

**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 14 MAI 2019
ON 14 MAY 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:	14 MAY 2019
REPORT OF:	HEAD OF PLANNING

INDEX - AREA SOUTH

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
S/38295	Construction of new house with integral garage at Plot 3, Heol Bronallt, Fforest, Llanelli, SA4 7TE

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/38295
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Application Type	Full Planning
Proposal & Location	CONSTRUCTION OF NEW HOUSE WITH INTEGRAL GARAGE AT PLOT 3, HEOL BRONALLT, FFOREST, LLANELLI, SA4 7TE

Applicant(s)	MR NEIL EBORN, 48 CLAYTON DRIVE, PONTARDULAIS, SWANSEA, SA4 8AD
Agent	ROBERT HIGGINS ARCHITECT - MR ROBERT HIGGINS, 105 PENYBANC ROAD, PENYBANC, AMMANFORD, SA18 3QP
Case Officer	Zoe James
Ward	Hendy
Date of validation	15/01/2019

The application is being reported back to Planning Committee following the meeting on 19 March 2019 where Members resolved to grant planning permission contrary to Officer's recommendation, subject to planning conditions and completion of a Unilateral Undertaking.

CONSULTATIONS

Head of Transport – Has raised concerns regarding visibility and parking as one of the car parking spaces is positioned within 2.4m of the edge of the carriageway. Also noted that the car parking spaces were below standard size. A revised plan has been received which repositions and increases the size of the proposed the parking spaces. Highways have now confirmed no objection subject to a condition regarding visibility splays.

Llanelli Rural Council - No observations received to date.

Local Member - Councillor Gareth Thomas is a member of the Planning Committee and has requested that the application be brought to the Planning Committee and that a site visit is undertaken in order for members to view the location and any impact of the development on surrounding properties.

Dwr Cymru/Welsh Water – Following the revised drainage proposal seeking to discharge directly into an adjacent storm drain, Dwr Cymru/Welsh Water have confirmed that they are willing to permit the connection of foul and surface water flows to the separate foul and surface water systems, subject to the required Section 104 Adoption Agreement and Section 106 Connection Approvals being in place.

Sustainable Drainage Approval Body – Initially raised concerns regarding siting of a soakaway at the site due to the sloping nature and proximity of the neighbour’s house at the lower end. Recommended that on-site infiltration tests in accordance with BRE365 are undertaken to ensure no detrimental impact on the lower neighbour’s property. Revised plans were submitted proposing direct surface water drainage connection to existing storm drain to the rear of the application plot, no objection subject to Dwr Cymru Welsh Water’s agreement.

Public Rights of Way – Initially commented stating that no regard has been given to the existence of Footpath 34/43 and if planning permission is to be granted, conditions are required. However, have since confirmed that the route of Footpath 34/43 was incorrectly mapped and abuts the application site.

Llanelli Ramblers – Initially objected on basis that application impacts on Footpath 34/43 and no regard has been given to use of the Public Right of Way. Further to the correction to the alignment of the public right of way advised by the PRoW team, the initial objection submitted on behalf of Llanelli Ramblers has now been withdrawn. The withdrawal is subject to the conditions requested by the PRoW team (in their comments 11/02/19) being fulfilled.

Neighbours/Public - The application has been publicised by the posting of two Site Notices. Please note that 2 no. responses have been received from 2 no. properties raising material planning considerations as follows:-

- privacy/amenity/overbearing;
- proposal does not take account of public footpath;
- query regarding land ownership; and
- increased traffic causing safety issues.

RELEVANT PLANNING HISTORY

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

S/37293	Construction of new house with integral garage. Full Planning refused	12 July 2018
D5/16775	Residential development Full planning permission	16 March 1995
D5/15196	Residential development 37 detached dwellings Reserved Matters granted	18 March 1993
D5/11875	Residential development Outline planning permission	23 October 1989
D5/11616	Construct 8 semi-detached and 4 detached houses Approved	26 June 1989
D5/5740	Construction of detached houses Refused	25 June 1981
D5/5237	Residential Outline planning refused	11 September 1980

APPRAISAL

THE SITE

The application site consists of a rectangular parcel of land fronting the western side of Bronallt Road within the village of Hendy. The site is bordered by Public Right of Way footpath no. 34/43 and then no. 53 Bronallt Road to the south, existing property Y Winllan is to the north west and a vacant parcel of land, part of which has recently been granted outline planning permission at Planning Committee subject to completion of a Section 106 agreement for 2 dwellings (reference. S/36098). The Coed y Bronallt estate is situated to the north west of the site and is characterised by large detached houses and Bronallt Road comprises a mix of large detached houses as well as former local authority semi-detached properties.

The site consists of a grassed overgrown area which has an unkempt appearance and has previously been subject of two enforcement notices served regarding untidy land. The levels of the site fall towards its western boundary. The Y Winllan property within the Coed y Bronallt estate to the rear is set at a lower level than the site.

THE PROPOSAL

The application seeks full planning permission for a detached dwelling with integral garage, alongside new access, driveway and parking spaces to the front and private garden space to the rear. This application follows a previous application (reference. S/37923) at the site which was refused under officer delegated powers due to concerns regarding its harmful impact on the residential amenity of the occupiers of the neighbouring dwelling of 'Y Winllan' by way of loss of privacy and overbearance.

The present application has not altered from the previously submitted scheme and comprises a three storey property built into the land which appears two storey when viewed from Bronallt Road.

At ground floor level, the property comprises an integral garage, study, bathroom, snug, dining/living room and large open plan kitchen which runs along the rear elevation of the property. A semi-circular stairwell is proposed beyond the main wall of the rear elevation in the north western corner of the property. The stairwell has no fenestration and provides access to the lower floor. There is also an internal staircase within the centre of dwelling which provides access to the first floor. At first floor, four bedrooms are proposed, each of which has its own en-suite. Bedrooms 1 and 2 overlook the rear garden (three windows) whilst bedroom nos. 3 and 4 face Bronallt Road. The lower ground floor includes a lounge, lobby, shower room, utility room and bin store with access to the rear garden from the living room via bi-folding doors or the bin store on the south elevation.

The application has been accompanied by cross sectional drawings taken through the site which show the proposed finished levels of the development in relation to existing properties to the east and west. Whilst the proposed dwelling has been built into the land, the topography and elevated position results in the dwelling having a direct elevated outlook towards the rear elevation and private garden area of the existing property, Y Winllan to the

rear. The positioning of the stairwell to the north west of the property seeks to reduce views from the kitchen and lounge yet this does not overcome the concerns regarding overlooking.

A 1.8m high close boarded timber fence is also shown on the plans along the north and western boundary.

The application is accompanied by a draft Unilateral Undertaking and completed Certificate of Title indicating the applicant intends to comply with the requirements for a contribution towards affordable housing in line with Policy AH1.

PLANNING POLICY

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

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

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 GP2 Development Limits requires 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 GP3 Planning Obligations states that the Council will, where necessary seek developers to enter into planning obligations 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.

Policy H2 Housing within Development Limits permits proposals for smaller housing developments on unallocated sites within the development limits of a defined settlement provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 Affordable Housing states a contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution 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 Infrastructure and New Development 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 TR3 Highways in Developments – Design Considerations relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EP2 Pollution 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 Sustainable Drainage 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 EQ4 Biodiversity 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.

THIRD PARTY REPRESENTATIONS

Two letters of objection have been received from neighbouring residents who raise concerns regarding the impact of the proposal on their residential amenity. Concerns are raised by a neighbour located to the west regarding loss of privacy and overbearance as a result of the proposed development and notes that only a property which sits at similar height to their property would address this concern. The objection also refers to the existing footpath being well used and inaccuracies regarding the red line plan. It is noteworthy that previously the neighbour commented on the earlier application at the site, yet did not raise such strong concerns or objections regarding the proposal.

The second objection refers to loss of views as a result of the development and concerns over increase in traffic resulting in highway safety issues.

Highway/pedestrian safety has been carefully considered. There was initial concern from Highways regarding visibility and parking for the proposed development. One of the proposed car parking spaces was situated within 2.4m of the nearside edge of the carriageway. The comments also highlighted that the size of the parking spaces fall below the 2.6m x 4.8m standards.

Revised plans have since been submitted with one of the spaces relocated and the parking spaces increased in size to the above standards. Highways have responded stating that should the application be approved, a condition will be imposed requiring 2.4m x 4.3m visibility splays to be implemented and retained thereafter. On this basis, the Head of Transport has no objection.

Turning to the objection regarding loss of privacy and overbearance on adjacent dwelling 'Y Winllan', it is pertinent to note that the previous application (reference. S/37293) for the same scale development at the site was refused on this basis. As before, it is considered that the new dwelling would have a direct elevated outlook towards the rear elevation and private garden area of this existing property at close quarters to the detriment of the privacy and enjoyment of its occupiers. Moreover, the scale and massing of the new dwelling combined with its proximity and elevated position above 'Y Winllan' would mean it would appear as an overly dominant and overbearing feature from this existing property. It is considered that the proposed development therefore fails to conform to criteria within Policy GP1 (Sustainability and High Quality Design) and Policy H2 (Housing within Development Limits).

In terms of loss of views as Committee Members will be aware this is not a material planning consideration. As per highways comments, the proposed development is not considered to have an impact on highway safety grounds subject to a condition regarding visibility.

The agent has submitted revised plans amending the red line area of the application site which accords with the Certificate of Title completed by the applicant's solicitor. On this basis, it is considered that the concern regarding land ownership has been addressed.

CONCLUSION

After careful consideration of the site and surrounding environs, the proposal is considered not to be acceptable given its impact on the amenity of adjacent residential dwellings. Whilst the proposal complies with a number of policies within the Local Development Plan (LDP) given the site's location within the Development Limits in Hendy, the proposed dwelling fails to comply with the relevant criteria within LDP Policies GP1 and H2, by reason of its siting, size and scale.

Given the sloping nature of the site, accompanied by the scale and massing of the proposed dwelling, it is considered to result in unacceptable harm to the residential amenity of the occupiers of the neighbouring dwelling 'Y Winllan' due to loss of privacy and overbearance. Despite attempts to reduce overlooking through proposed fencing and positioning of the stairwell on the rear elevation, the new dwelling would have a direct elevated outlook towards the rear elevation and private garden of the existing property at close quarters resulting in a detrimental impact on the privacy and enjoyment of its residents. Given the proximity and site topography, alongside the scale and massing of the proposed dwelling would result in it appearing as an overly dominant and overbearing feature from the existing property. The concerns raised by the Sustainable Drainage Approval Body regarding the proposed use of a soakaway due to the sloping nature of the site and the proximity of the neighbour's house at the lower end are addressed through submission of revised plans and proposal to connect to the existing storm sewer.

The proposal includes adequate parking facilities so no concerns are raised regarding highway safety, subject to imposition of suitable condition. As previously identified, a draft Unilateral Undertaking has been submitted by the applicant's solicitor regarding a commuted payment to contribute towards the provision of affordable housing in the locality as part of the proposal. We are presently awaiting the final completed agreement. As such, the proposal complies with the requirements regarding affordable housing within LDP Policy AH1 (Affordable Housing).

Contrary to Officer recommendation, a resolution to grant planning permission was given by Planning Committee on 19 March 2019, subject to planning conditions and finalisation of a

Unilateral Undertaking. As highlighted above, a draft Unilateral Undertaking has been submitted and is in the process of being finalised and the following conditions are recommended:

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 Plan and Location Plan drawing no. 01 received 15 February 2019;
 - Site Layout Plan scale 1:200 drawing no. 02 Rev D received 7 March 2019;
 - Floor Plans drawing no. 03 received 28 November 2018;
 - Elevations drawing no. 04 received 28 November 2018;
 - East West Site Sections drawing no. 05 received 9 January 2019.
- 3 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 Bronallt Road frontage within 2.4 metres of the near edge of the carriageway.
4. The access and visibility splays 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.
5. 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.
6. Surface water flows from the development shall only communicate with the public surface water sewer as shown on drawing number 02D submitted with the planning application.
7. The proposed development site is crossed by a foul and surface water public sewers 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 each of the public sewers.
8. Before the development hereby permitted is first brought into use the bathroom, wetroom and en-suite windows (as shown on Plans drawing no. 3) shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter.

REASONS

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

- 2 For the avoidance of doubt as to the extent of this permission.
- 3-5 In the interest of highway safety.
- 6 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.
- 7 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.
- 8 In the interest of privacy.

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 GP2 of the LDP in that it is situated within the development limits of Hendy.
- The proposal complies with Policies GP3 and AH1 of the LDP in that the applicant/developer has entered into a legal agreement securing the relevant contribution towards community benefits as part of the development.
- The proposed development complies with Policy TR3 of the LDP in that it provides appropriate parking and will not generate unacceptable levels of traffic on the surrounding road network or be detrimental to highway safety.

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 affordable housing contribution required in line with Policy AH1 of the Local Development Plan has been secured by the applicant entering into a S106 agreement/Unilateral Undertaking.
- 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 response from Dwr Cymru/Welsh Water and the Council's Sustainable Drainage Approval Body and refer to the recommendations and advice contained therein.