

**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 07 CHWEFROR 2019
ON 07 FEBRUARY 2019**

**I'W BENDERFYNU
FOR DECISION**

***Ardal
Gorllewin/
Area West***



**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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	07 FEBRUARY 2019
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	W/38150
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Application Type	Full Planning
Proposal & Location	RENEWAL OF EXPIRED PLANNING APPROVAL (W/20486) RESIDENTIAL DWELLING AT 14 HEOL GWERMONT, LLANSAINT, KIDWELLY, SA17 5JA

Applicant(s)	JO LEWIS, FISHERYWISH, LLANSAINT, CARMARTHEN, CARMARTHENSHIRE, SA17 5JE
Agent	IAGO CYMRU LTD - GETHIN LLOYD JAMES, TROED Y BRYN, LLANARTHNE, CARMARTHEN, SA32 8JE
Case Officer	Richard Jones
Ward	St Ishmael
Date of validation	10/12/2018

CONSULTATIONS

Head of Highways and Transport – No objection subject to a condition relating to the retention of the proposed parking spaces.

St Ishmaels Community Council – Has not responded to date.

Local Members - County Councillor L M Stephens has made no comment to date.

Natural Resources Wales – No objection subject to standard advice in relation to European protected species.

Neighbours/Public - The application has been publicised by the posting of a Site Notice and advertised in the local press as a development within a conservation area. Two objection letters have been received and are summarised below:-

- Significant loss of privacy to garden and habitable rooms due to overlooking from proposed first floor window.
- Additional noise and disturbance as a result of the dwelling.
- Over-development and overcrowding of the site which will have an impact upon the character of the area in addition to the effect it would have on the Llansaint Conservation Area.
- Negative visual impact on the landscape.
- Increased volume of traffic as a result of the proposal resulting in a greater risk to pedestrians in the immediate locality.

- The driveway dimensions appear to fall short of the regulations.
- Concern regarding the management, control and safe dismantling and disposal of the structure currently on site. There could be hazardous material such as asbestos in the building which could pose a threat to the health of adjacent occupiers.
- Disappointment that neighbouring dwellings were not consulted and no notice of planning being put up.
- Traffic congestion will be caused to a very narrow street and cause access issues to an adjacent property.
- Lack of visibility at the site's proposed access with Heol Gwermont. There are obstructions that prevent visibility when vehicles emerge from the site.
- Loss of view due to the proposed height of the dwelling.
- The height of the building is not in keeping with the scale of adjacent dwellings.
- Impact on ecological interests at the site.
- There are empty properties in the village and the proposal will add to the number of properties that could become further holiday homes in the village.

RELEVANT PLANNING HISTORY

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

W/20486	Residential dwelling Full planning permission	25 March 2010
W/17517	Demolition of former garage and outbuilding into 1 no. dwelling house with garage Full planning refused	16 November 2007
D4/24934	Temporary use of existing building as domestic garage Full planning permission	22 September 1994
D4/22795	Conversion of disused shop into a bungalow Outline planning permission	10 November 1992
D4/18273	Siting of residential unit Outline planning permission	12 September 1989
D4/5137	Conversion to residential use Outline planning permission	18 September 1978

APPRAISAL

THE SITE/PLANNING HISTORY

The application site comprises a large garage and store structure sited on a parcel of land that is sandwiched between the residential dwellings of No.12 and 16a Heol Gwermont, Llansaint. The structure is set back from the highway by some 5m and measures 19m across its frontage, has a depth of 17.1m and a height of 5.4m. The site is within the Llansaint Conservation Area which is characterised by modest terraced cottages sited along an organic street pattern of narrow roads and alleys. The tight street pattern and the close arrangement of dwellings to one another provide the village with a sense of place which adds significant character to the settlement. The street pattern is irregular, twisting and turning, widening and contracting in a sequential and inviting manner. Dwellings are modest

in height whilst the use of materials is predominantly lime washed stone and spar and slate roof tiles. Minor detailing of the dwellings includes chimney stacks, 40° degree roof pitches and 'clipped' eaves.

Full planning permission was approved subject to conditions at this site for a dwelling in March 2010. This permission has since lapsed, nevertheless this permission demonstrates that residential development, albeit under the previous Local Plan's policies, was acceptable at this location. The design, scale, layout and parking arrangements approved in 2010 are the same as those currently under consideration. Moreover, the site has a history of unimplemented residential planning approvals dating back to 1978. These permissions are considered material to the consideration of this current application.

THE PROPOSAL

Full planning permission is sought for the construction of a detached garage and dwelling. This will require the demolition of the existing building that sits on the site. The amended scheme comprises a detached dwelling which is sited further forward within the plot and approximately 2.2m from the edge of Heol Gwermont and will have a frontage width of 6.7m, a length of 11.2m and a height of 7.9m. A detached garage will be sited to the north east of the dwelling and set back some 2.5m from the front building line. The garage will measure 3.6m in width by 5.7m in length and will be constructed with a pitched roof measuring 4.5m in height. External finishes will consist of slates to the roof, a smooth external render to the elevations and hardwood windows. A rear garden area will be provided which will have a maximum depth of approximately 7.5m. Additional off street parking will be provided in an area in front of the proposed detached garage.

PLANNING POLICY

The relevant policies are:-

In the context of the current development control policy framework the site is located within the defined development limits for Llansaint and within the Llansaint Conservation Area as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014 and within a Conservation Area.

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".

Policies SP13 and EQ1 of the LDP relate to development in conservation areas and require that development preserves and enhances the historic environment.

Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special attention shall be paid the desirability of preserving or enhancing the character of appearance of a conservation area.

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 SP3 Sustainable Distribution – Settlement Framework outlines the growth areas for the County of which Carmarthen is one. Provision for growth and development will be at sustainable locations in accordance with the LDP's Settlement Framework.

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.

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.). In the Lower Gwendraeth area this is £51.25 per sq.m.

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.

Planning Policy Wales 10 (December 2018) provides advice in relation to the assessment of proposals in Conservation Areas. Specifically, Para 6.1.14 states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should

be reviewed. The preparation of conservation area appraisals and management plans can assist planning authorities in the exercise of their development management functions.

Para 6.1.15 states there is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

Para 6.1.16 states that preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

Para 6.1.17 states that conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures.

Issues

Turning firstly to the issue of whether the proposal harms the amenity of neighbouring occupiers. The proposed dwelling will occupy a position fronting Heol Gwermont and will have its flank walls facing the corresponding elevations of the other frontage dwellings either side, namely 12 and 18a Heol Gwermont. The proposal maintains a comfortable distance from these properties and does not have any windows directly overlooking or appear physically overbearing when viewed from these properties.

Between the site's south western boundary and the flank wall of No.18a is a short private access off Heol Gwermont that leads to Nos 16 and 16a Heol Gwermont – two dwellings that adjoin each other, but showing evidence of them being a single dwelling at some point in time. These properties will have their curtilages adjoining the side and rear boundary of the proposed site. The proposed dwelling's rear elevation will face No.16 and 16a, albeit at an oblique angle. The proposed dwelling will maintain a separation distance of approximately 11.5m from No.16a and approximately 7m from the boundary the two properties will share. The proposed dwelling will have a first floor bedroom window that will face the patio/amenity area of No.16a and maintain a separation distance of approximately 7.5m from this area. The occupier of No.16a is already exposed to a first floor window in the garage/store building that currently presents an overlooking issue onto the patio. It is considered that the proposed dwelling will not increase the overlooking impact over and above what is currently experienced by the occupiers of 16a. Therefore on balance there is no additional detrimental overlooking impact upon this neighbouring dwelling.

In terms of the physical impact of the dwelling on the living conditions with 16a, it is considered that the relationship between the two dwellings is acceptable and will not lead to an unacceptable overbearing impact upon the patio area or when viewed from habitable windows. The dwelling will be sited at an oblique angle and will not directly face No.16a, ensuring that its mass is angled away from private spaces.

Side bedroom, landing and bathroom windows will face the front garden area of N.16a and rear garden of No.12 Heol Gwermont and would cause unacceptable harm to existing privacy levels. On this basis a planning condition is proposed should members approve the application, requiring these windows to be obscure glazed and un-openable to prevent overlooking.

It is not considered that No.16a's adjoining neighbour No.16 will be harmed given the separation distance and orientation the proposal will have in relation to this property.

The design and scale of the dwelling is consistent with surrounding properties, sharing similarities in terms of, relationship and proximity to the highway, frontage width, height, depth, vertical window openings, and entrance to front elevation, clipped eaves and use of materials. On this basis the proposal is considered to be consistent with the character and appearance of the area, whilst preserving the Llansaint Conservation Area. The site will be enhanced by the removal of a redundant and utilitarian building in the middle of a residential street to make way for the dwelling. The garage/store's demolition will however, require separate conservation area consent before the posed dwelling can be built. Permission will be subject to this provision.

The dwelling is not considered cramped or over-developed within the plot, given that its dimensions allow for an adequately sized rear garden comprising approximately 70 square metres. The building to plot ratio is comparable to neighbouring dwellings in the conservation area. Overall the dwelling will appear visually acceptable and will preserve the conservation area and is not considered to harm the character and appearance of this part of the village.

In terms of the impact upon ecology and biodiversity interests, the bat survey that accompanies the application found no signs of bats roosting within the building proposed for removal. The surveyor states that the building holds negligible potential to be used by bats. No further ecological or biodiversity impacts have been identified by Natural Resources Wales and the Council's Planning Ecologist, subject to standard advice relating to bats and the legislation the developer must follow of bats are encountered during the build stage of the proposal.

The Head of Highways and Transport has responded raising no objection to the proposal on highway safety and transportation grounds, subject to the parking details provided and retained. It is noted that third parties have raised concerns regarding the standard of parking and visibility as vehicles emerge from the new access, however, these are not concerns that have been raised by the Head of Highways and Transport.

THIRD PARTY REPRESENTATIONS

Two objection letters have been submitted following the site and press consultation. Concerns that relate to the impact upon amenity, character of the area, highway safety and ecology have been addressed above. The other matters raised will be addressed below.

The concern regarding the presence of hazardous materials that could be exposed during demolition of the existing site building, is noted, however, ensuring the safe demolition of the structure and the health a safety implications of this is a responsibility of the person carrying out the work and not for the local planning authority to control.

Neighbours have expressed concerns that existing views will be lost as a result of the proposal as well as having a negative effect on property values. These are not material planning considerations.

The issue of increased noise and disturbance has been raised, however, the garage and store building can be used unrestricted at present and generate noise a disturbance through activity. It is considered that the proposed dwelling will raise no significant noise over and the use that is currently on site. Any persistent and continuous noise and disturbance generated by a proposed dwelling would be a matter of statutory nuisance and a planning issue.

The adequacy of the consultation process has been questioned, specifically the lack of direct consultation with neighbours. In response to this, it is considered that sufficient consultation took place to satisfy the legislative requirements, as a site notice was displayed at a visible location on the roadside immediately adjacent to the site, whilst a press notice was placed in the local paper.

Finally concern has been raised that a further dwelling could increase the number of holiday homes already in the village. There is no substantial evidence presented regarding this point, whilst it is not considered a material planning consideration.

CONCLUSION

In conclusion, the proposed dwelling is considered acceptable in that its design and scale is consistent with neighbouring dwellings and will ensure no detrimental harm to the character and appearance of the Llansaint Conservation Area. The dwelling will not appear cramped or confined within its plot and future residents will benefit from an adequately sized private amenity area. The proposed dwelling will also maintain neighbouring residential amenity and will ensure no significant loss in privacy to neighbouring dwellings or result in a detrimental physical/overshadowing impact. Finally the proposal is satisfactory from a highway safety perspective as the Head of Highways and Transport raises no objection.

It is requested that members of the Planning Committee resolve to approve the application subject to the applicant obtaining conservation area consent for the demolition of the garage/store currently on site and the applicant entering into a S106 legal agreement to secure a financial contribution towards affordable housing in the area. On this basis approval is recommended.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years of the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents received on 16th November 2018, unless otherwise stipulated by conditions:-
 - Block and Location Plan [06] 1:500, 1:2500 @A2;
 - Existing Floor Plan [01] 1:50 @A2;
 - Existing North West and North East Elevations [02] 1:50 @A2;

- Existing South West and South East elevations [03] 1:50 @A2;
- Proposed Floor Plans [04] 1:50 @A2;
- Proposed Elevations [05] 1:50 @A2;
- Bat Scoping Survey.

- 3 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.
- 4 Details of the proposed boundary treatment for the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and shall be completed prior to the occupation of the development to the satisfaction of the local planning authority.
- 5 Notwithstanding the provisions of schedule 2, part 1, classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), no buildings/extensions shall be erected other than those expressly authorised by this permission and shown on plan numbers:
 - Proposed Floor Plans [04] 1:50 @A2;
 - Proposed Elevations [05] 1:50 @A2;
 - Block and Location Plan [06] 1:500, 1:2500 @A2.
- 6 The first floor windows in the south west and north east elevations shall be obscure glazed and un-openable except for a fan light.
- 7 Prior to the construction of the dwelling hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3 In the interest of highway safety and visual amenity.
- 4 In the interests of general amenity.
- 5 To control future development on the site in the interests of residential and visual amenity of the surrounding area.
- 6 To ensure no detrimental harm to the privacy of neighbouring occupiers.
- 7 In the interests of visual amenity and the character and appearance of the Llansaint Conservation Area.

SUMMARY REASONS FOR APPROVAL

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 SP13 and EQ1 of the adopted Carmarthenshire Local Development Plan (2014) in that the proposed dwelling will not adversely affect existing buildings, structures, open spaces, trees and other features which make a positive contribution to the character and appearance of the conservation area. The proposal will ensure the Llansaint Conservation Area is preserved and enhanced.
- The proposal complies with Policy GP1 of the adopted Carmarthenshire Local Development Plan (2014) in that it conforms with and enhances the character and appearance of the site and 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 or amenity of adjoining occupiers
- The proposal complies with Policy H2 of the adopted Carmarthenshire Local Development Plan (2014) in that the site is within the settlement limits of Llansaint and there are no amenity, highway safety or utility provision objections. It also complies with other policies and provisions in the plan.
- The proposal complies with Policy TRS3 of the adopted Carmarthenshire Local Development Plan (2014) in that in that it includes satisfactory parking and access arrangements.

NOTE(S)

- 1 This permission is subject to a Unilateral Undertaking to secure financial contributions towards affordable housing that is payable prior to the commencement of any further works.
- 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).
- Please see the relevant responses from Natural Resources Wales, The Council's Highway Section and Planning Ecologist and refer to the recommendations and advice contained therein.