

**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 04 MAWRTH 2020
ON 04 MARCH 2020**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal
Dwyrain/
Area East*



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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	04 MARCH 2020
REPORT OF:	HEAD OF PLANNING

INDEX - AREA EAST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
E/38576	SINGLE STOREY DWELLING WITH HABITABLE ROOFSPACE AND INTEGRAL GARAGE AT LAND ADJACENT TO 15 PLAS GWYN ROAD, PENYGROES, LLANELLI, SA14 7RY

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	E/38576
-----------------------	----------------

Application Type	Outline
Proposal & Location	SINGLE STOREY DWELLING WITH HABITABLE ROOFSPACE AND INTEGRAL GARAGE AT LAND ADJACENT TO 15 PLAS GWYN ROAD, PENYGROES, LLANELLI, SA14 7RY

Applicant(s)	WILLIAM LLOYD OWEN, 30 BRIDGE ST, LLANDAFF, CARDIFF, CF5 2EL
Agent	CHRIS OWEN, MEXICKA 2, PRAGUE, CZECH REPUBLIC, 10100
Case Officer	John L Thomas
Ward	Penygroes
Date of validation	19/03/2019

Reason for committee

This application is being reported to the Planning Committee following the receipt of more than one letter of objection from different third parties. The application was previously reported to the Planning Committee at its meeting on the 27th June 2019, whereupon the Committee resolved to defer determination until such time as the requested bat survey report was received, and the Planning Ecologist had considered its contents.

Site

The application site consists of an irregular plot of land situated to the south of 13 and 15 Plas Gwyn Road, Penygroes. The area in which the dwelling is proposed does not have a defined development pattern or discernible building line, and is border to the immediate South and South-east by 26 Bridge Street and 17 Plas Gwyn Road respectively.

The site is to accessed off Plas Gwyn Road, utilising the same access that is used for the existing dwellings of 13, 15, 17 and 21 Plas Gwyn Road along with the car repair garage situated on the road frontage to the same.

The irregular shaped plot has a site area of approximately 515 square metres, with a maximum plot depth of 25.5 metres and a maximum plot width of 29 metres. The site is broadly flat and currently overgrown, with two modest outbuildings sited within its boundary. The plot is entirely enclosed by third party properties, other than for the shared driveway, which serves as the sole means of access into the plot.

The application site is situated approximately 100 metres from Penygroes Square and the amenities that this village centre offers.

Proposal

The application seeks outline planning permission for the provision of one residential dwelling, described as a 'single storey bungalow with habitable roofspace, and adopting footprint and siting similar to that previously approved under an earlier outline application which lapsed in 2013'.

The application seeks to consider the otherwise reserved matters of "Access" and "Scale". The further reserved matters of "Appearance", "Layout", and "Landscape" are however reserved under this hybrid outline planning application.

With regards to "Access", this is to be off Plas Gwyn Road via the same route that serves the existing dwellings of Nos. 13, 15, 17 and 21 Plas Gwyn Road, leading past these dwellings on-route into the plot, ultimately via a gated access. Three parking spaces are proposed, which accord with the CSS 2008 South Wales Parking Standards, with one shown as being an integral garage. The forecourt is shown to have adequate turning space which is situated to the north of the dwelling.

With regards to the scale of the proposed dwelling, the width is to be a maximum of 11.7 metres and maximum depth of 8.5 metres. The height of the proposed dwelling is to be a maximum of 7 metres.

Indicatively, the proposed dwelling is shown to have 4 bedrooms, together with the customary kitchen, dining area, and living room. The amenity area to serve the dwelling is shown to the west of the dwelling and measures approximately 14 metres in depth.

As the site presently accommodates a small number of redundant outbuildings, with the potential to harbour bats (a protected species), a bat survey report was requested, and ultimately provided in support of the application.

Surface water is stated as being dealt with via a soakaway, and a separate SAB application has been submitted.

Planning site history

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

E/17799	Renewal Of Outline Planning Permission E/08398 (One Dwelling) Outline Granted 18 March 2008
E/08398	One Dwelling Outline Granted Committee 18 November 2004
P6/5043/79	4 Dwellings Full Granted 18 October 2004
P6/2034/76	Residential Development Full Granted 26 August 1976

Planning policy

In the context of the Authority's current adopted Carmarthenshire Local Development Plan (LDP), the application site is located within the development limits of Penygroes, as defined by Inset Map No. GA3 Ammanford/Cross Hands, to the same. The following policies are of relevance to the proposal:-

Policy GP1
Policy GP3
Policy H2
Policy AH1
Policy EQ4

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

Summary of consultation responses

Head of Transportation & Highways – Offers no objections subject to the imposition of conditions.

Llandybie Community Council – Offers no observations on the proposal.

Local Member - County Councillor D Thomas objects to the proposal raising the following issues:

- The previous planning permission granted in 2004 was for a single storey building, whereas this is described as a single storey building with habitable roof space. This sounds like a 2 storey building.
- The access to the main road is very poor as it passes through the forecourt of a car repair business which is increasingly busy and the junction with the main road has extremely poor visibility.
- There would be fairly major problems in getting mains services as well as machinery needed for construction to this site. A site visit is needed.

Dwr Cymru/Welsh Water – No objections subject to the imposition of a planning condition.

Coal Authority – Offers no objection to the proposal.

Summary of Public Representations

The application was the subject of notification by way of neighbouring letters.

Two representations were received, both objecting. The matters raised are summarised as follows:

- The access to the site is poor and due to the car repair garage, increasingly busy.

- The junction from the private road onto the main road has poor visibility with no splay. The main road is very busy and people park outside their houses which further restricts visibility.
- To bring in mains services will be problematic and will require digging up the existing garage forecourt to install the mains pipes.
- Accessing the site with building machinery will be problematic also, the access to pass the corner of No. 15 is very narrow.
- The previous permission on site was for a bungalow. This proposal sounds like it is a two storey dwelling.

All representations can be viewed in full on our [website](#).

Appraisal

Principle of development

The principle of residential development on this site has long been established, with the site history showing that planning permission was first granted in 1976. The most recent permission granted on this site was an outline permission granted in 2008, which expired in 2011. This sought to develop a single storey bungalow on the site and is a point that has been raised by both objectors and the Local Member.

Privacy and Amenity Impacts

The indicative plans show that the dwelling is to have 2 bedrooms in the roof space and the height of the proposed dwelling would be a maximum of 7 metres. As highlighted by certain of the respondents, this may not be try to certain interpretations of what is understood to be a “bungalow”, but the definition of a bungalow can include a dwelling with upstairs rooms set in the roof. However, the indicative plans also show unbroken roof planes with the only glazing to the roof space being in the form of roof light windows in the roof planes facing away from the two closest properties of 13 and 15 Plas Gwyn Road. Therefore, the potential for injury to privacy would be greatly minimised by the indicative roof form and glazing shown. Furthermore, the eaves level is indicatively shown to be approximately 3 metres, typical of a modern single storey dwelling. As such, provided that the design of the proposed dwelling was to be similar to that shown on the indicative plans, and that no vertical windows were proposed to serve the rooms occupying the roof space, it is considered that although the dwelling would in practice be two storey, the amenity and privacy of the occupiers of the existing dwellings would be adequately safeguarded.

Impact upon character and appearance of the area

Whilst Penygroes has typically developed in a ribbon development pattern, this section of the village, just beyond Penygroes square, has no discernible development pattern. As such, the inclusion of this proposed dwelling at this location would not cause a detrimental impact upon the character and appearance of the area.

Highway Impacts

All three objectors have raised concerns relating to the access to the site off Plas Gwyn Road, via the busy shared private access lane that passes through the yard of the car repair garage. In consideration of the proposal, the Authority's Head of Transport has advised that the proposal is considered to be acceptable from a highways perspective, subject to the imposition of conditions. As such, it is considered that the visibility from the private lane access onto Plas Gwyn Road is acceptable, as is the private lane itself, and the plot can provide adequate parking and turning facilities to serve the proposed development.

Biodiversity Impacts

The application site is currently overgrown and contains two old modest outbuildings that are to be removed. As these buildings are to be removed, the Authority's Planning Ecologist has advised that the development site meets the criteria for requiring a bat survey, required to be submitted and scrutinised prior to the determination of the planning application. The applicant's Agent has now provided a bat scoping survey which found no signs of bats roosting in any of the buildings proposed to be demolished, as well as qualifying that the buildings had negligible potential to be used by bats.

Based on what has been submitted, the Authority's Planning Ecologist has raised no objection, subject to the imposition of a condition making express reference to specific conclusions and recommendations contained in the bat report.

Other Matters eg non-material considerations (catch all e.g. property value)

With regard to the other matters raised in objection, these cannot be considered to be material planning matters. Specifically, although it might be problematic to bring mains services to the application site, these are not considered to be insurmountable obstacles to the development. Any negotiations will have to be carried out with the neighbouring landowners, with these negotiations taking place outside the realm of planning control.

Similarly, issues of bringing machinery and materials on site are matters that fall outside the remit of planning control.

Planning obligations

The Applicant has entered into a Unilateral Undertaking to provide the relevant contributions towards the affordable housing fund and towards the Caeau Mynydd Mawr Special Area of Conservation.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

After careful consideration of the scheme as submitted it is concluded, on balance, that given the longstanding planning history at this site which shows that the principle of residential development is well established, the currently proposed scheme is generally considered to be an acceptable form of development. As such, the application is recommended for approval, subject to the completion of a unilateral undertaking securing payment of the requisite affordable housing contribution, as well as that required to be paid in accordance with the provisions of the Caeau Mynydd Mawr Special Area of Conservation SPG.

RECOMMENDATION – APPROVAL

Conditions and reasons

- 1 Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:-
 - (a) the expiration of five years from the date of this permission; or
 - (b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 2 The permission now granted is an Outline permission only within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- 3 The permission now granted relates to the land defined by the following schedule of plans and specific supporting documentation:-
 - The Location Plan [01] 1:500 @ A3 received on the 15 December 2018
 - The Drawing Site Plan [02] 1:500 @ A3 received on the 15 December 2018
 - The Location Plan 1:1250 @ A4 received on the 6 February 2019
 - The Site and Access Plan [PL 03] 1:200 @ A4 received on the 6 February 2019;
- 4 Development shall not commence until detailed plans of the layout, external appearance and landscaping have been submitted to, and received the written approval of the Local Planning Authority.
- 5 The design of the dwelling hereby granted planning permission shall be of a single storey appearance, with unbroken roof planes.
- 6 All planting, seeding or turfing that comprise the approved landscaping details shall be carried out in the first planting season following the completion of the development.

- 7 Development shall not commence until details of boundary treatments to serve the site have been submitted to and approved in writing by the Local Planning Authority.
- 8 Development shall not commence until details of existing ground levels, proposed finished ground and floor levels and site cross sections have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 10 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 11 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 12 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- 13 The development hereby approved shall be undertaken in strict accordance with the provisions of sections 6.3.1 – 6.3.4 and sections 6.4.1 – 6.4.2 of the Preliminary Bat Roost and Nesting Bird Assessment Report prepared by Acer Ecology (August 2019). Prior to the commencement of development full details of a scheme of the referenced details and enhancements referenced in sections 6.3.2, 6.3.3, 6.3.4 and 6.4.2 shall be submitted to, and approved in writing by the local planning authority, and thereafter implemented as approved.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 The application is in outline only.
- 4-8 In the interest of visual amenity.
- 9-11 In the interest of highway safety.
- 12 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.
- 13 To comply with the relevant policies and legislation and ensure the necessary ecological mitigation and enhancement requirements are implemented.

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 proposed development complies with policy GP1 of the Carmarthenshire Local Development Plan (LDP) in that the proposal conforms with and the character and appearance of the site, it would not have an unacceptable impact upon the amenity of adjacent land uses or the residents of the properties. The proposal provides a suitable access which does not give rise to parking or highway safety issues and provides for the satisfactory generation, treatment and disposal of surface and foul water.
- It is considered that the proposed development complies with policy H2 of the Carmarthenshire Local Development Plan (LDP) in that the proposal accords with the principles of the plan's strategies, policies and proposals.
- It is considered that the proposed development complies with policy AH1 of the Carmarthenshire local Development Plan (LDP) in that the submission includes a legal agreement to contribute towards the affordable housing fund based on the 10% sub market area.
- It is considered that the proposed development complies with policy EQ4 of the Carmarthenshire local Development Plan (LDP) in that subject to the submission of a favourable bat survey, the application site should be capable of the development with any potential impacts able to be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements.
- It is considered that the proposed development complies with policy EQ7 of the Carmarthenshire local Development Plan (LDP) in that the submission includes a legal agreement to contribute towards the Caeau Mynydd Mawr Special Area of Conservation, as per the requirements of this policy and the Supplementary Planning Guidance (SPG)

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 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).
- 3 The applicant has entered into a Unilateral Undertaking to ensure the provision of the following:

A commuted sum of based on a contribution of £41.98 per square metre of internal floor space of the dwelling, towards an Affordable Housing Fund as per the requirement in Local Development Plan policy AH1 based in the low viability (10%) sub market area. 50% of the contribution is to be paid prior to occupation and 50% of the contribution is to be paid prior to first sale.

A commuted sum of £1043 for mitigating the impact of the development on the Marsh Fritillary Butterfly population within the Caeau Mynydd Mawr Special Area of Conservation. The contribution is to be paid prior to the commencement of development.