

**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 05 TACHWEDD 2020
ON 05 NOVEMBER 2020**

**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:	05 NOVEMBER 2020
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/00020
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Application Type	Outline – All Matters Reserved
Proposal & Location	Proposed siting of a detached dwelling house - Land part of 1 Bay View, Pwll, Llanelli, SA15 4BE

Applicant(s)	Mr Stevenson
Agent	Ms Nicola Steward – Prime Architecture Ltd
Case Officer	Zoe James
Ward	Hengoed
Date registered	3 September 2020

Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

Site

The application site consists of a rectangular shaped parcel of land located at the corner of Elgin Road and Tyle Catherine in Pwll. It fronts onto Elgin Road with an existing vehicular access to the east side onto Tyle Catherine.

The site has a width of around 22.5m and depth of around 12 metres. The site slopes in a southerly direction as per Tyle Catherine. The site is bordered by existing walls to the east and west and a retaining wall along its boundary with Elgin Road to the north. To the west lies a two storey dwelling known as Blenheim House that is separated from the site by high block walling. To the south lie existing garages and an undefined boundary with the rear gardens of properties no. 1 and 2 Bay View.

The site is located in a primarily residential area consisting of a mix of detached and semi-detached properties. The neighbouring properties of Elgin Road have long rear gardens while two semi-detached properties immediately to the south have standard sized gardens. To the south east two new properties have been built on the opposite side of Tyle Catherine in recent years.

Proposal

The application seeks outline permission for the construction of a detached dwelling house with all matters reserved for future consideration.

The indicative Proposed Site Layout Plan submitted with the application shows the proposed new house occupying the western half of the site being within close proximity to, and fronting onto Elgin Road. The dwelling is to measure some 8.8 – 9.2 metres in width and 6.5 – 7.2 metres in depth, whilst its ridge level is to be approximately 7 – 7.3 metres in height. It is to have the benefit of a side and rear garden area with the access that currently serves the garage of no.1 Bay View is proposed to be widened to provide a new driveway along the southern boundary of the site. The indicative layout shows provision being made for the parking of 2 vehicles within the curtilage of the proposed new dwelling. The submitted plan also shows that siting of the dwelling in subject position would result in a minimum distance of 15.5 metres between windows of the proposed dwelling and no. 1 Bay View and up to 20 metres between the dwelling and no. 2 Bay View.

As detailed below, the application site has a fairly extensive history and was the subject of four previous applications for outline planning permission for the construction of a detached dwelling, all of which were refused by the Local Planning Authority up to 2010. Following the refusal on 13 May 2010, the applicant appealed the decision under application reference S/22648, and notwithstanding the Authority's concerns the Inspector presiding over the appeal concluded that the development proposed was acceptable within the wider context and subsequently granted outline planning permission on 23 September 2010. This permission then lapsed and in 2016 the Authority granted permission (reference. S/32316) in line with the previous outline consent granted by the Inspector. Most recently in November 2019 a full application was submitted (reference. S/40193) for a 3 bedroomed detached dwelling at the site. The application was withdrawn by the applicant in July 2020.

Planning Site History

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

TA/80890 – PROPOSED DEVELOPMENT OF A 3 BEDROOM DWELLING – Cancelled

PASAB/00029 - NEW DETACHED DWELLING - SAB Pre-application enquiry

S/40193 - RESIDENTIAL DEVELOPMENT OF A 3 BEDROOM DWELLING - Withdrawn
06/07/2020

S/32316 - DETACHED DWELLINGHOUSE – Outline Granted 05/04/2016

S/22648 - SITING OF DETACHED DWELLING HOUSE - Outline Refusal 13/05/2010 - Appeal
Upheld 23/09/2010

S/17781 - RESIDENTIAL DEVELOPMENT - Outline Refused 08/01/2008

S/15917 - 1 NO. DETACHED HOUSE (3 BED) - Outline Refused 27/04/2007

S/07996 - SINGLE DETACHED DWELLING - Outline Refused 28/10/2004

Planning Policy

In the context of the Authority's current Development Plan the site is within the defined development limits of Llanelli as contained in the adopted Local Development Plan (LDP). It is not the subject of any designation or allocation in the Plan. Reference is drawn to the following policies of the Plan:-

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

SP1 Sustainable Places and Spaces
SP3 Sustainable Distribution- Settlement Framework
GP1 Sustainability and High Quality Design
GP2 Development Limits
GP3 Planning Obligations
GP4 Infrastructure and New Development
H2 Housing within Development Limits
AH1 Affordable Housing
TR3 Highways in Developments
EQ4 Biodiversity
EP2 Pollution
EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways - No objections subject to conditions.

Llanelli Rural Council - Has objected to the application on the following grounds:-

- 1 Area has been over developed resulting in high density of garden development and is not considered appropriate as it will have overbearing effect on neighbouring dwellings being detrimental to amenity and privacy of the properties immediately situated to the west and south.
- 2 There are highway safety concerns in relation to the proposed access/egress arrangements servicing the dwelling. Highway safety concerns regarding poor visibility approaching the site along Elgin Road. High volume of traffic as well as severe on-street parking issues. There appears to be insufficient manoeuvring space in the current design to accommodate this within the site.

Local Member(s) - Councillor Susan Phillips has not commented to date.

Local Member(s) - Councillor Penny Edwards is a member of the Planning Committee and has made no prior comment.

Dwr Cymru/Welsh Water – no objection subject to imposition of conditions.

Natural Resources Wales – no observations on the proposal.

Planning Ecology – no objections subject to conditions.

Sustainable Drainage Approval Body (SAB) – site has SAB approval under reference. SAB/00042.

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

Summary of Public Representations

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

Six representations were received, all objecting with the matters raised are summarised as follows:

- Any building will compromise the structural integrity of the retaining wall built by the Council to maintain Elgin Road which was built after subsidence problems along the northern boundary of the proposed dwelling.
- Carmarthenshire County Council previously refused permission in 2010, as they did not consider it a suitable site, but this was upheld at appeal, and now in 2020 it is much less suitable than before.
- Hill is one-way, single lane and very steep and the proposed driveway is dangerously close to a blind junction which is used daily. Road safety Act 2006[c49] designed to improve road safety.
- Turning down Tyle Catherine is hazardous and tricky manoeuvre.
- Number of potholes on Tyle Catherine evidencing the strain on the road network.
- Site is close to a school with a number of vulnerable pedestrians walking passed daily and there are no pavements for children walking to and from school.
- Road is too narrow, emergency services already have to ask for cars to be moved to get passed.
- Large removal vehicles and builders merchant vehicles have trouble navigating the junction of Elgin Road and Tyle Catherine resulting in a building merchant refusing to deliver to Elgin Road due to safety concerns.
- Dwelling at this site will sit directly above and behind property no. 2 Bay View taking away all privacy from the back of house and garden.
- In October 2018, part of the retaining wall was removed beside the existing garages to make an entrance for the proposed dwelling just months after the outline planning permission had lapsed. The entrance does not allow space for cars to drive in and out and is close to a blind junction.
- Application is detrimental to community and public.
- Since previous application additional building work has taken place on Elgin Road, overpopulating the street and adding further congestion.
- Construction activity at the site, even for a temporary period will lead to significant safety concerns.
- Requests a site visit is undertaken to appreciate negative and dangerous impact of the proposal.

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

Appraisal

Principle of development

The principle of residential development at the site has previously been accepted through the granting of outline planning permission at appeal in 2010 and again by the Local Planning Authority in 2016. The time period for submission of reserved matters has now passed albeit the five years outline planning permission runs to April 2021. The site is also located within the defined development limits whereby new residential development is typically supported subject to relevant policies within the LDP.

The application is outline with all matters reserved, yet the submitted information demonstrates that the site, is of sufficient size to accommodate a modest dwelling alongside adequate parking and private amenity space. The parameters proposed are in line with the parameters previously proposed and accepted at the site by both the Inspector and LPA.

Overdevelopment and impact upon character and appearance of the area

The Rural Council raise concerns that the proposal would result in the overdevelopment of the site and result in a cramped form of development. The Inspector in granting the previous outline permission opined that the layout of the development would be consistent with the surrounding pattern of development with sufficient space being provided between and around existing development to ensure it would be compatible in scale and siting with its surroundings. The character of the area surrounding the site comprises existing residential dwellings of a mixture of varying style, design and size. The current application proposes the same parameters for a new dwelling as accepted by the Inspector originally and by the Planning Authority in 2016. As such, the proposal is not considered to appear cramped or harmful to the character and appearance of the locality and in this regard the proposal is considered accord with the objectives of policies GP1, GP2 and H2 of the LDP.

Privacy Impacts

Concerns are also raised from Llanelli Rural Council and third parties regarding privacy. As previously referred the details regarding the siting and design of the dwelling are not being considered at this stage. However, based on the indicative Proposed Site Plan and specified parameters, the proposed dwelling is not considered to adversely impact on privacy of neighbouring properties. This was opined by the Inspector who considered that the placement and orientation of windows in the new dwelling could be designed to ensure no harmful loss of privacy to the two existing properties to the rear of the site while suitable boundary and landscaping treatments could limit the amount of mutual overlooking between neighbouring gardens. As a result, it was concluded by the Inspector and again now by the LPA that there would be no significant loss of privacy beyond that expected in built up areas and sufficient space allows for suitable distances between the development and existing properties. The precise details regarding positioning of the dwelling and window placement will be considered as part of a subsequent reserved matters application. The outline application is considered to comply with the relevant requirements of LDP Policy GP1.

Highway Impacts

One of the main grounds for concern amongst respondents is the inadequacy of the local highway network to safely accommodate the development with particular reference being made to the existing junction of Tyle Catherine, the narrowness of the roadways and the

current level of on street parking. In granting the previous outline permission, the Inspector concluded that the development was acceptable from an access and highway safety perspective. The Authority's own Head of Transport has reviewed the current application and is of the same opinion whereby he offers no objection to the current application subject to the imposition of certain conditions. Conditions relate to vehicle access, visibility, suitable parking scheme and also details to confirm the integrity of the existing highway-retaining wall will not be negatively affected by construction work. The proposal therefore meets the requirements of policy TR3 of the LDP.

Biodiversity Impacts

The Planning Ecologist has raised no objection to the outline planning application subject to certain conditions regarding vegetation clearance. The presence of invasive species, such as Japanese Knotweed, on site was also queried and the agent confirmed that there is no sign of this. The application will be required to be accompanied by details of proposed landscaping as part of future reserved matters submission.

Drainage

As highlighted in the response from the SAB team, the site already benefits from SAB approval (reference. SAB/00042) for drainage matters at the site.

Other Matters

The concerns raised regarding potential damage to neighbouring properties is not a material planning consideration in the determination of the application. Development at the site would need to obtain the relevant building regulations certification at the start and throughout construction.

Planning Obligations

A Unilateral Undertaking is due to be submitted by the applicant regarding a commuted payment to contribute towards the provision of affordable housing in the locality as part of the proposal. As such, the proposal will comply with the requirements regarding affordable housing within LDP Policy AH1 (Affordable Housing).

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, alongside third-party comments and the planning history, it is concluded on balance that the proposed dwelling is acceptable.

The application seeks to renew a previous outline planning permission granted in April 2016 under application reference. S/32316 and prior to that by an Inspector at appeal under application reference S/22648 in May 2010. The proposal has been reviewed again now and there have been no material change in circumstances in the intervening period since the granting of the previous permission that would justify withholding permission in respect of the current application. There are no amenity, highway or public service objections to the development and the proposal complies with the policy objectives of the Authority's LDP.

The concerns regarding privacy and overbearing are considered suitable to be addressed through site positioning and window orientation at reserved matters stage. The concerns regarding the access issues are considered to be adequately dealt with under the proposed planning conditions required by the Highways Officer which ensure there is no detrimental impact to highway safety.

On balance, the proposal is considered to be in accordance with the above identified LDP policies.

The application is therefore put forward with a favourable recommendation subject to the applicant entering into a unilateral undertaking or Section 106 Agreement securing a commuted payment towards the provision of affordable housing in the locality in accordance with the requirements of Policy AH1 of the LDP.

Condition 1

Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-

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

Reason:

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Condition 2

The permission now granted is an outline permission only, for one single dwelling, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Reason:

The application is in outline only.

Condition 3

Development shall not commence until detailed plans of the layout, scale, appearance and landscaping of the development, together with the means of access thereto, have been submitted to and been approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity.

Condition 4

The land subject to this permission is as identified on the 1:1250 scale Site Location Plan and 1:200 Site Block Plan drawing no. 646 02 and Proposed Site Plan scale 1:200 drawing no. 646 01 received 2 September 2020.

Reason:

For the avoidance of doubt.

Condition 5

Any reserved matters application shall be accompanied by full cross sections, finished floor levels and means of enclosure so that the proposal can be seen in the context of the road and the surrounding dwellings.

Reason:

In the interests of visual amenity.

Condition 6

Prior to commencement of any part of the development herewith approved details and calculations shall be submitted to the written approval of the Local Planning Authority establishing that the integrity of the existing highway-retaining wall is not negatively affected by the proposed construction works.

Reason:

In the interest of highway safety.

Condition 7

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 for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

Reason:

In the interest of highway safety.

Condition 8

There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole Tyle Catherine Road (W5907) frontage within 2.0 metres of the near edge of the carriageway.

Reason:

In the interest of highway safety.

Condition 9

Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.

Reason:

In the interest of highway safety.

Condition 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 or shall not be disposed of, or connected into, existing highway surface water drains.

Reason:

In the interest of highway safety.

Condition 11

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason:

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.

Condition 12

Any works affecting vegetation on site must be done outside the nesting season, which is recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected. Vegetation clearance shall be undertaken ensuring no adverse impact on reptiles.

Reason:

To ensure the necessary protection of nesting birds and reptiles.

Notes/Informatives

Note 1

Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Note 2

The applicant/developer's attention is drawn to the signed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution of £58.78 per square metre internal floor area.

Note 3

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).

- Please see the relevant responses from Dwr Cymru/Welsh Water, The Highway Authority, Planning Ecologist and the Council's Sustainable Urban Drainage Body (SAB) and refer to the recommendations and advice contained therein.

Application No	S/40262
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Application Type	Full Planning
Proposal & Location	CONSTRUCTION OF 7NO. LOCK UP GARAGES AT LAND OFF ANN STREET, LLANELLI SA15 1TE

Applicant(s)	MR DAVID LANG, 598 BIRCHGROVE ROAD, GLAIS, SWANSEA SA7 9EN
Case Officer	Robert Davies
Ward	Tyisha
Date registered	21/02/2020

Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

Site

The application site consists of a level, almost rectangular parcel of land located between a residential property known as 1 Llys y Morwr and the Great Western Railway Public House at Ann Street in Llanelli. There are allotments to the immediate south of the site whilst there are residential dwellings and a complex known as Cwrt Waddle on the opposite side of Ann Street.

The site is approximately 23m in depth by 19m in width.

Proposal

The application seeks full planning permission to construct 7no. lock up garages at the site. The applicant has confirmed that the garages are intended for use by local residents for domestic vehicular parking and personal storage possession.

The proposed garages are laid out in a reverse 'L' format in two separate blocks. The larger block measures 14.3m in width, 6.3m in depth and has a maximum ridge height of 3.1m. The smaller block is 9.4m by 6.3m and is of the same height. The proposed external finishes to the development consist of a mixture of render and facing brick to the walls, grey box profile sheets to the roof and galvanised steel roller shutter garage doors.

A new dropped kerb vehicular access is proposed in a central position off Ann Street, which will be hard surfaced for the first part and then the internal turning area will be surfaced with

porous gravel. The existing 1.8m high feather fencing along the southern and eastern boundaries is being retained, whilst some additional fencing is proposed to prevent access to the rear of the proposed garages.

In addition to the drawings the application has been accompanied by a Coal Mining Risk Assessment.

Planning Site History

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

D5/16812	Residential development Outline planning permission	16 March 1995
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Planning Policy

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

GP1 Sustainability and High Quality Design
TR2 Location of Development – Transport Considerations
TR3 Highways in Developments – Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways – No objection.

Llanelli Town Council – Object on the following grounds:-

- The proposed development is felt to contravene Policy GP1 part (g) in that the proposal will create a location where criminal activity such as drug dealing is likely to be undertaken.
- The proposed development is felt to contravene Policy GP1 part (h) and (l) in that traffic problems will likely be created with the number of vehicles entering and leaving the site.
- For the above reasons it is highly likely that the proposed development if approved will have a significantly detrimental impact on the amenity of adjacent residents. The proposal therefore contravenes Policy GP1 (d);
- The proposal is an over development of the site.

Local Member(s) – County Councillors S Curry and A McPherson both object on the following grounds:-

- Concerned that the garages (if built) will give cover to those individuals that perform illegal activities such as drug dealing and use to congregate.
- The development will cause traffic problems with the number of vehicles entering and leaving the site, causing congestion and possibly an accident, as the location is on a blind bend in the road and could be dangerous.
- Due to the matters noted above it is highly likely that the proposed development if approved will have a significantly detrimental impact on the amenity of adjacent residents.
- Over development of the site.
- The site suffers from Japanese Knotweed infestation which has not been treated.
- The local community do not want this development to happen.
- Cllr Curry and Cllr McPherson request that the planning committee make a site visit to see the problems first-hand.

Suds Approval Body – No objection. Confirmed SAB approval required.

Dwr Cymru/Welsh Water – No objection.

The Coal Authority – No objection subject to condition.

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

Summary of Public Representations

The application was originally the subject of notification by way of both neighbour letters and the posting of site notices. The application was also subject to re-consultation following the receipt of additional information and amended plans. Two letters of representation have been received objecting on the following grounds:-

- An excavator was delivered to site and work commenced before the planning application was decided.
- Highway Safety - the site is close to a bend with limited view of oncoming traffic; there is very little parking in the area for residents already and the traffic generated by the development will exacerbate matters; residents may lose on street parking spaces through restrictions to ensure that the access to this site is safe.
- Such garages attract anti-social behaviour, vandalism and drug taking. There is a long-standing problem in the area where many old County Council garages have been demolished because of such anti-social problems.
- The Tyisha ward has been identified for a major regeneration project and such a development could adversely impact that scheme and the wishes of the community.

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

Appraisal

As Members will have noted, a number of objections have been received from both Local Members, the Town Council and two members of the public. The reasons for concern and objection raised will be addressed individually as part of this appraisal.

The respondents opine that the proposed garages will create a location where criminal activity and anti-social behaviour will occur with vandalism and drug dealing/taking cited as specific concerns. Reference is drawn to long standing problems with old Council garages in other parts of the town. With respect to this issue, the Local Planning Authority (LPA) has liaised with the Designing Out Crime Officer at Dyfed Powys Police, who made the following three recommendations for any Secured by Design development of this nature at this location:-

- Boundary fencing should be Hit and Miss to 1.8m in height, topped with a capping rail.
- The garage area should be illuminated to BS 5489-1 2013 during the hours of darkness to provide safe passage to anyone using the area.
- Pedestrian and vehicular gates should be installed, operated by use of a fob, to prevent unwanted misuse of the area.

These suggestions have been forwarded on to the applicant and amended plans have been submitted which show a 1.8m hit and miss fence with capping rail proposed either side of the garage block to prevent unwanted access to the rear, whilst the plan also shows some high level lighting to the referred BS standard on the proposed garage buildings themselves.

The applicant is not proposing to install pedestrian and vehicular gates on the frontage with Ann Street as any such gates would need to be set back 5m from the edge of the highway, and any fencing below 600mm in height to comply with recommended highway conditions. Notwithstanding this, the application site is highly visible from Ann Street and is naturally surveyed and overlooked by surrounding properties. There is also a streetlight directly outside the application site which lights the area up during hours of darkness coupled with the additional lighting proposed as part of the development. Many of the older problematic garage sites referred to in the Llanelli area are sited in more secluded areas, not open to public viewing.

Therefore, it is considered that there is no justifiable reason to refuse planning permission on the perceived risk of such a development attracting criminal activity. The LPA has received and approved a number of such applications in Llanelli over recent years without reported incident in this respect.

Concerns have also been raised over highway safety with traffic generation, the location of the site on a bend and loss of on street parking cited as specific reasons for concern. As aforementioned, the LPA has received and approved a number of such developments in Llanelli town centre over recent years, whereby the demand is largely driven by town centre residents wanting a safe off-street area to park their vehicles and to store domestic items. The applicant has confirmed that he has already received interest from local residents and believes that the demand is there for such a facility.

With respect to highway safety matters, the Authority's Head of Highways has confirmed that the traffic generated by the proposed development will be low, and the highway infrastructure including access and visibility is sufficient. It is also noted that there are parking restrictions in place in the form of double yellow lines immediately outside the site at Ann Street, and therefore the proposal will not result in the loss of, or displacement of on street parking. As a result, the Authority's Head of Highways has raised no objection subject to conditions.

For the above reasons, objectors are of the opinion that the proposal will adversely affect the residential amenity of adjacent residents. In this regard the proposal is for domestic purposes only and conditions can be imposed on any planning permission granted to ensure that this is the case.

In terms of scale and design, the proposed development is considered to be acceptable and will not result in an overdevelopment of the application site. The proposed garages are domestic and simplistic in appearance, and the proposed pallet of materials is considered vernacular to the area.

The presence of Japanese Knotweed on the site has been highlighted. In this regard the applicant has acknowledged this and has confirmed that a scheme of treatment will be undertaken. It is therefore recommended that a condition requiring the submission of an eradication scheme for Japanese Knotweed is imposed on any planning permission granted.

One of the objectors stated that excavators were seen on the site and witnessed that works commenced on the development before the planning application was determined. In this regard, the works seen taking place on the site were not commencement works, but were intrusive site investigations linked to previous Coal Mining activity in the area. During the course of the planning application process, the Coal Authority requested a Coal Mining Risk Assessment (CMRA) as the application site is located in a Development High Risk Area. Following the receipt of the CMRA, the Coal Authority requested that intrusive site investigations took place to establish the location of mine shafts within the site, their zones of influence and to identify no build zones in order that the design of scheme could avoid them. Such investigations would also identify any remedial preventative and mitigatory measures required. These investigations took place in the form of one site strip across the entire site.

These investigations encountered a single infilled shaft located towards the western corner of the site. The shaft appears to be stable and the CMRA does not consider that deterioration of the fill will occur. Nevertheless, the proposed site layout was revised to avoid the construction of the proposed garages over the infilled shaft or its potential zone of influence. The proposed garages will be built with a reinforced concrete slab foundation, albeit to address issues associated with made ground rather than to address mining legacy.

No further works are proposed to remediate the shaft, although the report does confirm that the mineshaft position will be left undeveloped (grassed), with a fence erected around the shaft in order to prevent pedestrian access over the shaft area.

In light of the above, the Coal Authority has raised no objection to the revised scheme subject to a condition requiring a mitigation strategy principally in the form of fencing to enclose the shaft area to prevent access.

Finally, reference is drawn to the Tyisha regeneration masterplan, and it is opined that the proposed development will adversely impact that strategy for the reasons outlined above. In this respect, whilst the Tyisha ward has been identified for regeneration, there are no confirmed proposals as of yet, and certainly no proposals pertaining to this site. The application site was previously owned by Carmarthenshire County Council and was marketed prior to its sale to the current applicant. It is understood that due to the referenced Coal Mining and Japanese Knotweed issues, the site was not considered by prospective purchasers as a viable site for housing, and therefore the site itself has limited alternative potential.

Planning Obligations

There is no S.106 required in this instance.

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

The proposed development is considered acceptable in size, scale and design terms and will be restricted to domestic use only thus ensuring compatibility with its surroundings.

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.

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

Recommendation – Approval

Conditions and Reasons

Condition 1.

The development hereby approved shall be commenced before the expiration of five years from the date of this permission.

Reason:

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Condition 2.

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-

- Location Plan (01) 1:1250 @ A4 received 19th February, 2020;
- Existing site plan (02) 1:200 @ A3 received 19th February, 2020;
- Proposed drainage plan (08 Rev D) 1:200 @ A3 received 11th September, 2020;
- Streetscene (07 Rev C) 1:100 @ A3 received 11th September, 2020;
- Site section A-A (05 Rev D) 1:75 @ A3 received 11th September, 2020;
- Site section B-B (06 Rev D) 1:75 @ A3 received 11th September, 2020;
- Proposed site plan (03-Rev D) 1:200 @ A3 received 13th October, 2020;
- Proposed floor plans and elevations (04 Rev E) 1:100 @ A3 received 13th October, 2020.

Reason: In the interest of visual amenity.

Condition 3.

Prior to its use by vehicular traffic, the new access point shall be laid out and constructed to a width of at least 4.5 metres at the junction with the W5325 road/Ann Street.

Reason: In the interest of highway safety.

Condition 4.

Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.

Reason: In the interest of highway safety.

Condition 5.

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

Reason: In the interest of highway safety.

Condition 6.

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

Reason: In the interest of highway safety.

Condition 7.

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.

Reason: In the interest of highway safety.

Condition 8.

The access shall be hard surfaced in a bonded material for a minimum distance of 5.0 metre behind the highway boundary, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.

Reason: In the interest of highway safety.

Condition 9.

Prior to the commencement of development, a mitigatory strategy to address the risk posed by the on-site recorded mine shaft shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include details of the fencing to be erected to prevent pedestrian and vehicular access over the position of the mine entry. The measures included in the approved mitigatory strategy shall then be implemented in full prior to the development being taken into beneficial use and shall be retained as such thereafter.

Reason: In the interest of land stability and health and safety.

Condition 10.

The lock up garages hereby approved shall be used for domestic purposes in perpetuity, and not for trade or business use.

Reason:

To prevent any separate use on the site, and to ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

Condition 11.

There shall at no time be any external storage of materials or equipment on the application site.

Reason: In the interest of visual amenity.

Notes

Note 1.

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.

Note 2.

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

