating to the eastern boundary wall. Instead of requiring its complete demolition, the Inspector varied the notice to require that the wall is to be reduced in height to its level before the development was carried out.

Since the appeal decision, the applicant has demolished the commercial garage building, however the other requirements of the Enforcement Notice currently remain outstanding. In the interim period the current application was received by the Local Planning Authority and therefore in accordance with good practice guidelines in relation to Enforcement Action the Local Planning Authority has refrained from further enforcement action and possible prosecution pending the decision on the application itself.

## **THE PROPOSAL**

The application seeks full planning permission to change the use of the land to form a customer vehicular parking area. The plans submitted indicate scope to park customer cars perpendicular to the eastern boundary wall with the remainder of the site to remain as an open hardstanding area for turning with some soft landscaping.

The plans submitted indicate that Boundary A, namely the boundary wall along the eastern boundary is to be lowered to 0.9m in height over 2.4m in order to allow enhanced pedestrian visibility from the footbridge. They also indicate that the unauthorised grey galvanised sheet fencing to the southern and northern boundaries is to be removed, resulting in an open area. A small section of retaining wall is required along part of the northern boundary with the river bank.

The application has also been accompanied by detailed specification of two fuel interceptor tanks that are proposed to be installed in the ground underneath the site to prevent pollution of the adjacent watercourse. In order to allow these tanks to function correctly the proposed car park is to have a tarmac finish designed to fall towards aco drains. These drains will channel surface water runoff through the interceptor tanks prior to discharge to the watercourse.

## **PLANNING POLICY**

The application site is located within the defined settlement limits of Llanelli as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014.

In respect of the applications policy context reference is drawn to the following Strategic and Specific planning policies: -

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

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



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

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

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

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

Policy EMP3 of the LDP states that proposals for extensions and/or intensification of existing employment enterprises will be permitted provided that the proposals are of an appropriate scale and form, and do not result in adverse environmental or amenity issues.

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

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

Policy EQ5 of the LDP relates to corridors, networks and features of distinctiveness and states that proposals for development which would not adversely affect those features which contribute to local distinctiveness/qualities of the County, and to the management and/or development of ecological networks, accessible green corridors and their continuity and integrity will be permitted.

Policy EP1 of the LDP states that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

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

### **THIRD PARTY REPRESENTATIONS**

As aforementioned in this report, letters of objection and a petition have been received in relation to this application. The material reasons for objection raised will now be addressed individually as part of this appraisal. As Members will be aware land ownership is not a material planning consideration, and therefore the claim that the applicant has claimed land not in his ownership will therefore not influence any decision made on this application.

The objectors state that the applicant's commercial garage business already results in parts of the highway being blocked as a result of indiscriminate parking, and by approving this development congestion will get worse. The application proposes a customer parking area that will accommodate four customer cars and therefore in this respect cars can be parked here whilst waiting to be repaired within the garage itself, thus hopefully relieving pressure on the surrounding road network. The Authority's Head of Transport has been consulted on the application and has raised no objection. The proposals to reduce the height of the eastern boundary wall and remove boundary fencing are welcomed from both a highway safety and visual amenity perspective.

The objectors opine that even if the application is approved as a customer parking area, the applicant will still continue to use the land for storing and working on vehicles. In this respect conditions can be imposed on any planning permission granted to ensure that the customer parking area is only used for its intended purpose, and prevent storage and repair of vehicles on the land.

Both the local member and neighbouring objectors have drawn reference to the fact that the majority of the Enforcement Notice and Welsh Government requirements have not yet been met. As aforementioned in this report this is correct, however the applicant has demolished the unauthorised garage structure. In light of this revised planning submission for a customer parking area only, and in accordance with good practice guidelines in relation to planning enforcement, the Local Planning Authority has refrained from taking further enforcement action to date pending the outcome of this application. If the application is approved then the Local Planning Authority would suggest that a condition is imposed stating that the approved works are undertaken and completed within a six month period. The granting of planning permission does not affect the requirements of the current enforcement notice, and thus if the consent is not strictly implemented within the timescale further action can be taken to ensure that the requirements of the enforcement notice are complied with.

It is stated that the approval of this application would be a precursor to justify further development on the site, including the construction of a new garage building. In this respect Members will be aware that this is not the case, and that any future application would be considered on its own merits and being mindful of the planning history relating to the site.

The final issue of concern and objection raised relates to the loss of a previous wild grassed area and impact upon wildlife adjacent to the riverbank. In this respect it is worth noting that both Natural Resources Wales and the Authority's own Planning Ecologist have not raised any objection towards the proposed customer parking area. The Authority's Planning Ecologist has confirmed that whilst the application site is hydrologically linked to the European protected estuary via the Lliedi River, the proposal will not impact on the SAC, SPA or Ramsar habitat or species features. It is noted that the applicant has included petrol interceptors within the scheme in order to prevent pollution of the watercourse. Whilst it is acknowledged that Local Development Plan policy requires a suitable buffer zone with a river corridor, in this instance the application site is located in an area where there is no consistent existing riparian habitat corridors. Therefore the previous habitat on site had they been retained would not have linked to other riparian habitats. The Planning Ecologist has also noted that within 350m downstream of the site the river is culverted and does not offer ideal habitat connectivity. In light of these characteristics, in this instance a buffer zone with the river is not required. Natural Resources Wales has also not requested a buffer zone in this case.

In their most recent response Natural Resources Wales stated that as the adjacent Lliedi river is a statutory main river the applicant may require a Flood Risk Activity Permit (FRAP) from Natural Resources Wales. It is recommended that an advisory note informing the applicant of this is imposed on any planning permission granted.

## **CONCLUSION**

The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted Local Development Plan and thus there is no in-principle objection to developing the site for residential use.

As aforementioned an enforcement notice was previously served against unauthorised development for reasons relating to residential amenity; flooding; design; ecology and highways. The current proposal purely relates to a customer parking area in association with the well-established commercial garage to the rear of no.45 Andrew Street, which for the reasons outlined above is considered acceptable and overcomes the previous reasons for serving an enforcement notice against the unauthorised extension of commercial garage activities.

It is considered that there are no loss of amenity issues associated with the proposed development, whilst it is considered that the issues of objection raised have adequately been addressed as part of the above appraisal.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the policies contained within the Adopted Local Development Plan and is put forward with a favourable recommendation.

## **RECOMMENDATION – APPROVAL**

## **CONDITIONS**

- 1 The car parking spaces, turning area and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority within six calendar months of the date of this decision. Thereafter, they shall be retained in perpetuity, unobstructed, for the purpose of parking and turning only.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - Bypass interceptor information received on the 22<sup>nd</sup> September, 2016;
  - Site plan and land stability, bypass tanks and drainage details (CD 03A) 1:100; 1:1250 @ A1 received 21<sup>st</sup> February, 2017.
- 3 The car parking spaces hereby approved shall be provided and used solely for the purpose of customer car parking in association with the existing commercial garage to the rear of no.45 Andrew Street. Thereafter the car parking spaces shall remain available for their designated use in perpetuity.
- 4 The application site should not be used for the storage of vehicles, the external storage of vehicular parts and should also not be used as an area for maintenance and repair of vehicles.
- 5 The customer car park in association with the commercial garage to the rear of no.45 Andrew Street hereby approved shall not be used for any purpose including any other purpose within Class B2 of Schedule 2 of 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 variation.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the application site.

## **REASONS**

- 1+3-5 In the interest of visual and residential amenity.
- 2 In the interest of visual amenity.
- 6 In the interest of visual amenity and highway safety.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- It is considered that the proposal complies with Policy SP1 of the Local Development Plan (LDP) in that the proposed development is environmentally sustainable.

- It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy EMP3 of the LDP in that the proposals are of an appropriate scale and form and will not result in any adverse environmental or amenity issues.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EQ5 of the LDP in that the proposal does not adversely affect corridors, networks and features of distinctiveness.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.

## **NOTES**

- 1 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.
- 2 The applicant/developer's attention is specifically drawn to the consultation response received from Natural Resources Wales dated the 21<sup>st</sup> February, 2017, in which they advise that a Flood Risk Activity Permit may be required from them for the proposed works. Natural Resources Wales should be contacted directly for advice in this respect.

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

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

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

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

<b>Application No</b>	<b>S/34872</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	PROPOSED CONSTRUCTION OF REPLACEMENT SHOWER, TOILET BLOCK AND CAR PORT AT CARAVAN SITE, LLWYNIFAN FARM, TROSSERCH ROAD, LLANGENNECH, LLANELLI, SA14 8AX

<b>Applicant(s)</b>	MR H DAVIES, CARAVAN SITE, LLWYNIFAN FARM, TROSSERCH ROAD, LLANGENNECH, LLANELLI, SA14 8AX
<b>Agent</b>	ELGIN ARCHITECTURE & DESIGN - HUW WILLIAMS, 88 ELGIN ROAD, PWLL, LLANELLI, SA15 4AF
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Llangennech
<b>Date of validation</b>	16/12/2016

## CONSULTATIONS

**Llangennech Community Council** – Has not commented on the application to date.

**Local Member** - County Councillors G Thomas and G Hopkins have not commented on the application to date.

**Welsh Water/Dwr Cymru** – Has raised no objection to the application.

**Neighbours/Public** – The application has been publicised by the posting of a site notice within the vicinity of the site. In response, letters of objection have been received from the residents of 6 neighbouring residents who raise the following concerns regarding the proposal:-

- The previous extension of the caravan park in 2012 resulted in the creation of additional hardstanding areas that have caused surface water drainage problems in the rear gardens of neighbouring properties located below the park and the access lane leading to these properties.
- The creation of further hardstanding areas will exacerbate existing problems and there is therefore a need for the drainage problems to be addressed prior to the commencement of any additional development.

## **RELEVANT PLANNING HISTORY**

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

S/26201	Proposed extension to touring caravan park to include 10 additional caravan pitches, 2 log pods, an extension to the site road and improvements to the existing access road Full planning permission	24 May 2012
S/24817	Certificate of Lawfulness for an existing use – 15 touring caravan pitches. Approval	23 June 2011

## **APPRAISAL**

### **THE SITE**

The application site consists of an existing shower and toilet block building located in the Llwynifan Farm Caravan Park located off Trosserch Road on the outskirts of Llangennech. The building is of modest proportions being of a single storey construction with a mix of sloping and pitched roofs. It incorporates a small gymnasium and has a lean-to car port structure on its rear elevation.

The caravan park consists of some 25 touring caravan pitches that are served by an internal roadway that leads from the park entrance off Trosserch Road. The toilet block is located within the main complex of buildings within the park which include the farmhouse, a converted barn and number of agricultural buildings. The park occupies an elevated position above the residential properties of Trosserch Road and the neighbouring Llwynifan Housing Estate and is separated from both by open grassed areas.

### **THE PROPOSAL**

The application seeks full planning permission for the demolition and replacement of the existing toilet and shower block building. The replacement building is of a similar size to the existing structure and will have a hipped roof design with a similar car port feature to the rear. The front of the building will consist of a canopied roof. The building will provide a mix of toilet, showering and wash room facilities for visitors to the park. Externally, the building will consist of a mix of natural stone and rendered walling while the roof is to be clad in grey slate or concrete tiles. The car port is to have a dark grey box profile sheet roof.

Foul drainage from the replacement building is to be disposed of via the public sewer while surface water from the roof will discharge to a soakaway system.

### **PLANNING POLICY**

The application site is located outside the defined settlement limits of Llangennech as defined in the Adopted Carmarthenshire Local Development Plan. Reference is drawn to the following policies of the Plan.

Policy GP1 is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and



appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy TSM2 relates to proposals for new touring caravan and tent sites and extensions or improvements to existing sites. Proposals are permitted subject to a number of qualifying criteria which include the need to prevent any adverse impact upon the surrounding landscape and townscape and the need for new buildings to be appropriate in terms of their siting, need and scale.

Policy EP3 requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

### **THIRD PARTY REPRESENTATIONS**

As highlighted above, a number of letters of objection have been received from neighbouring residents in respect of the proposal all of whom refer to surface water problems that have resulted from the previous extension of the caravan park back in 2012. The respondents opine that the creation of additional hardstanding pitches and areas as part of the previous extension has resulted in surface water drainage and flooding problems in the rear gardens of their properties along Trosserch Road which are set at a lower level below the caravan park. Reference is also made to the flooding of an access lane to the rear of their properties. As a result, the respondents have requested that drainage problems associated with the existing park are investigated and rectified prior to the creation of any further developments and hardstanding areas.

The concerns raised by the respondents relate to drainage problems associated with previous developments within the caravan park. Planning permission was granted for an extension to the park in May 2012 which included the creation of 10 additional caravan pitches and an extension of the internal site road. Planning application S/26201 refers. The additional pitches have been created to the west of the original caravan park whereby they are located further away from the respondents' properties than the original park. Moreover, the approved scheme shows the new pitches and extended road consisting of a loose stone surface finish whereby surface water will percolate into the ground thereby causing no detriment to neighbouring properties. Notwithstanding the above, the complaint relating to the extension to the original caravan park, whilst not being relevant to the current proposal, will be the subject of appropriate investigation by the Authority's enforcement team.

The current application relates to the replacement of an existing toilet and shower block within the caravan park. Surface water from the roof of the new building is to be disposed of via an existing piped system that discharges into an existing drain in Trosserch Road. The proposed discharge into this drain will ensure the proposal will cause no unacceptable drainage impacts upon the respondents' properties. Moreover, in the interests of ensuring the same and compliance with Policy EP3 of the LDP, any permission granted will be conditioned to require the submission and approval of the detailed design of the proposed surface water drainage scheme prior to the commencement of the development.

## **CONCLUSION**

Llwynifan Farm Caravan Park is a well-established tourist facility located on the outskirts of the village of Llangennech. The site is well related to the main built form of the village and the services and facilities therein. The scale and design of the proposed replacement building are considered to be acceptable within the context of the site's surroundings and will serve to improve the visitor facilities available at the park. The design and finishes of the building are of a high standard whereby they will enhance the appearance of the site while causing no unacceptable material harm to the landscape character of the surrounding area or the living standards of neighbouring occupiers.

On balance therefore, and after careful examination of the site and its surrounding environs, the proposal is considered to be in accord with the objectives of the abovementioned policies of the Local Development Plan and is accordingly recommended for approval.

## **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 works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans received on 7 December 2016:-
  - 1:1250 scale location plan;
  - 1:500 scale block plan;
  - 1:50 scale proposed plan;
  - 1:50 scaler proposed front and rear elevations;
  - 1:50 scaler proposed side elevations.
- 3 No development shall commence until a detailed scheme of surface water drainage works proposed to serve the development hereby approved has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the use of the development.

### **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3 To ensure the installation of an appropriate drainage scheme and ensure the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

## REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposal complies with Policy GP1 and TSM2 of the Carmarthenshire Local Development Plan in that it is appropriate in terms of scale and design and will not cause unacceptable harm to the surrounding landscape. Moreover, there will be no loss of amenity to neighbouring uses.
- It is considered that the proposal complies with Policy EP3 in that it will be served by an appropriate SUDS drainage scheme.

## NOTES

- 1 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.
- 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.

<b>Application No</b>	<b>S/34900</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	REMOVE EXISTING FLAT ROOF AND REPLACE WITH PITCHED ROOF; ALTERATION AND RENOVATION OF GROUND FLOOR FROM 3 BEDROOM TO 2 BEDROOM. NEW FIRST FLOOR TO INCLUDE, 2 BEDROOMS, ENSUITE, BATHROOM AND STUDY AT NEW LODGE, Y LLAN, FELINFOEL, LLANELLI, SA14 8DY

<b>Applicant(s)</b>	MR JOHN PHILLIPS, 1 DAN-Y-BRYN, FURNACE ROAD, BURRY PORT, SA16 0YN
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Swiss Valley
<b>Date of validation</b>	29/12/2016

## CONSULTATIONS

**Llanelli Rural Council** - Have raised no objection to the application provided:-

- The drainage generated from the additional development does not increase the hydraulic load on the public sewer.
- The general scale and massing of the proposed pitched roof and new first floor does not result in a disproportionate increase in the size of the original dwelling.
- The development being compatible with the original dwelling in terms of scale and design and does not represent an incongruous form of development that will be unacceptably harmful to the character and appearance of the dwelling and surrounding residential area.
- There is no detrimental impact on the amenity and privacy of neighbouring dwellings.

**Local Member** – County Councillor G Morgan has not commented on the application to date.

**Neighbours/Public** – Seven neighbouring properties have been notified of the application and four letters of representation have been received from adjacent occupiers who object to the proposal on the following grounds:-

- Loss of privacy to neighbouring properties and their gardens.
- The increase in height of the dwelling will be disproportionate to the existing bungalow and be overbearing and dominate neighbouring properties.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

### **THE SITE**

The application site consists of the curtilage of a detached three bedroom bungalow located in Y Llan in Swiss Valley, Llanelli. The bungalow is of a flat roof design and is currently vacant and in a state of disrepair. It is set within a generous triangular shaped curtilage with garden areas to both sides and the rear of the bungalow. The bungalow has an integral garage as well as a front and side parking area. The site is bounded to the south and west by the side and rear gardens of the neighbouring properties of Llys Westfa which are set a lower level than the bungalow.

The area wherein the site is located is characterised by a narrow single lane road known as Y Llan which serves a small number of properties which consist of a mix of bungalows and two storey houses.

### **THE PROPOSAL**

The application seeks full planning permission for the renovation of the existing bungalow which will include the replacement of the flat roof of the main bungalow with a new pitched roof. The existing flat roof above the easternmost end of the bungalow which includes the integral garage is to remain as part of the proposal.

The new roof extension is to have a maximum ridge height of approximately 6.5 metres and will include a gable projection on the rear elevation. The roof extension will incorporate new first floor accommodation which will include two bedrooms and a study while the ground floor is incorporate two further bedrooms. The first floor rooms are to be served by a number of velux style windows to the front and rear of the new roof as well as further side windows. The new first floor study will be served by high level windows in the rear gable projection the bottom of which are set a height of 1.8 metres so as to ensure no overlooking of the properties to the rear. In terms of external finishes, the elevations of the extended bungalow are to consist of a white render finish while the roof is to be clad in dark grey concrete tiles.

It is of note that the original scheme submitted with the application included a large first floor glazed opening in the rear gable projection which was to serve the new study. However, following discussions with officer's regarding the privacy impact of the same upon the properties of Llys Westfa to the rear, the scheme was amended to that described above whereby the large glazed opening has been removed and replaced with high level windows in the gable and further velux and side windows.

## **PLANNING POLICY**

The following policies of the adopted Local Development Plan are of relevance to the proposal.

Policy GP1 of the Plan is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. It also requires that proposals should not have a significant impact on the amenity of adjacent land uses and properties.

Policy GP6 of the Plan relates to extensions to dwellings whether buildings or structures and seeks to ensure that their scale is subordinate and compatible to the size, type and character of the existing development and does not result in the overdevelopment of the site or lead to inadequate amenity or garden space. Furthermore, it requires that the external appearance of the extension in terms of its design shall complement that of the existing development and proposals should not adversely affect the local environment and amenities of neighbouring properties.

## **THIRD PARTY REPRESENTATIONS**

Four letters of objection have been received from the residents of three neighbouring properties within the Llys Westfa Estate which is located to the rear and side of the application property. Moreover, Llanelli Rural have raised no objection to the application subject to certain criteria being met. The issues raised are appraised below.

A common ground of concern amongst respondents is the likely impact of the proposed new first floor accommodation on their properties by way of overlooking and loss of privacy. Reference is made to the overlooking of rear windows in their properties as well as private garden areas.

Three of the objection letters received were submitted in respect of the original scheme submitted with the application which, as referred to above, included a large first floor glazed opening in the rear gable projection of the bungalow. The position and size of the window opening would have meant that the occupiers of the application property would have a direct outlook towards the rear of the respondents' properties and on this basis, and following discussions with officers, it has been removed from the scheme. This window has been replaced with a high level window in the rear gable projection as well as further velux windows and new first floor windows in the side elevation of the bungalow which minimise the level of overlooking to the respondents' properties.

Officers have undertaken a re-consultation exercise in respect of the above changes to the scheme and whilst no further objections have been received from two of the three respondents, a further letter of objection has been received from the third respondent who reiterates previous privacy concerns while also raising concerns regarding the proposed height of the bungalow and its potential impact in terms of overbearance.

The first floor rear elevation facing the respondent's property will include a bathroom window, a velux window to one of the bedrooms as well as the high level window that will serve the study, as referred to above. The bathroom window will be conditioned to be of obscure glazing thereby ensuring there will be no overlooking of the properties to the rear while, similarly, the 1.8 metre height of the study window will mean occupiers will not have

any outlook towards the respondent's property from this room. Although the occupiers of the application property will have some outlook towards the respondent's property from the velux window of the new bedroom, the differing orientations of the properties combined with the separating distances involved will ensure it will not be of such a level so as to adversely affect the respondent's current living conditions. In this regard, it of note that the elevated position of the application property relative to the respondent's property means that many of the rear ground floor windows of the property currently have a direct outlook towards the rear elevation of the respondent's property.

Turning to the concerns regarding the scale of the extension and impact in terms of overbearance. The modest height of the roof extension at some 6.5 metres is considered to be acceptable within the context of the appearance of the property and surrounding area. Indeed, the addition of the pitched roof and general renovation of the property as part of the proposal will significantly improve its general appearance. Furthermore, the separating distance of some 20 metres to the respondent's property will safeguard against any unacceptable impacts by way of overbearance.

Finally, Llanelli Rural Council's comment regarding the impact of the proposal upon the hydraulic loading of the public sewer are not considered to be of relevance to the proposal in that the application merely proposes the renovation and extension of an existing property.

## **CONCLUSION**

On balance therefore, and after careful examination of the site and its surrounding environs, together with the representations received to date, the proposal is considered to be acceptable and in accord with the Authority's Development Plan policies. The proposal will significantly improve the property's current unkempt appearance within the surrounding area while at the same time bringing an empty property back into residential use.

Furthermore, the scale and design of the changes to the property will be in keeping with the character and appearance of the surrounding area and cause no unacceptable material harm to the amenity of adjacent residents.

Accordingly, the application is recommended for approval.

## **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 works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans received with the application:-
  - 1:1250 scale location plan (04\_10\_Rev1) received on 10 January 2017;
  - 1:200 scale proposed site plan (04\_04 Rev1) received on 9 February 2017;
  - 1:50 scale proposed first floor plan (04\_06 Rev1) received on 9 February 2017;
  - 1:50 scale proposed roof plan (04\_07 Rev 1) received on 9 February 2017;

- 1:100 scale proposed elevations (04\_08 Rev 1) received on 9 February 2017;
  - 1:50 scale proposed sections A-A and B-B (04\_09\_ Rev 1) received on 9 February 2017;
  - 1:50 scale proposed ground floor plans (04\_05) received on 28 December 2016.
- 3 The first floor en-suite bathroom window proposed in the rear elevation of the extension hereby approved, as shown on the 1:100 scale proposed elevations (04\_08 Rev 1) received on 9 February 2017 shall be glazed in obscure glass and shall be so maintained thereafter in perpetuity.
- 4 Notwithstanding the provisions of the Town and Country Planning, Wales (General Permitted Development) (Amendment) (Wales) Order 2013 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B and C shall be carried out within the curtilage of the dwelling hereby approved (other than those expressly authorised by this permission) without the prior written consent of the Local Planning Authority.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3+4 To ensure the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- It is considered that the proposal complies with Policy GP1 and GP16 of the Carmarthenshire Local Development Plan in that it is appropriate in terms of scale and design and will not cause unacceptable loss of amenity to neighbouring uses.

## **NOTES**

- 1 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.
- 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.

<b>Application No</b>	<b>S/34972</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	DEMOLITION OF CURRENT GARAGE BUILDING AND THE ERECTION OF A STEEL FRAMED AGRICULTURAL SHED WITH CONCRETE FLOOR TO THE REAR OF THE GARDEN AT 17 HEOL Y BRYN, PONTYBEREM, LLANELLI, SA15 5AG

<b>Applicant(s)</b>	JACKEY MURPHY-HEALY, 17 HEOL Y BRYN, PONTYBEREM, LLANELLI, SA15 5AG
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Pontyberem
<b>Date of validation</b>	17/01/2017

## CONSULTATION

**Pontyberem Community Council** – Raises the following concerns:-

- The Council were in full agreement that this building was not in keeping with other buildings in the area being much larger in size and noticeable.
- The use of the building would be to store and repair tractors, however, the roads to and from the address cannot safely accommodate such large vehicles safely.
- There could be an issue of noise pollution as the repairs are undertaken.

**Local Members** – Councillor J S Williams is a member of the Planning Committee and has not made prior comment. However, Councillor Williams has requested that the application be referred to Planning Committee for determination for the reasons highlighted by the Community Council.

**Neighbours/Public** – 2No. neighbour consultation letters have been sent out, with a letter signed by three neighbours received to date raising the following matters:-

- Character and size.
- Use for storing tractors and other implements in a residential area.
- Over development.
- Noise and disturbance.

## **RELEVANT PLANNING HISTORY**

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

D5/5904 –	Garage, coal shed, store and wc Full planning permission	08 October 1981
D5/4067	Single storey rear extension Full planning permission	07 June 1979

## **APPRAISAL**

### **THE SITE**

The application site is to the rear of a two storey cottage, and set within a large garden area. The site is in an area of primarily residential character with houses and bungalows facing onto Heol y Bryn with long rear gardens.

There is an existing double garage which is proposed to be demolished to provide access, the applicant is proposing to crush and re-use the wall materials and existing concrete paths to provide an access to the rear of the garden. The garden also has a shed and greenhouses which are proposed to be removed.

The area is of a generally sloping valley side character, however the individual gardens have been levelled to form relatively flat plateaus.

### **THE PROPOSAL**

The application seeks full planning permission for a detached steel frame agricultural type outbuilding for use as a garage for classic tractors.

The building measures 12.192m by 6.09m with an eave height of 3.658m and a ridge height of 4.572m. The proposal is portal framed and is proposed to be clad in green steel box profile sheets.

The outbuilding is proposed to be sited at the end of the garden and orientated at 90degrees to the house. Given the location, there is a reasonable distance between the proposal and neighbouring dwellings. It is also noted that the proposal is situated along the southern boundary of the site, so would primarily shade the applicant's own garden rather than affecting third parties.

The proposal would involve demolition of an existing garage which is immediately to the south of a neighbouring property so would present a gain in terms of reducing over shadowing.

### **PLANNING POLICY**

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

Policy GP1 Sustainability and High Quality Design states:-

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

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

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 and TAN12: Design (2016)).

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 provides the following guidance:

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

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

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

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

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

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

Paragraph 2.2 of Technical Advice Note 12 Design (March 2016) states:

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

Paragraphs 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) state:

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

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

### **THIRD PARTY REPRESENTATIONS**

The building is proposed to be of an agricultural steel framed character and is designed as a garage for classic tractors, so is of a size which is fit for that purpose. The site is in a residential area, however the scale of the building is not considered likely to be over bearing or over powering as the height is just 4.572m so is more akin to a domestic garage. The building is proposed at the far end of the garden to the residential dwellings, so is not considered to be prominent or highly visible within the residential area.

The use of the building for storing tractors and other implements in a residential area. It is understood that the applicant collects classic tractors as a hobby, so the use is proposed to be domestic rather than agricultural or commercial. This would be similar to the storage of classic cars or campervans. If approved, it is recommended that a condition be imposed precluding any trade or commercial use of the building.

There are concerns regarding over development of the garden. However it should be noted that the garden is on average 50m long and 16.5m wide. In context, the building is not considered to be over-development of the site.

As stated above, the proposed siting is at the end of the garden furthest from the dwellings, so noise and disturbance is not likely to be unacceptable. The applicant could start and stop tractor engines within the garden area and carry out mechanical work on a hobby basis without requiring planning permission, so allowing the use within a building is likely to have less of an impact. Use of the existing garage for such a use would be closer to neighbouring dwellings.

### **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of the representations received to date, the proposal is considered to be a large domestic garage which would allow parking and storage of the applicant's classic tractors and remove the other buildings / greenhouses on the site. Given the separation distances from the garage to the neighbouring properties, it is not likely to have an unacceptable impact. The proposal is therefore considered to be in accordance with the above policies.

### **RECOMMENDATION – APPROVAL**

## **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - 1:1250 scale Location Plan dated 17 January 2017;
  - 1:500 scale Site Plan dated 17 January 2017;
  - 1:50 scale North Elevation dated 13 January 2017;
  - 1:50 scale South Elevation dated 13 January 2017;
  - 1:50 scale East Elevation dated 13 January 2017;
  - 1:50 scale West Elevation dated 13 January 2017.
- 3 The garage shall be used for private domestic purposes only, ancillary to the dwelling and not for any trade or commercial purpose.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3 To protect the amenities of neighbouring properties.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- The proposed development complies with Policy GP1 of the LDP in that it is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.

## **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>S/35069</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	PROPOSED DETACHED DWELLING AT PLOT ADJOINING, 1 PENYGRAIG ROAD, LLWYNHENDY, LLANELLI, CARMARTHENSHIRE, SA14 9PA

<b>Applicant(s)</b>	MS JULIA JONES, 88 HENDRE PARK, LLANGENNECH, LLANELLI, SA14 8UR
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Bynea
<b>Date of validation</b>	03/02/2017

## CONSULTATIONS

**Llanelli Rural Council** - Has raised no objection to the application provided:-

- The plot is large enough to accommodate a dwelling.
- There is no detrimental impact on the remaining amenity space at 1 Penygraig Road.
- The drainage generated from the additional development does not increase the hydraulic load on the public sewer.

**Local Member** - County Councillor D Cundy has not commented on the application to date.

**Welsh Water/Dwr Cymru** – Has not commented on the application to date.

**Neighbours/Public** – The neighbouring properties within the vicinity of the site have been notified of the application. In response, no letters of representation have been received to date.

## RELEVANT PLANNING HISTORY

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

S/16463      1 No residential dwelling  
Outline planning refused  
Appeal Dismissed

5 October 2007  
09 May 2008

## **APPRAISAL**

**The application is presented to the Committee for a decision given that the applicant is related to a former member of staff of the Planning Service who has only recently left employment with the Authority.**

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

## **THE SITE**

The application site consists of an irregular shaped parcel of land located off the northern flank of Penygraig Road in Llwynhendy. The site currently consists of the side garden of no. 1 Penygraig Road and extends to a maximum width and depth of 13 and 18 metres respectively. The front of the site is characterised by low face brick walling with a grassed area and established hedgerow above. The area of the site to the rear of the hedge consists of a mix of hardstanding and lawned areas with the northern rear boundary consisting of a further hedgerow which separates the land from the neighbouring garden area to the rear.

The site is flanked on either side by existing residential properties consisting of a detached bungalow and two storey semi-detached house. The side driveway of the latter runs contiguous with the site's eastern boundary. The site is located in a primarily residential area which is characterised by a mix of former local authority housing estates and lower density detached properties.

## **THE PROPOSAL**

The application seeks outline planning permission for the construction of a single dwelling on the site. All detailed matters are reserved for future consideration; the application therefore seeks to establish the principle of developing a single dwelling on the site.

The application has been accompanied by an indicative site layout plan which seeks to demonstrate how the land could be developed in an acceptable manner. The layout plan shows the siting of a modest sized dwelling at a comparable depth within the site to the neighbouring detached bungalow. Provision is made for a front forecourt area together with a rear garden which extends to a depth of 6 metres. Vehicle parking is shown to the side of the dwelling with the creation of a joint access arrangement with the host dwelling, no. 1 Penygraig Road. Scale parameters of the dwelling have also been provided which indicate it will have a ridge height of between 5 and 8 metres.

It is of note that part of the site was previously the subject of an outline planning application for a detached dwelling back in 2007. Planning application S/16463 refers. This application was refused on 5 October 2007 on the basis that the site was considered to be of insufficient size to accommodate a dwelling together with adequate off road parking and amenity space and the proposal would consequently represent the overdevelopment of the site. The Authority's decision was subsequently upheld at appeal in May 2008.

## **PLANNING POLICY**

In the context of the current Development Plan framework the site is located within the development limits for Llanelli as defined in the Carmarthenshire Local Development Plan (December 2014). The following policies are of relevance to the proposal.

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

Policy GP1 is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

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

Policy GP3 states that the Council will, where necessary seek developers to enter into planning obligations to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites.

Policy H2 permits proposals for smaller housing developments on unallocated sites within the development limits of a defined settlement provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 – Affordable Housing – requires that proposals for residential development less than 5 dwellings will be required to contribute through a commuted sum towards the provision of affordable housing in the local area.

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

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

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

## **THIRD PARTY REPRESENTATIONS**

No third party letters of objection have been received in respect of the application to date. The application is presented to Committee for a decision given that the applicant is related to a former member of staff of the Planning Service.

Llanelli Rural Council have offered no objection to the application provided the plot is large enough to accommodate a dwelling and there being no detriment to the remaining amenity space of the host dwelling, no. 1 Penygraig Road. They've also highlighted the need to ensure the development does not unacceptably impact upon the hydraulic load of the public sewer.

Turning to the first issue relating to the size of the site. Whilst a previous application for the siting of a dwelling on the site was refused back in 2007 and this decision was subsequently upheld at appeal, the current application relates to a larger site whereby the grassed area fronting the land has been included within the site. The resulting depth of the site at some 18 metres allows for the siting of a modest sized dwelling with a generous front curtilage area and private garden space to the rear. The indicative plan shows a rear garden space measuring some 6 metres in depth by 13 metres in width which is larger than that of an adjacent property and is considered adequate to serve a dwelling of the scale proposed. Moreover, a generous garden area is retained to the rear of the existing dwelling, no. 1 Penygraig Road.

The layout of the development is in keeping with the spatial character of the surrounding area and with the careful design of the dwelling, the proposal will complement the appearance of neighbouring properties while having no unacceptable impact upon residential amenity. Furthermore, the proposal incorporates a suitable access and adequate off road parking provision.

The proposal is therefore considered to be in compliance with the objectives of policies GP1 and H2 of the LDP in terms of its visual and amenity impacts. Furthermore, it is also in accord with Policy TR3 in that it will not result in any unacceptable highway impacts.

With regard to the impact of the proposal upon the public sewer, Dwr Cymru/Welsh Water have raised no objection to the application in this regard.

## **CONCLUSIONS**

On balance, and after careful examination of the site and its surrounding environs, together with the representations received to date, the principle of the residential development of the site is considered to be acceptable. The site is within the development limits of Llanelli and with the careful siting and design of the dwelling the proposal be in keeping with and complement the general character and appearance of the surrounding area.

The dwelling will be well related to the existing services and facilities in the wider Llanelli area while also being within easy access of existing public transport facilities. It therefore complies with the key policy and sustainability objectives of both the Authority's Local Development Plan and National Planning Policy. Furthermore, the proposal will make a positive contribution towards the provision of affordable housing in the locality whereby the applicant will be providing a commuted payment towards the same in accord with the requirements of Policy AH1 of the Local Development Plan.

In addition, there are no amenity, highway or public service objections to the development.

The application is put forward with a favourable recommendation subject to the applicant entering into a unilateral Undertaking or Section 106 Agreement securing the above commuted payment towards affordable housing.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- 2 The permission hereby granted relates to the land defined by the 1:1250 scale location plan received on 31 January 2017.
- 3 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
  - a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 Development shall not commence until detailed plans of appearance; landscaping; layout; and scale of each building stated in the application, together with the means of access thereto, have been submitted, and received the written approval of the Local Planning Authority.
- 5 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Penygraig Road frontage within 2.4 metres of the near edge of the carriageway.
- 6 Cross sections taken throughout the site and details of the finished ground, floor and roof levels of the development hereby approved in relation to adjacent properties and the roadway shall be submitted with any subsequent reserved matters or detailed planning application.
- 7 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking 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.
- 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 The ridge height of the dwelling hereby approved shall not be higher than 8 metres.

## **REASONS**

- 1 The application is in outline only.
  - 2 For the avoidance of doubt as to the extent of this permission.
  - 3 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 4,6+9 In the interest of visual amenities.
- 5,7+8 In the interest of visual amenities and highway safety.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- The proposal complies with Policies H2 of the Local Development Plan in that it is located within the development limits of Llanelli and will be in scale and compatible with the surrounding area.
- The proposal complies with Policy GP1 of the LDP in that it will conform to the character and appearance of the area and will not cause unacceptable loss of amenity to neighbouring properties.
- The proposal complies with Policy AH1 of the LDP in that in the applicant will make a commuted payment towards the provision of affordable housing as part of the proposal.
- The proposal complies with Policy TRS3 of the LDP in that it will be served by suitable access and parking provision and the traffic generated by the proposed development will not adversely affect highway safety or residential amenity.

## **NOTES**

- 1 Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.
- 2 The developer/applicant's attention is drawn to the terms of the Unilateral Undertaking under Section 106 of the Town and Country Planning Act which sets out the agreement to make a contribution of £53.35 per square metre of internal floor space of the proposed dwelling towards the provision of affordable housing.

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

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

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

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