

**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 7 AWST 2018
ON 7 AUGUST 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:	07.08.2018
REPORT OF:	HEAD OF PLANNING

INDEX - AREA WEST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL	PAGE NO'S
W/35336	Proposed residential dwelling including new access / parking arrangements for the existing dwelling at land at, Frondeg, 2 Bro Rhydybont, Llanybydder, SA40 9QX	38-46

Application No	W/35336
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Application Type	Outline
Proposal & Location	PROPOSED RESIDENTIAL DWELLING INCLUDING NEW ACCESS / PARKING ARRANGEMENTS FOR THE EXISTING DWELLING AT LAND AT, FRONDEG, 2 BRO RHYDYBONT, LLANYBYDDER, SA40 9QX

Applicant(s)	MR & MRS DAVIES, SWN Y NANT, GLANDUAR, LLANYBYDDER, SA40 9RN
Agent	ATLANTIC HOMES, AROSFA, FFOSTRASOL, LLANDYSUL, CARMARTHEN, SA44 4TB
Case Officer	David Roberts
Ward	Llanybydder
Date of validation	29/03/2017

CONSULTATIONS

Head of Highways & Transport – Conditional approval.

Llanybydder Community Council - No observations received to date.

Local Member - County Councillor Ieuan W Davies is related to the applicants and has declared an interest in the application.

Land Drainage – Have requested that a Surface Water Drainage scheme condition be included in any permission granted.

Dwr Cymru/Welsh Water- Have requested that a condition be included that no surface water/drainage should enter the public sewerage network

Natural Resources Wales – No observations

Neighbours/ Public – Neighbouring properties have been notified of the application and to date 21 letters of objection and a signed petition containing 32 signatories have been received objecting to the proposal. The representations have raised objections on the following grounds:

- Overdevelopment of the site

- Highway safety concerns due to increased traffic and insufficient visibility from the plot access point onto the county road and at the junction where the county road meets the B4337
- Proposals are contrary to Planning Policy Wales Technical Advice Note 18 Transport
- Lack of capacity in the existing sewerage network
- Loss of Light
- Loss of privacy
- Loss of view
- Decrease in property values
- No details provided for drainage/parking provision
- Slow worms are present on the application site
- Insufficient space within plot for a soakaway
- Impact of a new house on the health and wellbeing of neighbouring residents
- Application form has been completed incorrectly
- Loss of public open space

RELEVANT PLANNING HISTORY

The following relevant planning applications have previously been submitted on the application site:-

W/28452	Proposed residential dwelling Outline Planning Permission	12 September 2013
W/22025	Renewal of application W/15307 for a proposed Dwelling Outline Planning Permission	07 January 2010
D4/15307	House Outline Planning Permission	11 April 2007

APPRAISAL

THE SITE

The application site is the curtilage of a semi-detached property, No 2 Bro Rhydybont, Llanybydder. The site is roughly rectangular in shape and the topography of the site is generally level with the development plot measuring approximately 15 metres in width and 24-28 metres in length and there are residential properties and garden curtilages on either side of the application site. The site is within the development limits of the settlement. There are 2 newer properties to the north of the site, one bungalow and one two storey dwelling. There is a residential cul-de-sac to the east of the application site. All properties within the cul-de-sac are 2 storey. The site can be accessed via the county road to the rear. There is a hedgerow where the site borders the county road.

THE PROPOSAL

The original application sought outline planning permission for a residential dwelling with all matters reserved for future consideration. The original application was due to be presented to Planning Committee for determination on September 21st 2017, however concerns were expressed by senior officers that one of the highways conditions relating to

the provision of parking and turning area facilities for the existing dwelling applied to land outside the red line boundary of the application site. The applicant was advised to revise the application and extend the red line boundary to include the whole of the curtilage of the property. A revised application and plan were, subsequently submitted, the application was revised with access as a reserved matter being considered at the outline stage of the planning application process. During the course of the application 2 further separate public consultation exercises were undertaken due to revisions to the proposals submitted in response to consultation responses received from the Highways and Transport Division. A site plan has been provided illustrating the new access and parking/turning area facilities for the existing and proposed dwelling and the location of a new dwelling with an indicative footprint measuring 9-10 metres in width and 7-8 metres in depth and an indicative height to ridge level of between 7.5- 8 metres. A smaller size dwelling may be more appropriate to provide greater amenity space, however it is sufficient to demonstrate that the application site is large enough to accommodate a dwelling.

PLANNING POLICY

This application has been considered against relevant policies of the Carmarthenshire Local Development Plan (Adopted December 2014) ('the LDP').

The application site lies within the settlement of Llanybydder as defined by the LDP and the following policies are of key relevance to the proposal:

Policy SP1 Sustainable Places and Spaces stipulates that proposals for development will be supported where they reflect sustainable development and design principles by concentrating developments within defined settlements, making efficient use of previously developed land, ensuring developments positively integrates with the community and reflect local character and distinctiveness whilst creating safe, attractive and accessible environments that promote active transport infrastructure.

Policy SP3 Sustainable Distribution Settlement Framework seeks to concentrate development in sustainable locations within existing defined settlements such as identified growth areas, service centres, local service centres and other defined sustainable communities.

Policy H2 Housing within Development Limits stipulates that housing developments within existing settlements will be permitted provided that they are in accordance with the principles of the Plan's strategy, its policies and proposals.

Policy AH1 Affordable Housing states that a contribution towards affordable housing will be required for the net creation of one dwelling and for developments falling below the threshold of 5 dwellings a financial contribution is sought. This is equivalent to £74.65 per sqm of the internal floorspace of the proposed dwelling in this particular area. Such a contribution would be secured by way of a Legal Agreement that must be completed by all interested parties prior to the issuing of a decision in the event that planning permission is granted.

Policy GP1 Sustainability and High Quality Design is an overarching policy that seeks to achieve sustainable and high quality developments throughout the County that respect the existing character and appearance of the area in terms of siting, appearance, scale, height, massing, detailing, landscaping, materials and the amenity of local residents.

Policy TR3 Highways in Developments – Design Considerations relates to the Highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy SP14 Protection and Enhancement of the Natural Environment states that development should reflect the need to protect and wherever possible enhance the County's natural environment.

THIRD PARTY REPRESENTATIONS

To date twenty one letters of objection and signed petition have raised the following issues:-

- Overdevelopment of the site
- Highway safety concerns due to increased traffic and insufficient visibility from the plot access point onto the county road and at the junction where the county road meets the B4337 and highway safety concerns for the new vehicular access onto the B4337 at the frontage of the property
- Proposals are contrary to Planning Policy Wales Technical Advice Note 18 Transport
- Loss of parking provision
- Lack of capacity in the existing sewerage network
- Loss of Light
- Loss of privacy
- Loss of view
- Decrease in property values
- Impact of a new house on the health and wellbeing of neighbouring residents
- No details provided for drainage/parking provision
- Slow worms are present on the application site
- Insufficient space within plot for a soakaway
- Application form has been completed incorrectly
- Loss of public open space

The application site is of a similar size as the dwellings to the west and also those properties on Bro Rhydybont to the east of the application site. Furthermore the submitted indicative layout has demonstrated that the site could accommodate a moderately sized dwelling and provide sufficient amenity/parking/turning area space. It would also not have an unacceptable impact on the amount of amenity space left for the existing dwelling which would retain a sufficient amount of garden area. Therefore, subject to an acceptable design which would be considered as part of a reserved matters application, the proposals are not considered to represent overdevelopment of the site.

In terms of highway safety concerns and the contention that the proposal is contrary to guidance contained in Technical Advice Note 18 Transport; officers within the Highways and Transport Division would have assessed the application, taking into account all relevant technical guidance and have responded with no objections to the proposed development subject to the imposition of conditions. Therefore it is considered that the proposal would not generate a level of additional traffic that would be detrimental to highway safety on the surrounding road network and could be served by an appropriate access incorporating visibility requirements. In relation to the loss of parking provision for

the existing dwelling the submitted site plan has demonstrated that sufficient parking can be provided for the existing and proposed dwelling.

In regard to loss of light and privacy, it is considered that there is sufficient separation distances between properties for this not to be an unacceptable issue, similarly there is sufficient separation distances between the application site and neighbouring properties including the applicant's own dwelling, for there not to be an unacceptable loss of privacy and the detailed design and positioning of the dwelling will be considered when the reserved matters are submitted to ensure that there is no overlooking from first floor windows.

In relation to the objections raised in regard to lack of drainage detail and the contention that there is insufficient space to accommodate a soakaway, the land drainage team have been consulted and have raised no adverse comments requesting that a planning condition be imposed that the surface water drainage system for the proposed development needs to be approved by the land Drainage Team. In relation to the lack of capacity in the existing sewerage network, Dwr Cymru /Welsh Water have been consulted and have raised no adverse comments.

In terms of ecological considerations and the presence of slow worms on the application site NRW and the Planning Ecologist have been consulted and have raised no concerns. However the Planning Ecologist has requested that a reptile clearance strategy condition be imposed.

It was brought to the attention of the case officer that the original application form had been completed incorrectly in regard to Section 8 of the application form in that the applicant was related to an elected member of Carmarthenshire County Council and the No Box had been ticked. This inaccuracy was brought to the attention of the agent and the application was revised and resubmitted to reflect the fact that the applicant is related to the Local County Council member for the area. In addition the local County Council member has declared an interest in the application. It was also contended that the application form was not signed, but it can be confirmed that the relevant sections of the application form have been signed and dated by the agent. It has also been brought to the attention of the Planning Authority that the location plan and block plans submitted in support of the application do not show all the residential properties in the vicinity of the application site and this is accepted, but their presence and location were taken into account in the assessment of the application.

In regard to the contention that the proposal would lead to the loss of public open space, the application site is garden curtilage in private ownership and cannot be considered as public open space.

The other points of objections raised relating to loss of view, decrease in property prices and the impact of the proposed development on the health and well-being of existing local residents; it is considered that these matters are not considered to be material land use planning considerations.

CONCLUSION

The application site is located within the development limits of Llanybydder and therefore should be considered under Policy H2 of the LDP which allows for new residential

development provided the proposal is in accordance with the principles of the Plan's strategy and its policies and proposals.

The plot is of sufficient size to accommodate a moderately sized dwelling and would not look out of place. The proposal would be able to accommodate sufficient garden/amenity space area and an appropriate level of privacy would be achievable for both the existing and proposed dwelling. The scale and design of the proposed dwelling will be considered when the reserved matters planning application is submitted.

There would be no concerns in regard to overlooking and loss of privacy for adjoining residents and the site would be able to accommodate a dwelling designed to be in accordance with the character of the area. Therefore it is considered that the proposal complies with Policy GP1 of the LDP.

In regard to Highways considerations the Head of Highways & Transport has responded with no objection to the proposal subject to the imposition of conditions on any planning permission and as such the proposal is considered to be in accordance with the requirements of Policy TR3 of the LDP.

In relation ecological matters both NRW and the Planning Ecologist have been consulted and have raised no adverse comments; the Planning Ecologist has requested that a Reptile Site Clearance strategy condition be imposed, therefore it is considered that the proposal is in accord with Policy SP14 of the LDP.

After careful consideration it is considered that the proposal is acceptable within the context of its surroundings and is in accordance with the relevant Local Development Plan Policies. It is therefore recommended that the proposed development be approved.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 2 The permission now granted relates to the land defined in the 1:1250 scale location plan and 1:500 scale site plan received on 13th July 2018.
- 3 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
 - (i) the expiration of five years from the date of this outline planning permission;
 - (ii) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 Development shall not commence until detailed plans of the appearance; landscaping; layout; and scale of the buildings stated in the application, have been submitted, and received the written approval of the Local Planning Authority.

Proposed New Plot Only:

- 5 The new vehicular access shall be laid out and constructed in accordance with Dwg No. 01/F, Dated: 10/03/2017 prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 6 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole U4121 Road frontage within 2.4 metres of the near edge of the carriageway.
- 7 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 8 Prior to the commencement of any part of the development herewith approved, a 1.8 metre wide footway shall be provided along the entire site frontage with the U4121 Road. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.

Proposed New Access to the Existing Dwelling Only:

- 9 The new vehicular access shall be laid out and constructed strictly in accordance with Typical Layout No. 1 (specification for which is attached to this planning permission), and shall be located adjacent to the south-eastern extent prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 10 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.
- 11 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 59 shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.
- 12 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 13 No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

- 14 Prior to any earth moving, hedgerow removal and soil stripping, a sensitive reptile clearance strategy must be prepared and approved by the Local Planning Authority and implemented before any of the specified works take place in accordance with the agreed scheme.
- 15 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

REASONS

- 1 The application is in outline only.
- 2 For the avoidance of doubt as to the extent of this permission.
- 3 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 4 In the interests of visual amenity.
- 5-12 In the interest of highway safety.
- 13 In the interests of the environment.
- 14 To prevent injury and killing of reptiles.
- 15 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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 Local Development Plan (LDP) unless material considerations indicate otherwise.

- The proposal complies with Policies H2, AH1, GP1, TR3 and SP14 of the adopted LDP (2014) in that the proposed development is within the settlement limits of Llanybydder. There are no highways or amenity concerns. Potential for sufficient amenity space is provided along with sufficient parking for the proposed and existing dwelling. The proposal is subject to a legal agreement to provide a financial contribution towards affordable housing.

NOTES

- 1 The developer/applicant's attention is drawn to the requirement for a financial contribution towards affordable housing that will be secured by way of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act to make a contribution of £74.65 per square metre of internal floor space of the proposed dwelling towards the provision of affordable housing.

- 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.

- 3 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).