

Application No	S/35403
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Application Type	Outline
Proposal & Location	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO, 32 ERW TERRACE, BURRY PORT, LLANELLI, CARMARTHENSHIRE, SA16 0DA

Applicant(s)	CARMARTHENSHIRE COUNTY COUNCIL - MR JASON JONES, RURAL BUSINESS DEVELOPMENT CENTRE, NANT Y CI, CARMARTHEN, SA33 5DR
Agent	,
Case Officer	Robert Davies
Ward	Burry Port
Date of validation	12/04/2017

CONSULTATIONS

Head of Transport – No objection subject to conditions.

Land Drainage Officer – No response received to date.

Pembrey and Burry Port Town Council – No response received to date.

Local Members – County Councillor J James agrees with the concerns raised by local residents in terms of parking and the suitability of the site for residential development. He respectfully requests that the Planning Committee undertake a site visit prior to determining the application.

As the application was registered in April 2017 prior to the recent local elections, the former local member County Councillor P E M Jones was consulted on the application. County Councillor P E M Jones made no comments.

Dwr Cymru/Welsh Water – No objection subject to the imposition of conditions and advisory notes on any planning permission granted.

Natural Resources Wales – No objection.

The Coal Authority – No objection subject to conditions.

Neighbours/Public – 7 no. neighbouring properties consulted on the application. To date 13 letters of representation have been received raising the following concerns and objections:-

- Loss of car parking – this is the current and intended use for the site to meet the parking needs of Penybryn Avenue and Erw Terrace residents. There is insufficient on street parking available to meet parking needs and the houses in this area do not benefit from any other form of off street parking. Vehicles that currently park on the application site will be forced to park on street at Penybryn Avenue and Erw Terrace exacerbating the current situation.
- The residents understood that following the demolition of the former garages which were originally built in the 1950's the County Council was going to re-surface the site for use as car parking. This has not been done and the Council now seek to develop the site and remove such a facility in its entirety with no alternative provision proposed. The site has been left to become overgrown but is still used by residents for parking purposes.
- In the absence of a parking area, residents will be forced to park on the turning head at Penybryn Avenue forcing residents to reverse out towards the junction with Erw Terrace thus creating a highway and pedestrian safety risk. Cars will also be parked part on the pavements obstructing use by pedestrians and particularly people with disabilities and parents with buggies.
- Cars parked on the pavements and turning area will also block access for emergency vehicles, delivery vehicles and refuse collection lorries.
- The layout of properties at Erw Terrace and Penybryn Avenue reflect an age when vehicles were far less prevalent and modern levels of car ownership have exacerbated the situation. This position is extremely apparent at the cul-de-sac at the end of Erw Terrace, directly adjacent to the proposed development where gridlocks occur and vehicles undertake lengthy reversing manoeuvres as there is no turning facility. Parking on the pavement on Erw Terrace is a normal occurrence to assist easier access, but to the detriment of pedestrians.
- Increased traffic associated with proposed development.
- The proposed dwellings could be re-aligned at right angles to that shown ensuring that they could be accessed from one point of access only.
- Adverse impact upon the amenity of existing residents by virtue of the above concerns in relation to access and parking and also on grounds relating to scale and overbearance.
- The proposal is contrary to the planning policies contained within the Adopted Local Development Plan.
- Land ownership dispute
- Devaluation of property.
- Surface water drainage concerns
- Capacity concerns in relation to foul drainage.
- Japanese knotweed contamination
- Any development on this site will need to ensure the stability of surrounding ground
- Badger activity in the area.
- Utility posts and street lights will need to be altered and moved as part of this development. This needs to be considered at the planning application stage.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

APPRAISAL

This is an application which Carmarthenshire County Council has an interest in terms of being applicant and landowner.

This application is subject to a Section 106 Agreement

THE SITE

The application site consists of an almost rectangular parcel of land located at the eastern end of Erw Terrace and Penybryn Avenue in Burry Port. This site which currently has a vehicular access on to Penybryn Avenue to the south, previously housed Council owned domestic storage garages used by local residents. These garages were demolished approximately 10 years ago and since that time the site has become partly overgrown however it is apparent that the hardstanding areas are still used for parking purposes by some residents.

The application site which is in excess of 50 metres in length by approximately 18 metres in width is largely level however the land does rise up towards Erw Terrace to the north, and falls away towards Dandorlan Road to the east. A footpath link runs adjacent to the western boundary of the application site connecting Erw Terrace to the north with Penybryn Avenue to the south.

THE PROPOSAL

The application seeks outline planning permission for residential development with all matters reserved for future consideration. The indicative scheme submitted for consideration depicts two back to back dwellings, one fronting and accessed from Penybryn Avenue to the south and the other fronting and accessed from Erw Terrace to the north in line with the existing street pattern. Each dwelling is shown to have its own off street parking arrangement.

The planning statement states the change in topography off Erw Terrace potentially allows for a split level dwelling with two storey façade on to Erw Terrace, whilst the dwelling at Penybryn Avenue would be typically two storey. The scale parameters outlined in the proposed dwellings between 6m and 10m in depth, 8m to 12m in width and a ridge height between 7m to 10m.

The application has been accompanied by a Planning Statement, Coal Mining Risk Assessment and Tree Survey report.

PLANNING POLICY

The application site is located within the defined settlement limits of Burry Port 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 SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LSP's settlement framework. In this respect Burry Port is identified as a Service Centre.

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 GP2 of the LDP states 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 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 H2 of the LDP states that proposals for housing developments on unallocated sites within development limits of a settlement will be permitted provided they are in accordance with the principles of the plan's strategy and its policies and proposals.

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites. On such a proposal a commuted sum financial requirement is relevant.

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 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.

THIRD PARTY REPRESENTATIONS

As aforementioned in this report, 13no. letters of objection have been received from neighbouring properties whilst the concerns raised have been supported by one of the local County Councillors. The material reasons for concern and objection raised will now be addressed individually as part of this appraisal, however the matters in relation to devaluation of property, relocation of utility posts and street lights, and land ownership are not considered to be material planning considerations. With respect to the latter the applicant has confirmed in writing that the land contained within the application site red line is wholly within their ownership.

The main reason for objection raised relates to highway and pedestrian safety. The objectors state that the proposed development will result in the loss of a well-used car parking area, thereby forcing residents to park on street at both Penybryn Avenue and Erw Terrace exacerbating the existing on street parking situation. This will result in increased reversing movements and parking on pavements, and will block access for emergency, delivery and refuse vehicles.

In relation to these points reference is primarily drawn to the consultation response received from the Authority's Head of Transport who raises no objection towards the proposed development subject to the imposition of a number of conditions on any planning permission granted.

Both Erw Terrace and Penybryn Avenue are residential streets, are not through roads and therefore the level of traffic using these streets reflect this fact. Whilst the LPA would acknowledge that such residential areas were developed at a time when cars were less prevalent, something that is not uncommon, some existing residential properties along both Erw Terrace and Penybryn Avenue benefit from having off street parking whilst there are no on street parking restrictions preventing on street parking in the wider area.

As aforementioned in this report the application site used to house garages which would have been rented out to local residents for use, however these were demolished approximately 10 years ago. It appears that the site is still used on an informal basis for parking however the application site does not provide a formalised car parking arrangement as would have been the case when the garages were in existence. Such informal parking could be prevented at any time by the landowner. It is noted that some of the objectors have stated that the Council had agreed to re-surface the site following demolition of the garages in order to provide a more formalised car park. The LPA is unaware of such an agreement and must determine the application on its current form and merit.

The indicative layout submitted with the application indicates that one dwelling will be accessed off Penybryn Avenue and the other off Erw Terrace. Such a development will not significantly result in an increased level of traffic using both residential streets. The Authority's Head of Transport has requested a condition which limits only one dwelling being accessed off Erw Terrace. Both proposed dwellings will have their own off street parking arrangement and thus the only increase in on street parking will be associated from the displacement of the vehicles currently informally parked within the application site. As already mentioned, such vehicles will instead have to park on the surrounding network of streets which do not have parking restrictions.

With regards to the concern raised over loss of amenity by virtue of scale and overbearance, Members are reminded that the current application is in outline form only

with all matters reserved for future consideration. The indicative plans and scale parameters provided with the application depict dwellings which are of a scale and layout considered in-keeping with the existing dwellings in the locality. Detailed consideration to matters of scale and design will be given due consideration as part of any subsequent reserved matters submission.

In terms of drainage, the applicant has indicated that surface water is to be disposed of via soakaways, which is considered to be an acceptable and sustainable form of disposal. A condition can be imposed on any planning permission granted requiring a detailed scheme of surface water disposal for subsequent approval. The Authority's Land Drainage Officer has been consulted on the application and has provided no comments to date.

The proposed means of foul water is to the mains sewer, which again in the most appropriate means, and Dwr Cymru/Welsh Water has raised no objection on capacity grounds.

One objector has raised concern over the stability of surrounding ground. In relation to this issue it is worth noting that the application was accompanied by a Coal Mining Risk Assessment Report as the site is located in an area of past mining activity. The report recommends that intrusive ground investigations are carried out to investigate ground conditions and the depth and condition of any shallow coal seams. In response to this report the Coal Authority has welcomed such precautionary measures and raises no objection towards the proposed development subject to the imposition of a condition on any planning permission granted to this effect.

With regards to the concern raised over Japanese Knotweed it is recommended that a standard condition is imposed on any planning permission granted requiring the submission of a scheme of eradication where relevant.

Finally, one objector has stated that he has seen a Badger foraging at the site. In this respect there are no ecological constraints or records relating to the application site, whilst Natural Resources Wales and the Authority's own Planning Ecologist have not raised any objection.

CONCLUSION

The application site is located within the defined settlement limits of Burry Port as delineated within the Adopted LDP and therefore there is no in-principle objection to developing the site for residential use.

The indicative plans submitted depict that the application site can adequately accommodate two modestly sized detached dwellings with associated access, parking and amenity areas.

It is considered that there are no loss of amenity issues associated with the proposed development, whilst it is considered that the issues of concern and objection raised have adequately been addressed as part of the above appraisal. The proposed dwellings will be of a modest size and can be located an appropriate distance away from adjacent well established residential dwellings.

In accordance with Policy AH1 of the Adopted Local Development Plan, the applicant has agreed to provide a financial commuted sum contribution towards affordable housing, and

this will be secured as part of the Contract of Sale. As this is an outline application only at this stage, the contribution will be levied at £58.78 per sqm of internal floorspace which is relevant contribution in this area of Burry Port.

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 LDP.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The permission now granted relates to the land defined by the 1:1250 location plan and 1:500 scale block plan received on the 18th October, 2016
- 2 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.
- 3 Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the Local Planning Authority.
- 4 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.
- 5 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole Erw Terrace Road frontage within 2.0 metres of the near edge of the carriageway.
- 6 The access shall be hard surfaced for a minimum distance of 5.0 metres behind the nearside edge of carriageway, in materials which shall be subject to the prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.
- 7 Prior to the commencement of any part of the development herewith approved, a 1.8 metre wide footway shall be provided along the entire site frontage with the Erw Terrace Road. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.
- 8 A maximum of 1.no dwellings shall be accessed via Erw Terrace.
- 9 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.

- 10 No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a period for its implementation; and
 - iii) provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 11 Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:-
- * The submission of a scheme of intrusive site investigations for approval;
 - * The undertaking of that scheme of intrusive site investigations;
 - * The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring;
 - * The submission of a scheme of remedial works for approval.

Thereafter the approved scheme, including any remedial measures identified shall be implemented strictly in accordance with the detail submitted

- 12 No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of tree T1 shown to be retained on the Tree Survey Plan and Schedule received by the Local Planning Authority on the 6th April, 2017. The approved scheme shall subsequently be implemented in strict accordance with the detail submitted.
- 13 The development hereby permitted shall not be commenced (including any ground works or site clearance) until details of a scheme to eradicate and prevent the spread of invasive species has been submitted to and approved in writing by the local planning authority. Furthermore works should be implemented in accordance with the approved scheme.

REASONS

- 1 In the interest of visual amenity.
- 2 Required by Section 91 of the Town and Country Planning Act 1990.
- 3 In order to ensure a satisfactory layout of the site and in the interest of visual amenities.
- 4-9 In the interest of highway safety.
10. To secure an appropriate and sustainable form of surface water disposal.
11. In the interest of land stability and health and safety.
12. To protect a mature Ash tree.
- 13 To eradicate and prevent the spread of an invasive species.

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 LDP in that the proposed development is environmentally sustainable
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework
- 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 GP2 of the LDP in that the site is located within the defined settlement limits of Burry Port and accords with all other policies of the plan
- 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 H2 of the LDP in that the proposed housing development is located within defined settlement limits and accords with the principles of the plan's strategy and its policies
- It is considered that the proposal complies with Policy AH1 of the LDP in that the applicant has agreed to provide a commuted sum financial contribution towards affordable housing

- 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 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

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 Any prospective purchaser(s) of the land referred to in this Planning Permission will be required in the Contract of Sale to enter into a S106 Agreement with Carmarthenshire County Council for the provision of a financial contribution towards the provision of affordable housing in the locality. The contribution will be calculated upon the basis of a payment of £58.78 per square metre of internal floor space of the dwelling proposed.
- 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.