

**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 19 HYDREF 2017
ON 19 OCTOBER 2017**

**I'W BENDERFYNU/
FOR DECISION**

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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	19 OCTOBER 2017
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/35645
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Application Type	Full Planning
Proposal & Location	RESIDENTIAL DWELLING AND GARAGE AT LAND OFF HAFOD ROAD, TYCROES, AMMANFORD, SA18 3GA

Applicant(s)	MRS BEVERLEY WILLIAMS, 1A PARC PENCAE, LLANDYBIE, AMMANFORD, SA18 3AZ
Agent	,
Case Officer	John Thomas
Ward	Tycroes
Date of validation	08/06/2017

CONSULTATIONS

Llanedi Community Council – Have not commented to date.

Local Member – County Councillor T Higgins has received expressions of concern over the proposed drainage arrangements for the development and requested that the Council's Hydrology Division be consulted

Dwr Cymru / Welsh Water – No adverse comments.

Coal Authority – No observations received to date

Neighbours/Public - The application has been publicised by the posting of two Public Notices in the vicinity of the application site, in response to which letters of concern and objection have been received from two different households raising the following issues:-

- Construction traffic to the proposed development will access via a narrow shared access way, raising issues over maintenance and upkeep, and liability for any damage caused by construction traffic;
- Concern that previous surface water problems would re-occur, should the proposed development be constructed;
- Criticism of the means by which the application was publicised ie one public notice on the Parc yr Hendre Estate, when adjacent property owners/occupiers should have be notified directly;

- Concern regarding the scale, appearance and impact of the dwelling and garage on the surrounding area and adjoining neighbours;
- It is opined that the proposed siting of the development would overlook an adjacent dwelling, impacting on both the light received and privacy enjoyed to the rear of the house and garden;
- The large scale of the proposal would have an impact upon the appearance of the overall area;
- Contrary to Carmarthenshire LDP Policy G1 *Sustainability and High Quality Design*.
- Outstanding issues with uncompleted works on the adjacent Parc yr Hendre estate, the estate road to which has yet to be adopted;

RELEVANT PLANNING HISTORY

No planning applications have previously been submitted in respect of this site.

APPRAISAL

THE SITE

The application site consists of a 0.0875 ha area of gently sloping pasture land located to rear (East) of the detached properties “Lon Las” and “Melona” located along Hafod Road, Tycroes, Ammanford. The site presently serves as part of a small field enclosure which also borders onto the Parc yr Hendre residential estate (North), and former Wernos Farm (North-east). The private access driveway to the latter property borders the site along its South-eastern boundary.

Although the site address is given as being Off Hafod Road, the site is not contiguous with, and has no direct access onto that road. The only direct vehicle access route to the site would be via Parc yr Hendre, which is the confirmed route of access off the A483, given that Hafod Road is constrained in terms of width and restricted visibility at the junctions onto Ammanford Road. The point of access to the application site would be via an un-adopted section of private road leading off the Parc yr Hendre estate, which serves nos. 24 & 25 Parc yr Hendre as well as providing rear access and parking for nos. 16 - 18 Parc yr Hendre.

THE PROPOSAL

The application seeks full planning permission for the construction of a detached dwelling and further double garage/workshop, served by a generous driveway/turning area off the un-adopted private lane. Although two-storey in scale and appearance, with a generous roof pitch and unbroken roof planes, the basic footprint of the house would measure 9.21m x 13.15m, with a further two-storey front gable and hallway projection and single storey rear sun room, with a maximum ridge height of 9.5m. The design of this 348 sqm gross floor area six bedroom house does include a partial second floor, surreptitiously provided in part of the attic space. The sole source of natural light to the second floor attic room would be via a high level window in the apex of the western gable elevation wall, while all other principle fenestration would be to the front (north) and rear (south). The proposed

dwelling is of a not too unfamiliar front gable featured design, while the proposed facing brick, hanging tiles and dark grey roof tile finishes being common to the surrounding area. Similarly, the 10.0m (L) x 7.2m (W) x 5.7m(H) single storey garage/workshop is shown to be finished in matching material finishes.

Although no detailed landscaping scheme or precise details of all boundary treatment is included in the application submission, the provision and implementation of such details can be secured by means of appropriately worded pre-commencement conditions, as can other aspects of the proposal.

As the application site is located in an area where there is a legacy of past coal mining activity, and as such we are statutorily required to consult with the Coal Authority on all planning applications which may be at risk from such past activities. A report has been received from the applicant addressing risk posed to the development by any such potential constraint. The report has been forwarded to the Coal Authority for their formal observations.

PLANNING POLICY

The application site is located within the defined settlement limits of Tycroes, which forms part of the Ammanford/Cross Hands Growth Area, as delineated by Inset Map GA3 to the Adopted Carmarthenshire Local Development Plan (LDP), 2014. The application site, together with the remainder of the same paddock, and substantively completed Parc yr Hendre Estate are allocated for housing purposes under Policy H1 of the Plan (allocation GA3/h20). As such, there is a clear policy presumption in favour of the development of the site for residential purposes. Reference is also drawn to the following strategic and specific policies of the Plan which are relevant to the consideration of the proposal.

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 LDP's settlement framework. In this respect, Tycroes forms part of the Ammanford/Cross Hands Growth Area.

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 AH1 of the LDP normally requires, where an open market development falls below the threshold of five dwellings, a contribution towards affordable housing in lieu of on-site provision.

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 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 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.

Policy EQ4 relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

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.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) states:

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 application has attracted some local objection and concern, certain of which have been echoed by the local County Councillor. In respect of the concerns raised regarding surface water drainage, given past instances of surface water flooding and worries that such flooding could re-occur or worsen as a result of the proposed development. The applicant has undertaken a percolation test on the site to ascertain the suitability of the site for soakaways to function. The results of that exercise, which have been shared with colleagues in the Drainage Section, demonstrate good infiltration and that the site would be suitable for soakaway to function.

Certain of the objectors question the scale, appearance and appropriateness of the proposed house and garage, given the surrounding context and relative proximity of neighbouring properties, with specific reference to LDP Policy GP1 *Sustainability and High Quality Design*. However, in the context of the scale and spatial arrangement of those neighbouring dwellings on the Parc yr Hendre estate, as well as those along Hafod Road. The two-storey scale development is of a design and finish that would not only integrate

well with surrounding development, but would sit within a generous plot with more than adequate separation distance from the nearest neighbouring properties.

The concerns raised around the perceived disturbance and inconvenience caused during any construction phase is an inevitable and recognised short term inconvenience with any development of this nature. However, by their very nature any construction phase would be over a relatively short period, invariably gaining access via Parc yr Hendre as the only practicable access route. While the initial short section of private lane may not be to an adoptable width, it would be sufficient for delivery and construction vehicles to serve the proposed development. The associated questions surrounding the ownership, maintenance and repair of this section of private road would be a civil matter between the respective interested parties, but are not directly material to the consideration of this planning application.

On the question of the alleged inadequacy on the part of the Planning Service in publicising the planning application. As the application file records and site visit photographs taken bare testimony, the application was publicised by means of two site notices, one on Hafod Road and the other on the Parc yr Hendre Estate. Contrary to the objectors understanding of the statutory requirements regarding the publicising of all planning applications, the local planning authority is only required to publicise by means of either a site notice displayed in the near vicinity of the application site, or by individual notification to any immediately adjoining owners or occupiers. This is a requirement in the alternative, and there is no requirement to do both.

CONCLUSION

The site is allocated for residential development in the Local Development Plan so forms part of the County's housing strategy for the village and wider Growth Area. The application plot is of generous proportions, while the scale and design of dwelling can be comfortably accommodated within the confines of the site, allowing for an appropriately form of development not out of place within the village.

The village of Tycroes benefits from a primary school, shops, post office, places of worship, and reasonable amount of community facilities coupled with the fact that the application site is within easy walking distance of a public transport route. The site is therefore considered to be in a sustainable location.

Although it is adopted policy (AH1 – Affordable Housing) that all new residential development contribute to either the on-site provision of affordable housing or, for open market developments of below five dwellings a commuted sum contribution is made towards the provision of affordable housing elsewhere. Where it can be demonstrated that the policy requirements cannot be achieved, without making the scheme unviable and otherwise undeliverable, provision exists to relax this requirement. In accordance with this policy exception, the applicant has in this instance submitted a viability appraisal to support this exception, which has been assessed and scrutinised by colleagues in Corporate Property. The conclusions of that examination and analysis of the viability appraisal has confirmed that the scheme would be commercially unviable, even without the requirement to make a contribution towards affordable housing provision. As such, the Planning Service will not be seeking a legal agreement to secure an in lieu contribution towards affordable housing in this instance.

The various concerns and objections raised by neighbouring residents and the local County Councillor have been addressed in this appraisal, with appropriately worded conditions recommended to cover certain detailed aspects of the development.

The proposed development is within settlement development limits and is not likely to have an unacceptable adverse impact on third parties or highway safety. Therefore, is considered to be in accordance with the above policies and policy guidance with the recommendation, subject to the outstanding observations of the Coal Authority, to grant conditional planning permission

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:-
 - Site Location Plan 1:1250 scale (Drawing No. 14649/02 Rev. A) received on the 18-05-2017 2017;
 - Amended Block Plan 1:500 scale (Drawing No. CTA339.106 Rev. D) received on the 05-09-2017;
 - Amended Ground Floor Plan 1:75 scale (Drawing No. CTA339.101 Rev. -) received on the 31-08-2017;
 - Amended First Floor Plan 1:75 scale (Drawing No. CTA339.102 Rev. -) received on the 31-08-2017;
 - Amended Attic Floor Plan 1:75 scale (Drawing No. CTA339.104 Rev. A) received on the 31-08-2017;
 - Amended Elevations Plan 1:100 scale (Drawing No. CTA339.103 Rev. A) received on the 31-08-2017;
 - Amended Typical Section Plan 1:50 scale (Drawing No. CTA339.108 Rev. -) received on the Amended 31-08-2017;
 - Amended Garage Design Plans 1:50 & 1:100 scale (Drawing No. CTA339.107 Rev. -) received on the 31-08-2017;
- 3 Prior to the construction of the dwelling hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4 Before the development hereby permitted is brought into use, the western elevation attic window shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 5 Any access gates shall be set back a minimum distance of 5 metres from the private lane boundary and shall open inwards into the site only.

- 6 The front and side forecourt area shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, it shall be retained, unobstructed, for the purpose of vehicle parking and turning only.
- 7 No development approved by this permission shall be commenced until a detailed scheme for the provision of surface water drainage works, including future maintenance and management of the scheme for that unit, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented as agreed.
- 8 A detailed landscaping scheme for the site, including boundary and forecourt treatment indicating species size and number of trees and/or shrubs to be planted shall be submitted to and specifically approved in writing by the Local Planning Authority prior to the commencement the development, and shall following approval of such a scheme be implemented in the first planting season following commencement of the development, or at such other time as may be specifically approved in writing by the Local Planning Authority.
- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10 The garage/workshop shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and shall be permanently retained as such thereafter.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2,3 In the interest of visual amenity.
- 4 In order to preserve the amenities of neighbouring residential properties.
- 5,6 In the interest of highway safety.
- 7 To reduce risk of surface water flooding and ensure appropriate drainage is provided.
- 8,9 To ensure the provision, establishment and maintenance of a reasonable standard of landscaping and boundary treatment.
- 10 To ensure the garage/workshop is used for domestic purposes only.

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 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 Llanelli 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 a commuted sum contribution towards affordable housing is not required in this instance as the application site benefits from having extant planning permission for two dwellings.
- 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 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.

Application No	S/35791
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Application Type	Full Planning
Proposal & Location	ERECT NEW DWELLING AT LAND AT, 7 PWLL ROAD, PWLL, LLANELLI, SA15 4BG

Applicant(s)	MR TERRY WILLIAMS, 8 ST ILLTYDS RISE, PEMBREY, LLANELLI, SA16 0YY
Agent	,
Case Officer	Paul Roberts
Ward	Hengoed
Date of validation	07/07/2017

CONSULTATIONS

Local Members – County Councillor P Edwards is a member of the Planning Committee and has not commented on the application. County Councillor J S Phillips has also not commented on the application to date.

Community Council – Llanelli Rural Council have objected to the application on the following basis :

- The site is not of sufficient size to accommodate a new dwelling.
- There is not a sufficient amount of general amenity space required of the enjoyment of the new dwelling.
- The close proximity of the proposed dwelling to the neighbouring property of no. 9A Pwll Road is likely to have a detrimental impact upon the amenity and privacy of this dwelling.
- Vehicular access to the dwelling is likely to have a detrimental impact upon highway safety.

Head of Transport – Has raised no objection to the application.

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

Wales and West Utilities – Have raised no objection to the application.

Neighbours/Public – The neighbouring properties within the vicinity of the site have been notified of the application. In response, four letters of representation have been received from neighbouring residents who object to the proposal and raise the following concerns :

- The lack of parking to the front of the site and neighbouring properties.
- Increased traffic along the lane to the rear of the site which is narrow with no passing or turning places and difficult to manoeuvre.
- Poor visibility at the junction of the rear lane with Elgin Road and the impact upon highway and pedestrian safety.
- Adverse effect on volume of traffic using Elgin Road and the lane to the rear of the site.
- Potential future proposal for a further dwelling in the garden of the application property, no. 7 Pwll Road, which will add further traffic along Elgin Road and the lane at the rear of the site.
- Damage caused to neighbouring properties by construction vehicles using the lane to the rear of the site.
- Proximity of the proposed house to the living room windows of a neighbouring property and the resulting loss of light.
- Potential structural damage to neighbouring properties.
- The house will look ‘squashed’ into the site.
- The proposal to raise parts of the rear garden with gabion baskets will be intrusive and impact upon current privacy levels.
- Lack of parking spaces along Pwll Road.
- Sewerage infrastructure is at full capacity.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

THE SITE

The application site consists of a rectangular parcel of land located on the northern flank of Pwll Road in Pwll. It consists of a grassed area that forms part of the side and rear garden of the detached property of No 7 Pwll Road and has a road frontage and depth of 7.6 metres and 50 metres respectively.

The site is elevated above the roadway and fronted by a high stone wall. The front of the site is relatively level while the remainder rises gradually towards its rear boundary which adjoins a narrow access lane that provides rear access to a number of neighbouring properties to the side and rear of the site. The western side boundary of the site consists of a mix of hedgerow and timber fencing and its eastern boundary with No 7 Pwll Road currently is currently open having no defined feature. There is a hedgerow along its rear boundary with the access lane which has been partly removed.

The surrounding area is primarily residential in character consisting of a mix of dwelling sizes which generally have long rear garden spaces. The site is flanked on either side by detached houses. The neighbouring properties have the benefit of on street parking areas along Pwll Road while a number have driveways as well as rear parking facilities that are accessed via the rear lane.

THE PROPOSAL

The application seeks full planning permission for the erection of a detached dwelling on the application site. The proposal will consist of a two storey three bedroom house that will be sited between the neighbouring houses and front onto Pwll Road. The house is to be sited at a comparable depth to the neighbouring house of No 7 Pwll Road and is to have a hipped roof to its front elevation and gable to the rear. Its front elevation will be characterised by a bay window feature while the principal access to the house will be via a single storey porch projection on its western elevation. Elevational treatments will consist of render and facing brick work and the roof is to be clad in grey tiles.

The finished floor level of the dwelling is to be comparable with the existing ground level and that of the adjacent house of No 7 Pwll Road. The house will be set at a lower level than the other adjacent property, No 9A Pwll Road. The rear garden is to be retained at its existing level while a new pedestrian access is to be provided from the house down to the footway flanking Pwll Road. The new house will utilise the existing on street parking area provided to the front of the site and neighbouring properties along Pwll Road.

It is of note that the original scheme submitted with the application included the creation of a new parking area at the end of the rear garden of the property which was to be accessed via the rear lane. This proposal involved the creation of tiered levels and stepped features in the rear garden to allow access from the parking area to the house. However, the Head of Transport raised concerns regarding the rear parking area in that the visibility of vehicles egressing the rear lane onto Elgin Road is substandard and the additional vehicular movements would be detrimental to highway safety. As a result, the applicant subsequently amended the application to that described above whereby the rear parking area and tiered garden levels have been omitted from the application and the occupiers of the new house will utilise the existing on street parking area along Pwll Road.

PLANNING POLICY

In the context of the current development control policy framework the site is located within the development limits of Llanelli as defined in the Carmarthenshire Local Development Plan (LDP). The following policies of the Plan are relevant 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 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 LETTERS OF REPRESENTATION

A number of letters of objection have been received from neighbouring residents in respect of the proposal and Llanelli Rural Council have also raised concerns regarding the application. The principal issues relating to the application are addressed in the following appraisal.

A common ground of concern amongst the respondents is the likely increased vehicular use of the lane at the rear of the site given its restricted width and the poor visibility at its junction with Elgin Road. However, as noted above the scheme has since been amended to omit this rear parking area upon the advice of the Head of Transport thereby ensuring there will be no unacceptable highway impacts upon the lane and Elgin Road.

A number of respondents have opined that there is a lack of parking spaces available along Pwll Road to the front of the site and neighbouring properties and this will be worsened by the proposal. The width of the carriageway of Pwll Road has allowed the provision of on street parking areas along the roadway which are used by local residents while others have the benefit of driveways and rear parking facilities. The Head of Transport is satisfied that the use of these parking areas by the occupiers of the new dwelling will cause no detriment to highway safety along Pwll Road. The proposal is therefore considered to be in accord with the requirements of policies GP1 and TR3 of the LDP in terms of its likely highway impact.

Turning to the concerns regarding visual impact of the proposal, the modest size of the dwelling combined with its general layout and design will mean that it will not be at odds with the spatial character and appearance of the surrounding street scene. Moreover, the new dwelling will have the benefit of a long rear garden space similar to neighbouring properties. The siting and design of the dwelling and separating distance to adjacent

properties will also safeguard against any unacceptable impacts in terms of loss of light or privacy. Concerns regarding the proposed change in levels in the rear garden space are no longer relevant to the proposal in that the application has been amended to omit this element of the scheme. The proposal is therefore in accord with the objectives of policies GP1 and H2 of the LDP in terms of its likely visual and amenity impacts.

Concerns regarding potential damage to neighbouring properties are a civil matter and outside the scope of planning control. As to concerns regarding proposals for a further dwelling in the garden of the existing property, no application has been received and, in any event, all applications received are considered on their own merits. Comments received regarding the capacity of the sewerage system are unfounded in that Welsh Water have raised no objection to the application.

CONCLUSION

On balance, and after careful examination of the site and its surrounding environs, together with the representations received to date, the proposal is considered to represent an acceptable form of residential development that will be in keeping with and complement the general character and appearance of the surrounding area. The site is located within the development limits of Pwll and its development complies with the key policy and sustainability objectives of both the Authority's LDP and National Planning Policy.

The general scale, design and spatial layout of the dwelling are acceptable and combined with the pallet of external finishes will provide a development that will respond well to the site's setting in the wider area. Moreover, it will be well related to the existing services and facilities in the village as well as being within easy access of existing public transport facilities. The proposal will also make a positive contribution towards the provision of affordable housing in the locality whereby the applicant will be required to make a commuted payment towards the same under the requirements of Policy AH1 of the LDP.

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

Based on the foregoing, the application is put forward with a favourable recommendation subject to the applicant entering into a unilateral undertaking or Section 106 agreement securing a commuted payment towards affordable housing.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced no later than the 5 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:

- 1:1250 and 1:500 scale location and block plan received on 5 October 2017.
- 1:200 scale site layout plan (PR/007) received on 5 October 2017.
- 1:200 scale site sections (PR/008) received on 5 October 2017.
- 1:100 scale elevations (PR006) received on 25 May 2017.
- 1:100 scale front elevation (PR/005) received on 25 May 2017.
- 1:50 scale proposed roof space (PR/004) received on 25 May 2017.
- 1:50 scale proposed ground floor plan (PR/002) received on 25 May 2017.
- 1:50 scale proposed first floor plan (PR/003) received on 25 May 2017.

- 3 There shall at no time be any vehicular access to the site from the existing lane to the rear (north) of the application site.
- 4 The first floor window proposed in the western side elevation of the dwelling hereby approved shall be glazed in obscure glass and shall be so maintained thereafter in perpetuity.
- 5 Prior to the commencement of the development hereby approved details of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6 Prior to the commencement of the development hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected as part of the development shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the dwelling is occupied.

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 In the interests of highway safety.
- 4 To ensure the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties
- 5 &
- 6 In the interests of visual amenity.

NOTE(S)

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

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

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

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

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).
- 3 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 £8092.24 towards the provision of affordable housing.

Application No	S/35911
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Application Type	Full Planning
Proposal & Location	PROPOSED INCREASE IN OPERATING HOURS FOR UNIT 8 TO ALLOW OPENING UNTIL 02.00 HOURS EVERY DAY AT UNIT 8, CROSS HANDS RETAIL PARK, CROSS HANDS, LLANELLI, CARMS, SA14 6NB

Applicant(s)	DOMINO'S PIZZA UK & IRELAND, C/O AGENT
Agent	DPP PLANNING - OSIAN ROBERTS, SOPHIA HOUSE, 28 CATHEDRAL ROAD, CARDIFF, CF11 9LJ
Case Officer	Gary Glenister
Ward	Llannon
Date of validation	03/08/2017

CONSULTATIONS

Head of Public Protection – Has no objection subject to the imposition of appropriate conditions.

Llannon Community Council - No observations received to date.

Local Members - County Councillor E Dole has not commented to date. County Councillor D Jones is a member of the Planning Committee and has made no prior comment.

Neighbours/Public - The application has been publicised by the posting of 2 No Site Notices and 1 No response has been received to date on behalf of the Poplar Court Residents Association raising the following matters.

- The nearby Park Home site has wooden dwellings so are more noise sensitive.
- There is already an increase in noise from the new road and wider development.
- Existing Acoustic fencing is ineffective.
- Health and Wellbeing.
- Applicant has not consulted local residents.
- A Site Visit is requested prior to determination.

RELEVANT PLANNING HISTORY

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

S/36111	Installation of New Signage. Advertisement Consent Granted	25 September 2017
S/36112	Details of New HVAC Equipment and Minor Works to Shopfront Elevations.	Pending
S/35500	Variation of Conditions 2 (Plans) and 18 (Floor area) on Planning Permission S/33609 (Granted on 18/08/2016) Variation of Planning Condition Granted	19 June 2017
S/35281	Non-Material Amendments to Approved Scheme Details and Drawings on S/33609 (Granted on 18/08/2016) Non-Material Amendment Granted	29 March 2017
S/33609	The Construction and Operation of a Retail Park (For Uses Within Class A1 and A3), Together with Associated Access, Servicing Facilities, Car Parking, Landscaping and Related Infrastructure. Full Planning Permission	18 August 2016.

APPRAISAL

THE SITE

The application site is a recently constructed unit within the Cross Hands West retail park known as "Maes yr Eithin". The approved retail park is on a 4.48ha site within the overall mixed use Cross Hands West regeneration area comprising a former disused mineral spoil tip lying between the A48 and villages of Cross Hands and Cefneithin. The Retail terrace, A3 Drive through Coffee shop and the two smaller A1/A3 units have been constructed to date, however the A3 Family pub and the A1 convenience retailer have not commenced.

The unit subject to the application has full planning permission for a dual A1 or A3 use which provides flexibility of occupation. The Retail Park has not yet opened, however it is noted that several of the units are being fitted out in anticipation of imminent occupation by the end users. The unit subject to this application is in an advanced stage of construction.

The unit is proposed to be occupied by a national pizza chain and an application is pending for the ventilation system and signage (S/36111 and S/36112 refer). The unit will primarily be used as a take away, however there are limited dining tables so people have the option of eating in or taking away.

THE PROPOSAL

This full detailed application is for revised opening hours on the approved and constructed unit. The application seeks permission to open until 02.00 every day of the week rather

than 23:00 as conditioned in the full permission for the site (S/33609). The proposal would therefore supersede the full planning permission in respect of opening hours for the unit but in no other respect.

The application is accompanied by a noise report based on existing background noise levels. The report seeks to demonstrate that the increase in hours won't be unacceptable.

PLANNING POLICY

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

Policy SP1 Sustainable Places and Spaces seeks to ensure sustainable development which does not affect the amenity of third parties.

Proposals for development will be supported where they reflect sustainable development and design principles by:

- a) **Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;**
- b) **Promoting, where appropriate, the efficient use of land including previously developed sites;**
- c) **Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;**
- d) **Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;**
- e) **Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;**
- f) **Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;**
- g) **Utilising sustainable construction methods where feasible;**
- h) **Improving social and economic wellbeing;**
- i) **Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.**

Policy GP1 Sustainability and High Quality Design is the general policy which seeks to ensure good design and protection for third parties.

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)).

THIRD PARTY REPRESENTATIONS

One objection has been received on behalf of residents of the Poplar Court Park Homes site which raises several issues with the extension of operating times.

The site is within the Cross Hands West strategic mixed use regeneration site. The site has permission for residential development and a retail park with 8 units currently nearing completion. As part of the strategic regeneration site, a spine road has been provided linking Llandeilo Rd, Carmarthen Road and Heol y Parc. The road is aligned to the rear of the established residential and provides a degree of separation between the established and the new development. As part of the overall development, an acoustic fence has been provided to the rear of the established residential properties, including the Park Homes site in order to reduce the noise from the road and from the commercial units beyond.

It is acknowledged that there is a Park Homes site nearby which has non-traditional residential units. Therefore, safeguards have been put in place to ensure that the occupants of the primarily wooden dwellings do not experience unacceptable noise levels given that they may be potentially more noise sensitive.

The applicant was asked for additional information in respect of the background noise levels particularly in the early hours, to ensure that noise generated would be within

acceptable levels. It is noted that the nearest residential units are approximately 85m to the South West and that the nearest Park Home is approximately 100m to the South South West of the unit, so there is a reasonable separation distance with intervening development and landscaping proposed. Conditions are therefore recommended based on the careful scrutiny of the proposal, to ensure that noise is not likely to be unacceptable.

Given the separation distance and safeguarding conditions, it is not considered likely that the proposal would have an impact on the health and wellbeing of neighbouring residents.

Whilst it is good practice, the applicant has no obligation to consult local residents prior to submitting the application as the proposal does not require a Pre Application Consultation (PAC) report. The application has been advertised by the posting of two site notices to inform residents of the proposal. The site notices have generated one objection on behalf of the Poplar Court Resident's Association. The Planning Authority's statutory consultation obligation has therefore been met and has been effective in ensuring neighbours have been consulted.

Residents of Poplar Court request that a site visit is carried out prior to determination. Officers have visited the site and assessed the proposal in light of surrounding properties. It is noted that the Park Homes are a reasonable distance from the proposal with a road and other commercial operators proposed on the intervening land. The proposal has been accompanied by detailed noise reports which have been scrutinised by the Council's noise experts within Public Protection. The result of the site visits is to confirm that there are no objections from a Planning or Public Protection perspective subject to the imposition of appropriate conditions.

CONCLUSION

After careful consideration of the site and surrounding environs in light of the information submitted and responses to consultation, it is considered that the unit has planning for either an A1 retail use or an A3 Food and Drink use at this location as approved in 2016. The units were assessed for both A1 and A3 uses as the owners sought flexibility to ensure that the units would be occupied.

The full permission had restricted opening hours, with a condition stating that the use was only allowed to operate from 06.00 to 23.00 hrs for the retail units. Any variation therefore needs to be assessed on its own merits and justified on the basis of evidence that the extension of operating times would cause no harm to third parties. Accordingly, this full application to extend opening hours was submitted along with a detailed noise assessment. Further information was sought and provided as part of the determination process to ensure a thorough assessment has been carried out.

It should be noted that a separate full application is pending in respect of the ventilation system and plant for the unit. These details are subject to similar scrutiny irrespective of whether the extension of opening hours is approved. On balance, the location of the unit and separation distance from nearby residential units is such that the increase in operating hours is not considered likely to have an unacceptable adverse impact on third parties. The extension of opening hours is therefore considered to be in accordance with the above policies.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The extended opening hours hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The extension of operating hours hereby permitted is for Unit 8 only as defined on the 1:1250 scale Location Plan dated 1 August 2017.
- 3 The use shall not operate other than between the hours of 06:00 and 02.00.
- 4 The rating level of sound emitted from any fixed plant or machinery associated with the development shall not exceed the existing background sound level of 31 dB $L_{A90, T}$. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.
- 5 Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of sound immissions arising from the development to determine whether they exceed the sound levels specified in Condition 4. The assessment shall be undertaken under the supervision of the Local Authority.
- 6 In the event that Condition 4 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in Condition 4. These measures will then be implemented forthwith.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of clarity.
- 3-6 In the interests of public protection.

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 extension of operating hours complies with Policy SP1 and GP1 of the LDP in that it 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 if 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)

Application No	S/36017
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Application Type	Full Planning
Proposal & Location	CONSTRUCTION OF GROUND FLOOR REPLACEMENT GARAGING WITH FIRST FLOOR RESIDENTIAL FLAT AT 21 PARC HOWARD AVENUE, LLANELLI, SA15 3LQ

Applicant(s)	MRS K. WILLIAMS & DR. K. LEWIS, 21 PARK HOWARD AVENUE, LLANELLI, SA15 3LQ
Agent	JCR PLANNING LTD - MR RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
Case Officer	Robert Davies
Ward	Lliedi
Date of validation	29/08/2017

CONSULTATIONS

Head of Housing and Public Protection – No objection.

Llanelli Town Council – No response received to date.

Local Members – County Councillors R James and S Najmi have not responded to date.

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

The Coal Authority – No objection subject to conditions.

Neighbours/Public – 4 no. neighbouring properties consulted on the application. To date 2 letters of representation have been received raising the following concerns and objections:-

- The proposed development is out of character with the area
- The proposed dwelling will further reduce the availability of on street parking.
- The possibility of mine workings and entries being present at the site should be fully investigated and the risk of subsidence and settlement to neighbouring properties to be taken into account. Further investigation is needed as recommended in the Assessment undertaken.
- The boundary wall with no.23 is a Party Wall and as such a Party Wall Agreement will be required. A new wall should be built in similar material.

- Concern that mature shrubs and plants in the garden of no. 23 will be destroyed.
- The building line of the proposed build should be in keeping with the front wall of no.23
- Concern over loss of light to no. 23 as the proposal will sit at a higher level
- Lack of neighbour consultation
- Building work should not be carried out at unreasonable hours

RELEVANT PLANNING HISTORY

S/01872	Proposed double garage with ancillary accommodation above Full Granted	08 July 1999
D5/15613	Single dwelling house Outline Refused Appeal Upheld	29 July 1993 05 January 1994

APPRAISAL

THE SITE

The application site consists of part of the existing rear garden area of No.21 Parc Howard Avenue, which is a large, detached dwelling with extensive curtilage. Part of the application site is currently occupied by a flat roof garage which exits out on to Parc Howard Avenue adjacent to the driveway serving No 23. The existing garage is located at road level whilst the land forming the rear garden of No 21 is located at a higher level to the rear of the garage.

The application site is approximately 15.5m in depth by 13.5m in width.

THE PROPOSAL

The application seeks full planning permission to demolish the existing garage and replace with a new double garage with a one bedroom residential flat above.

The proposed two storey development is to have a hipped roof design finished with grey tiles whilst the walls are to be rendered. The proposal is approximately 11.6 metres in width, 7.3 metres in depth and has a maximum ridge height of 7.1 metres. In addition to two parking spaces, the ground floor of the proposal will provide bicycle and general storage, whilst the one bedroom flat at first floor will exit out on to a raised patio area to the rear, which is set at the same level of the existing rear garden of No.21.

A new retaining wall will be constructed along the boundary with No 23 Parc Howard Avenue, whilst a 1.8m high close boarded fence will surround the rear patio area.

In addition to the drawings the application has been accompanied by a Coal Mining Risk Assessment.

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 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 Llanelli is identified as a Growth Area.

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 (ie 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, two letters of representation have been received raising concerns and objections towards the proposed development. The material reasons for concern raised will now be addressed individually, however matters relating to the Party Wall Act are a civil matter between both neighbouring properties concerned.

In terms of character, Members will have noted from the planning history that two previous approvals relate to this site. Despite refusing outline planning permission for a dwelling in 1993 for reasons relating to character, an appeal against this decision was upheld, with the Inspector concluding that a dwelling in this location would not result in a cramped form of development and would not adversely affect the character of the area. A subsequent application was approved in 1999 for a double garage with ancillary accommodation above, establishing the acceptability in principle for such a development.

At the request of the LPA, the applicant has amended the scheme proposed to ensure that the building line is set back in line with that of no.23 Parc Howard Avenue, whilst the external design has been improved picking up on some local vernacular including a more interesting roof design. In light of this and the planning history relating to the site it is considered that the replacement garaging with residential element above is acceptable and in keeping with the character of the area.

With regards to car parking, as aforementioned the proposal will provide two number car parking spaces at ground floor, whilst there will be space in front of the development to park on street also. The existing property at no.21 Parc Howard Avenue benefits from having alternative driveway and parking arrangements. Therefore the proposal will not further reduce the availability of on street parking.

Prior to registering the application the LPA requested a Coal Mining Risk Assessment as the application site falls within a defined Development High Risk Area. The Report makes recommendations for the carrying out of intrusive ground investigations in the form of boreholes in order to establish the presence or otherwise of shallow coal mine workings and to inform any necessary remedial measures required.

The Coal Authority has been consulted on the planning application and concurs with the recommendations of the Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation. The Coal Authority recommends that a planning condition is imposed requiring such site investigation works to be undertaken. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to undertaken prior to commencement of the development. As such, a condition to this effect will be imposed on any planning permission granted.

As aforementioned the front building line of the proposed development will be in line with that of no.23 Parc Howard Avenue, whilst the construction itself will be set at road level

and therefore will not sit higher than the adjacent property. The proposal is also offset away from the boundary with No.23. Therefore the proposal will not adversely affect light to the adjacent property whilst no mature trees or hedgerows will be adversely affected.

In terms of neighbour consultation the LPA has complied with statutory requirements in this respect, whilst with regards to hours of construction the LPA does not normally impose restrictions in this respect on such developments.

CONCLUSION

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

The plans submitted depict that the application site can adequately accommodate the proposed development 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 development is of a modest size 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 via a Unilateral Undertaking. The contribution will be levied at £53.35 per sqm of internal floorspace which is relevant contribution in the Llanelli area.

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 development hereby approved 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:-
 - Existing elevations and floor plans @ A3 received 7 April, 2017
 - Block and location plan (PH004 Rev C) 1:500; 1:1250 @ A3 received 18 July, 2017
 - Proposed elevations (PH003 Rev C) 1:100 @ A3 received 18^h July, 2017
 - Proposed floor plans (PH002 Rev C) 1:100 @ A3 received 18 July, 2017
- 3 Prior to the commencement of development and in accordance with the recommendations made in the Coal Mining Risk Assessment Report undertaken by Blandford Consulting received by the Local Planning Authority on 22 August, 2017,

the following need to be submitted for the written approval of the Local Planning Authority:-

- The submission of a scheme of intrusive site investigations;
- The undertaking of that scheme of intrusive site investigations
- The submission of a report of findings arising from the intrusive site investigations
- The submission of a scheme of remedial works for approval; and
- Subsequent implementation of those remedial works

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity
- 3 To prevent land instability

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

This planning permission is granted subject to the covenants contained in the Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 dated in connection with the payment of a commuted payment towards affordable housing provision.

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website

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.

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	S/36018
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Application Type	Full Planning
Proposal & Location	CONVERSION AND EXTENSION OF BARN TO FORM A RESIDENTIAL ANNEXE FOR FAMILY MEMBERS OF ADJOINING DWELLINGHOUSE AT LLWYNY RHOS, COOPERS ROAD, AMMANFORD, SA18 3SH

Applicant(s)	MR A & EDAVIES, LLWYN Y RHOS, COOPERS ROAD, TYCROES, AMMANFORD, SA18 3SH
Agent	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
Case Officer	Paul Roberts
Ward	Tycroes
Date of validation	29/08/2017

CONSULTATIONS

Local Member – County Councillor T Higgins has asked that the application be referred to the Planning Committee for determination if officers are minded to refuse the application. The reasons for the request are:

- The annexe is to accommodate an elderly family member and will be ancillary to the main house.
- The increase in the roof space of the original barn is intended to provide an attic workshop and playroom and roof is to be set below the roof level of the main house.
- The site is in an isolated position several hundred metres off Coopers Road where there are no neighbouring properties in close proximity and no public rights of way running near the property.
- The roof height will not pose any detriment to the setting of the landscape as it appears to be part of the farm buildings.

Llanedi community Council – Have not commented on the application to date.

Neighbours/Public – The application has been publicised with the posting of a site notice at the entrance to the site. In response, no third party letters of representation have been received to date.

RELEVANT PLANNING HISTORY

S/35553	Conversion and extension of barn to form a residential annexe for family members of adjoining dwellinghouse. Planning permission refused	14 July 2017
S/26588	Proposed barn conversion to holiday let Planning permission refused Appeal upheld	9 July 2012 11 April 2013

APPRAISAL

This application has been submitted following an investigation/action undertaken by the Authority's planning enforcement team.

THE SITE

The application site consists of the curtilage of a detached dwelling and disused barn located in a countryside location to the south of Capel Hendre. The barn is located close to the rear elevation of the dwelling being separated from the same by an access track that serves the site. The track is largely unmade and extends over some 500 metres eventually egressing onto Coopers Road to the east.

The original barn structure is of a single storey design and consists of thick random stone walling. It covers a floor area of 13.8 metres by 5.5 metres and previously had a small lean-to extension on its rear elevation. Its front elevation is characterised by a number of window and door openings which are set immediately below the eaves level of the building.

Works have commenced on converting the building to habitable accommodation which includes raising the eaves level of the building with new block work while new roof trusses have also been erected on the building. The original rear lean-to extension has been replaced with a larger lean-to extension which is partly completed and has a mix of stone and facing brick elevations.

The area around the barn consists of a mix of a loose gravel surface and overgrown grassed areas with the former being used for parking purposes in association with the neighbouring dwelling.

THE PROPOSAL

The application seeks partly retrospective permission for the conversion and extension of the original barn to a residential annexe to be used as ancillary accommodation in association with the adjacent dwelling.

By way of background to the application, the applicant previously submitted an application to convert the barn to holiday let accommodation which was refused by the Authority back in July 2012. Planning application S/26588 refers. The application was refused on the basis that the applicant had failed to provide sufficient information to demonstrate that the

building was structurally sound and could therefore be converted without extensive rebuilding works. The applicant appealed the decision and was subsequently granted planning permission in April 2013.

The approved scheme reflects the scale and form of the original barn and provides ground floor holiday let accommodation which incorporates two bedrooms. The eaves and ridge heights of the barn are maintained at their original levels while the rear lean-to extension was also to be retained as part of the scheme albeit with a small extension to provide a porch area to the building. The design of the scheme is reflective of the Authority's policy requirement of ensuring that conversion schemes retain the character and appearance of the original building without extensive rebuilding or alterations.

The works undertaken by the applicant on the conversion of the barn go beyond those permitted under the planning permission whereby the eaves and ridge levels of the building have been increased in height and the rear lean-to projection has been demolished and replaced with a new larger extension. The eaves heights of the building have been raised by 1.6 metres above those of the approved scheme with block work walling that is to be clad externally with stonework. The ridge height is set at 6.7metres in contrast 4.2 metre height of the permission granted. The rear extension added to the barn measures 5 metres in depth by 9 metres in width in contrast to the smaller extension approved which measured 2.5 metres in depth and 5 metres in width.

The application seeks permission to retain these alterations to the design of the barn as well as changing its intended use to a residential annexe to be used in association with the adjacent dwelling. The supporting information indicates that the applicant intends to occupy the main dwelling house and the converted annexe is to be used as an annexe by his elderly disabled father. The annexe is shown to include a lounge and bedroom on the ground floor of the barn and a further sun room and disabled bathroom in the new rear extension. The first floor of the building is to be accessed via a pull down ladder and utilised as a domestic workshop and play room.

It is of note that the applicant has previously submitted an application to retain the alterations to the barn and change its use to an annexe under planning S/35553. This application was refused in July of this year on the basis that extensions resulted in an incongruous form of development that was harmful to the original character and appearance of the barn and the surrounding rural area. The current application is a resubmission of this previous application.

PLANNING POLICIES

In the context of the Authority's current Development Plan the application site is located in the countryside outside the development limits of settlements defined in the Local Development Plan. The following policies are of relevance to the proposal.

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

Policy SP1 supports development proposals where they reflect sustainable development and design principles by, amongst others, respecting, reflecting and, where possible, enhancing local character and distinctiveness.

THIRD PARTY REPRESENTATIONS

No third party letters of representation have been received to date in respect of the application. The application is presented to Committee in response to a request received from the local member for the ward, County Councillor T Higgins, who supports the proposal.

CONCLUSIONS

The main issue in the determination of the application is the visual impact of the extensions and alterations to the barn upon its original character and appearance in the surrounding rural area.

The original barn is of a single storey design of modest proportions having a low eaves level set directly above its window and door openings and a low roof pitch. These features give the building a utilitarian appearance reflective of its previous agricultural use. The increase in the height of the building with the large expanse of walling between the heads of ground floor openings and the new eaves combined with the higher roof pitch alter the shape and proportions of the building significantly to the extent that they appear incongruous with its original character and appearance. The visual impact of the proposal is exacerbated by the addition of the large lean-to extension on the rear elevation which detracts from the attractive simplicity of the original barn and combined with the higher eaves level gives the building a domestic appearance that pays little regard to its agricultural origins.

The previous scheme approved for the conversion of the barn to holiday let accommodation demonstrates that the building can be converted to residential use in a sympathetic manner without significant extension or alterations works to the original building. The barn is considered to be of sufficient size to incorporate a residential annexe without detracting from its original appearance by increasing its overall height and adding a large extension to the rear. Indeed, the building is to be occupied by the applicant's disabled father whereby there will be no functional for the first floor accommodation which is to be accessed via a loft ladder from the ground floor.

Whilst Councillor Higgins opines that the building occupies an isolated location that is not visually prominent from the wider area, this is not a sound basis upon which to grant planning permission and does not outweigh the visual harm of the proposal upon the existing building.

The proposal is therefore considered to be at odds with the objectives of policies GP1 and SP1 of the LDP in that it does not conform with or enhance the character and appearance of the existing building in the wider rural area in terms of its appearance, scale, height and massing. The application is therefore put forward with a recommendation for refusal.

RECOMMENDATION – REFUSAL

REASONS

- 1 The proposal is contrary to Policy GP1 of the Carmarthenshire Local Development Plan (December 2014):

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 7 and TAN12: Design (2014)).

In that the proposed extensions to the building with the raising of the eaves and roof level and addition of a large rear extension will result in an incongruous form of development that will be harmful to the character and appearance of the original barn and surrounding rural area.

2 The proposal is contrary to Policy SP1 of the Carmarthenshire Local Development Plan (December 2014):

Proposals for development will be supported where they reflect sustainable development and design principles by:

- j) Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;**
- k) Promoting, where appropriate, the efficient use of land including previously developed sites;**
- l) Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;**
- m) Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;**
- n) Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;**
- o) Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;**
- p) Utilising sustainable construction methods where feasible;**
- q) Improving social and economic wellbeing;**
- r) Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.**

In that the proposed extensions to the building with the raising of the eaves and roof level and addition of a large rear extension will result in an incongruous form of development that will be harmful to the character and appearance of the original barn and surrounding rural area