

Application No	S/35875
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Application Type	Outline
Proposal & Location	RESIDENTIAL DEVELOPMENT - REVISED OUTLINE PLANNING FOR 3 DETACHED DWELLINGS (RESUBMISSION OF S/33484 - APPEAL REFUSED 25/11/16) AT LAND ADJACENT TO, HEN SOAR FACH, MYNACHLOG ROAD, PONTYBEREM, LLANELLI, SA15 5EY

Applicant(s)	JEFF THOMAS, 17 PARC Y MYNACH, PONTYBEREM, CARMARTHENSHIRE,
Agent	PRIME ARCHITECTURE LTD - CELLAN JONES, UNIT 4, 3 LLANDEILO ROAD, CROSS HANDS, LLANELLI, SA14 6NA
Case Officer	Gary Glenister
Ward	Pontyberem
Date of validation	25/07/2017

CONSULTEES

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

Pontyberem Community Council – Has not commented to date.

Local Members - County Councillor Liam Bowen is a member of the Planning Committee and has made no prior comment.

Natural Resources Wales – States that the Afon Berem as it is classed as a minor watercourse, however there is no objection subject to the imposition of an appropriate condition requiring a method statement for site clearance.

Dwr Cymru/Welsh Water - Foul and surface water discharge must be drained separately from the site and no surface water drainage shall be allowed to connect to the public sewer.

Neighbours/Public - The application has been publicised by the posting of two Site Notices and 3 No. responses have been received as a result raising the following matters:

- Highway Safety
 - Traffic generation
 - Queries of Parking – Will residents parking be grass? Will residents be charged for parking?

- Access visibility
- There should be a “One Way” system
- Road alignment
- Privacy / Amenity
- Human Rights Act.
- Trees / Biodiversity
- Sewerage/Drainage
- Ground Stability

RELEVANT PLANNING HISTORY

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

S/33484	The construction of a detached three bed bungalow and two three bed detached units. Outline Refused Appeal Dismissed	6 May 2016 25 November 2016.
D5/3888	Residential Development Outline Granted	17 May 1979
D5/1507	Residential Development Outline Granted	26 April 1976

APPRAISAL

THE SITE

The site is a 0.18ha linear parcel of land running along Mynychlog Road, opposite an estate known as Parc y Mynach. The land has several garages and outbuildings present on the site and there is a vehicular access to serve them.

The site has a road frontage of approximately 70m and lies below the level of the road and falls away towards a water course known as Afon Berem at the rear which is in a deep cutting. There is a well established hedge along most of the road frontage, but most of the site which is not developed is laid to grass.

There is a converted chapel to the north east which is in residential use and a bungalow to the south west beyond which a terrace of houses is under construction. There are four houses opposite set at a significantly higher ground level overlooking the site and they have no rear access which would allow off street parking.

The site is accessed via a single track road, however it should be noted that it widens along part of the road frontage and is used as the sole and unrestricted parking area for the four houses opposite.

A similar proposal was refused under delegated powers in 2016. The applicants went to appeal and this was dismissed on the grounds of highway safety. The applicants have subsequently amended the scheme to address the issues on which it was refused / dismissed. In particular, the provision of car parking for local residents is considered to be a significant highway safety improvement.

The other issues for refusal / dismissal were related to lack of information in respect of ecology, however this has been addressed through the submission of further information with this application.

The appeal submission included a legal agreement for affordable housing to satisfy the requirements of Policy AH1. It is noted that in this area, the requirement is £51.35 per square metre internal floor area.

THE PROPOSAL

The application seeks outline planning permission with all matters reserved. An indicative plan shows a detached bungalow and two detached houses on the site along with a parking area for the residents of the houses opposite the site.

Three individual accesses are proposed to serve the three units and a further access for the parking area which replaces the current access to the garages. The indicative plan also shows a 1.8m highway improvement line to allow the formation of a pavement.

Cross sections have been submitted showing the sloping nature of the site and the amount of ground works that are necessary.

The application has been accompanied by ecological reports as requested previously, given the location adjacent to the stream and the presence of garages on the site which will have to be demolished.

Given the linear nature of the site and the 7m buffer zone along the river, the usable garden area to the rear of the units is relatively modest. However it is noted that there are side parking / garden areas and the total amenity area is considered to be acceptable albeit no development including fencing can be built within the buffer zone to the rear as it would need to be kept clear of all development. The appeal inspector did not dismiss the proposal on the basis of the general layout that was similar, therefore it is considered to be acceptable.

PLANNING POLICY

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

Policy GP1 Sustainability and High Quality Design states.

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

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;**
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;**
- c) Utilises materials appropriate to the area within which it is located;**

- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- f) 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);
- g) 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;
- h) 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;
- i) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- j) 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.

Policy AH1 Affordable Housing states:

A contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub-market areas.

Where viability at the target levels cannot be achieved, variation may be agreed on a case-by-case basis.

On Site Contributions

The affordable housing will be required to be provided on proposals of 5 or more dwellings in all settlements. Where adjacent and related residential proposals result in combined numbers meeting or exceeding the above threshold, the Council will seek an element of affordable housing based on the affordable housing target percentages set out above.

Proposals will be required to ensure that the dwelling remains affordable for all subsequent occupants in perpetuity.

Commuted Sums

Where an open market residential site falls below the above thresholds, a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas as set out above. Commuted sum charges will be based on floor space (cost per sq.m).

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

Policy TR3 Highways in Developments - Design Considerations states

The design and layout of all development proposals will, where appropriate, be required to include:

- a) **An integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport;**
- b) **Suitable provision for access by public transport;**
- c) **Appropriate parking and where applicable, servicing space in accordance with required standards;**
- d) **Infrastructure and spaces allowing safe and easy access for those with mobility difficulties;**
- e) **Required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced;**
- f) **Provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run off from the highway.**

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 Biodiversity states

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, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that:

- a) The impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements;**
- b) There are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.**

Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

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

Highway safety is of concern given the narrowness of the road and existing parking. The road is narrow and there is currently on street parking for four dwellings along the road frontage. The applicant went to appeal on the previous scheme and lost, so has amended the scheme with the inclusion of a residents parking area and a highway improvement line. This is considered to be a significant improvement over the previous scheme and is a material consideration.

Queries have been raised over the residents parking area. It is agreed that if grassed, there may be difficulty given the sloping nature of the land. The applicant has stated that it is intended to use block paving which would allow for a hard standing parking area. The Head of Transport has recommended a condition seeking full details to be submitted of the parking area, that it is formed prior to commencement of other development and that it is retained in perpetuity.

The calls for a one way system are impractical given the alternative route would be via a residential housing estate. Any increase in traffic is not therefore considered desirable. The proposal includes measures that would remove on street parking and therefore allow realignment to allow vehicles to pass along the site frontage. This is in itself a highway safety improvement.

Privacy / Amenity is of concern as there are houses opposite. It is however noted that the properties opposite are elevated compared with the proposal so it is likely that given the ground levels, the existing houses would overlook the site rather than vice versa. Given the differences in levels and separation distances, the proposal is not likely to have an unacceptable adverse impact on third parties.

The Human Rights Act is addressed as the impact on amenity is assessed as part of the planning process. In this case, the impact is not considered likely to be unacceptable.

Trees along the watercourse are within the buffer zone so are not likely to be affected.

Sewerage/Drainage has been assessed by Welsh Water who do not have any adverse comments.

Ground Stability is of a concern to third parties given the houses opposite are at a higher level and there is fear that excavating below will destabilise the land. There is however a reasonable separation distance with a road between. It is noted that the site is primarily outside the high risk consultation zone for coal mining – only part of the undevelopable buffer zone along the stream lies are within, however this needs to be left undisturbed. Any damage to third party property is a private matter which would need to be addressed by the applicant.

CONCLUSION

The site is within the settlement limits of Pontyberem so the principle of development is acceptable provided all other material considerations can be met. Planning permission was refused in 2016 and the site was subject to an appeal. The applicant has addressed the issues that led to the previous application being refused and appeal dismissed, so it is considered to be acceptable infilling within the village, subject to the applicant entering into a legal agreement for the affordable housing contribution. In this case, the contribution would be £51.35 per square metre internal floor area. The recommendation is therefore seeking a resolution to approve subject to an acceptable legal agreement being signed.

On balance, the applicant has demonstrated that the site can be developed without detriment to highway and pedestrian safety and the amenities of third parties. Therefore the application is recommended for approval subject to the Section 106 Agreement.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and

the development must be commenced not later than whichever is the later of the following:-

- a) the expiration of five years from the date of this outline planning permission;
- b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

- 2 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 3 Development shall not commence until detailed plans of the layout, appearance and landscaping of the development, together with the means of access thereto, have been submitted to and been approved in writing by the Local Planning Authority.
- 4 The land subject to this permission is as identified on the amended 1:500 and 1:1250 scale Block and Location plan (04) dated 15 September.
- 5 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the near edge of carriageway.
- 6 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole Mynachlog Road (U2275) frontage within 2.4 metres of the near edge of the carriageway.
- 7 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the resident parking area, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to commencement of any other part of the development and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 8 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking within the curtilage of plots 1-3, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 9 Prior to the commencement of any part of the development herewith approved, a 1.8 metre wide footway shall be provided along the entire site frontage with the Mynachlog Road (U2275) and connect with the existing footway to the south. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.
- 10 Any reserved matters application shall be accompanied by a method statement requiring the sensitive clearance of any vegetation, and replacement planting to ensure habitat availability and the continuity of the habitat corridor along the river.
- 11 The trees/hedgerow around the application site's boundary shall be protected for the duration of the construction period following guidelines in BS5837 2005 (Trees in relation to construction) as follows and shall thereafter be retained in perpetuity:

- An exclusion zone is to be identified by the Authority and agreed in writing **prior** to start of works.
- Any arboricultural works that are required in pursuance of given planning permission eg. to form access way etc - to be undertaken by suitably qualified professionals before the erection of protective barriers.
- Following any necessary arboricultural works all trees to be retained to be protected by permanent non moveable barriers. In light of previous experience with chestnut paling the barriers should consist of 2.9 m scaffolding poles sunk 0.6 metres into the ground. Steel mesh should then be secured to the scaffold frame to adequately shield the trees from machinery.
- The protective barrier is to remain until written permission is given by this Authority for its removal.
- Absolutely no materials are to be stored at any time within the agreed exclusion zone.
- Arboricultural works and erection of protective barriers is to be supervised /inspected prior to start of any development

12 A minimum buffer strip of 7 metres must remain undisturbed between any development activity and the bank of the water course. The buffer zone shall be without structures, hard standings, footpaths, fences, overhanging development or formal landscaping.

13 Any reserved matters application shall be accompanied by full details of external wall and roof materials along with means of enclosure.

REASONS

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

2 The application is in outline only.

3,4,

13 In the interests of visual amenity.

5-9 In the interests of highway safety.

10-12 In the interests of biodiversity.

REASONS FOR GRANTING PLANNING PERMISSION

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

The proposed development complies with Policy SP1, GP1, GP2 & H2 of the LDP in that it is sensitive infilling within the settlement development limits which is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.

The proposed development complies with Policies TR2 & TR3 in that the proposal is not likely to be detrimental to highway safety.

The proposed development complies with Policy AH1 in that the applicant has agreed to enter into a Section 106 agreement to provide an affordable housing contribution.

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)
- 3 The applicant/developer's attention is drawn to the requirement to enter into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution of £51.35 per square metre internal floor area.