

**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 11 IONAWR 2018  
ON 11 JANUARY 2018**

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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>11 JANUARY 2018</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/35215</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	RESIDENTIAL DEVELOPMENT FOR 51 DWELLINGS TOGETHER WITH ASSOCIATED WORKS AT LAND OFF CLOS Y BENALLT FAWR, FFOREST, SWANSEA, SA4 0TQ

<b>Applicant(s)</b>	PERSIMMON HOMES WEST WALES - LUKE DAVIES, DRAGON HOUSE, PARC Y DDRAIG, PENLLERGAER BUSINESS PARK, PENLLERGAER, SWANSEA, SA4 9HJ
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Hendy
<b>Date of validation</b>	06/03/2017

## CONSULTATIONS

**Head of Highways and Transport** - Has raised no objection to the application subject to the imposition of suitable conditions on any permission granted.

**Head of Waste and Environmental Services (Land Drainage)** – Has confirmed his acceptance of the surface water drainage scheme proposed.

**Head of Public Protection and Housing** – Has raised no objection to the application subject to the imposition of suitable conditions on any permission granted.

**Llanedi Community Council** - Has not commented on the application to date.

**Local Member** - County Councillor G B Thomas is a member of the Planning Committee and has objected to the application on the following basis:-

- Access from the site onto Fforest Road;
- Density and design of the development is not in keeping with houses in the vicinity;
- Discrepancies in the land area of the site and that allocated in the LDP;
- The existing play area off Bronallt Road needs to be improved;
- A new pavement linking Carmarthen Road, Heol Geibren north of Clos y Wern with Heol Felin is required in the wider area;

- The primary school in Hendy requires further investment to cater for extra children.

Councillor Thomas has requested that the Planning Committee undertake a site visit to assess the above concerns.

**Coal Authority** – Have confirmed that they are satisfied that the ground investigation survey accompanying the application has demonstrated that the site is safe and stable for the proposed development. They have therefore raised no objection to the application.

**Dwr Cymru Welsh Water** – Have examined the drainage proposals submitted with the application and confirmed that they have no objection to the application.

**Dyfed Archaeological Trust** – Has not commented on the application to date.

**Natural Resources Wales** - Has raised no objection to the application.

**Welsh Government (Transport Division)** – Have confirmed that they have no objection to the application.

**Neighbours/Public** – The application has been publicised with the posting of a number of site notices within the vicinity of the site and the publication of a notice in the local newspaper. Subsequent amendments to the development as part of the application process and the submission of additional supporting information by the applicant also required further re-consultation exercises whereby further site notices were posted and additional press notices published in the newspaper.

As a result of these publicity exercises, a large number of third party letters of representation have been received from neighbouring residents who object to the application. The Assembly Member for Llanelli has also raised concerns on behalf of his constituents. The issues raised by the respondents are outlined below:-

- Increased traffic generation resulting from the proposal and other developments in the wider Fforest, Hendy and Pontarddulais area and the impact upon highway safety.
- Highway restrictions along the A48 between the site and Hendy/Pontarddulais with on street parking and lack of footways.
- Concern regarding capacity of junction of Clos Benallt with the A48 and the need for improvements.
- The number of units is greater than the 35 units identified in the LDP and will be out of keeping with the site's rural context and ruin the character of the village.
- Over development of the site and other allocated sites in the LDP will result in an over delivery of houses in the area.
- No need for further housing developments in the Hendy/Fforest area.

- Significant engineering structures such as retaining walls and underbuilding will exacerbate the environmental and visual impact of the development on the open countryside and special landscape area.
- Large proportion of dead frontages and not in keeping with 4 bedroom houses of existing estate.
- Poor design contrary to TAN 12.
- Impact upon the junction of the M4 in Hendy which is operating over capacity.
- Added pressure on existing schools and services such as GP surgeries which are already struggling.
- The affordable units are located at the rear of the site and not integrated or sited close to the entrance to the development.
- Shared driveways and garages are out of keeping with the area.
- Earthworks within the site will potentially expose issues and springs within the site.
- Concerns regarding future maintenance of existing land drains serving neighbouring properties.
- The attenuation pond and head wall are located outside the LDP and the impact upon the overall character of the Llŵchwr Valley Special Landscape Area which needs protecting.
- A number of properties are accessed via steps which would not allow easy access for the disabled and elderly.
- Need to protect existing trees.
- The need to consider the requirements of the Future Generations Act.
- The density of the site is not in keeping with the Fforest area as a whole and does not comply with the LDP.
- Detrimental impact upon the oak tree within the site and surrounding protected trees and hedgerows. Contrary to TAN 10 Tree Preservation Orders.
- Surface water flooding of the site and neighbouring land will be at odds with the requirements of TAN 15.
- Infrastructure is at capacity.



- A development of 51 dwellings is not acceptable and at odds with findings of the Inspector presiding over the LDP examination who envisaged a lower density of development of circa 20 units per hectare on the site which is keeping with the Fforest area. The actual density of the site will be closer to 30 units per hectare representing a 50% increase.
- The county has a high dependency on a single developer.
- The need to develop brownfield before greenfield sites.
- The proposal is contrary to policies EQ6 and GP1 of the LDP in that it does not enhance or improve the appearance of the Special Landscape Area.
- The scale of the development at more than 50 dwellings requires the scheme to incorporate a through road or at least have an emergency access route via a footpath link. The need to consult the Fire Authority on the suitability of the access.
- Question whether the development will be freehold or leasehold.
- Contrary to TAN 9 which states that governments should seek to ensure the development of brownfield sites over green fields.
- No justification for deviating from the LDP and question whether the development is a departure from the LDP and the necessary procedures have been followed.
- The developer's suggested density of development is misleading and lower than the actual density in that the attenuation pond is included in the area calculated.
- The need to protect the integrity of vistas and the overall character of the Llŵchwr Valley Special Landscape Area.
- The development will significantly alter the drainage catchment leading to the river and increased flooding.
- The policy does not comply with policy GP2 of the LDP.
- Question whether the parking provision and design is adequate and meets the Authority's standards.
- Noise pollution to the area and impact upon neighbouring residents. Contrary to TAN 11 – Noise.
- Proximity to and overshadowing of neighbouring properties.
- Loss of privacy and existing views.

- The location of the site on the M4 corridor will attract non-welsh speaking residents and dilute the language contrary to the requirements of TAN 20.
- Ecological survey is not sufficiently detailed and needs to be undertaken over a longer period to fully assess the ecological impacts of the development and the potential presence of dormice and other protected species/wildlife.
- The proposed facing brick of some of the houses is out of keeping with the existing estate.
- Boundary treatment measures should all be full brick to match the existing estate.
- Poor relationship between private and public space and need additional overlooking of the central public open space.
- No need to include an access to the neighbouring field within the development.
- The need for a construction environmental management plan and traffic management plan as part of the development.
- Need for noise and dust mitigation during the development.
- Question the need for additional development in the Hendy/Fforest area and that other sites with current or lapsed permissions should firstly be developed.
- The mix of two and three bedroom properties proposed will be out of keeping with the predominantly 4 bedroom detached properties in the surrounding area.
- The height of some of the properties will be out of keeping with the area and affect the amenity of existing residents.
- Poor design with gable side elevations facing roadway.
- The angled position of the properties at the entrance to the development will be an eye sore that contradicts the linear frontage of the existing estate.
- Lack of facilities within walking distance of the site and poor accessibility employment and services and facilities.
- The public open space in the development will attract youths and associated noise.
- Visual impact of the attenuation pond upon the surrounding area.
- Air quality impacts.
- Ground contamination within the site.
- Lack of access for Welsh Water to access the sewer crossing part of the site.

- Too much hard landscaping to the front of the properties and lack of garden spaces.
- Need for a sewer easement in part of the site.

## **RELEVANT PLANNING HISTORY**

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

PA/14589	Residential Development (62 Units) (Statutory Pre-application enquiry)	27 May 2016
D5/11217	Residential Development Outline planning refused	5 June 1989

## **APPRAISAL**

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

## **THE SITE**

The application site consists of an irregular shaped parcel of land located to the north of the Clos Benallt Fawr housing estate off the A48 in Fforest. It covers an area of approximately 2.3 hectares forming part of a larger field enclosure that bounds the northern edge of the housing estate and the rear gardens of neighbouring properties that flank the eastern side of Llanedi Road. The site consists of agricultural improved grassland that is managed by grazing.

The levels of the site fall gradually towards its eastern boundary which is undefined and merges with the remainder of the field enclosure. The northern and western boundaries are defined by hedgerows and trees with a single mature oak tree located centrally within the site. The site's boundary with the Clos Benallt Fawr consists of a mix of fencing types that enclose the side and rear gardens of neighbouring houses. There are a number of mature trees located in the rear garden of a number of the existing properties which are located close to the boundary of the site.

Access to the site is via the estate road of the Clos Benallt Fawr estate which is characterised by large detached houses with garaging facilities and front driveways. The surrounding area is primarily residential in character consisting of large detached properties as well as a mix of semi-detached and terraced properties. There are areas of countryside to the north and east of the site which include a mix of woodland and field enclosures that slope down towards the river Loughor located further to the north and east.

## **THE PROPOSAL**

The application seeks full planning permission for the construction of 51 dwellings together with associated access, parking, landscaping and drainage works. The scheme is to consist of mainly two storey houses with a smaller number (3) of two and a half storey houses which will incorporate additional loft space accommodation. It includes a mix of 30 detached, 16

semi-detached and 6 terraced properties that will provide a range of 2, 3 and 4 bedroom accommodation.

The layout of the development seeks to maximise the development potential of the site while at the same time having regard to the sloping nature of the site, existing landscaping features and the character of the surrounding area. Vehicular access to the development is to be achieved via the continuation of the Clos Benallt Fawr estate road in a northerly direction through the site before turning upslope in a westerly direction beyond the existing mature oak tree to traverse the housing development. The new estate road will be constructed to an adoptable standard with a 5.5 metre wide carriageway and flanking footways.

The new houses are to be arranged around and orientated towards the estate road with a small number being served by private driveways. Private garden areas are provided to the rear of the houses. The existing mature Oak tree is to be retained as part of the development and will be surrounded by an area of open space that will be centrally located and form a focal point of the development. It is to include grassed and landscaped areas as well as pathways and informal areas of play and its central location will ensure a high levels of passive surveillance from the surrounding houses.

The houses will have traditional saddle roof designs and elevations consisting of a mix of facing brick types to complement the neighbouring Clos Benallt Fawr estate while at the same time creating visual interest and variation in the street scene. The latter will be reinforced by the staggered arrangement of the houses. The scheme includes the provision of a vehicular access to the neighbouring field enclosure to the east with this being located close to the entrance to the development. Two of the houses front towards the access and existing Clos Benallt Fawr estate.

Parking within the scheme is provided via a mix of solutions that include garaging facilities and side and front driveways. The change in levels across the site will require an element of cut and fill earthworks as part of the development although the scheme seeks to retain existing levels where possible. The layout includes retaining wall features in areas of the development to accommodate the change in levels while a number of houses, particularly those located in the eastern part of the site have raised rear terraces.

The application has been accompanied by a detailed landscaping scheme which provides for the retention of the existing landscape features along the site's perimeter as well as the implementation of new planting frameworks within the central area of open space and the site's eastern boundary. Robust planting treatments are also provided throughout the development and boundary treatment measures are to consist of a mix of new hedgerows, face brick walling and fencing.

It is noteworthy that the applicant submitted a pre-application proposal in respect of the site back in March 2016. The proposal consisted of a development layout of 62 houses and also included the removal of the mature oak tree in the centre of the site. Following concerns raised by officers regarding the density of the scheme and the removal the protected tree, the scheme was subsequently revised to that described above which includes a reduced number of units and the retention of the tree and wider area of open space.

The application has been accompanied by a range of supporting information which include the following:

- Preliminary Drainage Strategy and Flood Risk Assessment;
- Planning Statement;
- Design and Access Statement;
- Site Investigation Report;
- Pre-application Consultation Report;
- Preliminary Ecological Assessment;
- Transport Statement;
- Tree Survey and Arboricultural Method Statement;
- Landscape Specification and Management Plan.

The drainage strategy and flood risk assessment confirms that the site is located within zone A as defined under Technical Advice Note (TAN) 15: Development and Flood Risk (2004) whereby it is considered to be at little or no risk of fluvial or tidal flooding. It sets out a strategy to dispose of surface water run-off from the development to the wider drainage network via an attenuated system that will make efficient use of the topography of the site and best mimic the current catchment hydrology. Surface water will be disposed of via a piped system within the development that will discharge to a new attenuation pond or basin that will be formed within the eastern part of the site beyond the rear of the houses. The pond will be created from the fill taken from the main site and will essentially consist of a dry attenuation basin designed to accommodate surface water from the development in a 1 in 100 year rainfall event with a climate change allowance of 30%. It will include a hydro break that will allow an attenuated discharge of the water to a neighbouring water course to the north at a green field rate of 24 litres per second. The piped system leading to the pond will be offered for adoption to Welsh Water while the pond itself will be adopted by the Authority.

The detailed landscaping proposals accompanying the application include the provision of new wildflower and wetland planting on the banks of the new pond in addition to a new planting framework to the east and north that will include a new native woodland area.

Foul water from the development will discharge to an existing public sewer located within the south eastern part of the site.

The preliminary ecological assessment confirms that the site consists of agriculturally improved grassland and is not considered to be of biological importance and unlikely to support protected species. Notwithstanding this, it highlights the possible presence of breeding birds and bats in the hedgerows and trees within the site and makes a number of recommendations with regard to the retention and protection of the same. Allied to this, the arboricultural method statement details a series of measures proposed to protect the existing trees and hedgerows bordering the site as well as tree surgery works to the mature oak tree in the centre of the site that are necessary to ensure its longevity. The ecological assessment also draws reference to the significance of marshy grassland adjacent to and downslope of the site and the opportunity to create a biodiversity resource with the creation of the attenuation pond. It highlights that the creation of the pond and new marshy habitat will mitigate for the loss of the open grassland for foraging birds and bats and provide additional supporting habitats for those species colonising the nearby marshy grassland.

The transport statement provides an assessment of the likely highway and transportation impacts of the development upon the local network and concludes that the development is acceptable in highway terms. The pre-application consultation report provides an appraisal of the responses received in respect of the consultation exercise undertaken by the applicant and sets out to address the issues raised.

## **Community Benefits**

The applicants have agreed to enter into a Section 106 Agreement whereby they will provide the following level of contributions as part of the development. The precise level of contributions have been agreed following negotiations and discussions with officers of this department as well as those of the relevant service providers of the Authority:

- 1 Affordable Housing – 5 of the houses (equating to a 10% proportion) are to be ‘affordable’ with these consisting of a mix of 3 two bedroom and 2 three bedroom houses. They are all designed to meet the Welsh Government’s Welsh Housing Quality Standard (WHQS) while a further commuted payment of £5,017.90 will be made towards the provision of additional affordable housing in the local area.
- 2 Education – a financial contribution of £43,000 towards the improvement of education facilities in Hendy CP School.
- 3 Open Space – a financial contribution of £51,000 towards the improvement of the nearby park and play facilities at Bronallt Road. Furthermore, the scheme is to include the provision of an area of open space around the mature oak tree in the centre of the site which will include the provision of new footpaths and landscaping proposals as well as timber benches and informal play equipment. This area is to be provided by the applicant and maintained thereafter by a private management company.

## **PLANNING POLICY**

### **Local Development Plan (LDP)**

In the context of the Authority’s current Development Plan the main body of the application site wherein the houses and estate road are to be constructed is located within the development limits of Fforest and allocated for housing purposes under Policy H1 of the Plan. Housing allocation reference T3/7/H7 refers. The allocation is identified as accommodating approximately 35 dwellings under Policy H1, however, this figure is indicative for the purposes of the Plan.

The remainder of the site that will provide the surface water attenuation basin is located outside the development limits as defined in the Plan. This area also falls within the Llwchwr Valley Special Landscape Area as defined under Policy EQ6 of the Plan.

Reference is drawn to the following policies of the Plan which are of relevance to the proposal.

In terms of the Plan’s strategic policy context, Policy SP1 promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

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

Policy SP3 states that provision for growth and development will be at sustainable locations in accordance with the LDP's settlement framework wherein Hendy/Fforest is identified as a Service Centre which is located on sustainable transport corridors and has a broad range facilities and services that provide for the needs of the settlement and wider local catchment.

Policy SP5 allocates sufficient land for 15,778 new dwellings within the Plan area in accordance with the Settlement Framework.

Policy SP9 promotes the provision of an efficient, effective, safe and sustainable integrated transport system.

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

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

Policy GP1 is a general policy which, amongst others, 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. 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 GP2 permits proposals within defined development limits subject to the 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 or to contribute via the Community Infrastructure Levy 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. It goes on to state that the Council will seek a level of affordable housing of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub market areas. The application site falls within the 10% viability area.

Policy GP4 states that proposals 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 H1 allocates land for residential development for the plan period to 2021.

Policy TR2 requires that developments which have the potential for significant trip generation should be located in a manner consistent with the Plan's objectives and in locations which are well served by public transport and are accessible by cycling and walking.

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. Reference is also made to the need to meet required access and parking standards as well as promoting the interests of pedestrians, cyclists and public transport as part of proposals.

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 (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), 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.

Policy EQ6 designates Special Landscape Areas within the Plan which include the Lwchwr Valley wherein part of the site is located. The policy permits proposals that enhance and improve the Special Landscape Area through their design, appearance and landscaping schemes. Appendix 4 of the Plan provides a description of the landscape types designated in the Plan with the Llwchwr Valley being described as consisting of a wide and level flood plain with steeply sloping valley sides. The flood plain of the river is described as being open and characterised by large irregular fields and some drainage channels, whilst the sloping sides are said to support an attractive mix of woodland and agricultural land.

Policy EP1 permits proposals where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters.

Policy EP2 states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate that they 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. Furthermore, Policy EP6 states that in areas where land instability is known, proposals must be accompanied by a scoping report to ascertain the nature of the instability.

Policy REC2 requires that all new development of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards.

### **National Planning Policy**

Planning Policy Wales (PPW) (Edition 9, November 2016) provides a national overview of planning policy on a wide range of issues relevant to the proposed development. The Welsh Government supports the vision for good quality, mixed housing accessible to all which conforms to sustainability principles which underpin all planning policy guidance.



The document refers to the Welsh Government's approach, as set out in its National Housing Strategy, to provide more housing of the right type and to offer more choice while ensuring that new housing and residential environments are well designed and make a significant contribution to promoting community regeneration and improving the quality of life. Further emphasis is placed on the requirement to ensure that new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

Para 9.1.2 of PPW goes on to highlight that local planning authorities should, amongst others, promote sustainable residential environments that are easily accessible by public transport, walking and cycling, have good access to employment, retail and other services and make the most efficient use of land.

PPW is supplemented by a continually updated series of Technical Advice Notes (TANs). The following TANs are relevant in the consideration of this application:

TAN 2 (Planning and Affordable Housing) provides guidance on the role of the planning system in delivering affordable housing.

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

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

TAN 15 (Development and Flood Risk) aims to direct new development away from those areas that are at high risk of flooding and defines what is considered to be vulnerable development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.

TAN 18 (Transport) endeavours to ensure Wales develops an efficient and sustainable transport system to meet the needs of a modern, prosperous and inclusive society.

TAN 20 (The Welsh Language) provides guidance on how the planning system considers the implications of the Welsh language when LDPs are prepared. In essence, the TAN advises that planning applications should not be subject to Welsh language impact assessment as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

### **THIRD PARTY REPRESENTATIONS**

The application has attracted a significant number of objections from local residents while the local member and assembly member have also raised concerns regarding the development. The issues raised are addressed in the following appraisal.

The majority of respondents are of the opinion that that the highway network in the surrounding area is inadequate to safely accommodate the additional traffic generated by the development. Many refer to the cumulative impacts of the proposal with other developments in the wider Hendy and Pontarddulais area while particular reference has

been made to, amongst others, the capacity of the M4 junction in Hendy, restrictions along the A48 with on street parking and a lack of footways, and the adequacy of the existing junction of Clos Benallt Fawr. The lack of parking within the development is also a concern of many while a number have suggested that the scale of the development will require a through road or alternative means of egress.

The Head of Highways and Transport having carefully assessed the application and accompanying Transport Statement has raised no objection to the proposal from a highway capacity or safety perspective. He is satisfied that the likely additional traffic can be safely accommodated on the local highway network and that the existing junction and new estate road are adequate to serve a development of the scale proposed and meet the required standards. The Authority's Highway Adoptions officer has also confirmed his acceptance of the layout and design of the new estate road proposed.

The Welsh Government's Transport Division were consulted on the application in light of concerns raised regarding the impact upon the junction of the A4138 with the M4 in Hendy, however notwithstanding these concerns they've raised no objection to the application.

Concerns regarding the lack of parking within the development are misjudged in that the Head of Transport has confirmed his acceptance of the level and layout of the provision included in the scheme. On the question of lack of footways along the A48 between the site and the neighbouring settlements of Hendy and Pontarddulais which are located approximately 700 metres to the south of the site. Although the A48 does not have a continuous footway on both sides of the carriageway along its southerly route, it does nevertheless have a number of crossing facilities at varying points along its route which will allow residents to safely cross the road and walk to these settlements and the various services and facilities therein. Moreover, it is noteworthy that there is an existing bus stop located adjacent to the junction of Clos Benallt Fawr and the A48 which will be within a short walking distance of the development and provides access to a number of regular bus services that run along the A48 to destinations which include Pontarddulais, Swansea and Ammanford.

Councillor Thomas has suggested that new footways are required in the rural area to the north west of the site to link Carmarthen Road with Heol y Parc to the West, however, these are not considered to be necessary to serve the development and it is not therefore reasonable to request a contribution towards their provision as part of the application.

The proposal is therefore considered to be in compliance with Policies SP9, GP1, and TR3 of the LDP in terms of its highway impacts upon the surrounding area.

A further common ground of objection is the number of dwellings and density of development being greater than identified in the LDP with many drawing reference to the findings of the Inspector who presided over the LDP examination who suggested that the site could provide an opportunity to bring forward low density residential development similar to other developments in the Fforest area. The respondents are of the opinion that the development will be out of keeping with the site's rural context and harm the character of the village while others have questioned the need for further housing suggesting that the proposal will result in the over delivery of housing.

The application site is allocated for residential development in the LDP and its suitability for the same was deemed to be acceptable by the Inspector presiding over the examination of the Plan. The allocation of the site and other housing sites in the wider Fforest/Hendy area is a reflection of the settlements' status as a Local Service Centre in the sustainable

settlement framework of the LDP whereby they are located on sustainable transport corridors and collectively contain a broad range of services and facilities.

In terms of dwelling numbers, the site is identified as accommodating 35 units in the LDP, however, it is important to note that this is a notional figure for the purposes of the Plan. Although the number of dwellings proposed (51) exceed this figure, the resulting density of 28 units per hectare is not considered to be high; indeed it is in accord with the objectives of national guidance which advocates that Local Authorities should ensure the most efficient use of land and a mix of housing types. Whilst being of a higher density than the neighbouring Clos Benallt Fawr estate which consists of large detached properties, the general scale, design and spatial layout of the development with its mix of housing types and sizes is considered to be acceptable within the context of the surrounding pattern of development. The design of the scheme with its mix of hard and soft landscaping, retention of existing landscape features and centrally located area of open space will respond well to the site's setting in the wider context. The figure of 35 dwellings referred to in the LDP would result in a markedly low density of 19 units per hectare in the context of current guidance and although the Inspector presiding over the LDP examination suggested that the site could provide an opportunity for lower density housing, this does not mean that a higher density of development would not be acceptable. Furthermore, officers are satisfied that the modest uplift of numbers on the site will not undermine the overall housing strategy of the LDP.

Certain of the respondents have remonstrated that the attenuation pond is located outside the development limits of the LDP while also suggesting that the development will harm the character of the Llŵchwr Valley Special Landscape Area. Although forming part of the same field enclosure as the main built form of the development, the attenuation pond is located beyond the development limit of the settlement and falls within the Llŵchwr Valley Special Landscape Area as defined under Policy EQ6 of the Plan.

As mentioned earlier, the attenuation pond will consist of a dry basin that will hold water during periods of heavy rainfall. The ground currently slopes in an easterly direction and will be re-profiled to form an eastern bank to the basin that will be robustly landscaped. The planting scheme follows the recommendations of the ecological assessment in that the basin itself will consist of wildflower wetland seeding to create a new wetland habitat, while the sloping bank to the east and north of the basin will be planted to form a new native woodland and seeded with wildflower. In addition, the eastern boundary of the new houses will be defined by a new native hedgerow and tree planting that will provide a defined natural boundary to the built development. The design of the attenuation pond combined with these robust planting proposals will ensure it will not be discordant with or undermine the rural character and appearance of the Special Landscape Area while the new planted woodland and hedgerows will also provide a visual buffer to the new housing development when viewed from the river valley and beyond.

The proposal is therefore in accord with the objectives of policies EQ6, GP2 and GP1 of the LDP in terms of its landscape and visual impact.

A number of respondents suggest that the development is of a poor design drawing reference to, amongst others, engineered structures such as retaining walls and raised terraces while other opine that the shared driveways, boundary treatment measures and facing brick finishes will be out of keeping with the area. The layout and design of a number of houses in the scheme is also challenged by a number of respondents.

The change in ground levels across the site has required the applicant to include retaining wall and terraced features within the development layout. These features have been designed in a sensitive manner whereby they do not dominate or detract from the appearance of the development with the majority being located in the rear curtilages of the houses. The layout and design of the houses and palette of external finishes have been designed to create interest in the street scene and, combined with the hard and soft landscaping proposals and area of open space, will result in the creation of an attractive residential estate that will complement the visual amenity of the surrounding area. The open space is to have new hedgerows and tree planting to supplement the existing mature oak tree as well as informal play facilities and a number of pathways that will provide permeability through the site. Its central location will provide an attractive focal point to the development with high levels of passive surveillance from the surrounding houses.

The issue of the impact of the development upon the residential amenity of surrounding residential properties has been carefully examined as part of officer's assessment of the application. The orientation and separating distances to existing properties adjoining the development will be such that any overlooking would not be intrusive. Similarly, the layout will not cause any unacceptable impacts by way of loss of light and overshadowing. It is not envisaged that the scale of development proposed will result in any adverse impacts in terms of traffic noise and disturbance and it is of note that the Head of Public Protection has raised no objection to the development from a residential amenity perspective. Any permission granted will be conditioned to require the submission of a construction method statement which will include measures such as a dust mitigation scheme designed to minimise the impact upon local residents and the surrounding environs.

The development therefore accords with policies SP1, GP1, and TR3 in terms of its impact upon the surrounding area.

As to the concerns regarding surface water flooding, the application has been accompanied by a detailed drainage strategy wherein run-off from the development will be discharged to the attenuation pond and discharged to an existing watercourse on the perimeter of the site at a controlled greenfield run-off rate. The scheme will provide a sustainable means of disposal ensuring that no surface water will enter the public sewerage system and no detriment is caused to neighbouring occupiers and landowners. The Authority's drainage engineers and Natural Resources Wales have raised no objection to the scheme nor have they expressed concerns regarding existing springs within the site as suggested by a number of respondents.

Turning to foul drainage, Welsh Water have raised no objection to the applicants' proposal to discharge foul water into the existing public sewer that crosses the site.

The proposal is therefore considered to be in accord with the objectives of policies EP2 and EP3 of the LDP in that it will dispose of foul and surface water in an acceptable and sustainable manner without causing unacceptable harm to neighbouring properties or the wider water environment.

A number of respondents have concerns regarding the impact of the development upon local services and facilities such as schools and health facilities and question whether sufficient capacity exists to accommodate the development. The development will be well related to the services and facilities available in Fforest and Hendy as well as benefiting from good levels of accessibility to public transport facilities and the higher order facilities available in the wider Llanelli area. The relevant catchment schools currently have surplus

places and, as mentioned earlier in the report, the applicant will make a financial contribution towards the improvement of facilities at Hendy CP as well as the nearby park in Bronallt Road which is in need of improvement. Furthermore, it is not envisaged that the range of health care services available in the wider area including doctor's surgeries and hospital facilities will be adversely affected by a development of the scale proposed. In this regard, the proposal is in accord with the requirements of Policy GP3 and SP1.

In terms of the respondents' ecology concerns, the ecological assessment confirms that the site is of low ecological value. The scheme has been designed to ensure the retention of the mature oak tree in the centre of the site as well as the hedgerows and trees along its perimeter. The arboricultural method statement sets out a series of protective measures to safeguard these features. The planting proposals will create new landscape frameworks within and on the perimeter of the development in addition to providing ecological enhancements with the creation of a new marshy habitat in and around the attenuation pond. The Authority's Planning Ecologist and Natural Resources Wales have raised no objection from an ecology perspective and the proposal is considered to be in accord with the ecological objectives of Policy EQ4 of the LDP.

As to the suggestion that the Authority must consider the requirements of the Well Being of Future Generations (Wales) Act 2015 in determining the application, officers are satisfied that the development will create no adverse impacts that would unacceptably challenge the objectives of the Act.

The suggestion that brownfield sites should be developed before the application site are misjudged in that it is allocated for the residential development purposes in the LDP. Furthermore, contrary to the assertion that the affordable units are not well integrated into the development, they are located in the western part of the site and will be surrounded by open market housing. As to concerns regarding the stepped entrances to a number of the houses, these are not uncommon in developments on sloping sites and are acceptable in design terms.

Turning to the issue of ground contamination, the application has been accompanied by a detailed site investigation of the site and the Head of Public Protection has raised no objection in this regard subject to the implementation of suitable conditions which will ensure compliance with Policy EP2 of the LDP.

A number of respondents have questioned the need to include a road access to the neighbouring field to the east of the development. The road in question is acceptable in design terms and will provide access to two of houses to be located close to the entrance to the site. Moreover, it will provide an access to the attenuation pond for maintenance purposes.

Concerns regarding the potential for anti-social behaviour and noise in the area open space to be provided within the development are outside of planning control. Similarly, the question of whether the development will be leasehold or freehold is not relevant to the determination of the application as is the suggestion that the County has a high dependency on a single developer to develop sites.

The impact of the development upon the Welsh language has previously been considered as part of the LDP site selection process and the advice in TAN 20 (The Welsh Language) advises that planning applications should not duplicate this process. Officers are satisfied that a development of the scale proposed would not undermine the long term viability of the

language and culture in the local area of the site. Indeed, the provision of a number of affordable units within the development will make a positive contribution towards retaining young potentially Welsh speaking residents in the local area while the financial contribution towards improving education facilities in Hendy CP school, will again assist in promoting the long term viability of the language.

Finally, officers are satisfied that the development does not constitute a departure from the policies of the LDP.

## **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 allocated for housing purposes and its development complies with the key policy and sustainability objectives of the Authority's adopted Local Development Plan and National Planning Policy.

The general scale, design and layout of the scheme will be in keeping with the character and appearance of the surrounding area. The development will provide a range and choice of housing types and sizes that will be well related to the existing services and facilities in Fforest/Hendy and the wider Pontarddulais and Llanelli areas. Moreover, the houses will be within easy access of public transport facilities and the M4 motorway. The development will also secure a range of community benefits in the local area which will include the provision of a number of affordable dwellings and area of open space as well as improvements to existing education and recreational facilities.

The proposal also satisfies the sustainability requirements of the LDP from an environmental quality and utility provision perspective by implementing a drainage strategy that will dispose of foul and surface water in a sustainable and controlled manner. Furthermore, and as outlined in the appraisal above, there are no highway, amenity, or ecological objections to the development

Accordingly, the application is put forward with a favourable recommendation subject to the successful completion of a Section 106 Agreement securing the community benefits outlined above.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development shall begin no later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents:-
  - Location plan (LP-04) received on 8 November 2017;
  - Planning Layout (PL-04 Rev F received on 22 November 2017;
  - Site Sections (SCS-01B) received on 12 December 2017;

- Site Sections (SCS-02B) received on 12 December 2017;
- Street Elevations (SE-01) received on 23 November 2017;
- Management and Maintenance Plan (MWP-01A) received on 8 November 2017;
- Morden (Village) plans and elevations (MS-WD16 Rev K) received on 2 February 2017;
- Moseley (Village) plans and elevations (MS-WD16 Rev L) received on 2 February 2017;
- Hanbury (Village) plans and elevations (HB-WD16 Rev P) received on 2 February 2017;
- Hatfield (Village) plans and elevations (HT-WD16 Rev R) received on 2 February 2017;
- Roseberry (Village) plans and elevations (RS-WD16 Rev S) received on 2 February 2017;
- Chedworth plans and elevations (CD-WD Rev N) received on 2 February 2017;
- Chedworth special plans and elevations (CD-WD06 Rev D) received on 12 December 2017;
- Chatsworth plans and elevations (CT-WD10) received on 2 February 2016;
- Chatsworth special plans and elevations (CD-WD06 Rev D) received on 12 December 2016;
- Garage plans and elevations (SGD-01) received on 2 February 2017;
- Floor plans and elevations (628-WHQS-WD01) received on 24 November 2017;
- Floor plans and elevations (835-WHQS-WD04) received on 24 November 2017;
- Engineering Layout (10073-100M) received on 20 December 2017;
- Detailed Soft Landscaping Proposals (TDA.2336.01 Rev.C) received on 20 December 2017;
- Preliminary Drainage Strategy and Flood Risk Assessment received on 8 November 2017;
- Preliminary Ecological Assessment received on 2 February 2017;
- Preliminary Ecological Assessment (addendum) received on 13 December 2017;
- Site Investigation Report (11578/PB/15/SI) received on 2 February 2017;

- Transport Statement (16-00450/TS/01/A) received on 2 February 2017;
- Tree Survey prepared by Treescene dated 31 January 2017 received on 2 February 2017;
- Arboricultural Method Statement (TDA/2336/AMS/AMP/10.17) received on 23 November 2017;
- Landscape Specification and Management Plan prepared by TDA Environment/Landscape/Design dated October 2017 received on 12 December 2017.

3 The parking spaces and layout shown on the plans herewith approved shall be provided in accordance with the details shown prior to the occupation of the dwellings. Thereafter, they shall be retained, unobstructed, for the purposes of parking only.

4 Prior to the occupation of the dwellings hereby approved the required access roads and footpaths leading from the existing public highway to the respective units shall be laid out and constructed in accordance with the details shown on the drawings hereby approved.

5 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

6 The foul and surface water drainage scheme proposed to serve the development shall be completed in strict accordance with the details contained in the Preliminary Drainage Strategy and Flood Risk Assessment received on 8 November 2017 and shown on the Engineering Layout (10073-100M) received on 20 December 2017 prior to the occupation of the dwellings hereby approved. The rate of discharge from the attenuation pond shown on the engineering layout shall not exceed 24 litres per second.

7 No development shall take place on the application site until the applicant has:

- Prepared a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
- Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance,



documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.

- If, during development, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted to the Local Planning Authority.

8 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to manage noise and the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

9 The development hereby approved shall be undertaken in strict accordance with the recommendations and measures contained in the Tree Survey prepared by Treescene received on 2 February 2017 and the Arboricultural Method Statement (TDA/2336/AMS/AMP/10.17) received on 23 November 2017.

10 No development shall commence until details of a scheme of bird and bat boxes to be provided within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

11 Prior to the beneficial occupation of the dwellings hereby approved a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development and timetable for implementation shall be submitted to and agreed in writing with the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

12 No development or site clearance shall take place until detailed proposals in the form of specification and layout drawings, for all hard landscape elements and features within the central site area of open space to the north of Plots 43 and 44 have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

13 Notwithstanding the additional detail required under Condition no. 12 above, the Detailed Landscape Design Scheme shown on the following documents shall be carried out in the first planting season following the occupation of the dwellings or the completion of the development, whichever is the sooner:-

- Detailed Soft Landscaping Proposals (TDA.2336.01 Rev.C) received on 20 December 2017;
- Landscape Specification and Management Plan prepared by TDA Environment/Landscape/Design dated October 2017 received on 12 December 2017.

14 The landscape and maintenance information, as defined in the following submitted documents shall be fully implemented in accordance with the details shown:

- Landscape Specification and Management Plan prepared by TDA Environment/Landscape/Design dated October 2017 received on 12 December 2017.
- Management and Maintenance Plan (MWP-01A) received on 8 November 2017.

Any of the hereby scheduled specific landscape elements which, within the lifetime of the approved development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced with elements of similar size and specification, in positions and to a timescale as agreed with the Local Planning Authority, and thereafter likewise retained and replaced for the lifetime of the approved development:-

- existing mature Oak tree within the central area of open space to the north of Plots 43 and 44;
- proposed hard landscape elements and features within the central area of open space to the north of Plots 43 and 44 as approved to discharge Condition 12;
- proposed tree and shrub planting within the central area of open space to the north of Plots 43 and 44;
- proposed native woodland buffer planting and associated native tree planting to the eastern side of the attenuation pond;
- proposed native tree planting and associated native hedgerow planting to the eastern boundary of Plots 1 and 3 to 14.

All new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme not hereby specifically scheduled, which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer

delivered, shall be replaced with replacement elements of similar size and specification in positions and to a timescale as agreed with the Local Planning Authority.

- 15 The garages of the proposed dwellings hereby approved shall be used for private purposes incidental to the enjoyment of the dwelling and not for any business or commercial use.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out
- 3+4 In the interests of highway safety.
- 5 To prevent the pollution of the environment.
- 6 To ensure the installation of an appropriate drainage scheme and to prevent the pollution of the environment.
- 7 To ensure any potential contaminants within the site are removed and to prevent any health risk to future occupiers.
- 8 To prevent the pollution of the environment and safeguard residential amenity.
- 9 To protect existing trees and landscape elements identified for retention as part of the development.
- 10 In the interests of biodiversity.
- 11 To promote and encourage more sustainable modes of travel.
- 12 In the interests of visual amenity.
- 13+14 To ensure the provision, establishment and maintenance of an appropriate landscaping scheme.
- 15 In the interests of safeguarding residential amenity.

## **NOTES**

- 1 The applicant/developer is advised that the outline application relating to this development is the subject of a Section 106 Agreement requiring a proportion of affordable housing within the development and the payment of commuted sums to the Council in respect of improvements to educational and recreational facilities in the locality.
- 2 Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.

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

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

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

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

<b>Application No</b>	<b>S/35962</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	RETENTION OF GROUND FLOOR AS A DAYTIME CAFÉ BAR, WITH USE OF REAR GROUND AND FIRST FLOORS AS A NIGHTCLUB DURING EVENING HOURS, TOGETHER WITH ADDITION OF A REAR FIRE ESCAPE STAIRWELL AT 56 STEPNEY STREET, LLANELLI, SA15 3TG

<b>Applicant(s)</b>	MR J M WILLIAMS, 56 STEPNEY STREET, LLANELLI, SA15 3TG
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, LLANELLI, SA14 6RE
<b>Case Officer</b>	Robert Davies
<b>Ward</b>	Elli
<b>Date of validation</b>	15/08/2017

## CONSULTATIONS

**Head of Public Protection and Housing** – No objection subject to conditions in relation to noise.

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

**Local Member** – County Councillor J P Jenkins has objected to the application on the following grounds:-

- The proposals will detract from the vibrancy and vitality of Llanelli Town Centre. The ground floor café does not justify the addition of a nightclub in the evening hours. To combine both uses in one application is a way to detract from the wholly unacceptable element, namely the nightclub.
- There is no way of ensuring or conditioning that the café element does trade thus bringing no benefit to Llanelli Town Centre but the nightclub does operate with all the negative problems and detractions associated with such a use.
- A cafe and nightclub in a primary retail frontage would be detrimental to the retail character of Llanelli Town Centre.

- The proposals which would operate late at night will undermine the Opportunity Street scheme being developed by Carmarthenshire County Council which seeks to introduce residential apartments above ground floor retail units in Stepney Street. The proposed use would also adversely affect existing residents in the former Pugh's Building in Cowell Street.
- There are an abundance of existing former nightclub and licensed properties in the Llanelli area, therefore there are other existing properties available.

**Dyfed Powys Police** – Have drawn reference to the Opportunity Street scheme by Carmarthenshire County Council to introduce joint commercial and residential properties in Stepney Street and question how this proposal would fit in with that vision.

As part of the licensing process, Dyfed Powys Police will be asking for glazing to be changed from existing to toughened where relevant; the rear area to be fenced and made secure with a quick release gate door for those using the fire escape; and a cctv system to be fitted.

**Neighbours/Public** – Six neighbouring properties consulted. The application was also advertised by virtue of both site and press notices due to the adjoining arcade being Grade II listed. To date, five letters of representation have been received raising the following objections:-

- The proposed development will adversely impact on all residential development in the vicinity.
- The proposal will jeopardise the County Council's own policy for the regeneration of the town centre and the Opportunity Street purchase of properties to develop, regenerate and bring people back to live in the town centre. No. 31 Stepney Street has recently been purchased.
- The property previously operated as Mayhem Bar and neighbouring properties suffered from the noise and anti-social behaviour. The new proposal to add a fire escape can only mean that they plan to extend this upstairs causing more noise and nuisance.

## RELEVANT PLANNING HISTORY

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

S/03028	Restaurant/takeaway Full planning permission	17 May 2001
S/02283	Proposed replacement of shop front Full planning permission	07 February 2000
D5/13002	Fascia and projecting signs Approved	18 September 1990
D5/9041	C.O.U. to Building Society office Refused Appeal Allowed	27 March 1986 19 May 1987

D5/8939	C.O.U. to amusement centre Refused	23 January 1986
D5/8702	Proposed restaurant Approved	05 September 1985
D5/7251	Change of use and alterations to frontage to provide leisure centre Refusal	15 September 1983
D5/6657	Family leisure centre and coffee bar incorporating amusement machines Refused	28 October 1982

## **APPRAISAL**

### **THE SITE**

The application site consists of no. 56 Stepney Street in Llanelli town centre, which is a three storey mid terrace property adjoined by the job centre on one side and a listed arcade which houses a variety of commercial uses on the other. The ground floor of the application property used to be a fish and chip restaurant/takeaway but in recent times has operated as Mayhem Bar, and previous to that Kandi Bar. Both the latter uses mainly operated from Thursday through to Sunday nights only with associated discotheque, and benefitted from having late night alcohol and music licences. The whole property is currently vacant and not in use.

### **THE PROPOSAL**

The application seeks full planning permission for the retention of the ground floor as a daytime café bar, with the use of the rear ground and first floors as a nightclub during evening hours, together with the addition of a rear fire escape stairwell to serve the first floor.

A covering letter submitted with the application states that the ground floor will continue to trade as an A3 use during normal daytime hours as a café bar serving light meals, hot and cold beverages, both alcoholic and non-alcoholic in nature. The letter states that the nightclub element will operate to the same opening times as licensed under the previous tenancy, namely to 00:30 hours Sundays to Thursdays, and 02:30 Fridays and Saturdays.

The floor plans submitted indicate that the basement will remain in storage use, whilst the top floor will be a manager's office and staff room.

In addition to drawings, a Noise Assessment Report was requested during the application process and subsequently submitted for consideration.

### **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, and is in fact located within the defined secondary retail frontage area of Llanelli town centre.

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/property.

Policy SP13 of the LDP seeks to preserve or enhance the built and historic environment of the County including listed buildings and their setting.

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, and does not have significant impact on the amenity of adjacent land uses, properties, residents or the community.

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 RT3 of the LDP relates to the secondary retail frontage and states that proposals for non-retail uses (including the change of use and/or redevelopment of existing retail premises) will be permitted on ground floor frontages where they do not lead to an over concentration of non-retail properties; not undermine the retail function of the centre or have a detrimental effect upon the vitality or viability of the area; not create a level of non-retail ground floor frontage detrimental to the retail character and function of the area.

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.

### **THIRD PARTY REPRESENTATIONS**

As aforementioned, representations have been received from both the local county councillor and members of the public objecting to the application. The material reasons for objection raised will now be addressed individually, however reference to alternative vacant nightclub premises is not material and the application must be determined on its own merits.

The main objection seems to relate to the nightclub use element of the proposal, which in the objectors opinion will result in anti-social related problems, whilst the use itself will detract from the vibrancy and vitality of the town centre and be detrimental to the retail character. In this respect the application property is located in a secondary retail frontage, whilst there is an existing extant A3 use at ground floor which will remain. The nightclub use will be located to the rear ground and first floor, and therefore it is considered that the proposal will not detract from the retail character of the town centre.

Whilst nightclubs are often stigmatised and associated with anti-social behaviour they do play a significant role in the night time economy, and as well as needing to obtain planning permission the use will also be subject to the Licensing Process with the Authority's Public Protection division. As aforementioned, the property has previously benefitted from a late night alcohol and music licence.



Whilst there is a general decline in the number of nightclubs the proposal does indicate a positive intent to invest significantly into a town centre property which is currently vacant, and the proposed use will create jobs.

In terms of the perceived impact on residential amenity from noise and disturbance, during the course of the planning application process the Local Planning Authority did request a Noise Impact Assessment from the applicant. This was subsequently received and has been assessed in detail by the Authority's Environmental Health Officer specialising in noise. The closest known residential properties are the flats located at the former Pugh's Building at Cowell Street which are approximately 50 metres away at their closest point.

The noise report states that the dominant source of noise arising from the proposed development is attributable to noise breakout from the single-glazed sash windows to the first floor, front elevation. Consequently, it is deemed appropriate to focus attention on reducing noise breakout via this medium.

As the first floor of 56 Stepney Street will benefit from an improved rear fire escape, the report states that emergency access/egress via these windows will not be a necessity and that they will not be required for the provision of natural light. It is therefore recommended that the first floor windows can be shuttered during the operational hours of the nightclub. It is proposed to install the shutters with a 100mm stand-off from the inside of the window pane and to construct them from 2 No. sheets of 10mm thick particle board on (separated by) 60mm studs, with fibreglass infill of 10kgm<sup>-3</sup>. Such a construction would achieve an Rw, when combined with the existing glazing, in the region of 42 dB.

This report has been considered by the Authority's Public Health Section who have responded raising no objection to the application subject to the imposition of conditions on any planning permission granted.

Finally, objectors draw reference to the Council's Opportunity Street Scheme, a part of which has involved introducing residential units back into the town centre above ground floor retail units, and opine that the proposal will undermine this. Such schemes thus far have been undertaken at the eastern end of Stepney Street at no's 10 and 12, which are a significant distance away from the application property. Whilst no's 31 and 48 Stepney Street have been purchased under this scheme also, there are no short term proposals or funding in place to introduce residential flats on the upper floors. The ground floor at no.31 is being re-used by Creft Bach, a small retailer, whilst the ground floor of no.48 is currently being renovated in preparation for a new retailer also. The closest existing residential properties to the application site are those at the former Pugh's Building as already addressed in this report.

## **CONCLUSION**

The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted LDP, and is within the secondary frontage of the defined town centre. As such, there is no in principle objection to the development proposed.

There has been a recent change in planning policy focus at both a national and local level in relation to town centres, whereby town centres are now envisaged to have a broader role and not just the historic focus on retail. Therefore various uses appropriate to a town centre location should be supported where appropriate, and the proposed uses are considered acceptable in this context.

There is already an existing fire escape in place to the rear the building and the smaller additional fire escape to the rear of the building is considered acceptable in scale and design terms. The proposal will not adversely affect the setting of the adjoining listed building, whilst no objections have been received to this element of the scheme.

It is considered that the proposal will have no adverse residential amenity impacts whilst it is considered that the issues for concern and objection raised have adequately been addressed in the above appraisal.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted 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:-
  - Location plan 1:1250 @ A4 received 10th August, 2017;
  - Site layout plan 1:500 @ A4 received 10th August, 2017;
  - Existing plans and elevations (A101) 1:100 @ A1 received 10th August, 2017;
  - Proposed plans and elevations (A101) 1:100 received 14th November, 2017.
- 3 Prior to operation the proposed development shall undertake all mitigation works as specified in section 5.4 of the Noise Impact Assessment undertaken by InAcoustics (Ref No 17-320) dated the 7th of November 2017.
- 4 The rating level of sound emitted from the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.
- 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 interest of visual amenity.
- 3-6 To preserve residential amenity.

## **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 SP13 of the LDP in that the proposal is not detrimental to the setting of the adjoining Grade II listed building.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable, will enhance the character and appearance of the area and does not adversely affect amenity.
- 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 RT3 of the LDP in that the proposed use at ground floor will remain A3 as existing, whilst the proposed nightclub element is considered compatible with such a town centre location.
- 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.

## **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.

<b>Application No</b>	<b>S/36429</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	TWO STOREY SIDE EXTENSION WITH A CAR PORT TO THE GROUND LEVEL AT 36 STRADEY PARK AVENUE, LLANELLI, SA15 3EF

<b>Applicant(s)</b>	CARL BROOKS, 36 STRADEY PARK AVENUE, LLANELLI, SA15 3EF
<b>Agent</b>	SAURO ARCHITECTURAL DESIGN LTD - MR MIKE SAURO, SAURO ARCHITECTURAL DESIGN LTD, 9 ELLISTON TERRACE, CARMARTHEN, SA311HA
<b>Case Officer</b>	Hasnain Ikram
<b>Ward</b>	Elli
<b>Date of validation</b>	14/11/2017

## CONSULTATIONS

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

- the scale and massing of the extension is inappropriate and out of character for the area.
- the proposed extension proximity to neighbouring properties will infringe upon the right to light of these homes.
- the likely impact upon car parking in the area.

**Local Member** – No comments received to date.

**Llanelli & District Civic Society** – Raised concerns relating to a previous consent for a single rear extension across the entire rear elevation which was approved and implemented. The new extension, alongside the previous extension would result in an increase in floor area of approximately 75% of the original floor space. Loss of light to the existing breakfast area, and the existing landing window and side bedroom window on the first floor. Constituting a dangerous precedent and permit a loss of uniformity of the unique design.

**Neighbours/Public** - The application has been publicised by letters being sent out to the adjoining properties. Five responses have been received to date, raising the following matters:-

- Appearance of a terraced street instead of a semi-detached avenue, impacting its historical nature;
- Sets precedence that could affect the future value of properties as the space associated with a semi-detached house could be lost;
- Loss of light to neighbouring properties and loss of light to three side windows;
- Not in keeping with the existing character of the street;
- A terracing affect;
- Altering the pleasant architectural nature of the street;
- Guttering and eaves overhanging into adjoining properties' airspace;
- Gap between the two properties would be dark, creating a damp atmosphere;
- No reference or drawings on the plans to indicate the close proximity of the development to the house wall;
- Visual impact;
- Size of the extension would not be in keeping with the existing street scene.

The Local Member of Parliament has raised concerns with regard to the following matters:-

- the disruption on the uniformity of the street;
- change in character which would set a precedent encouraging the change from semi-detached to terraced dwellings; and
- the proposal would come within 3 feet of the external wall of no. 38, resulting in considerable loss of light to the existing windows of no.38.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

### **THE SITE**

The application site is a semi-detached dwelling located in Stradey Park Avenue, to the north-west of the town centre of Llanelli. The property is orientated with a principal aspect onto Stradey Park Avenue, set back within the curtilage with a front amenity space, access, and driveway leading down the western side of the house to a detached garage to the rear. While the street is predominantly comprised of semi-detached houses, there is a range of design variations along the street.

## **THE PROPOSAL**

The application seeks planning permission for a two storey side extension to the western side elevation incorporating a car port/undercroft route through to the existing garage to the rear.

The ground floor car port will scale 3.06m in width and 8.3m in length, the first floor extension will be based on the same foot print. The approximate height of the proposal is 5.89m to the eaves and 7.46m height to ridge.

The height of the proposal will not exceed the existing height of the property and would be of the same built character as the existing house by using the same building palette, specifically render, UPVC and slate to match the existing.

The block plan shows the location of the proposal, which demonstrates there is no impact on the amenity space for the property. The retention of parking provisions within the curtilage of the property can also be seen.

Access arrangements to the property are not to be affected as access to the garage will be retained through the car port.

## **PLANNING POLICY**

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development Plan (LDP) adopted in December 2014.

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

The LDP policies which the proposal has been assessed against are Sustainability & High Quality Design (GP1), Development Limits (GP2) and Extensions (GP6) which are all deemed relevant to this type of development.

### **Policy GP1 – Sustainability and High Quality Design**

- (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.
- (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.
- (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.
- (j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water.

The relevant parts of the policy can be seen above. The proposal satisfies the relevant parts of Policy GP1 as it conforms to the existing character as the spatial characteristics of the proposal are in keeping with the existing dwelling and the proposal utilises materials which are to match the existing build palette of the existing house.

The impact on the amenity of adjacent land uses is seen to be minimal, with no significant impact to adjacent land uses, properties or residents. The proposal increases the amount of off-street car parking and does not raise any concerns relating to highway safety.

#### Policy GP2 – Development Limits

Development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework. Proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

The development is within limits and therefore satisfies the requirements of Policy GP2 which are highlighted above.

#### Policy GP6 Extensions

- a. The scale of the proposed extension is subordinate and compatible to the size, type and character of the existing development and does not result in over development of the site, nor lead to reduced and inadequate areas of parking, utility, vehicle turning, amenity or garden space.
- b. The external appearance of the proposed extension in terms of design is subordinate, and the materials should complement that of the existing development.
- c. There are no adverse effects on the natural environment, landscape/townscape or the setting and integrity of the historic environment.
- d. The local environment and the amenities of neighbouring developments are not adversely affected by the proposed extension.
- e. The use to be made of the proposed extension is compatible with the existing building, structure or land use.

As can be seen from the submitted plans, the proposed extension would be considered compatible and subordinate as there is no impact on the amenity or garden space, there is no impact on the vehicle turning area, and the proposal provides an enhancement to the parking facilities serving the dwelling. As stated previously, the proposed extension will be in keeping with the existing dwelling as subordinate materials and finishes shall be used, meaning both (a) and (b) are satisfied.

The proposal will not be detrimental to the existing character of the property. The potential impact on neighbouring properties has been mitigated by including archways in the side and front elevations. The proposal will not have an adverse impact on the landscape or townscape as it is a householder extension which would not be significant enough to have any detrimental impact. The local environment will see no adverse effect, as the proposal is seen to be compatible with the existing land use and building. The proposal is situated



within the curtilage of the dwelling, and is seeking to extend the existing residential use which is in keeping with the existing land use. This satisfies (c), (d) and (e) of the above policy.

### **THIRD PARTY REPRESENTATIONS**

Comments made by third party representations have raised a number of issues relating to the proposal:

- The potential terracing affect that the proposal would have and issues surrounding the impact on the existing street scene, the character of the dwelling and the visual impact for the street.

In regards to the point above, the proposal is being set approximately 2 metres back from the principle elevation – it would mean the concerns relating to a terracing affect would not be an issue as the property would not emulate the characteristics of a terraced property. If it was to create a terracing affect, it would have a significant impact on the principle elevation and have an influence on the overall character of the property. The principle elevation is to remain the same.

- The size and character of the extension not being in keeping with the street scene.

The design of the proposal would not be constituted as ‘overdevelopment’ as the curtilage of the property would be sufficient to accommodate the proposed scale of the development. A condition will be placed on the application to ensure that the materials used are in accordance with the existing dwellinghouse, while this, alongside with the siting of the proposal, should alleviate any concerns relating to the visual impact of the proposal.

- The application sets a precedence that could affect the future value of properties as the space associated with a semi-detached house could be lost.

The issue raised relating to precedence would not be afforded any significant weighting as each planning application is determined case by case, and is based on the merits of the application which can be affected by a multitude of issues such as scale, location, design, highway access, amenity space and so forth.

The space ‘lost’ would be discretionary to the household owner, if they desire to further their residential floor space and there are no significant planning constraints, then there would be no issue. Ultimately this is the decision of the householder and any loss of space would be within their own curtilage, not their neighbouring properties. The impact on property prices is not a material planning concern.

- A loss of light to the neighbouring property (no. 38) has also been highlighted as a concern.

Having visited the neighbouring property, it can be seen that there would be some impact on light to three side windows of the property. Although there is a ‘right to light’ implemented through the Prescription Act (1832), it is not specifically covered under planning legislation and therefore has limited bearing on the determination of this application.

Following a site visit and assessment of the relationship with the nearest neighbouring property at no. 38, it was noted that two of the rooms, whereby there is a loss of light from the side, are already benefitting from rear windows allowing natural light in via the rear elevation of the property.

The loss of light therefore in the kitchen & bedroom would not be considered significant as there are other means of natural light into both rooms. The other window whereby there is a loss of light is the corridor window, however as this is not 'habitable' space, it would not be afforded any weighting as stated in accepted guidelines. Photos have been attached to show the existing windows serving the rooms within no. 38.

- The guttering and eaves will be overhanging into adjoining properties' airspace.

Amended plans have been requested from the agent in order to show the guttering to be within the air space of no. 34 as they have not been provided on plan. The eaves will not overhang into the adjoining properties' airspace, as shown by the 1:50, 1:100 Scale Proposed Floor Plans and Elevations (02).

- Gap between the two properties would be dark, creating a damp atmosphere.

This is a concern which is not a material planning consideration but a civil matter – this is something that can be alleviated through a Party Wall Act which would be entered prior to the undertaking of any works.

- There is no reference or drawings on the plans to indicate the close proximity of the development to the house wall.

The boundary wall is clearly indicated on the plan, and shows the proximity to the existing wall. There is sufficient information to assess the development as block and location plans show the proximity of the development to the neighbouring property.

- A previous consent for a single rear extension across the entire rear elevation which was approved and implemented. The new extension, alongside the previous extension would result in an increase in floor area of approximately 75% of the original floor space.

No previous consents have been granted at the property, works may have been undertaken previously under Permitted Development Rights, however there is no history for planning applications. The assumed, 75% increase in floor size therefore is an assumption which is not informed by any measurements.

- The disruption on the uniformity of the street, change in character setting precedent encouraging the change from semi-detached to terraced dwellings and a considerable loss of light to no. 38.

Having visited the site, it is clear that there is a mix of property types and building palettes used. To the entrance of the street there is a care facility, adjacent to this there is a bungalow, and throughout the street there is a wide range of materials used, including red brick, render, UPVC & the use of timber to the principle elevations.

A condition will be placed on the application to ensure that the materials used are to be in accordance with the existing dwellinghouse and to be retained in perpetuity in order to ensure it remains in keeping with the existing character. Points raised on precedent and the loss of light have already been addressed via the above third party representations.

## **CONCLUSION**

The site is within the settlement limits of Llanelli Town so the principle of development is acceptable provided all other material considerations can be met. There has been no previous applications on the site to date.

The issues raised have been addressed and any outstanding material matters can be covered by conditions to be imposed on the recommendation to grant planning permission. On balance, the application submission has demonstrated that the concerns raised are, in certain instances, non-material concerns which do not fall under the remit of planning. The concerns relating to the development which are considered to be planning related have been identified and addressed accordingly.

The development will have not be detrimental to the existing street scene or the character of the street, therefore the application is recommended for approval with the conditions stated to be implemented.

## **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 shall be carried out strictly in accordance with the following approved amended plans received on 18th October, 2017:-
  - 1:50, 1:100 scale Existing Floor Plans and Elevations (01);
  - 1:50, 1:100 scale Proposed Floor Plans and Elevations (02);
  - 1:500 and 1:1250 scale Site, Block and Location Plan (LP01).
- 3 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### **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.

## **REASONS FOR GRANTING PLANNING PERMISSION**

In accordance with Article 3 of the Town and Country Planning (General Development Procedure) (Wales) (Amendment) Order 2004, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan (comprising the Carmarthenshire Unitary Development Plan 2006) and material considerations do not indicate otherwise. The policies, which refer, are as follows:

- The proposed development accords with Policy GP1, GP2 & GP6 of the LDP in that the extension represents an acceptable form of development which is appropriate to the character and appearance of the host building and surrounding area and will not have an unacceptable impact upon the residential amenity of nearby properties.

## **NOTES**

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

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

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

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

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

**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>S/35028</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	TWO STOREY DWELLING AT 15A BRYNCAERAU, TRIMSARAN, KIDWELLY, SA17 4DW

<b>Applicant(s)</b>	CATRIN REES, 8 BRYNCAERAU, TRIMSARAN, KIDWELLY, SA17 4DW
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Trimsaran
<b>Date of validation</b>	26/01/2017

## CONSULTATIONS

**Head of Highways and Transport** – Recommends refusal on the grounds of highway safety due to visibility being substandard and requiring third party land.

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

**Local Member** – County Councillor K Broom has requested that the application be reported to Planning Committee.

**Neighbours/Public** – Two neighbouring properties have been consulted on the application with no responses received to date.

## RELEVANT PLANNING HISTORY

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

S/32723	The construction of one conventional single storey dwelling in line with existing house building lines adjacent to the plot in traditional building materials Withdrawn	16 November 2015
S/14062	Residential property Outline planning refused	06 October 2006
S/12403	Residential property Outline planning refused	04 April 2006

## **APPRAISAL**

### **THE SITE**

The application site is an infill opportunity with the Bryncaerau road frontage. The site is approximately 12m wide and has a depth of approximately 60m. The site is within the development limits of Trimsaran and has houses either side. The spatial character of Bryncaerau is for houses fronting the highway with long rear gardens. There are however developments such as Maes Tomos and Argoed Crescent which wrap around to the rear, and there is a small site to the north west which utilises parts of the rear gardens of several houses.

The site has a former commercial use, however any commercial use has long since been abandoned and the building has now been substantially removed. The remains of the building is barely evident amongst the undergrowth. The site is heavily vegetated with trees and scrub.

The site has a history of refusals for residential dating back to 2006 on the basis of lack of highway visibility.

More recently, an application was withdrawn in 2015 on the basis that an ecological survey was required and it was the wrong time of year to carry out the survey work.

### **THE PROPOSAL**

The application seeks outline planning permission to establish the principle of a single dwelling on the site. The site is proposed to be laid out with the house set back in line with the neighbouring properties with a central access point to the front.

The applicant is aware of the requirement for a unilateral undertaking in respect of the affordable housing contribution, however given the other issues, has not submitted a legal agreement to date.

### **PLANNING POLICY**

In the context of the current development control policy framework the site is within the settlement development limits of Trimsaran as defined in the Carmarthenshire Local Development Plan (LDP) Adopted July 2006.

Policy SP1 Sustainable Places and Spaces states:-

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 states:-

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

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



- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

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

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.).

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.

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 (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 (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.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs, it is considered that whilst there is evidence of a former commercial use, this has long since been abandoned. There is a history of refusal on the basis of lack of visibility and this is still applicable given the fact that visibility is obscured by the access pillars on both the neighbouring properties. The applicant has been advised that these pillars should be reduced to 1m in height, and a legal agreement with the neighbours is needed to secure this in perpetuity. The applicant however has declined to do so.

The ecological survey refers to corridors for wildlife and the applicant has been asked to illustrate these on a plan, however this information has not been received.

Further, the applicant has been made aware of the requirement to submit a legal agreement to secure an affordable housing payment of £51.35 per square metre internal floor area. However, given the other issues this has not been submitted.

On balance, whilst an infill opportunity within the village, the proposal has highway safety issues and needs further ecological information and a legal agreement, so is not considered to be in accordance with the above policies and therefore is recommended for refusal.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy GP1 “Sustainability and High Quality Design” of the Carmarthenshire Local Development Plan:-

## **Policy GP1 Sustainability and High Quality Design**

**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:

- (i) the traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the County Road.
- (ii) it appears impracticable to construct an access within the curtilage of the site which would provide sufficient visibility for vehicles emerging onto the county road.

2 The proposal is contrary to Policy TR3 “Highways in Developments – Design Considerations” of the Carmarthenshire Local Development Plan:-

### **Policy TR3 Highways in Developments - Design Considerations**

**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.**

**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.**

In that:

- (i) the traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the County Road.
- (ii) it appears impracticable to construct an access within the curtilage of the site which would provide sufficient visibility for vehicles emerging onto the county road.

3 The proposal is contrary to Policy AH1 “Affordable Housing” of the Carmarthenshire Local Development Plan:-

### **Policy AH1 Affordable Housing**

**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.**

### **Commutated 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.).**

In that the applicant has not entered into a legal agreement to provide an affordable housing contribution.

4 The proposal does not comply with Policy EQ4 “Biodiversity” of the Local Development Plan:-

## **Policy EQ4 Biodiversity**

**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.**

In that insufficient information has been submitted to illustrate the recommendations contained in the ecological report.