

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

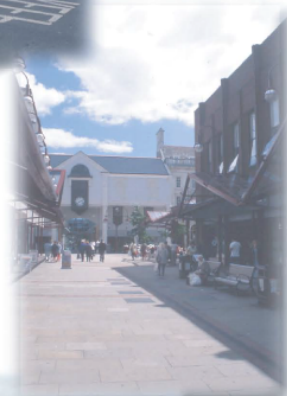
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 31 MAI 2018
ON 31 MAY 2018**

***I'W BENDERFYNU
FOR DECISION***

***Ardal
Gorllewin/
Area West***



Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yn rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	31 MAY 2018
REPORT OF:	HEAD OF PLANNING

INDEX - AREA WEST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
W/36321	Reserved Matters - Vehicle & pedestrian access, visual appearance, landscaping, layout & scale (outline planning permission W/30638) at land to rear of No 9 Brynderi, Pontyates, Llanelli, SA15 5SU

APPLICATIONS RECOMMENDED FOR APPROVAL
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Application No	W/36321
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Application Type	Reserved Matters
Proposal & Location	RESERVED MATTERS - VEHICLE & PEDESTRIAN ACCESS, VISUAL APPEARANCE, LANDSCAPING, LAYOUT & SCALE (OUTLINE PLANNING PERMISSION W/30638) AT LAND TO REAR OF NO 9 BRYNDERI, PONTYATES, LLANELLI, SA15 5SU

Applicant(s)	CARMARTHENSHIRE COUNTY COUNCIL - JASON JONES, PROPERTY AND REGENERATION, RURAL BUSINESS DEVELOPMENT CENTRE, NANTYCI, CARMARTHEN, SA33 3DR
Agent	DAVIES RICHARDS DESIGN LTD - CHRISTIAN WILLIAMS, 42 RHOSMAEN STREET, LLANDEILO, SA19 6HD
Case Officer	Richard Jones
Ward	Llangyndeyrn
Date of validation	20/10/2017

CONSULTATION

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

Llangyndeyrn Community Council – No objection raised.

Local Members – County Councillor W T Evans is a member of the Planning Committee and has therefore not made prior comment.

Natural Resources Wales (NRW) – No objections although NRW note the comments made at the outline planning application stage in respect of potential dormouse habitat at the site. A site clearance strategy has subsequently been submitted by the applicant having regard to potential dormouse habitat. This is currently out to consultation with NRW and the Local Planning Authority's Planning Ecologists and no response has been received to date.

The Coal Authority – A mining risk assessment report has been submitted. The Coal Authority are satisfied with its findings subject to a planning condition.

Neighbours/Public – The application has been publicised by the posting of a site notice adjacent to the proposed site access. No responses have been received to date.

RELEVANT PLANNING HISTORY

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

W/30638	Outline planning approval for proposed residential development of 7 no. split level houses - resubmission of planning refusal W/28981 Outline planning permission	09 October 2014
W/28981	Outline planning permission for proposed residential development of 7no. split level houses Outline planning refused	27 November 2013
D4/14060	Construction of a garage Refusal	30 October 1986
D4/12431	Construction of 4no. bungalows County permission under regulation 4	18 April 1985
D4/6153	Electricity supply Approved with conditions	04 June 1979
D4/1683	Housing development Approved with conditions	05 February 1976

APPRAISAL

This is an application in which Carmarthenshire County Council has an interest as applicant and in terms of land or property ownership.

THE SITE

The application site is an irregular shaped vacant site within the settlement development limits of Pontiets. The site is to the rear of bungalows forming the local authority estate known as Brynderi. The bungalows have south east facing rear gardens measuring approximately 9m between the site and the nearest residential units.

The site gently slopes down to the south east away from the rear of the bungalows and has an open south easterly aspect. The site has low level vegetation defined by scrub and small trees however there is a defined boundary comprising a mature hedgerow along the north eastern boundary. There is an informal footpath crossing the site which appears to be used by residents to cut through to a lane that links back to Heol y Meinciau. A three phase electricity line crosses the southern half of the site.

The site is accessed via the existing estate road via a parking area. There is an existing gate where the new road is proposed which allows access for ground maintenance purposes.

The site is owned by Carmarthenshire County Council and is part of a site which was granted permission for housing in 1976. The site had subsequent permission for four elderly bungalows in 1985, and most recently a scheme for seven split level dwellings was approved in 2014 (Outline Planning permission with all matters reserved - W/30638), 2 of which are

required for affordable housing. This application comprises the reserved matters submission. Notwithstanding the above extant permission the site is outside of the settlement limits of Pontiets and is not a Local Development Plan housing allocation.

THE PROPOSAL

Reserved Matters consent is sought for access, landscaping, visual appearance and layout and scale.

The submitted layout details show an access road coming off the existing parking area for dwellings on Brynderi and linking into a new estate road with turning head. The new dwellings will be located to the south of the existing Brynderi bungalows and on a lower land level. The proposed dwellings will be laid out centrally within the site and front onto the new estate road.

The dwellings will comprise 3 pairs of semi-detached dwellings and one detached dwelling with each unit having a split level appearance (single storey at the front/two storey to the rear). Each dwelling will be laid out in a generous sized plots with more than adequate rear amenity space. The proposed units are modest in a scale and have a total area of 78m square and each containing two bedrooms. Each will measure 9.1m in length and have a width of 6.8m, whilst having a variable height of between 4.2m and 7.2m to ridge on account of the split level design. The dwellings will appear as conventional bungalows in terms of their design and will be characterise by a projecting front gable wing. Site landscaping will consist of lawned gardens for each plot, whilst the existing mature vegetation bounding the site's periphery will be maintained in accordance with a planning condition.

The application has been accompanied by a reptile clearance and dormouse mitigation strategy which are currently out to consultation with NRW and the LPA Planning Ecologist.

PLANNING POLICY

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

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that "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" and "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".

Paragraph 2.2 of Technical Advice Note 12 Design (2014) 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 (2014) 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.

Policy SP1 Sustainable Places and Spaces refer to distributing development to sustainable location in accordance with the settlement framework and promotes the efficient use of land. Integrating with the character and amenity of the area is also referred to.

Policy SP5 Housing outlines the targets for housing provision and indicates this will be through allocated site but indicates this will not all be achieved through housing allocations.

Policy GP3 Planning Obligations states that the Council will, where necessary seek developers to enter into Planning Obligations to secure contributions to fund improvements to various community benefits.

Policy H2 Housing within Development Limits states that proposals for housing developments on unallocated sites within the development limits of a defined settlement will, where they are not subject to the provisions be permitted, provided they are in accordance with the principles of the Plan's strategy and its policies and proposals. Although the site is outside development limits the policy is still relevant in that it highlights the policy position for housing schemes within limits.

Policy AH1 Affordable Housing indicates that a contribution to affordable housing will be required on all housing sites and below the 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.). For site over 5 dwellings an on-site contribution will be preferred.

Policy TR3 Highways in Developments - Design Considerations outlines a number of matters to be considered included suitable access and parking and to ensure highway safety is not adversely affected for users of the roads/streets.

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.

CONCLUSION

Turning firstly to the design and scale of the proposed dwellings, it is considered that the split level bungalow design is acceptable in this context given the single storey nature of much of Brynderi to the north. The split level nature would ensure that the character of the existing estate would be retained and extended, with the extra accommodation under the rear of the units taking advantage of the sloping nature of the site. The dwellings are also of a scale that is commensurate with the immediate character of the area, which comprises modest to medium sized dwellings finished in a combination of render, brick and slate/concrete roof tiles.

The site is to the rear of the existing bungalows at Brynderi and the nearest dwelling to the proposed unit. The access is proposed via an existing estate road and parking area where there is an existing access gate out on to the land. The proposal would extend the built form down the hill to an existing track, on land which is outside of the settlement development limits of the village. The proposal is not considered likely to be detrimental to the amenities of the existing bungalows to the front or any property to the rear.

The site is currently overgrown with bramble and scrub with some small trees within the site. The eastern and southern boundaries of the site are defined by nature trees and hedgerow and it is intended that these will remain. This will be secured by planning condition which is attached to the outline planning permission.

In terms of the proposal's impact upon site ecology, the applicant has submitted a reptile clearance strategy and a dormouse clearance methodology. The reptile report has been considered acceptable, however, no response has been received to date from NRW regarding the acceptability of the dormouse clearance methodology. On this basis approval of this reserved matters application is subject to a favourable response on this matter from NRW.

With regard to the existing electricity line that crosses the site, the developer may wish to consider options for burying the cable and is advised to contact the relevant statutory undertaker.

The site is outside of development limits as defined by the LDP settlement plans, however, it benefits from an extant outline planning permission therefore it would be unreasonable to resist the development on this basis.

In conclusion, it is considered that an acceptable scheme has been submitted that incorporates a design, scale and layout that is consistent with the character of immediate area. There are no highway safety concerns subject to conditions, whilst landscaping will be secured through lawned areas and the retention of mature vegetation on the site boundary. Subject to a favourable response from NRW regarding the acceptability of a dormouse clearance methodology, approval is recommended.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development shall be commenced before whichever is the later of:-

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

2 The development shall be carried out in accordance with the following approved plans and documents:-

- Location Plan 1:1250 @A3 [CW527/06] received 6th September 2017;
- Site Sections 1:100 @A1 [CW527/04] received 6th September 2017;
- Type A – Floor Plans and Elevations 1:50, 1:100 @A1 [CW527/01] received 6th September 2017;
- Type B – Floor Plans and Elevations 1:50, 1:100 @A1 [CW527/02] received 6th September 2017;
- Topographical Survey 1:200 @A1 received 6th September 2017;
- Site Layout, Landscaping and Drainage 1:200 @A1 [CW527/03A] received 20th November 2017;
- Site Layout and Topographical 1:200 @A1 [CW527/05A] received 20th November 2017;
- Reptile and Amphibian Translocation – Method Statement received 9th March 2018;
- Protected Species Method Statement received 3rd April 2018.

3 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway, 1.8 metre footways, and 6.0 metre kerbed radii at the junction with the Brynderi road.

4 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.

5 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole estate road frontage within 2.0 metres of the near edge of the carriageway.

6 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

7 Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.

8 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

- 9 All mature deciduous trees and hedgerow along the boundary shall be protected for the duration of the construction period following guidelines in BS5837 2005 (Trees in relation to construction) as follows and shall thereafter be retained in perpetuity:
- An exclusion zone is to be identified by the Authority and agreed in writing prior to start of works;
 - Any arboricultural works that are required in pursuance of given planning permission e.g. to form access way etc. - to be undertaken by suitably qualified professionals before the erection of protective barriers;
 - Following any necessary arboricultural works all trees to be retained to be protected by permanent non moveable barriers. In light of previous experience with chestnut paling the barriers should consist of 2.9 m scaffolding poles sunk 0.6 metres into the ground. Steel mesh should then be secured to the scaffold frame to adequately shield the trees from machinery;
 - The protective barrier is to remain until written permission is given by this Authority for its removal;
 - Absolutely no materials are to be stored at any time within the agreed exclusion zone;
 - Arboricultural works and erection of protective barriers is to be supervised/inspected prior to start of any development.
- 10 No construction of dwelling units shall commence until a scheme for the provision of 2 affordable dwellings as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
- i) the type, tenure and location on the site of the affordable housing provision to be made;
 - ii) the timing of the construction of the affordable dwelling;
 - iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable dwelling; and
 - iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable dwelling, and the means by which such occupancy criteria shall be enforced.
- 11 No development shall commence until intrusive site investigation and remedial works take place on the site area in order to establish coal mining risks on site. The intrusive investigation works shall be carried out in accordance with a report submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. The report for approval shall include:
- (a) A scheme of intrusive site investigations for the mine entry;
 - (b) A scheme of intrusive site investigations for the shallow coal workings;

- (c) A layout plan which identifies an appropriate zone of influence for the mine entry, and the definition of a suitable no-build zone;
- (d) A scheme of treatment for the mine entry;
- (d) A scheme of remedial works for the shallow coal workings

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt as to the extent of this permission.
- 3-8 In the interests of highway safety.
- 9 To protect features of landscape and biodiversity value.
- 10 To ensure the provision of affordable housing.
- 11 In the interests of site and human safety and the integrity of structures built on site.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposal complies with Policy GP1, GP2 H2, AH1 and T3 of the adopted LDP (2014) in that the development is within the settlement limits. There are no highways or sewerage/surface water concerns. Sufficient amenity space is provided along with sufficient off road parking. The design, scale and appearance of the dwelling is not considered harmful to the character of the area and is consistent with the mix of dwelling designs in the street. It is not felt that there would be significant impacts on amenity or privacy at existing properties due to separation distances and the relationship and orientation of the dwelling in relation to its neighbours. Sufficient information relating to landscape features and proposals is also provided. There is a requirement for two affordable housing units on the site which will go towards the provision of affordable housing in the local area.

NOTE(S)

- 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 Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted In accordance with the aforementioned Regulation and a copy thereof has been produced to the Local Planning Authority.

The applicant should be aware of their legal duties regarding certain protected species. All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations (1994). Bats are also fully protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended*). Under the Conservation Regulations (1994) it is an offence deliberately to capture or kill a wild animal of a European protected species; deliberately to disturb any such animal; or to damage or destroy a breeding site or resting place of such an animal. For bats this includes roosts that are not currently being used. In the event of any evidence of bats being found further advice should be obtained from NRW (Beechwood Office, Talley Road, Llandeilo, Carmarthenshire SA19 7HR) as a licence to carry out the work may be needed from the Welsh Assembly Government.

Nesting Birds

In addition the applicant should be made aware of the possible presence of nesting birds using the buildings and the protection afforded to them. Under the Wildlife and Countryside Act (1981) (as amended) it is an offence to kill or injure any wild bird or damage or destroy the nest of any wild bird whilst that nest is being built or is in use. The breeding bird season is generally taken to be mid-March to mid-August. As such no work should be carried out during the breeding season, unless it can be demonstrated that nesting birds are absent.

- 3 The application is advised to contact Western Power Distribution regarding the electricity infrastructure that crosses the site before commencing development.