

**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 19 MAWRTH 2019
ON 19 MARCH 2019**

**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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	19 MARCH 2019
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/37358
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Application Type	Reserved Matters
Proposal & Location	UP TO 27 RESIDENTIAL DWELLINGS - RESERVED MATTERS TO OUTLINE APPROVAL S/29469 AT LAND TO THE NORTH OF TYCROES RUGBY CLUB, PENYGARN ROAD, TYCROES, AMMANFORD, SA18 3NY

Applicant(s)	CHRIS JENKINS, C/O AGENT
Agent	JCR PLANNING LTD - JASON EVANS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
Case Officer	Paul Roberts
Ward	Tycroes
Date of validation	08/06/2018

CONSULTATIONS

Head of Transport – Has raised no objection to the application subject to the imposition of suitable conditions relating to improvements to the junction of the Ffordd y Deri estate with Tycroes Road.

Head of Public Protection – No objection, recommendation to grant conditional consent.

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

Llanedi Community Council – No observations received.

Local Member – County Councillor C Higgins raises the following concerns regarding the application:-

- Change from a mix of 3/4bed houses at the outline stage to a mix of 2/3 bed semi and detached bungalows;
- Has the matter of access through Ffordd y Deri been resolved with the landowner?
- Application states that outline was granted on 21/6/2015 and that the land is in the LDP. Planning Committee resolved to approve outline planning on the 18/11/2014,

when the site was within development limits under the UDP, but not LDP which had not been adopted and now excludes the site.

- Ecological reports stated that the nearest badger set is 3kms away and there were no badgers in the vicinity. Happy to send video footage of the badgers that visit our house most evenings, as recently as last night!
- As this proposal significantly affects all residents of Ffordd y Deri, it is astonishing that they are not considered consultees;
- Siting of the construction compound and operating hours are of concern to local residents.

Dwr Cymru Welsh Water – No objection, subject to the imposition of recommended conditions.

Natural Resources Wales - No objection

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

As a result of these publicity exercises, some 10 no. representation have been received from neighbouring residents and interested parties, all of whom object to the application for the following reasons:-

- Significant change in the character of the development from detached dwellings stated in the outline application to the current semi- and detached bungalows;
- Adverse impact on the amenity of adjacent properties through overlooking, loss of privacy and visually overbearing impact;
- Construction compound is unacceptably sited too close to existing properties, and is likely to result in noise disturbance, nuisance to the detriment of residential amenity;
- Proposed elevation treatment with a predominance of render is inappropriate and unsympathetic to the character of the adjacent estate;
- Critical of the environmental and ecological report submitted at the outline application stage, as well as NRW's response;
- Access through the existing Ffordd y Deri estate is considered inappropriate and inadequate in terms of width and pedestrian provision to the detriment of pedestrians and road users, as well as residential amenity;
- Noise and air pollution from increased traffic using Ffordd y Deri, compounded by on street parking;

- The width of Ffordd y Deri will not accommodate construction traffic, given visitors parking on the road;
- Double yellow line markings at the junction of Ffordd y Deri and Tycroes Road have proven to be ineffective and the access remains extremely hazardous;
- Concern that unlicensed and uncontrolled waste will be imported onto the site to raise ground levels;
- Mature trees and hedgerows will be damaged and lost as part of the development;
- The application site is claimed to be prone to flash flooding, particularly to its Eastern boundary with Ffordd y Deri. The proposed development will only exacerbate the situation;
- Loss of a view and devaluation of property.

RELEVANT PLANNING HISTORY

The following previous planning applications have been received in respect of the application site:-

S/37402	Provision of surface water drainage storage crates in connection with scheme submitted as part of a Reserved Matters application with respect to Outline Planning Permission S/29469	Pending
S/29469	Up to 27 residential dwellings Outline planning permission	12 June 2015
AM/04948	Proposed 13 no detached houses with integral garages Full planning permission	09 October 2003
S/02974	Residential development Outline planning permission	26 April 2001
D5/16248	Residential development Outline planning permission	15 December 1994
D5/14860	Proposed new entrance to existing agricultural land Full planning permission	31 March 1994
D5/14859	Parking & turning area in conjunction with existing bus depot Full planning permission	31 March 1994

APPRAISAL

This is an application in which Carmarthenshire County Council has an interest in terms of land ownership of the highway upon which improvement works and traffic management measures are proposed.

THE SITE

The application site consists of an irregular shaped parcel of land located off the southern periphery of the Ffordd y Deri housing estate and to the east of Penygarn Road in the village of Tycroes. It extends to an area of some 1.4 hectares of improved grazing pasture that forms part of two field enclosures that border the existing built form of the village with the main body of the site consisting of a southerly elongated enclosure that slopes gently in an easterly direction and is bounded on its eastern, southern and northern boundaries by mature hedgerows and trees. The site's northern boundary, shared with the existing Ffordd y Deri estate, is also defined by trees and hedgerows. The western periphery of the southern enclosure, which extends up to the boundaries of nearby residential properties and the grounds of Moriah Chapel, is excluded from the site and separated from the same by a post of wire stock fence.

The Ffordd y Deri estate road has been included within the site for access purposes as has its junction with Tycroes Road. The estate is characterised by two frontages of detached houses that flank the roadway and are fronted by parking and landscaped areas. The two southernmost dwellings which adjoin the field enclosures are served by private drives that have a shared access arrangement onto the estate road.

The site is located in a primarily residential area being close to the centre of the village and the various services and facilities therein. Tycroes Rugby Club and its associated playing fields are located a short distance to the south of the site with areas of countryside located to the east.

The planning history to the site shows that outline planning permission reference S/29469 – with all matters reserved – was granted on the 12 June 2015, subject to a legal agreement securing various community benefits. That application was submitted and considered under the then Carmarthenshire Unitary Development Plan (UDP) and remain extant by the fact that the 5 year lifetime remains unexpired, and the present reserved matters application was submitted within the specified first 3 years. Despite the fact that the former UDP has subsequently been superseded by the current Carmarthenshire Local Development Plan (LDP), the planning permission remains extant.

THE PROPOSAL

The current application seeks approval in respect of all the reserved matters to outline planning permission S/29469, namely scale; layout appearance; landscaping; and means of access for the proposed construction of 27 bungalows. The proposed mix of dwelling types would comprise of 4 no. 2 bed semi-detached bungalows, and 23 no. 3 bed detached bungalows the majority of which would include a detached side garage. In all respects, each propose dwelling would have the requisite number of car parking spaces, together with the necessary visitor spaces. The bungalow designs would be of a front gable featured design, comprising of two variants, mirrored, with a mix of predominantly rendered walls and others wholly facing brick finished. Houses on the adjacent Ffordd y Deri estate are entirely facing brick finished. In compliance with the provisions of the outline planning permission, six of the proposed dwellings are to be affordable, which is slightly greater than the 20% stipulated for the site.

Access to the proposed residential development would be gained off Tycroes Road and through the adjacent Ffordd y Deri estate, in accordance with the red line application site

approved under outline planning permission S/29649. At the outline planning application stage poor visibility at the Ffordd y Deri/Tycroes Road was acknowledged as being poor, compounded by the prevalence of on street parking. In the interim parking restrictions have been introduced in the form of double yellow line markings either side of the access along the near side of Tycroes Road. The proposed improvements would see both flanks of the Ffordd y Deri access increased to a radii of 10 metres, resulting in an amended kerb build-out into Tycroes Road with an advanced "Give-Way" line. Coupled with the re-designation of the double yellow lines this will serve to secure enhanced visibility of 2.4 x 37m to the left and 2.4 x 39m to the right for emerging traffic. The existing Ffordd y Deri estate road is to the requisite 5.5m carriageway width with flanking footways which will be adequate for the access to serve the current proposed further 27 dwellings, while the proposed estate road would be to the same dimensions to allow for adoption by the local authority.

Although a suite of supporting documents were submitted and considered at the outline planning stage, the following further documents have also now been received in support of this reserved matters application, as well as for the discharge of specific outline planning conditions:-

- 1 Revised Design and Access Statement
- 2 Planning Statement
- 3 Ecological Management Plan
- 4 Construction Management Plan

In view of the heavily grazed species poor improved grassland nature of the site, with species poor hedgerows, marginal marshy grassland and small areas of boundary scrub the site is of low ecological value. Subsequent to the original ecological assessment of the site in 2008, this has been updated with further re-surveys in December 2013, and latterly February 2017 and January 2019 which served to inform the latest submitted Ecological Management Plan (EMP)(February 2019). This EMP covers the full range of ecological interests and has itself been scrutinised by the Council's own Planning Ecologist. Likewise, the submitted landscaping scheme has also been commented on by the Planning Landscape Officer, while neither have objected to the current application.

In terms of drainage, both surface water and foul, a combined sewer traverses the eastern end of the site close to the boundary with the Ffordd y Deri estate. This infrastructure apparatus is plotted as a constrained on the submitted drawings, together with the associated safeguarded zone which is respected in the layout of the development as an easement. The presence of such services within the site also provides the opportunity for the proposed development to conveniently connect and drain all foul flows to the public sewer without having to cross any third part land. Dwr Cymru/Welsh Water have raised no objection to such arrangements.

As to the surface water drainage arrangements, a dedicated surface water sewer is proposed to take all hard surfaced rainwater run-off, incorporating a below ground crate storage facility with the required 1 in 100 year rainfall return capacity + climate change. The design and calculated capacity for the system has been scrutinised and verified by the Council's own Drainage Engineers, inclusive of the prescribed greenfield run-off rate to the adjacent watercourse. The intention being, that the same will be adopted in association with the estate road. As this storage tank will straddle the application site boundary with further land in the same ownership, a separate full planning application reference S/37402 has been submitted for this below ground structure.

In terms of flood risk, although the site is well divorced from any major watercourse, and consequently any recognised flood risk area, the site characteristics and surrounding topography hold the potential for flooding from surface water run-off. Consequently, the Council's Drainage Engineers have requested details as to what measures are to be deployed to manage the surface water run-off from the site. The applicant's consultant engineers have already met with the Council's engineers and an acceptable management solution has been agreed. At the time of writing this report amended plans illustrating such a management solution is awaited.

The tree and hedge felling plan which accompanied the outline planning application has also now been submitted in support of this reserved matters application, albeit now supplemented by a landscaping and tree planting scheme for the site. The aforementioned plans shows the majority of the trees and hedgerows bordering the site being retained as part of the development, with the exception of short sections located at the end of the existing estate road and crossing the northern part of the site which will require removal to enable access to the site, along with a small number of trees along the far western boundary of the site. These include a number of oak trees that are shown to be of moderate or high amenity value in the accompanying tree survey report. The trees to be removed were shown to have limited potential for bats in the Ecological Appraisal, however, notwithstanding this it suggests a precautionary approach to their removal as part of the development as outlined in the EMP. A similar approach is recommended for reptiles and breeding birds with regard to site clearance works.

As a reminder for members' attention the following community benefits have been agreed with the applicant under the Section 106 entered into under the outline planning permission.

- Affordable Housing - 20% of the units proposed are to be 'affordable' and a proportion of these will be expected to consist of two and three bedroom houses. The precise type, mix and tenure of the units are to be agreed with officers of the Authority's Housing Service as part of the formulation of the Section 106 agreement.
- Open Space - A contribution of £1,363 per residential unit in addition to a £10,000 management and administration fee which, based on a development of 27 units, would equate to a contribution of £46,801 towards the improvement and enhancement of open space and play facilities in the local area.
- Education Facilities – A commuted sum towards the provision/improvement of educational facilities within the local area which will be calculated using the Authority's standard formula for such contributions and be based on the number of units proposed and the current capacity of the relevant catchment schools. Based on a development of 27 units and the capacities of the relevant catchment schools, this would equate to a financial contribution of £17,000.

PLANNING POLICY

In the context of the application site's development control policy context, the extant outline planning permission granted for the site pre-dates the present Carmarthenshire Local Development Plan (LDP), and was considered under the then adopted Unitary Development Plan (UDP) when the site was allocated for residential development within the development limits for Tycroes as part of a larger allocation that included the present Ffordd y Deri estate. As such, the principle of residential development on the site was accepted and presently prevails, regardless of the fact that the site has subsequently been omitted under the LDP.

While the principle of residential development is not therefore now under consideration, present LDP policies would however apply in the consideration of the reserved matters detail to the proposal and the following policies would be applicable.

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 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 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.

Policy GP4 states that proposals for development 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 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 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.

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, or otherwise make a financial contribution towards enhanced off-site provision within proximity of the site.

NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) (Edition 10, December 2018) 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.

It highlights the need to provide a range and choice of housing to respond to changes in household need and that the provision of quality housing with access to services, green spaces and community facilities helps to create the right conditions for better health and well-being. Furthermore, it advocates locating new housing within existing settlements to allow people to travel to places of employment, retailing and other community services by walking, cycling or public transport.

The document refers to the need for new housing in both urban and rural areas to include a mix of market and affordable house types, tenures and sizes to cater for a range of identified housing needs and contribute to the development of sustainable and cohesive communities. It highlights that a community's need for affordable housing must be taken into consideration in determining planning applications.

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.

TAN12 (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.

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 development plans are prepared. Further advice is provided in terms of determining planning applications where the needs and interests of the Welsh language may be a material consideration. In essence, the TAN advises that planning applications should not be subject to Welsh language impact assessment as this would duplicate development plan site selection processes where LDP objectives indicated the need for such an assessment.

THIRD PARTY REPRESENTATIONS

The application has attracted some 10 letters of objection from neighbouring residents, as well as from the local ward member. The concerns raised are wide ranging, a number of which were previously raised at the outline planning application stage. The majority of the respondents live in the neighbouring Ffordd y Deri estate through which access to the development is to be achieved, while the County Councillor for Tycroes echoes most of the same concerns. The issues raised are addressed as follows

A common ground of concern amongst respondents is that the existing Ffordd y Deri estate road and its junction with Tycroes Road is considered inadequate in its present form, let alone the expectation to cater for the traffic likely to be generated by the proposed development. The same highway safety concerns also extend to vehicular traffic and pedestrian safety within the Ffordd y Deri estate, where it is opined that the estate road is of insufficient width to accommodate further traffic to any development beyond the estate be it for the construction phase, or on completion and occupation. Many were of the pre-conception that Ffordd y Deri was built as a small cul de sac and not designed for through traffic, while others maintain that despite previous measures to prohibit parking to either side of estate junction visibility levels are inadequate to serve further development, compounded by unauthorised parking within those areas. In the same vein, many query how could such an application could even be considered given that the site is no longer allocated or shown to be within the settlement limits of Tycroes.

In response, it was acknowledged at the outline planning application stage that the existing Ffordd y Deri junction has inadequate visibility along Tycroes Road to accommodate the likely intensification of use resulting from the development. Not only is visibility currently obstructed by boundary features to the front of neighbouring properties, but illegal parking is compounding the problem. However, as was established previously and conditioned on the outline planning permission, Tycroes Road has a carriageway width of approximately 8.1 metres at the Ffordd y Deri junction. As such, visibility at the existing junction could be significantly improved to the required levels of 2.4 x 37 metres and 2.4 x 39 metres to the

east and west respectively by extending the junction into Tycroes Road by means of a 'kerbed build-out', while double yellow lines have also been placed to either side in the interim. The present proposal includes a scale plan showing the conditioned improvements, as per the Head of Transport's previous requirements, which would continue to retain a 6.5 metre wide carriageway along Tycroes Road. The previously introduced parking restrictions would be transferred with the junction improvements, as a variation of the previously introduced Traffic Regulation Order.

The Head of Transport has likewise confirmed that the Fford y Deri estate road is to the required width to accommodate the likely traffic generated, while the specification of the proposed estate road at 5.5 metre carriageway width, flanking 1.8 metre footways, while incorporating a turning-head to its Southern end is likewise to an adoptable standard. Parking provision as shown for the proposed development meets the Council's expected standards.

Given the extant permission for residential development on the land, namely the subsisting outline planning permission S/29469 and submission of the current reserved matters application within time, the principle of residential development continues to endure until such time as either the permission expires, or the development is commenced whichever comes first.

Objections raised around possible increased noise and air pollution are not shared by colleagues in the Public Protection Service, given the relatively modest scale of the development, absence of any pre-existing environmental problems, and the application of appropriate safeguarding conditions. For the construction phase of the development a Construction Management Plan (CMP) has been submitted which stipulates the various best practice measures to be employed, including those pertaining to possible environmental effects. Notwithstanding which, there are other legislative controls covering construction sites which can be enforced should the amenity of neighbours be adversely affected. The provisions of the CMP are further reinforced by recommended conditions specifying working hours, and possible unknown ground contamination.

A further common ground of objection is belief that the development will exacerbate existing surface water flooding problems within the area. Further to the Drainage Report that accompanied the outline planning application and outlined the surface water drainage strategy for the site, a detailed drainage scheme with SW sewers, attenuation tank, and discharge details have been submitted. Colleagues in the Council's Drainage Section have confirmed acceptance of the same, while further details to address the management of over-land surface water flows and the propensity for surface water to pool to the North-west of the site is awaited. DCWW have not raised any capacity constraints in the local network and are not objecting to the application.

A number of the respondents have expressed concern at the proposed loss of a number of trees within the site which are suggested to be of ecological and high amenity value. The suite of submitted plans now submitted includes the same Tree Felling Plan that was considered at the outline planning application stage, whereby no greater number of trees, or lengths of hedges are to be removed than were previously considered, mainly to the Northern end of the site next to the Ffordd y Deri estate. This is where access from the aforementioned estate will be formed and to facilitate the construction of the new access road. Whilst those removed will include 3 mature oak trees that are deemed to be of moderate to high amenity value, they are not protected by a Tree Preservation Order. Furthermore, the sections to be removed represent only a small proportion of the hedgerow

habitat bordering the site and, on balance, it is considered that the benefits of the development, which will provide a range and choice of new housing, will outweigh any visual harm resulting from the removal of the trees. Notwithstanding this, any visual impact would be mitigated through the implementation of the submitted planting scheme, included in the "Landscaping" reserved matters element of this application.

Challenges around the ecological and wildlife value of the site have again been raised at the reserved matters stage, having previously been examined and considered at the outline planning application. Subsequent to the original ecological survey and appraisal of the site in 2014, the current application is accompanied by an Ecological Management Plan (EMP) informed by two subsequent updated surveys of the site in February 2017 and January 2019. The EMP satisfies the requirements of condition no. 11 of the outline planning permission in that it not only sets out a strategy to meet the requirements, but also details the protective and enhancement measures and recommendations set out in the previous Ecological Appraisal Report. The same report established that the site contained a limited range of habitat types which include species poor improved grassland, both species poor and rich hedgerows and trees, and areas of scrub and marshy grassland and the situation has not changed in the interim.

On the specific question of badgers frequenting the residential gardens of several of the properties neighbouring the application site. Neither of the more recent update surveys found evidence of badger setts on or immediately adjacent to the site, while it is common for badgers to travel several kilometres in their nocturnal foraging. The empirical evidence of the consultant ecologist, as verified by the Council's own Planning Ecologist, is therefore conclusive.

On the opined aspect of overlooking, loss of privacy and overbearance, the layout of the proposed development is that of a regular arrangement of bungalows either side of a central spinal estate road, not dissimilar to that of the adjacent Fford y Deri estate. As the proposal is shown as a continuation of that development, with a similar special arrangement, there is no potential for overlooking further mitigated by the fact the proposal is entirely comprised of single storey bungalows, with the Fford y Deri estate exclusively two-storey houses.

As to the proposed siting of the construction compound, opposed by certain neighbouring residents as being too close to their residences and judged to harbour the potential to cause disturbance, nuisance and loss of amenity. The location of the construction compound has been given out of courtesy, while planning permission is not required for the siting of such temporary uses and their associated structures. The further suggestion that such a facility should be sited elsewhere, off-site, would only serve increase the number of traffic movements, let alone the need for further separate planning permission. As previously mentioned, the CMP and further legislative controls governing construction sites exist to safeguard such interests, as would the licensing of any imported material under section 34 of the Environmental Protection Act 1990.

The issues raised by the respondents in respect of the loss of views and depreciation of property value are not material in the consideration of the application.

CONCLUSION

The application seeks reserved matters approval in accordance with the provisions of the outline planning permission granted under application S/29469. It forms part of a multi stage

process in securing detailed planning permission, with the principle of the residential development of the site having already been established.

After careful examination of the site, together with the representations received to date, the detailed proposals submitted in respect of the reserved matters of the development are considered to be acceptable and in compliance with the key policy and sustainability objectives of the Authority's adopted LDP as well as those of National Planning Policy. Furthermore, the details submitted pursuant to the full and partial discharge of the relevant conditions of the outline permission are also considered to be acceptable within this policy context.

The general scale, design and layout of the scheme will be in keeping with the character and appearance of the surrounding area and 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 the wider Tycroes area. Moreover, they will have access to a range of sustainable modes of transport. The development will also secure a range of community benefits in the local area which will include the provision of a significant number of affordable dwellings, as well as improvements to the existing access off Tycroes Road, education and recreational facilities.

It is therefore considered that there are no sustained highway, amenity, ecological or utility service objections to the development, other than the outstanding receipt of a plan showing the required relief culvert leading underneath the new estate road to cater for any overland surface water flows or surface water pooling to the North-west of the application site.

Accordingly, the application is put forward with a favourable recommendation, subject to the aforementioned provision(s).

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development shall begin either before the expiration of five years from the date of the outline permission to which this development relates or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2 The development shall be carried out in accordance with the following approved plans and documents:-
 - Site location plan 1:1250 scale (Drawing No. CW326/01 Rev. A) received 11 February 2019;
 - Site layout plan 1:500 scale (Drawing No. CW326/02 Rev. N) received 11 February 2019;
 - Topographical survey 1:500 scale (Drawing No. CW326/03 Rev. B) received 11 February 2019;
 - Site plan 1:500 scale (Drawing No. CW326/04 Rev. B) received 11 February 2019;
 - Tree & Hedge Felling plan 1:500 scale (Drawing No. CW326/05 Rev. B) received 11 February 2019;
 - Phasing plan 1:500 scale (Drawing No. CW326/06 Rev. F) received 11 February 2019;

- Site sections A-A 1:150; 1:500; & 1:750 scale (Drawing No. CW326/07 Rev. F) received 11 February 2019;
- Site sections B-B 1:150; 1:500; & 1:750 scale (Drawing No. CW326/08 Rev. E) received 7 March 2019;
- Site sections C-C / D-D 1:100 & 1:750 scale (Drawing No. CW326/9 Rev. D) received 11 February 2019;
- 2 Bed semi-detached bungalow 1:50 & 1:100 scale (Drawing No. CW326/10 Rev. A) received 11 February 2019;
- 3 Bedroom bungalow 1:100 & 1:50 scale (Drawing No. CW326/11 Rev. D) received 11 February 2019;
- Landscaping plan (North) 1:250 scale (Drawing No. CW326/12 Rev. F) received 11 February 2019;
- Landscaping plan (South) 1:250 scale (Drawing No. CW326/13 Rev. E) received 11 February 2019;
- Site drainage layout plan 1:500 scale (Drawing No. CW326/14 Rev. E) received 11 February 2019;
- Site plan (N) access callout 1:250 scale (Drawing No. CW326/15 Rev. B) received 11 February 2019;
- Road & SW Section plan 1:200 scale (Drawing No. 2232/602) received 11 February 2019;
- Ffordd y Deri/Heol Tycroes Junction Proposed Improvement Plan 1:500 scale (Drawing No. 0751 002 Rev. B) received 11 February 2019;
- Construction Management Plan prepared by Intrado Robbins (February 2019) received 15 February 2019;
- Ecological Management Plan prepared by Soltys Brewster (February 2019) received 15 February 2019.

- 3 A sample/detailed specification of the brick sample to be used in the construction of the development hereby permitted shall be submitted to the local planning authority for approval prior to the commencement of development.
- 4 No works shall commence on the development hereby approved until the highway improvements at the junction of Ffordd y Deri and Tycroes Road, as shown on the Ffordd y Deri/Heol Tycroes Junction Proposed Improvement Plan 1:500 scale (Drawing No. 0751 002 Rev. B) received on 11 February 2019 have been implemented in full.
- 5 The parking spaces and layout shown on the plans herewith approved shall be provided in accordance with the details shown prior to the beneficial occupation of the dwellings. Thereafter, they shall be retained, unobstructed, for the purpose of parking only.
- 6 No development shall commence until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) *Investigation of Potentially Contaminated Sites Code of Practice* and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages.
- (ii) An intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study.
- (iii) An assessment of the potential risks to:-
 - human health;
 - groundwater and surface waters;
 - adjoining land;
 - property (existing or proposed) including buildings, crops, livestock, pets;
 - woodland and service lines and pipes;
 - ecological systems;
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i).
- (iv) An appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' *'Development of Land Affected by Contamination: A guide for Developers'* (2012).

- 7 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 8 No building shall be occupied until the drainage system for the site has been completed in accordance with the details as shown on Drawing No CW326/14 Rev E. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 9 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.
- 10 During the site clearance and construction phases, no works shall take place other than within the hours of 07:30 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays. As the proposed developments are situated in a primarily residential area, it is recommended to minimise noise

disturbance that the construction work be undertaken in compliance with BS: 5228 Noise Vibration and Control on Construction and Open Sites.

- 11 The landscaping works shall be carried out in accordance with Landscaping Plans 1:250 scale (Drawing Nos. CW326/12 Rev. F and CW326/13 Rev. E received 11 February 2019) during the first planting season immediately following completion of the development.
- 12 No development shall take place until appropriate and comprehensive Landscape Maintenance and Management (LMM) information has been submitted to and approved in writing by the local planning authority. The information shall include the following:-
 - i) Landscape Maintenance and Management Responsibility Plan which provides clear definition of LMM responsibility for all landscape areas within the application boundary specifically:-
 - Areas subject to transfer to future private residential ownership and management responsibility in terms of private amenity space for the sole benefit of the future owner.
 - Areas of the site proposed for adoption by the local authority.
 - Areas within the site boundary not included in the above.
 - ii) Landscape Maintenance and Management Scheme (LMMS) for all landscape areas within the application boundary which are not subject to private ownership as defined above, or to adoption by the local authority. The LMMS shall include: -
 - Plans, specifications and schedules to cover establishment and long term proposals for landscape maintenance and management.
 - Details of the management agent (body or organisation) responsible for implementation of the LMMS; and the legal and funding mechanism(s) with the identified management agent by which delivery of the LMMS will be secured.

All landscape maintenance and management operations shall be fully implemented as approved.

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 In the interests of visual amenity;
- 4+5 In the interests of highway safety.

- 6+7 In order to protect human health and the natural environment.
- 8 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.
- 9 To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 10 In the interests of public protection
- 11 To ensure that adverse impacts to existing trees and landscape elements identified for retention are effectively addressed within proposals for any future development.
- 12 To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

DISCHARGE OF CONDITION(S)

The applicant/developers attention is drawn to the conditional requirements of the outline planning permission (S/29469) to which this development relates. The following condition(s) of the outline planning permission are hereby fully/partially discharged:-

Condition no. 4 – Submission of the requisite reserved matters - **FULLY DISCHARGED.**

This discharge of condition relates to the following documentation:-

- Intrinsic in the submission of reserved matters application S/37358.

Condition no. 5 – Junction Improvement of Ffordd y Deri and Tycroes Road - **PARTIALLY DISCHARGED.**

This discharge of condition relates to the following schedule of plans:-

- Ffordd y Deri/Heol Tycroes Junction Proposed Improvement Plan 1:500 scale (Drawing No. 0751 002 Rev. B) received 11 February 2019.

Condition no. 7 – Submission of a landscaping scheme - **PARTIALLY DISCHARGED.**

This discharge of condition relates to the following schedule of plans:-

- Landscaping plan (North) 1:250 scale (Drawing No. CW326/12 Rev. F) received 11 February 2019;
- Landscaping plan (South) 1:250 scale (Drawing No. CW326/13 Rev. E) received 11 February 2019.

Condition no. 8 – Submission of plans illustrating finished floor levels and cross-sections - **PARTIALLY DISCHARGED.**

This discharge of condition relates to the following schedule of plans:-

- Topographical survey 1:500 scale (Drawing No. CW326/03 Rev. B) received 11 February 2019;
- Site sections A-A 1:150; 1:500; & 1:750 scale (Drawing No. CW326/07 Rev. F) received 11 February 2019;
- Site sections B-B 1:150; 1:500; & 1:750 scale (Drawing No. CW326/08 Rev. E) received 7 March 2019;
- Site sections C-C / D-D 1:100 & 1:750 scale (Drawing No. CW326/9 Rev. D) received 11 February 2019.

Condition no. 9 – Submission of a detailed scheme of surface water drainage - **PARTIALLY DISCHARGED**.

This discharge of condition relates to the following schedule of plans:-

- Site drainage layout plan 1:500 scale (Drawing No. CW326/14 Rev. E) received 11 February 2019;
- Road & SW Section plan 1:200 scale (Drawing No. 2232/602) received 11 February 2019.

Condition no. 10 – Submission of a Construction Management Plan (CMP) - **PARTIALLY DISCHARGED**.

This discharge of condition relates to the following document:-

- Construction Management Plan prepared by Intrado Robbins (February 2019) received 15 February 2019.

Condition no. 11 – Submission of an Environmental Management Plan (EMP) - **PARTIALLY DISCHARGED**.

This discharge of condition relates to the following document:-

- Ecological Management Plan prepared by Soltys Brewster (February 2019) received 15 February 2019.

Condition no. 12 – Submission of a Foul Drainage Scheme - **PARTIALLY DISCHARGED**.

This discharge of condition relates to the following plans:-

- Site drainage layout plan 1:500 scale (Drawing No. CW326/14 Rev. E) received 11 February 2019.

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 SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP5 of the LDP in that it involves the development of a housing allocation in an appropriate manner.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy H1 of the LDP in that it involves the development of a housing allocation in an appropriate manner.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the majority of the site is located within the defined settlement limits of the growth area of Llanelli.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy TR1 of the LDP in that the proposal does not restrict traffic movement or compromise safety of the primary road network.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable 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.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EQ5 of the LDP in that the proposal does not adversely affect ecological corridors, networks and features of distinctiveness.

- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.
- It is considered that the proposal complies with Policy EP6 of the LDP in that there are no land instability issues.

NOTES

- 1 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.

- 2 The applicant/developer is advised that the outline application relating to this development is the subject of a Section 106 Agreement requiring an element 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 and improvements to the local highway network.
- 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).

Application No	S/37852
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Application Type	Full Planning
Proposal & Location	RESURFACING OF PATIO, REMOVAL OF METAL STEPS AND REPLACE WITH ADDITIONAL PATIO SPACE. ERECTION OF PERIMETER BALUSTRADING AROUND PATIO. EXTEND DRIVE PAVIORS AND REMOVE CURRENT SURFACE OF LOOSE SLATE OFF-CUTS (RETROSPECTIVE) AT 19 ELGIN ROAD, PWLL, LLANELLI, SA15 4AD

Applicant(s)	MR THOMAS PETER WILLIAMS, 19 ELGIN ROAD, PWLL, LLANELLI, SA15 4AD
Case Officer	Zoe James
Ward	Hengoed
Date of validation	26/09/2018

CONSULTATIONS

Llanelli Rural Council - No objection providing the patio has no detrimental impact on the amenity and privacy of neighbouring dwellings. However, Community Councillor Sian Caiach has objected to the application on the grounds that the storage area could be converted to a room and resultant lack of privacy arising from the patio extension for neighbouring residents, in particular in relation to no. 17A. In addition, concerns are raised regarding drainage.

Local Members – Councillor Penny Edwards as a member of the Planning Committee has made no prior comment on this application. Councillor Sue Phillips has objected to this application on the basis that the storage area could be converted to a room and resultant lack of privacy arising from the patio extension for neighbouring residents, in particular in relation to no. 17A. In addition, concerns are raised regarding drainage. Councillor Sue Phillips has requested that a site visit is undertaken by the Planning Committee.

Neighbours/Public - The application has been publicised through neighbour letters sent to adjacent properties. Please note that 7 no. responses have been received objecting to the application, one of which is from neighbouring property, raising material planning considerations as follows:-

- Loss of privacy/amenity;
- Ground levels have been raised further than specified without permission;
- Surface water drainage implications;
- Construction of two rooms.

In addition, one response has been received stating they have no objection to the patio extension from the neighbour to the west.

RELEVANT PLANNING HISTORY

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

D5/7546	Single storey extension Full planning permission	19 January 1984
D5/5034	Building plot Outline planning permission	26 June 1980
D5/349	Building plot Outline planning permission	02 December 1974

APPRAISAL

THE SITE

The application site consists of the existing dwellinghouse and garden area at no. 19 Elgin Road, Pwll. The site is rectangular in shape, with the existing dwelling sitting to the north of the site fronting Elgin Road and a long garden sloping in a southerly direction to the rear. The site is bordered by existing residential properties to the east and west and gardens of residential dwellings fronting Pwll Road to the south. The surrounding area is primarily residential with a mix of detached and semi-detached properties. The subject site alongside neighbouring properties of Elgin Road and Pwll Road have long rear gardens.

The site consists of an existing two storey dwellinghouse, driveway to the east and a raised patio, car parking area and garden to the rear. The levels of the site fall significantly towards its southern boundary as per existing neighbouring properties along Elgin Road, many of which have patios and balconies to the rear of the properties to maximise views to the coast, which also results in mutual overlooking within the surrounding area.

THE PROPOSAL

The application seeks full planning permission retrospectively for the resurfacing of the existing patio, creation of additional patio space with perimeter balustrading and removal of the central existing metal steps and rebuilding of the existing stone steps to west. It also seeks to extend the existing drive pavements towards the south of the site and remove the existing surface comprising loose slate off-cuts. The application is retrospective given the majority of the works have taken place. This application follows a previous enforcement case (reference. S/ENF/08760) at the site in connection with the subject works. Following the investigation by an enforcement officer advising the applicant that the works require planning permission the current application was submitted retrospectively.

The existing patio ran along the rear elevation of the property and extended from the rear elevation around 1.9m at its widest point to the east and 0.75m to the west. To the east of the patio is an existing hedge screening the patio from overlooking to adjacent property no. 17a Elgin Road. To the west of the patio is an existing low stone wall which provides no screening with adjacent occupiers at no. 21 Elgin Road.

The patio extension is constructed in the area previously occupied by the metal steps. The extension is around 1.4m in depth, taking it out just beyond the position of the existing stone steps, and around 4m wide. As a result of the extension, the patio now extends some 3.3m from the rear elevation. It is worth noting that the existing steel steps were positioned around 2.8m from the rear elevation and were facing east towards no. 17a.

New steel balustrading railings painted black are positioned around the patio extension at around 0.8m in height. The submitted plans indicate that the existing hedge to the east of the patio will be extended to form a screen for privacy. To the west there are no changes proposed to the existing boundary.

Given the topography of the site, the patio extension results in the creation of a covered area beneath the patio. The applicant has advised that this area is very small at around 1.5m in height and 2m deep and will be used as bicycle and implement storage area.

In addition to the patio extension, the existing driveway running to the east of the dwelling from Elgin Road has been extended into the site. The driveway has been extended using brick pavements as per the existing driveway allowing surface water to percolate to the ground beneath. The driveway has been extended just beyond the existing car parking area comprising limestone chippings.

PLANNING POLICY

In the context of the Authority's current Development Plan the site is within the defined development limits of Pwll as contained in the adopted Local Development Plan (LDP). Reference is drawn to the following policies of the Plan:-

Policy GP1 Sustainability and High Quality Design is a general policy which 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. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy GP6 Extensions relates specifically to domestic extension proposals and states that extensions for buildings or other structures should be subordinate in scale and external appearance in comparison to the host dwelling; should not adversely affect the amenities of neighbouring properties; and should allow for sufficient garden amenity space to remain.

THIRD PARTY REPRESENTATIONS

Seven letters of objection have been received from residents and one from local Councillors who raise concerns regarding the impact of the proposal on the privacy and residential amenity of adjacent properties, in particular no. 17a. Community Councillor Sian Caiach and County Councillor Sue Phillips object on the basis that the extended patio provides clear views into the living accommodation of no. 17a, the creation of two storage areas which could be converted into rooms and the increased risk of egress water to road and properties in the surrounding area.

Concerns are raised by the neighbour at no. 17a located to the east of the site, regarding loss of privacy and overlooking into her living accommodation as a result of the proposed

development. The objection also refers to the existing driveway and states that this has been raised without planning permission which also adversely affects residential amenity. The comments acknowledge the existing hedge which is proposed to be maintained to provide screening and privacy, yet there are concerns that this is not suitable as it does not provide a permanent screen. A further letter of objection was received from the resident at 17a with concerns regarding the construction of 2 rooms below the extended patio area and reiterating the raised driveway levels.

A further six representations have been received from residents objecting to the application due to loss of privacy and residential amenity on adjacent properties. Concerns are also raised in connection with the surface water drainage as a result of the increased driveway.

An additional letter has been received from the neighbouring resident to the west, no. 21 Elgin Road stating they have no objection to the patio extension or existing boundary treatment.

In connection the concerns regarding loss of privacy, it is firstly noted that numerous properties along Elgin Road have balconies and patios on the rear elevation resulting in mutual overlooking of neighbouring properties.

Detailed discussions have taken place with the applicant and the agent who have advised they have no intention to remove the existing hedgerow along the eastern side of the patio. As a result, a condition has been drafted which requires the existing hedgerow to be retained and for details of a replacement screen to be submitted to and approved by the Local Planning Authority should the hedge ever be removed. It is considered that given the nature of the area and existing mutual overlooking, the requirement to maintain the existing hedge which provides screening at present to the east of the patio, mitigates against any further impact on amenity of neighbouring residential properties. Given confirmation has been received from the adjacent occupier to the west that they have no concerns, no further screening is considered necessary on this boundary.

CONCLUSION

After careful consideration of the site and surrounding environs, the proposal is considered to be acceptable given the existing mutual overlooking in the area as a result of a number of similar rear balconies and patios.

The suggested condition ensures that appropriate screening will be retained at the site through the form of existing hedging. Should this not be maintained to the stated height or length then it shall be replaced with a 1.8m high screen, details of which are required to be submitted to and agreed with the Local Planning Authority. The proposal is therefore considered to comply with policies GP1 and GP6 of the LDP in that it is of an appropriate scale, design and adequate mitigation is secured to address impact on amenity of adjacent residential dwellings.

Based on the foregoing, the application is put forward for a favourable recommendation subject to the following conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 11 September 2018.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the following plans:-
 - Location Plan scale 1:2500 received 13 September 2018;
 - Block Plan scale 1:500 received 25 September 2018;
 - Existing Plan of Rear Patio Area scale 1:50 drawing 01 received 25 September 2018;
 - Existing Rear Elevation scale 1:50 drawing no 02 received on 25 September 2018;
 - Elevation and Cross Section of Extended Patio scale 1:20 received 13 September 2018;
 - Existing Side Elevation/Cross Section drawing no. 03 scale 1:50 received 25 September 2018;
 - Proposed Plan of Rear Patio Area scale 1:50 drawing 04 received on 25 September 2018;
 - Proposed Side Elevation/Cross Section drawing 05 scale 1:50 received 25 September 2018;
 - Elevation and Cross Section of Extended Patio drawing 07 scale 1:20 received 25 September 2018;
 - Elevation and Cross Section of Extended Patio drawing 08 scale 1:20 received 25 September 2018.
- 3 The existing hedge along the eastern boundary of the patio shall be maintained at a minimum height of 1.9m, measured from its base with the patio, and minimum length of 4.5m, measured from the rearmost point of the patio where it abuts the house. Should the existing hedge not be maintained at the stated minimum height or length it shall be replaced with a screen 1.8m in height, measured from the floor of the patio. Details of the screen, to include design, fixing and timescale of its provision, shall be submitted to and approved in writing by the local planning. The provision of the screen 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 interests of visual amenity and to confirm the extent of the permission.
- 3 In the interest of privacy and 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.

- The proposal complies with Policy GP1 of the LDP in that it is appropriate in terms of scale and design, uses appropriate materials, and as a result of appropriate mitigation will not cause unacceptable loss of amenity to neighbouring uses.
- It is considered that the proposed development complies with Policy GP6 of the Carmarthenshire Local Development Plan in that it is appropriate in terms of scale and design, sufficient amenity/garden space remains, and as a result of appropriate mitigation it will not adversely affect the amenities of the occupiers of the neighbouring properties.

NOTES

- 1 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.

- 2 Comments and responses received from consultees and third parties can be found on the Authority's website (www.carmarthenshire.gov.uk). They may also relate to other permissions or consents required or include further advice and guidance.

Application No	S/38175
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Application Type	Full Planning
Proposal & Location	DETACHED DWELLING HOUSE AT LAND PART OF 11 PENYGAER ROAD, LLANELLI, SA14 8RU

Applicant(s)	MR TONY COLARUSSO, 11 PENYGAER ROAD, LLANELLI, SA14 8RU
Agent	JCR PLANNING LTD - MR RICHARD BANKS, UNITS 1-3 BUSINESS WORKSHOPS, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
Case Officer	Robert Davies
Ward	Lliedi
Date of validation	19/12/2018

CONSULTATIONS

Head of Transport – No objection subject to conditions.

Public Protection – No objection.

Head of Education – No response received to date.

Head of Property - No response received to date.

Llanelli Town Council – In light of the objections received and the likely impact of any development on Penygaer School, requests that the application is referred to the Planning Committee for consideration.

Local Members – County Councillor R James has requested that the application be referred to the Planning Committee for consideration. The reasons for this are as follows:-

- Inaccuracies in Planning Documentation - The description of development does not account for the work that has begun on site, i.e. the excavation of the land, whilst Question 11 does not account for part of the plot being on a flood plain.
- Council Policies - No reference to the bat population located in the area and how the applicant will protect the bat population. Consideration should also be given to the Council's Amphibians and Reptiles Policy and whether the development supports the natural migration of the common toad, in particular whether the soak-away is suitable.

- Overlooking of the Local School - Consideration should be given whether the proximity of the development and whether there should be a requirement on the amount and size of trees to provide natural screen.
- Previous Planning Decisions - No reference to the non-compliance with planning requirements on applicant for 11 Penygaer Road and enforcement orders connected to this piece of land.

County Councillor S Najmi has not responded to date.

Land Drainage Officer – No objection. Advises that the surface water management calculations in the Drainage Report are acceptable.

Dwr Cymru/Welsh Water – No objection subject to the imposition of conditions and advisory notes on any planning permission granted.

The Coal Authority - No objection subject to conditions.

Neighbours/Public – 7no. neighbouring properties notified of the application. No letters of representation received.

RELEVANT PLANNING HISTORY

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

S/23980	Part demolition of existing garage, rebuilding and enlarging garage with a bedroom over and provision of a porch to front entrance of house Full planning refused	21 December 2010
S/21614	Part demolition of existing attached garage. Rebuilding and enlarging garage with bedroom over Full planning permission	22 September 2009
S/15120	Detached dormer dwelling Full planning permission	22 February 2007

APPRAISAL

THE SITE

The application site consists of an irregular shaped parcel of land located immediately adjacent to, and within the ownership of no.11 Penygaer Road, Llanelli.

The site has previously benefitted from having planning permission to construct a detached dormer dwelling granted in 2007 under planning reference number S/15120. This planning permission however has since lapsed.

The application site used to consist of made ground ensuring that it was level with Penygaer Road to the front of the plot and then fall away quite steeply to the rear boundary with Penygaer School. However recent unauthorised engineering works have taken place at the

site with some of the made ground material excavated and taken away and new hardcore material brought into the site. Only a small portion of the front of the plot is now level with Penygaer Road, before the land falls away.

The application site is approximately 19m in width at its road frontage, tapering down to the rear, and is approximately 21.5m in depth at its deepest point.

THE PROPOSAL

The application seeks full planning permission to construct a detached, three bedroom dwelling with integral garage fronting on to Penygaer Road. The proposed dwelling is largely 'L' shaped and is of a split level construction being single storey in appearance when viewed from Penygaer Road and three storey when viewed from the rear.

The proposed dwelling has a low pitched saddle roof finished with grey tiles and front protruding gable which houses the garage. The proposed external finishes to the walls consist of a mixture of smooth render and bradstone. The proposed dwelling is 10m wide at its widest point, 13m deep at deepest point, and is 5m high when viewed from Penygaer Road and 10m high when viewed from the rear.

The proposal incorporates two surfaced off street car parking spaces to the front with one additional space within the proposed garage. The side of the property will be terraced with retaining walls, raised planters and steps leading down to the rear garden area. It is indicated that the school fence is to be retained and climbing plants and trees proposed as a natural screen. The landscape drawing indicates that use will be made of permeable paving and soakaways for surface water disposal.

In addition to the drawing package, the application has been accompanied by the following:-

- Drainage Report;
- Coal Mining Risk Assessment;
- Structural Engineers Report;
- Unilateral Undertaking for a contribution towards affordable housing.

PLANNING POLICY

The area is covered by the Carmarthenshire Local Development Plan (LDP) that was formally adopted in December 2014. The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted LDP. The key relevant policies are as follows:-

Policy SP1 of the LDP promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LSP's settlement framework. In this respect Llanelli is identified as a Growth Area.

Policy SP6 of the LDP ensures the delivery of affordable housing that in turn will contribute to the creation of sustainable communities within the Plan area.

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

Policy SP14 of the LDP states 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 of the LDP states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

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, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

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 GP4 of the LDP states that proposals for development 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 H2 of the LDP states that proposals for housing developments on unallocated sites within development limits of a settlement will be permitted provided they are in accordance with the principles of the plan's strategy and its policies and proposals.

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites.

Policy TR2 of the LDP states 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 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.

Policy EQ1 of the LDP states that proposals affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ4 of the LDP 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 where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EP1 of the LDP states that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

Policy EP2 of the LDP states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

Policy EP3 of the LDP 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.

THIRD PARTY REPRESENTATIONS

As aforementioned in this report, one of the local members and the town council have raised concerns and objections. The material reasons for objection raised will be addressed individually as part of this appraisal. The reference made to non-compliance with a previous planning permission granted on the dwelling at no.11 Penygaer Road itself, is not considered material to the consideration of this application.

In terms of the suggested inaccuracies within the supporting documentation, the Local Planning Authority (LPA) acknowledge that some unauthorised engineering works have taken place and that the application is partly retrospective in this respect. The planning enforcement section along with colleagues in highways and building control have been involved to ensure that the site is secure from a safety perspective. The application site is not located on a flood plain as suggested and the Authority's Drainage Engineer has confirmed this.

During the course of the application process the LPA requested a drainage report from a suitably qualified engineer to evidence that soakaways are feasible at the site. This was subsequently received and confirmed this to be the case. This report has been considered by the Authority's Drainage Engineers who do not object to the proposed development.

With regard to the concerns raised over ecology and principally Bats, Amphibians and Reptiles, reference is drawn to the consultation response received from the Authority's Planning Ecologist who has raised no concern in this respect.

Finally in terms of the impact upon Penygaer School, it is worth noting that the school itself has been consulted on the planning application and has not commented. The principle of developing the site for residential purposes has previously been established, whilst as aforementioned the landscape drawing indicates that planting is proposed adjacent to the boundary fence with the school in order to provide some additional screening. In this respect it is recommended that a condition is imposed on any planning permission granted.

CONCLUSION

The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted LDP and therefore there is no in-principle objection to developing the site for residential use.

The proposed split level nature of the dwelling proposed is considered to be acceptable considering the nature of the land concerned, whilst the proposed external finishes which primarily consists of render to prominent walls, and grey tiles to the roof are in keeping with the area.

The dwelling will be served by an adequate level of off road parking provision, whilst the Authority's Head of Transport has raised no objection.

It is considered that there are no loss of amenity issues associated with the proposed development whilst it is considered that the reasons for concern and objection raised have adequately been addressed as part of the above appraisal.

The applicant has agreed to pay a financial contribution of £8,111.64 towards affordable housing, and a Unilateral Undertaking to this effect has been submitted during the course of the planning application process.

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. As such the application is put forward with a recommendation for approval subject to the following conditions.

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:-
 - Site location plan 1:1250 @ A4 (003 Rev A) received 14th December, 2018;
 - Site block plan 1:500 @ A4 (004 Rev A) received 14th December, 2018;
 - Proposed floor plans 1:100 @ A3 (101 Rev C) received 14th December, 2018;
 - Existing section A-A plan 1:100 @ A3 (401) received 14th December, 2018;
 - Proposed section A-A 1:100 @ A3 (402) received 14th December, 2018;
 - Lower ground floor and retaining wall details plan 1:20; 1:100 @ A3 (182131-01) received 14th December, 2018;
 - Raft foundations detail 1:10 @ A3 (182131-02) received 14th December, 2018;
 - Proposed front and rear elevations 1:100 @ A3 (301 Rev D) received 6th February, 2019;
 - Proposed side elevations 1:100 @ A3 (302 Rev D) received 6th February, 2019;
 - Proposed landscaping plan 1:200 @ A4 (006 A) received 15th February, 2019.

- 3 Prior to the occupation of the dwelling hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the dwellings are occupied.
- 4 Prior to the construction of the dwelling hereby details and samples of the materials to be used in the construction of the external surfaces of the dwellings should have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Councils (Highways and Transport Services) Typical Layout No. 2 specification, prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 6 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.
- 7 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 Penygaer Road frontage within 2.0 metres of the near edge of the carriageway (to include land edged in red and blue).
- 8 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.
- 9 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.
- 10 The parking area shall be hard surfaced in a bonded material, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.
- 11 The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey for presence of Japanese Knotweed had been undertaken between the periods of May to September by a competent surveyor. If the survey reveals the presence of Japanese Knotweed, a scheme to eradicate Japanese Knotweed must be submitted to and approved in writing by the local planning authority. Furthermore works should be implemented in accordance with any approved scheme.
- 12 Prior to the commencement of development and in accordance with the recommendations made in the Coal Mining Risk Assessment Report undertaken by Blandford Consulting dated 6th December, 2018, and received by the local planning authority on the 14th December, 2018, the following need to be submitted for the written approval of the Local Planning Authority:-

- The submission of a scheme of intrusive site investigations;
 - The undertaking of that scheme of intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for approval; and
 - Subsequent implementation of those remedial works.
- 13 The surface water drainage arrangements for the development hereby approved shall be undertaken in strict accordance with the details outlined in the Drainage Report produced by Francis Sant dated February, 2019, and subsequently received by the local planning authority on the 1st March, 2019.
- 14 No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development along with full details of all planting including proposed perimeter planting as shown on the approved landscaping plan.
- 15 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2+4 In the interest of visual amenity.
- 3 In the interest of visual amenity and to preserve amenity.
- 5-10 In the interest of highway safety.
- 11 To eradicate invasive species
- 12 To prevent land instability.
- 13 To ensure a satisfactory form of surface water drainage.
- 14+15 In the interest of visual amenity and to preserve 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 SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP6 of the LDP in that the applicant has agreed to provide a financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- 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 Burry Port and accords with all other policies of the plan.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy H2 of the LDP in that the proposed housing development is located within defined settlement limits and accords with the principles of the plan's strategy and its policies.
- It is considered that the proposal complies with Policy AH1 of the LDP in that the applicant has agreed to provide a financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable 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.
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.

- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.

NOTES

- 1 This planning permission is granted subject to the covenants contained in the Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 dated in connection with the payment of a commuted sum of £8,111.64 towards affordable housing provision.
- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.
- 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.