

Document Pack



Mark James LLM, DPA, DCA
Prif Weithredwr,
Chief Executive,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

THURSDAY, 16 AUGUST 2018

TO: ALL MEMBERS OF THE PLANNING COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **PLANNING COMMITTEE** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN AT 10.00 AM ON THURSDAY, 23RD AUGUST, 2018** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Janine Owen
Telephone (direct line):	01267 224030
E-Mail:	Democraticservices@carmarthenshire.gov.uk
Ref:	AD016-001

PLANNING COMMITTEE

20 MEMBERS

PLAID CYMRU GROUP - 10 MEMBERS

1. **Councillor Mansel Charles** Member of Llanegwad Community Council
2. **Councillor Tyssul Evans** Member of Llangyndeyrn Community Council
3. **Councillor Jeanette Gilasbey** Member of Kidwelly Town Council
4. **Councillor Ken Howell**
5. **Councillor Carys Jones**
6. **Councillor Alun Lenny (Chair)** Member of Carmarthen Town Council
7. **Councillor Jean Lewis**
8. **Councillor Dorian Phillips**
9. **Councillor Gareth Thomas**
10. **Councillor Eirwyn Williams**

LABOUR GROUP - 6 MEMBERS

1. **Councillor Suzy Curry**
2. **Councillor Penny Edwards**
3. **Councillor John James** Member of Pembrey & Burry Port Community Council
4. **Councillor Dot Jones** Member of Llannon Community Council
5. **Councillor Ken Lloyd** Member of Carmarthen Town Council
6. **Councillor Kevin Madge** Member of Cwmamman Town Council

INDEPENDENT GROUP - 4 MEMBERS

1. **Councillor Sue Allen** Member of Whitland Town Council
2. **Councillor Ieuan Davies**
3. **Councillor Joseph Davies**
4. **Councillor Irfon Jones (Vice-Chair)** Member of Bronwydd Community Council

NO SUBSTITUTES ARE ALLOWED AT MEETINGS OF THIS COMMITTEE

A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF PERSONAL INTERESTS
3. AREA EAST - DETERMINATION OF PLANNING APPLICATIONS 5 - 14
4. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS 15 - 34
5. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS 35 - 58
6. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 7TH AUGUST 2018 59 - 62

This page is intentionally left blank

**ADRODDIAD PENNAETH
CYNLLUNIO, CYFARWYDDIAETH YR
AMGYLCHEDD**

**REPORT OF THE HEAD OF
PLANNING,
DIRECTORATE OF ENVIRONMENT**

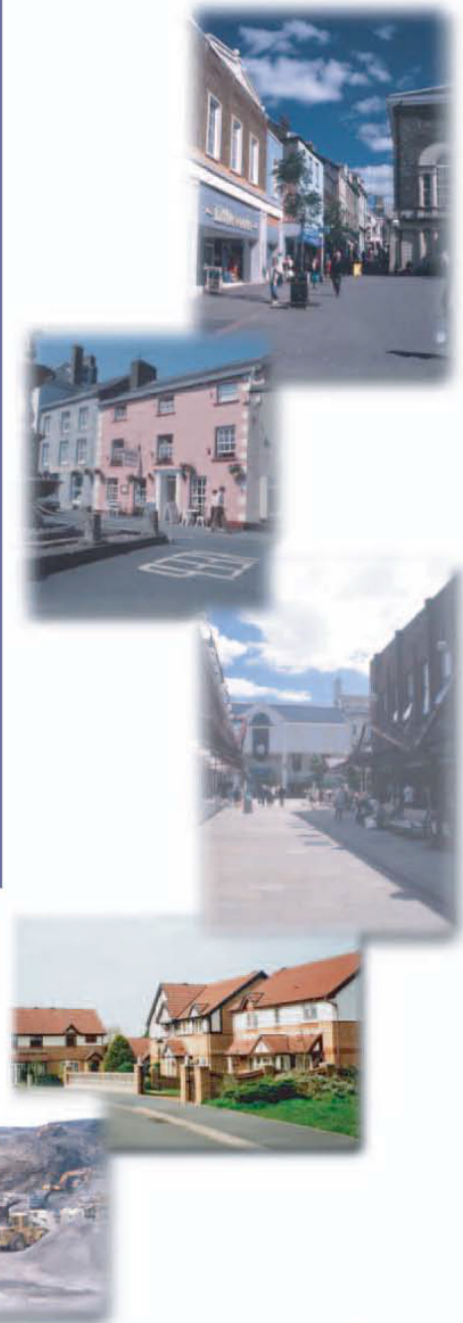
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 23 AWST 2018
ON 23 AUGUST 2018**

**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 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:	23RD AUGUST 2018
REPORT OF:	HEAD OF PLANNING

INDEX - A REA EAST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
E/37292	Erection of a detached garage with apex roof at 125 Saron Road, Saron, Ammanford, SA18 3LH

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	E/37292
-----------------------	----------------

Application Type	Full Planning
Proposal & Location	ERECTION OF A DETACHED GARAGE WITH APEX ROOF AT 125 SARON ROAD, SARON, AMMANFORD, SA18 3LH

Applicant(s)	MR ANDREW MASKELL, 125 SARON ROAD, SARON, AMMANFORD, SA18 3LH
Case Officer	Andrew Francis
Ward	Saron
Date of validation	24/05/2018

CONSULTATIONS

Llandybie Community Council – Offers no objection, instead advises that Planning Officers need to satisfy themselves that all reasons for previous refusals have been addressed in the current application.

Local Members - County Councillor K Davies has not commented to date. County Councillor C Harries has raised queries and objections to the proposal. The points of objection are summarised as follows:

- The proximity of the proposed garage would mean excess rainwater would fall on the neighbours land and/or the guttering would be hanging over the neighbour's land.
- The wall is positioned outside the neighbouring front door which prevents adequate light entering the property.
- The foundations of the wall are arguably not sound. It is built on a small wall which was not built to withstand the weight of the wall which has been built or the one proposed. Its integrity probably needs an urgent inspection to see if it is structurally sound.
- The garage has been refused by the LPA on four previous occasions and the applicant has lost two appeals to the Planning Inspectorate. Why hasn't enforcement action been taken against the wall?

Neighbours/Public - Two neighbour consultation letters were sent out as a result of the consultation process, with one letter of objection having been received in reply. The grounds of objection refer to;

- The overbearing nature of the existing wall is horrendous, but the possibility of an even higher wall and garage is horrendous.
- The proposed roof plan will result in excess rainwater and snow will, regardless of guttering systems, will find its way onto the neighbouring access path and the gutters will overhang.
- The loss of light will lead to mould growth on the lower aspects of the neighbour's house and the proposed building itself.
- Inability to move furniture and large items in and out of the main doorway.
- The outer wall of the planned garage has been erected on a small wall originally built to support the pathway. Cracks are now appearing along the path and along the bottom of the house. Any further weight could cause collapse. This could be catastrophic as the main sewerage pipe for 2 properties runs underneath it.

RELEVANT PLANNING HISTORY

E/34372 -	Erection of attached garage to side elevation with pitched roof - single storey. Full Planning Refused	10 November 2016
E/29807	Erection of attached side elevation garage with pitched roof. Full Planning Refused Appeal Dismissed	17 July 2014 25 February 2015
E/28383	Erection of attached side elevation garage with pitched roof Full Planning Refused Appeal Dismissed	8 July 2013 28 January 2014
E/26365	Side Elevation Garage with Pitched Roof Full Planning Refused	31 July 2012
E/00781	Two Storey Extension Full Planning Permission	11 December 2001

APPRAISAL

THE SITE

The application site is a semi-detached house located immediately at the rear of the footway along the eastern flank of Saron Road, opposite the Cefncrug residential cul-de-sac. The modest two-storey dwelling of rendered elevations with a natural slate roof covering has a large two storey, flat roof, rear extension that projects 1.3m beyond the side elevation of the house, in front of which is an off-road parking area.

THE PROPOSAL

The application details the provision of a new single storey garage to be constructed offset towards the rear of the north eastern side of the existing extension. The applicant has made several attempts at applying for a garage directly adjacent to the side of his dwellinghouse which have all been refused. The initially refused garage was proposed to have a pitched roof with a central ridge running parallel to the front elevation. This created a tall facade immediately in front of the front door of the adjacent dwelling which was deemed unacceptable, a view which was backed by a Planning Inspector. However, discussions during that application stated that if the proposed garage were to have a simple lean to roof off the side of the existing dwelling, this would have been previously acceptable. However, when this was submitted, the application was again refused at Planning Committee under reference E/29807 and also refused at appeal.

This current application seeks to remedy the issues highlighted in the previous appeal by moving the garage rearwards on the plot by approximately 5 metres. This brings the front of the garage behind the front door of the neighbour's dwelling, and will allow for the existing boundary wall to be taken down. Both will improve the amount of light and sense of space felt by the neighbours at the front door. The proposed garage extension measures 8.46 metres in length by 3.77 metres in width. Whilst it would present an eaves height at its lowest level on the land associated with 125 Saron Road at 2.4 metres in height, due to the drop in height between 125 Saron Road and 127 Saron Road, the Eaves height would appear as 3.4 metres. The roof is to be pitched as there is no longer a wall to tie a lean to roof to. The overall height of the garage measures 4.4 metres.

Externally, the walls are to be rendered and the roof is to be finished in fibre cement slates.

PLANNING POLICY

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development Plan (LDP) adopted in December 2014.

Policy GP6 is relevant and in this instance requires that any extension should be subordinate and compatible to the size, type and character of the existing dwelling; the materials should complement that of the existing dwelling; should not lead to inadequate parking, utility, amenity or vehicle turning areas and the local environment; the use of the proposed extension is compatible with the existing dwelling and the amenities of the occupiers of neighbouring buildings should not be adversely affected.

THIRD PARTY REPRESENTATIONS

Two neighbour consultation letters were sent out as a result of the consultation process, with one letter of objection having been received in reply. County Councillor C. Harries has also objected to the proposal. The grounds are summarised and are discussed as follows:

- The overbearing nature of the existing wall is horrendous, but the possibility of an even higher wall and garage is horrendous.

With regard to this point, the previous applications argued that the front wall directly in front of the neighbouring dwelling's front door, which is set lower would indeed cause harm to the amenity of the neighbours. This is despite the permitted development fall-back position which the applicant has demonstrated by building a wall on the boundary with the benefit of permitted development.

The proposed garage will be a significant improvement on both the previous application and the current situation as the proposed structure will be moved behind the line of the neighbour's front door and the applicant will take down the existing boundary wall. This means the neighbour will have much more daylight entering the dwelling through the front door opening and, as more light is penetrating the pathway, less mould will build up.

The applicant could, if refused retain the boundary wall, in fact make it taller as it is not yet at the full two metre height allowed by permitted development. As such, it is felt that the proposed building offers an improved scenario.

- The proposed roof plan will result in excess rainwater and snow will, regardless of guttering systems, will find its way onto the neighbouring access path and the gutters will overhang.

With regard to this point, it is the responsibility of the applicant to ensure that the proposed garage and guttering system proposed is adequate and maintained to be adequate, to ensure that no rainwater should fall upon the neighbour's land.

- The loss of light will lead to mould growth on the lower aspects of the neighbour's house and the proposed building itself.

As discussed in the first point above, the proposal will actually allow more light than the current situation as the boundary wall will be removed and the garage will be set back behind the neighbour's front door. As such, this will be an improvement upon the current levels of light received.

- Inability to move furniture and large items in and out of the main doorway.

It would appear that the neighbours are objecting to plans that resemble a previous application as the current proposal allows much more space around the front door area than the existing situation with the boundary breezeblock wall would allow. If the garage was to be moved back behind the neighbour's main door line, there would be much more space available for bulky items to enter the house in this location.

- The outer wall of the planned garage has been erected on a small wall originally built to support the pathway. Cracks are now appearing along the path and along the bottom of the house. Any further weight could cause collapse. This could be catastrophic as the main sewerage pipe for 2 properties runs underneath it.

It will be the responsibility of the applicant to ensure that any construction works are carried out safely and the applicant would be liable to any remedial costs should the work damage any neighbouring land. Typically, this is considered under the Party Wall Act etc.

- The garage has been refused by the LPA on four previous occasions and the applicant has lost two appeals to the Planning Inspectorate. Why hasn't enforcement action been taken against the wall?

With regard to this final point, as alluded to above, the existing breezeblock wall that has been built by the applicant is permitted development – the applicant can build a boundary wall up to 2 metres in height on the boundary without planning permission. As such, this wall cannot be enforced against.

CONCLUSION

In light of the above, the proposed detached garage is now considered to be an acceptable form of development. It is subordinate to the existing dwelling and is of a size and design that complements the character of the existing dwellinghouse, whilst retaining adequate amenity space to serve the dwelling.

Despite the objections, the proposed garage would improve the current levels of amenity and privacy of the occupiers of the neighbouring dwelling in particular, as the wall that has been built under permitted development will be removed. As such, given this fact, it is considered that the proposal complies with policy GP6 and the objections cannot be sustained. As such, the proposal is recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans received on 17 May 2018:
 - 1:1250 scale Location Plan;
 - 1:100 scale Proposed Elevations, Garage, Floor Plan and Section.
- 3 The garage hereby approved shall be used for the domestic and ancillary needs of the occupiers of 125 Saron Road, Saron, Ammanford only. It shall not be used for any trade, business or commercial purposes.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3 In the interest of residential amenity

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development accords with Policy GP6 of the LDP in that the garage represents an acceptable form of development which is appropriate to the character and appearance of the host building and surrounding area and will not have an unacceptable impact upon the residential amenity of nearby properties.

NOTES

- 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 if 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.

*Ardal Del/
Area South*

**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 23 AWST 2018
ON 23 AUGUST 2018**

**I'W BENDERFYNU/
FOR DECISION**



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:	23 AUGUST 2018
REPORT OF:	HEAD OF PLANNING

INDEX - AREA SOUTH

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
S/36649	Proposed three, four bedroom house, 2 storey dwellings with attic accommodation together with attached/ detached garage as applicable to plot. Together with access off site & main roads & associated drainage works at land adjacent Pen Y Moor Cottage, Myrtle Hill, Cynheidre, Llanelli, SA15 5YE
S/36848	Residential development of two dwellings at land adjacent Swn Aderyn, Cynheidre, Llanelli, SA15 5YE

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/36649
-----------------------	----------------

Application Type	Full Planning
Proposal & Location	PROPOSED THREE, FOUR BEDROOM HOUSE, 2 STOREY DWELLINGS WITH ATTIC ACCOMMODATION TOGETHER WITH ATTACHED/ DETACHED GARAGE AS APPLICABLE TO PLOT. TOGETHER WITH ACCESS OFF SITE & MAIN ROADS & ASSOCIATED DRAINAGE WORKS AT LAND ADJACENT PEN Y MOOR COTTAGE, MYRTLE HILL, CYNHEIDRE, LLANELLI, SA15 5YE

Applicant(s)	MARTIN TAFFETSAUFFER LTD - MARTIN TAFFETSAUFFER, 38 INKERMAN STREET, LLANELLI, SA15 1SA
Agent	LEWIS PARTNERSHIP LTD - MR GERAINT PHILLIPS, 13 PARK CRESCENT, LLANELLI, SA15 3AE
Case Officer	Gary Glenister
Ward	Glyn
Date of validation	10/01/2018

CONSULTATION

Head of Transport – Had initial queries but speed data shows that the scheme will work. There are no objections to the revised scheme subject to the imposition of appropriate conditions.

Head of Technical Services (Drainage) – Had initial queries however after further information was received from the applicant's engineers, is content that the revised drainage scheme is fit for purpose.

Llanelli Rural Council – Has no objection provided:-

- (i) Assurance is received from Highways Authority there will be no drainage or flooding issues caused by the development.
- (ii) The drainage generated from the additional development does not increase the hydraulic load on the public sewer.
- (iii) Surface water is prevented from entering the public sewer and is dispersed of via a soakaway.

Local Members - County Councillor T J Jones has no objection subject to full investigation of surface water drainage.

Dwr Cymru/Welsh Water - Surface water discharge must not be drained into the foul public sewer.

Neighbours/Public – Ten properties have been consulted on the initial scheme and amended drainage layout. Responses have been received from five properties raising the following matters:-

- Foul drainage capacity.
- Surface water drainage.
 - Potential flooding of bungalows opposite.
 - Planning history – no surface water was allowed into highway drains.
 - Existing water course floods adjacent garden during heavy rain.

RELEVANT PLANNING HISTORY

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

GW/02428	Formation of plot and road layout Full planning permission	21 November 2002
S/01975	Residential nursing home - amended layout of planning permission dated 30 July 1998 – Application Ref. No. S/01340 Full planning permission	19 August 1999
S/01340	Residential nursing home Full planning permission	30 July 1998
D5/17228	Amended application for one dwelling house in lieu of two bungalows originally approved Outline planning permission	02 November 1995
D5/17057	7 no. bungalows and garages Outline planning permission	20 July 1995
D5/15047	Residential nursing home with all ancillary works Full planning permission	31 March 1994
D5/14447	Old age nursing home Full planning permission	31 March 1994
D5/12278	8 no. bungalows Approved	13 November 1989
D5/11088	Development of dwelling houses Approved	12 December 1988

APPRAISAL

This planning permission is dependent upon the developer, prior to the commencement of development, entering into a Section 106 Agreement with Carmarthenshire County Council.

THE SITE

The application site is a 0.2ha parcel of land to the North East of the cross roads at Cynheidre. The site backs onto land which runs along the former mineral railway (now the Sustrans cycle route) and former Cynheidre Colliery site beyond. The site has a road frontage of approximately 35.86m and depth of approximately 55.7m.

The site has planning history for both residential and a nursing home dating from the 1980s and 1990s. The principle of development on the site is therefore long established. Full planning permission was granted in 2002 for a road and plot layout. The road was constructed and the first plot approved, built and is occupied. The full permission for the road and plot layout was therefore implemented and is extant.

Subsequent applications on the adjacent plots however have been turned down on lack of information on surface water drainage to serve the site and the site has therefore remained largely undeveloped. The site is underlain with clay and percolation testing has revealed that water does not soak away. It is therefore considered that an alternative solution would be required to address the issue. Planning permission for the further two frontage plots is being considered elsewhere on the agenda under application S/36848 now that the reasons for refusal have been addressed.

The site has bungalows opposite at a lower ground level. There are more recent houses to the North which are more in keeping with the proposal. There is a history of concerns from residents of the bungalows regarding surface water gathering on the side of the highway and potential for water to flood across the highway and affect the bungalows.

The site was removed from the settlement development limits in the Local Development Plan as it had not come forward and there were technical issues, however there remains extant full planning permission for the road and plot layout, so the principle of development has been established.

THE PROPOSAL

The application seeks full detailed planning permission for three dwellings and associated gardens and parking areas, along with a surface water drainage scheme.

The four bedroom houses are of a two storey design and appearance with additional accommodation in the loft. The dwellings are proposed to have traditional saddle roofs with a front gable and a dormer type roof window to serve the loft accommodation. The houses are proposed to have rear flat roof sun lounges with an atrium type roof window to provide light into the internal rooms. In terms of external appearance, the houses are proposed to

be coloured render with render detailing around the windows under a re-constituted slate roof.

The two frontage plots have single skin detached garages which are proposed to be rendered under reconstituted slate roofs, however the rear plot has a garage attached via a linking wing with materials to match the main dwelling.

A comprehensive drainage scheme has been submitted which seeks to address a known drainage issue with the site. The ground conditions are clay so there is no prospect of using soakaways and the surface water currently runs off and pools along the side of the highway. The application states that the surface water is proposed into the main sewer which would not be acceptable. However, it is apparent that there is a small water course which runs South East to North West along the site boundary that is culverted under the road and is an open ditch between the two residential gardens opposite. The scheme seeks to include an attenuation system and release surface water at a controlled rate into the existing water course.

PLANNING POLICY

In the context of the current development control policy framework the site is outside the settlement development limits of Cynheidre as defined in the Carmarthenshire Local Development Plan (LDP) adopted December 2014.

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles.

Policy GP1 Sustainability and High Quality Design provides a list of criteria which demonstrates principles of good design to ensure that development is appropriate to the character of the area and would not have a significant impact on third parties.

Policy AH1 Affordable Housing requires developments of less than 5 houses to provide a commuted sum based on the internal floor area of the proposed development.

Policy TR3 Highways in Developments - Design Considerations, sets out the requirements for development to be situated in a suitable location and incorporate appropriate parking, access and sustainable transport features.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 and TAN12 provides design guidance.

THIRD PARTY REPRESENTATIONS

There is concern over foul water drainage from the site given the previous concerns relating to the existing dwelling linking to the foul sewer. It should be noted that the previous issues have been addressed by the applicant buying a yard to the North West and laying a sewer through the adjacent plots to the North across the highway and through the yard to connect to the foul sewer. Foul drainage has therefore been adequately addressed. Dwr Cymru Welsh Water has no objection on the basis of foul drainage, however seeks further details of the scheme prior to occupation.

Surface Water has been contentious on this site with previous refusals in the vicinity. It is noted that the ground is clay and surface water collects at the side of the highway. There is third party concern that the proposed development would generate an increase in surface water which would over top the crest of the road and flood the lower laying bungalows opposite.

The applicants have submitted a comprehensive surface water drainage scheme which seeks to address the issue not only for the three plots proposed under this application but for the two adjacent plots being considered under S/36848. The scheme seeks to capture surface water into a storage system in the front gardens and release to an existing culverted watercourse at an attenuated discharge rate. The culverted water course crosses the road and runs between the bungalows known as Ty Myhefin and Arfon Newydd and passes through the garden in an open channel between the two properties. The scheme aims to intercept the surface water which cannot soakaway due to clay ground conditions and therefore would stop water from flowing onto the road. The scheme also accounts for the remaining two plots which are in separate ownership and being considered elsewhere on the agenda. The surface water scheme has been engineer led and has been checked by the Council's drainage engineers to ensure adequacy of the existing watercourse to accommodate the attenuated flows.

Further concern has been raised in terms of the water quality of the existing water course which is said to flood one adjacent garden at times of heavy rain. Details of oil interceptors at the hydro break are therefore conditioned to ensure that no contamination from driveways can enter the water course.

CONCLUSION

The site is outside the settlement limits of Cynheidre, however is part of a site which had full planning permission for a road and plot layout in 2002. The road and first plot was developed and therefore the full permission was implemented. The site is of a sufficient size to accommodate the three dwellings as proposed, with a strong frontage and a house to the rear which is consistent with the first house to be developed. There are two further plots along the frontage which are subject to a separate application as they are in separate ownership.

The design and appearance of the three dwellings is considered to be acceptable and would be in keeping with new houses further north along Myrtle Hill towards Ponthenri. The plots are of a sufficient size as to accommodate an appropriate garden and parking for each plot so it is not considered to be over development.

The applicant has addressed the surface water drainage issue by proposing an attenuated storage system with discharge to an existing water course which is culverted across the road and which passes between the two bungalows opposite. Whilst there is third party concern that this water course already causes surface water flooding to an adjoining garden, it is noted that the proposal being attenuated would not result in a deluge of additional water during periods of rainfall and would release the surface water into the water course in a controlled manner.

On balance, the applicant has demonstrated that the site can be developed without detriment to highway safety and the amenities of third parties in terms of drainage. Therefore the application is recommended for approval subject to the Section 106 Agreement to secure an affordable housing contribution.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted 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 dated 23rd December 2017:-
 - 1:100 scale Plot 1 ~ Proposed Floor Plans. Drawing No. 07;
 - 1:100 scale Plot 1 ~ Elevations 1 of 2. Drawing No. 08;
 - 1:100 scale Plot 1 ~ Elevations 2 of 2. Drawing No. 09;
 - 1:100 scale Plot 2 ~ Proposed Floor Plans. Drawing No. 10;
 - 1:100 scale Plot 2 ~ Elevations 1 of 2. Drawing No. 11;
 - 1:100 scale Plot 2 ~ Elevations 2 of 2. Drawing No. 12;
 - 1:100 scale Plot 3 ~ Proposed Ground Floor Plan. Drawing No. 13;
 - 1:100 scale Plot 3 ~ Proposed First Floor Plan. Drawing No. 14;
 - 1:100 scale Plot 3 ~ Proposed Second Floor Plan. Drawing No. 15;and the following schedule of plans dated 15 February 2018:-
 - 1:2500 & 1:500 scale Existing Site and Location Plan. Drawing No. 01B;
 - 1:50, 1:100 & 1:200 scale Site Plan and Road Sections. Drawing No. 01;
 - 1:250 scale Proposed Site Drainage Layout. Drawing No. 21B;
 - 1:250 & 1:200 scale Proposed Site Plan and Sections. Drawing No. 19B;
 - 1:50 scale Garage Layout. Drawing No. 22A.
- 3 No dwelling hereby approved shall be commenced until the surface water scheme shown on the approved plans has been constructed and is operational.
- 4 No dwelling hereby approved shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 5 Prior to commencement of any development on the application site, details of oil interceptors at the surface water discharge point shall be submitted to and approved in writing by the Local Planning Authority.
- 6 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Council's (Transport and Engineering Services) Typical Layout No. 1 specification, prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 7 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.
- 8 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.

- 9 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 C2077 Road frontage within 2.4 metres of the near edge of the carriageway.
- 10 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.
- 11 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority 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.
- 12 Prior to the commencement of any part of the development a drainage scheme to culvert the drainage ditch shall be submitted for the written approval of the street scene department.
- 13 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.
- 14 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 15 The private access shall be hard surfaced in a bonded material for a minimum distance of 5.0 metres behind the highway boundary, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.
- 16 The development shall be related to a Highway Improvement Line set back 1.8 metres from the existing nearer edge of carriageway. Any permanent structures such as forecourt walls, etc. should be erected on or behind the Improvement Line.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3 To prevent surface water flooding.
- 4 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.
- 5 To prevent contamination of the water course.
- 6-16 In the interests of highway safety.

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 proposed development complies with Policy SP1 & GP1 of the LDP in that it is sensitive infilling on a site with extant full permission for a road and plot layout, which is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.
- The proposed development complies with Policies TR2 & TR3 in that the proposal is not likely to be detrimental to highway safety.
- The proposed development complies with Policy AH1 in that the applicant has agreed to enter into a Section 106 legal agreement to provide an affordable housing contribution.

NOTES

- 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.

- 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/developer's attention is drawn to the requirement to enter into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution of £51.35 per square metre internal floor area.

Application No	S/36848
-----------------------	----------------

Application Type	Full Planning
Proposal & Location	RESIDENTIAL DEVELOPMENT OF TWO DWELLINGS AT LAND ADJACENT SWN ADERYN, CYNHEIDRE, LLANELLI, SA15 5YE

Applicant(s)	MR RODERICK, C/O AGENT,
Agent	SAURO ARCHITECTURAL DESIGN LTD - PETER SAURO, 9 ELLISTON TERRACE, CARMARTHEN, SA311HA
Case Officer	Gary Glenister
Ward	Glyn
Date of validation	21/02/2018

CONSULTATION

Head of Transport – Has no objection subject to the imposition of appropriate conditions.

Head of Technical Services (Drainage) – Had initial queries in the joint drainage scheme however after further information was received from the applicant's engineers, is content that the revised drainage scheme is fit for purpose.

Llanelli Rural Council – Has no objection provided:-

- (i) Assurance is received from Highways Authority there will be no drainage or flooding issues caused by the development.
- (ii) The drainage generated from the additional development does not increase the hydraulic load on the public sewer.
- (iii) Surface water is prevented from entering the public sewer and is dispersed of via a soakaway.
- (iv) The highways authority's recommendations dated 22 March 2018 in respect of the site layout and access requirements are met in full.

Local Members - County Councillor T J Jones has not commented to date.

Dwr Cymru/Welsh Water - Surface water discharge must not be drained into the foul public sewer.

Natural Resources Wales – Has no objection.

Neighbours/Public – Ten properties have been consulted on the initial scheme and amended drainage layout. Responses have been received from one property raising the following matters. Please note that the surface water is proposed to be in conjunction with S/36649 which has attracted five consultation responses, so for completeness the two applications are being reported to Committee.

- Surface water drainage.

RELEVANT PLANNING HISTORY

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

S/32352	Proposed residential development of two detached dwellings Full planning refused	07 October 2016
S/11727	New 4 bedroom dwelling with detached garage Full planning permission	10 January 2006
S/09677	Proposed construction of new 4 bedroom detached dwelling with detached garage Full planning permission	23 June 2005
S/07688	Proposed construction of new 4 bedroom detached dwelling with detached garage Full planning refused	18 November 2004
GW/02428	Formation of plot and road layout Full planning permission	21 November 2002
S/01975	Residential nursing home - amended layout of planning permission dated 30 July 1998 – Application Ref. No. S/01340 Full planning permission	19 August 1999
S/01340	Residential nursing home Full planning permission	30 July 1998
D5/17228	Amended application for one dwelling house in lieu of two bungalows originally approved Outline planning permission	02 November 1995
D5/17057	7 no. bungalows and garages Outline planning permission	20 July 1995
D5/15047	Residential nursing home with all ancillary works Full planning permission	31 March 1994
D5/14447	Old age nursing home Full planning permission	31 March 1994

D5/12278	8 no. bungalows Approved	13 November 1989
D5/11088	Development of dwelling houses Approved	12 December 1988
D5/6910	Development of dwelling houses Approved	19 May 1988

APPRAISAL

This planning permission is dependent upon the developer, prior to the commencement of development, entering into a Section 106 Agreement with Carmarthenshire County Council.

THE SITE

The application site is a 0.1ha parcel of land to the North East of the cross roads at Cynheidre. The site backs onto the first plot to be developed on a road and plot layout approved in 2002. The site has a road frontage of approximately 36m and depth of approximately 30m.

The site has planning history for both residential and a nursing home dating from the 1980s and 1990s. The principle of development on the site is therefore long established. Full planning permission was granted in 2002 for a road and plot layout. The road was constructed and the first plot approved, built and is occupied. The full permission for the road and plot layout was therefore implemented and is extant.

The previous application on the site was turned down on lack of information on surface water drainage to serve the site and the site has therefore remained largely undeveloped. The site is underlain with clay and percolation testing has revealed that water does not soak away. It is therefore considered that an alternative solution would be required to address the issue. A comprehensive drainage system is proposed in conjunction with a planning application for the further three plots to the south west which is being considered elsewhere on the agenda under application S/36649.

The site has bungalows opposite at a lower ground level. There are more recent houses to the North which are more in keeping with the proposal. There is a history of concerns from residents of the bungalows regarding surface water gathering on the side of the highway and potential for water to flood across the highway and affect the bungalows.

The site was removed from the settlement development limits in the Local Development Plan as it had not come forward and there were technical issues, however there remains extant full planning permission for the road and plot layout, so the principle of development has been established.

THE PROPOSAL

The application seeks full detailed planning permission for two dwellings fronting the county highway and associated gardens and parking areas, along with a surface water drainage scheme.

The four bedroom houses are of a two storey design and appearance with a front gable porch/landing. The dwellings are proposed to have traditional saddle roofs. In terms of external appearance, the houses are proposed to be rendered with stone detailing under a plain concrete tile roof.

One house is proposed to be accessed from the county highway and the other from the access road which serves the rest of the development.

There are also two garages proposed which are shown as rendered under tiled roofs, to match the houses.

A comprehensive drainage scheme has been submitted in conjunction with S/36649 which seeks to address a known drainage issue with the site. The ground conditions are clay so there is no prospect of using soakaways and the surface water currently runs off and pools along the side of the highway. However, it is possible to serve the site by linking to an attenuated system serving the three plots under S/36649. There is a small water course which runs South East to North West along the site boundary of S/36649 that is culverted under the road and is an open ditch between the two residential gardens opposite. The scheme seeks to include an attenuation system and release surface water at a controlled rate via the adjacent site into the existing water course.

Foul drainage for the site has been provided again in conjunction with the neighbouring site so that it links with the public sewer.

PLANNING POLICY

In the context of the current development control policy framework the site is outside the settlement development limits of Cynheidre as defined in the Carmarthenshire Local Development Plan (LDP) adopted December 2014.

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles.

Policy GP1 Sustainability and High Quality Design provides a list of criteria which demonstrates principles of good design to ensure that development is appropriate to the character of the area and would not have a significant impact on third parties.

Policy AH1 Affordable Housing requires developments of less than 5 houses to provide a commuted sum based on the internal floor area of the proposed development.

Policy TR3 Highways in Developments - Design Considerations, sets out the requirements for development to be situated in a suitable location and incorporate appropriate parking, access and sustainable transport features.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 and TAN12 provides design guidance.

THIRD PARTY REPRESENTATIONS

Surface water has been contentious on this site with previous refusals on lack of information on surface water which has led to the site remaining undeveloped. It is noted that the ground is clay and surface water collects at the side of the highway. There is third party concern that the proposed development would generate an increase in surface water which would over top the crest of the road and flood the lower laying bungalows opposite.

The applicants have submitted a comprehensive surface water drainage scheme in conjunction with S/36649 which seeks to address the issue not only for the two plots proposed under this application but for the three adjacent plots being considered under S/36649. The scheme seeks to capture surface water into a storage system in the front gardens and release to an existing culverted watercourse at an attenuated discharge rate. The culverted water course crosses the road and runs between the bungalows known as Ty Myhefin and Arfon Newydd and passes through the garden in an open channel between the two properties. The scheme aims to intercept the surface water which cannot soakaway due to clay ground conditions and therefore would stop water from flowing onto the road. The surface water scheme has been engineer led and has been checked by the Council's drainage engineers to ensure adequacy of the existing watercourse to accommodate the attenuated flows.

CONCLUSION

The site is outside the settlement limits of Cynheidre, however is part of a site which had full planning permission for a road and plot layout in 2002. The road and first plot was developed and therefore the full permission was implemented. The site is of a sufficient size to accommodate the two dwellings as proposed, with a strong frontage onto the county highway.

The design and appearance of the three dwellings is considered to be acceptable and would be in keeping with new houses further north along Myrtle Hill towards Ponthenri. The plots are of a sufficient size as to accommodate an appropriate garden and parking for each plot so it is not considered to be over development.

The applicant has addressed the surface water drainage issue which led to previous refusal by proposing an attenuated storage system in conjunction with the neighbouring site, with discharge to an existing water course which is culverted across the road and which passes between the two bungalows opposite. Whilst there is third party concern that this water course already causes surface water flooding to an adjoining garden, it is noted that the proposal being attenuated would not result in a deluge of additional water during periods of rainfall and would release the surface water into the water course in a controlled manner.

On balance, the applicant has demonstrated that the site can be developed without detriment to highway safety and the amenities of third parties in terms of drainage. Therefore the application is recommended for approval subject to the Section 106 Agreement to secure an affordable housing contribution.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted 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 dated 16th February 2018:-
 - 1:500 & 1:1250 scale Site Block and Location Plan. Drawing No. 01;
 - 1:200 scale Proposed Site Plan. Drawing No.02;
 - 1:75 & 1:100 scale Plot 1 ~ Proposed Floor Plans and Elevations. Drawing No. 03;
 - 1:75 & 1:100 scale Plot 2 ~ Proposed Floor Plans and Elevations. Drawing No. 04;
 - 1:200 scale Proposed Site Sections. Drawing No. 05;
 - 1:50 & 1:100 scale Proposed Garage Details. Drawing No.06;and the following plan dated 26th April 2018:-
 - 1:50, 1:100 & 1:200 scale Site Plan and Road Section. Drawing No. 01A.
- 3 No dwelling hereby approved shall be commenced until the surface water scheme shown on the approved plans has been constructed and is operational.
- 4 No dwelling hereby approved shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 5 Prior to commencement of any development on the application site, details of oil interceptors at the surface water discharge point shall be submitted to and approved in writing by the local planning authority.
- 6 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Council's (Transport and Engineering Services) Typical Layout No. 1 specification, prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 7 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.
- 8 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.
- 9 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 C2077 Road frontage within 2.4 metres of the near edge of the carriageway.
- 10 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.

- 11 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority 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.
- 12 Prior to the commencement of any part of the development a drainage scheme to culvert the drainage ditch shall be submitted for the written approval of the street scene department.
- 13 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.
- 14 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 15 The private access shall be hard surfaced in a bonded material for a minimum distance of 5.0 metres behind the highway boundary, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.
- 16 The development shall be related to a Highway Improvement Line set back 1.8 metres from the existing nearer edge of carriageway. Any permanent structures such as forecourt walls, etc. should be erected on or behind the Improvement Line.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3 To prevent surface water flooding.
- 4 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
- 5 To prevent contamination of the water course.
- 6-16 In the interests of highway safety.

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 proposed development complies with Policy SP1 & GP1 of the LDP in that it is sensitive infilling on a site with extant full permission for a road and plot layout, which is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.

- The proposed development complies with Policies TR2 & TR3 in that the proposal is not likely to be detrimental to highway safety.
- The proposed development complies with Policy AH1 in that the applicant has agreed to enter into a Section 106 legal agreement to provide an affordable housing contribution.

NOTES

- 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 if 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.

- 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/developer's attention is drawn to the requirement to enter into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution of £51.35 per square metre internal floor area.

*Ardal
Gorllewin/
Area West*

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

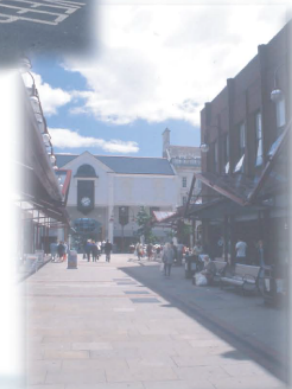
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

AR 23 AWST 2018

ON 23 AUGUST 2018

***I'W BENDERFYNU
FOR DECISION***



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:	23 AUGUST 2018
REPORT OF:	HEAD OF PLANNING

INDEX - AREA WEST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
W/37323	Variation of condition 5 on W/31099 (Noise Emission Level) at land at Wern, Pencader, SA39 9AL
W/37528	Siting of dwelling at land adjacent to Rhos Wen, Heol Caegwyn, Drefach, Llanelli, SA14 7BB

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	W/37323
-----------------------	----------------

Application Type	Variation of Planning Condition(s)
Proposal & Location	VARIATION OF CONDITION 5 ON W/31099 (NOISE IMISSION LEVEL) AT LAND AT WERN, PENCADER, SA39 9AL

Applicant(s)	SEREN ENERGY - GARETH TUCKER, 1B HIGH ST, CLYDACH, SWANSEA, SA6 5LG
Agent	SEREN ENERGY - GARETH TUCKER, 1B HIGH STREET, CLYDACH, SWANSEA, SA6 5LG
Case Officer	Richard Jones
Ward	Llanfihangel-ar-arth
Date of validation	31/05/2018

CONSULTATIONS

Head of Public Protection – No objections raised subject to an amended condition ensuring that noise limits to not exceed 37dB from the nearest property.

Cllr Linda Davies-Evans – Has requested that the application be reported to the Planning Committee as there are concerns that the variation of the condition will have implications on noise levels. Some neighbouring properties are less than 400m away which is less than the recommended 500m. Allowing the change of condition will have a serious effect on neighbouring properties.

Neighbours/Public - The application has been publicised by the posting of a site notice within the vicinity of the site. Seven objection letters have been received and these are summarised below:

- General concern that the applicant now wishes to increase the noise limit imposed by Condition 5 of W/31099 from 35db to 37dB at the nearest noise sensitive property.
- Concern that the applicant wishes to increases the noise limits, given that the operational turbine already causes disturbance and results in a detrimental impact upon amenity.
- Concern that no assessment has been made of the current turbine operation to validate whether it is complying with the approved noise limits and whether the rotor blade is being curtailed.

- Various neighbour concerns relating to noise impact that were raised during the assessment of W/31099.
- Concerns regarding the lack of recognition of “wind shear” in the applicant’s noise assessment.
- Concern that the operational turbine has not been de-rated.
- The Council has a duty of care to protect residents.
- Concern that holiday makers using a nearby holiday cottage are being affected by the noise of the turbine. This could affect the viability of that business, so we do not agree with increasing the noise limits as this could worsen the impact.
- Concern regarding shadow flicker.

RELEVANT PLANNING HISTORY

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

W/33840	Non-material amendment to W/31099 (change of substation location and layout of supporting infrastructure) Non-material amendment granted	27 May 2016
W/33603 -	Discharge of condition 18 (Surface Water Drainage Scheme) of W/31099 Discharge of planning condition granted	24 May 2016
W/33602 -	Discharge of condition 27 (Construction Method Statement) of planning permission W/31099 Discharge of planning condition granted	28 April 2016
W/33591 -	Discharge of conditions 23 and 24 on W/31099 (Construction Traffic Management Plan and trial run video)	Pending
W/33142 -	Discharge of conditions 19 (Shadow Flicker Impact Report) and 25 (Ice Throw Mitigation Measures) of planning permission W/31099 Discharge of planning condition granted	12 April 2016
W/32909 -	Discharge of conditions 10 (Aviation Lighting) 13 (Landscape Design Scheme) 15/16 (Badgers/Reptiles) 26 (Tv Reception) of W/31099 Discharge of planning condition granted	28 April 2016
W/31099 -	Installation of a single wind turbine with a maximum tip height of 67m and ancillary works Full planning permission	13 January 2015

W/28442 -	Installation of a single wind turbine with a maximum tip height of 67m and ancillary works Full planning permission	03 September 2014
W/27135	Installation of one 330kw wind turbine and ancillary works Withdrawn	24 April 2013
W/27249 -	Temporary anemometer mast Full granted	06 December 2012

APPRAISAL

THE SITE

The application site is located on the northern slope of the hillside at approximately 220m AOD (summit is approx. 257m AOD), approximately 1.6km North West of Pencader, and c.3.4km from the boundary with Ceredigion County Council's area. The application site has hedgerow boundaries on all sides of the surrounding agricultural field with a separation distance of only c.20-22 metres on the North Western side, c.40 metres to the South West and c.22 metres from the South East boundary (measured from blade tip based on identified swept area). Access to the application site is currently possible from the far Southern corner of the field via an agricultural gate with hedgerows either side. The country lane to the immediate West of the site, as the majority of the roads within the immediate surrounding area, is narrow with embankments to the sides upon which are established hedgerows.

Blaenpant is located closest to the proposed location of the turbine at c.400 metres to the North (c.180m AOD), Troed Yr Orfa at c.420m, Blaencwm at c.450m, Banc Scythlyn at c.760m, Gwastod at c.850m to the South East (c. 230m AOD), Scythlyn at c.530m to the East (c.190m AOD), Llwyncryn at c.590m to the North (c.190m AOD), Cwm Cathan at c.648m to the North West (c.195m AOD), and Waun Lwyd at c.630m to the West (c.210m AOD).

Planning permission was approved for a single turbine 67m (to blade tip) and associated infrastructure on 19th January 2015. The turbine has been operational since 2016.

THE PROPOSAL

Planning permission is sought to vary condition 5 that relates to Planning permission W/31099.

Condition 5 states:

- At wind speeds not exceeding 10 metres per second as measured or calculated at a height of 10 metres above ground level the combined noise imission level at a dwelling (including the application of any tonal penalty) shall not exceed 35dBLA90, 10 MIN as measured at least 3.5 metres from the facade of any noise sensitive dwelling or reflective surface and otherwise in accordance with ETSU R-97.*

For the purposes of conditions 5-7 a “dwelling” is a building within Use Class C1 or C3 of the Use Classes Order which lawfully exists or had an extant planning permission at the date of this permission.

To comply with this condition the applicant is required to reduce the power output of the turbine (500kw installed capacity) so that turbine blade rotational speed is curtailed to ensure noise is limited to within the figure set out in Condition 5.

The applicant now proposes to increase that noise limit from 35dB to 37dB and therefore vary the wording of the planning condition. The applicant indicates that the revised limit would be within the recommended guidelines set out in “ETSU-R-97 - The Assessment and Rating of Noise from Wind Farm”.

Condition 5 means the turbine needs to be de-rated to lower than its rated power output of 500kW and the applicant contends that this results in a reduction of 35,000kWh per year in yield and states that this is equivalent to over 400,000kg CO2 emissions which could be saved over the life of the turbine.

The application has been accompanied by a noise survey was carried out over the period 23rd March to 24th April 2017. A 10m mast to measure the wind speed was set up on 28th March. An additional visit to site was made on 7th April to change the batteries and download data obtained up to that point. Noise measurements were made at three locations: at Blaencwm, at Scythlyn Farm and at Llwynrwn.

Officers from the Council’s Public Protection Section were present when the equipment was set up and agreed the noise monitoring locations on site. However following concerns about the noise from a stream near Blaencwm, the monitoring location for Blaencwm was moved to a driveway on 7th April. Noise from the stream was significantly lower at the 2nd location, though still audible.

Based on the background noise data collated the applicant’s report concludes that the minimum limit that would permit unrestricted operation of the turbine is a fixed limit of 37 dB LA90, although contends that a much higher limits could be applied under ETSU-R-97. Furthermore they consider that Condition 5 of the planning approval for the turbine can be amended to permit a maximum noise level of 37 dB LA90 and that such a limit would be permitted in accordance with Government planning policy.

PLANNING POLICY

Strategic Policy SP2 relates to climate change stating that proposals which respond to, are resilient to, adapt to and minimise the causes/impacts of climate change will be supported (provided compliance with the other policies of the plan), where they adhere to a number of criteria including the promotion of the energy hierarchy by reducing energy demand, promoting energy efficiency and increasing the supply of renewable energy.

Strategic Policy SP11 specifically relates to renewable energy and energy efficiency. This strategic policy states that such schemes will be supported where the environmental and cumulative impacts can be addressed satisfactorily; and where developments will not cause demonstrable harm to residential amenity and will be acceptable within the landscape. In line with the guidance within TAN 8, it states that “large scale wind farms will only be permitted within Strategic Search Areas (SSA).

As this proposal relates to a single wind turbine, Policy RE2 is of direct relevance. This policy requires that proposals for individual turbines follow the below criteria:

- a) The development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size, design and siting of turbines and associated infrastructure;
- b) The development will not have an unacceptable cumulative impact in relation to existing wind turbines and other renewable energy installations and those which have permission;
- c) The siting, design, layout and materials used should be sympathetic to the characteristics of the land-form, contours and existing features of the landscape;
- d) The development would not cause demonstrable harm to statutorily protected species, and habitats and species identified in the Local Biodiversity Action Plan;
- e) Turbines and their associated structures will not be sited in, or impact upon archaeological resources, the setting and integrity of Conservation Areas, Listed Buildings or other areas of historic value;
- f) Proposals will not cause an unreasonable risk or nuisance to, and impact upon the amenities of, nearby residents or other members of the public;
- g) No loss of public accessibility to the area, and existing bridleways and footpaths will be safeguarded from development with no permanent loss to their length and quality;
- h) Turbines and associated infrastructure will, at the end of the operational life of the facility, be removed and an appropriate land restoration and aftercare scheme agreed;
- i) The development will not result in significant harm to the safety or amenity of sensitive receptors and will not have an unacceptable impact on roads, rail or aviation safety;
- j) The development will not result in unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems.

Planning Policy Wales (Edition 7 – July 2014) sets out WAG’s aims and objectives for infrastructure and services which includes securing “an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts” and recognises that “in the short to medium term, wind energy continues to offer the greatest potential for delivering renewable energy” (Para 12.8.12). Furthermore, wind energy is “a key part of meeting the Welsh Government’s vision for future renewable electricity production as set out in the Energy Policy Statement (2010) and should be taken into account by decisions makers when determining such applications” (Para 12.8.12).

Consideration is also given to Technical Advice Note (TAN) 8 - Planning for Renewable Energy. Para 2.12 states -*The Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5MW). This*

could be done through a set of local criteria that would determine the acceptability of such schemes and define in more detail what is meant by "smaller" and "community based". Local planning authorities should give careful consideration to these issues and provide criteria that are appropriate to local circumstances.

Relevant also is the guidance document entitled ETSU-R-97 "The Assessment and Rating of Noise from Wind Farms". This describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on wind farm developers or planning authorities. The report presents the findings of a cross-interest Noise Working Group and makes a series of recommendations that can be regarded as relevant guidance on good practice. ETSU-R-97 is referred to in paragraph 2.16 of TAN8 and is a guidance document for decisions makers to consider.

ASSESSMENT

Under the approved development (W/31099) the applicant proposed to reduce the power output of the turbine, thereby reducing the noise levels below 35dB and accordingly removing the requirement under the ETSU-R-97 guidelines for a background noise survey, allowing the lower ETSU limit of 35dB to be applied. Accordingly Condition 5 of W/31099 has set a limit of 35dB to be emitted by the turbine. By limiting the rotational speed the lower ETSU limit of 35dB could be met thereby removing the need for background noise assessment.

The submitted details under W/31099 included noise predictions based on downwind figures, indicating that by down rating the turbine, reducing noise output at hub height by 1dB from 100.5dB to the 99.5dB LWA, applicable when wind speeds are 10m/s at 10m height, the noise levels at the nearby predicted properties would be below 35dB. This would only be achievable by reducing the power output of the turbine in order to reduce the noise level at hub height by that 1dB.

Condition 8 of W/31099 required, within 3 months of the First Export Date, a detailed noise assessment conducted by an independent acoustician, to be submitted to and approved in writing by the Local Planning Authority to ensure the noise levels specified within Condition 5 have been complied with. These details have not been submitted by the applicant to prove they are complying with Condition 5, despite requests from the Local Planning Authority.

The applicant is technically in breach of their original permission as they have not complied with the terms of condition 8 of W/31099. Nevertheless they are seeking to up-scale the turbine's noise emissions by amending condition 5 so instead of a 35dB noise limit, this is increased to 37dB. This will mean that the turbine will also be producing a greater amount of renewable energy.

The submitted report and survey data has provided a noise assessment at three property locations. The conclusion reached are that the operational turbine can operate at its maximum capacity while ensuring that the noise is limited to 37dB when measured from the nearest noise sensitive property. This is an increase of 2dB but still within the daytime noise limit of 40dB which is recommended by ETSU-R-97, the noise guidance document used to assess turbine noise. The Council's Environmental Health officers have assessed these conclusions and have raised no objections to the findings subject to a revised planning condition setting a new noise limit of 37dB.

THIRD PARTY REPRESENTATIONS

With regard to the general concern that increasing the decibel limit of the turbine will have a detrimental effect on neighbouring amenity, the information submitted by the applicant and referred earlier in this report sufficiently demonstrates to the satisfaction of this assessment that there would be no unacceptable impact as a result of noise on residential amenity. This conclusion is reinforced by the response by the Head of Public Protection who has responded with no objections subject to an amended Condition 5. Moreover the new limit proposed will be compliant with the ETSU-R-07 guidelines.

Further noise conditions will be added to the decision notice in the event that members approve this application, to ensure there is a complaint procedure in place and that the developer is operating the turbine at the approved noise levels. Evidence submitted shows that the turbine could operate within these acceptable parameters and therefore there would be no valid grounds for refusal on the basis of noise impact.

With regard to the impact on tourism/local business, it is deemed that the renewable benefits of the proposal would outweigh the noise impacts given that these impacts are within the acceptable noise guidelines. There is no justifiable reason to refuse on grounds that would result in a loss of business. Refusal to travel to an area on the basis of wind turbine development is however un-proven (it is acknowledged that some objectors claim to have obtained views from visitors to the area however this does not constitute substantial evidence), and as such it would be unreasonable to refuse on such grounds.

There are a number of concerns regarding the information and noise assessment that was carried out when the approved application was assessed. This is a separate matter and it was assessed at the time that this information was acceptable.

The local member for the ward has raised concern that the turbine is within 500m of residential properties, and alludes to this being below the standards for separation distance. The reference to a separation of 500 metres between wind turbines and residential dwellings is not a requirement of planning policy for all wind turbine development. The reference to which Cllr Evans is referring is taken from paragraph 3.4 of TAN 8 Annex D which reads "500m is currently considered a typical separation distance between a wind turbine and residential property to avoid unacceptable noise impacts...". In reality this distance was advised to Local Planning Authorities in drawing up suitable areas relevant for the Strategic Search Areas involving major wind farms, and for that reason is positioned within Annex D of TAN8 entitled "Potential Methodology for Local Planning Authorities with Strategic Search Areas".

Concerns regarding shadow flicker are dealt with separately by the planning condition on the extant permission and there is a complaint procedure in place to investigate these occurrences.

CONCLUSION

The proposed turbine application has been assessed against the relevant policies and guidance mentioned earlier within this report. The main issue to consider has been the acceptability of amending to the wording of Condition 5 of W/31099 to increase the noise limit at the nearest noise sensitive property from 35dB to 37dB.

The methodology and conclusions outlined in the applicant's report have are considered acceptable by the Council's Environmental Health Officers, therefore there would be no reason to refuse the application.

In conclusion it is considered that the proposal complies with relevant noise guidelines and in doing so will allow the turbine to operate at its rated capacity of 500kw. This will have a positive contribution upon the national renewable energy targets and would comply with the relevant policies of the adopted LDP and national planning policy. These benefits are considered to outweigh the potential impacts upon amenity and the environment. Approval is recommended subject to conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 23rd December 2016.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
 - 1:5000 scale Location Plan received on 27th October 2014;
 - 1:2500 scale Location Plan received on 27th October 2014;
 - 1:1000 scale Site Plan received 27th October 2014;
 - 1:500 scale Site Plan received on 27th October 2014;
 - 1:400 scale Elevation Drawings received on 27th October 2014;
 - Additional Planning Information report (including Appendices A – I2) received on 27th October 2014;
 - amended drawings within Appendix G2 received on 4th November 2014;
 - amended report entitled Preliminary Ecological Appraisal dated 05 November 2014 received on 6th November 2014;
 - applicant's covering letter received on 23rd December 2018;
 - Background Noise Assessment and Proposal for Amended Noise Limits [A701 RO2] received on 17th May 2018.
- 3 This permission shall expire, and the development hereby permitted shall be removed in accordance with condition 3 below, after a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid (excluding electricity exported during initial testing and commissioning) ("First Export Date"). Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event.
- 4 Not later than 12 months before the date of expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbine and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, location of material laydown areas, an environmental management plan to include details of measures to be taken during the

decommissioning period to protect wildlife and habitats and details of site restoration measures. The approved scheme shall be fully implemented within 24 months of the expiry of this permission.

- 5 If the wind turbine hereby permitted ceases to export electricity to the grid for a continuous period of 6 months, unless otherwise approved in writing by the Local Planning Authority, then a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the wind turbine. The scheme shall include either a programme of remedial works where repairs to the turbine are required, or a programme for removal of the turbine and associated above ground works approved under this permission and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.
- 6 At wind speeds not exceeding 10 metres per second as measured or calculated at a height of 10 metres above ground level the combined noise immission level at a dwelling (including the application of any tonal penalty and/or amplitude modulation where applicable) shall not exceed 37 dBLA90, 10min as measured at least 3.5 metres from the façade of any noise sensitive dwelling or reflective surface and otherwise in accordance with ETSU-R-97.

For the purposes of conditions 6-8 a “dwelling” is a building within Use Class C1 or C3 of the Use Classes Order which lawfully exists or had an extant planning permission at the date of this permission.

- 7 Within 28 days from the receipt of a written request from the Local Planning Authority, following a reasonable complaint to the Local Planning Authority relating to noise disturbance at a dwelling, the operator of the development shall, at its own expense, employ an independent acoustician approved by the Local Planning Authority in writing to assess the level of noise immissions from the wind turbines at an agreed location following the procedures described in ETSU-R-97 “The Assessment and Rating of Noise from Wind Farms” and produce a report including the assessment and proposed mitigation which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 8 Should the wind turbine, during the course of the assessment required by Condition 7, be identified as operating above the parameters specified in Condition 6, the wind turbine shall be modified to a level demonstrated within the assessment detail required by Condition 6 to be within the parameters set by Condition 6. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute combined noise level of the operating turbine/s to within the parameters specified in Condition 6.
- 9 Within 3 months of the date the wind turbine operating at its full installed capacity (500kw) a detailed noise assessment conducted by an independent acoustician, shall be submitted to and approved in writing by the Local Planning Authority assessing compliance with the noise levels specified within Condition 6. Should this assessment demonstrate that the noise limits within Condition 6 are being breached then proposals to bring the noise levels within the permitted limits of Condition 6 shall be included and the wind turbine shall forthwith then only operate in accordance with,

the recommendations of the independent assessment as approved in writing by the Local Planning Authority.

- 10 Following a written request from the Local Planning Authority, the operator, within 1 month from such a request, shall provide written documentation, independently verified to the written satisfaction of the Local Planning Authority, to demonstrate that the proposals to bring the noise levels within the permitted limits of Condition 6 approved pursuant to Condition 9 has been complied with.
- 11 The wind turbine approved under this permission shall not exceed 67 metres to blade tip when the turbine is in the vertical position as measured from ground levels immediately adjacent to the wind turbine base and have a maximum blade diameter of 54 metres.
- 12 The amended site access approved under this permission shall be constructed with a minimum carriageway width of 5.5 metres and be perpendicularly aligned to the County road for its initial 10 metre length, measured from the near side of the carriageway.

REASONS

- 1 To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3 In recognition of the expected lifespan of the wind turbine and in the interests of safety and amenity once the turbine is redundant.
- 4 To ensure the development is decommissioned and the site restored at the expiry of the permission.
- 5 To ensure derelict or obsolete structures do not adversely affect the environment.
- 6-10 To prevent disturbance and loss of amenity to occupiers of nearby buildings.
- 11 In the interests of clarity and to prevent unacceptable development.
- 12 In the interest of highway safety.

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposal complies with Policy GP1 of the adopted LDP in that the proposed development would not unacceptably conflict with the character and appearance of the area and has sufficiently taken into account site contours and prominent skylines or ridges through appropriate siting and robust consideration. Furthermore, the proposals would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community. An appropriate access is proposed which

would not have a detrimental impact on highway safety. In addition, the proposal would not have an unacceptable impact on the historic and cultural heritage of the County or the setting of the historic environment. The proposals would include provision for the satisfactory disposal of surface water and the management of any invasive species.

- The proposal complies with Policies TR2 and TR3 of the adopted LDP in that the proposed delivery routes for construction traffic, together with the mitigation required are deemed acceptable without unacceptable detriment to highway safety. Furthermore, the proposed access is deemed sufficient and capable to providing required visibility standards.
- The proposal complies with Policy EQ1 of the adopted LDP in that there would be no unacceptable level of impact on the surrounding landscapes, sites or features of historic or archaeological interest.
- The proposal complies with Policy EQ4 of the adopted LDP in that there would be no demonstrable unacceptable harm to priority species, habitats or features of recognised principal importance to the conservation of biodiversity and nature conservation. Where any impacts have been identified, appropriate mechanisms have been proposed to ensure sufficient mitigation where required.
- The proposal complies with Policy RE2 of the adopted LDP in that the proposal would not have an unacceptable impact on the visual amenity, landscape character, general amenities, historic interests, protected species or their habitats, or users of the spaces of the surrounding area both individually and cumulatively. Sufficient mechanisms, by way of planning condition are deemed sufficient to ensure that at the end of the operational life of the facility, the proposal will be removed with an appropriate restoration and aftercare scheme. Furthermore, the proposals would not have an unacceptable impact on aviation, highway safety, or the communication systems mentioned within this policy. There would be no demonstrable unacceptable harm to the water environment or the quality of controlled waters.

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).

Application No	W/37528
-----------------------	----------------

Application Type	Outline
Proposal & Location	SITING OF DWELLING AT LAND ADJACENT TO RHOS WEN, HEOL CAEGWYN, DREFACH, LLANELLI, SA14 7BB

Applicant(s)	MR STEPHEN & MRS KATHRYN THOMAS, GODRIG, 15 HEOL BLAENHIRWAUN, DREFACH, LLANELLI, SA14 7AJ
Case Officer	Richard Jones
Ward	Gorslas
Date of validation	13/07/2018

CONSULTATIONS

Head of Transport – No objection to the proposal subject to the imposition of conditions.

Gorslas Community Council – Has not commented to date.

Local Members - County Councillors D Price and Aled Vaughan-Owen have not commented to date.

Dwr Cymru/Welsh Water (DCWW) – No objection subject to standard advice. DCWW have also indicated that a sewer crosses the site and that the new dwelling should maintain 3m either side of the sewer's centreline for maintenance and repair.

Neighbours/Public - The application has been publicised by the posting of a Site Notice adjacent to the application site. No responses have been received to date.

RELEVANT PLANNING HISTORY

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

D4/22464	Lleoli un tŷ (siting of a dwelling) Outline planning permission	30 June 1992
----------	--	--------------

APPRAISAL

The application is being reported to committee as the applicant is a member of staff within the Planning Services Division, and it is a requirement of the Planning Committee Protocol to report to committee in these instances.

THE SITE

The application site comprises a rectangular plot measuring approximately 15.5m in width by 34m in length which is currently laid to pasture and forms part of a larger agricultural field. The plot has a frontage onto Heol Caegwyn and is separated from the road by a mature hedge. The plot's northern and southern boundaries are marked by ranch style fencing with neighbouring detached dwelling beyond each respective boundary. The western (rear) boundary of the plot is not marked by a physical boundary, rather it forms part of the larger agricultural field. The site slopes gradually downhill from east to west from its road side boundary to the rear.

The application site is within the settlement limits of Drefach which forms part of the wider Ammanford-Cross Hands growth area as defined by the Carmarthenshire Local Development Plan (2007). The surrounding area is characterised by a low density pattern of development incorporating a mix of dwelling scales and designs but mainly detached properties with frontage parking and rear amenity space.

The planning history for the site indicates that permission was approved for a detached dwelling in 1992 (D4/22464 refers), therefore the principle of development was established once before, albeit this has now lapsed and therefore the new application will be subject to assessment against the current Local Development Plan (LDP).

THE PROPOSAL

The application seeks outline planning permission with all matters reserved. The applicant has provided scale parameters for the proposed dwelling in accordance with the requirements for outline applications with all matters reserved. The width of the dwelling will be between 11-13 metres, the depth between 10-12 metres and the height between 7-9 metres. The applicant has also stated that the proposed dwelling is intended to be located within the plot similar to surrounding properties. The point of vehicular access into the plot will be off Heol Caegwyn.

PLANNING POLICY

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

Policy GP1 of the Local Development Plan sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that "it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing" and "it protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment".

Policies SP13 and EQ1 of the LDP require that development preserves and enhances the historic environment.

Paragraph 2.2 of Technical Advice Note 12 Design (2014) states:

- 2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales - from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (2014) states:

- 2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.
- 2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design. The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

Policy SP1 Sustainable Places and Spaces refer to distributing development to sustainable location in accordance with the settlement framework and promotes the efficient use of land. Integrating with the character and amenity of the area is also referred to.

Policy SP3 Sustainable Distribution – Settlement Framework outlines the growth areas for the County of which Drefach is within the Cross Hands-Ammanford growth area. Provision for growth and development will be at sustainable locations in accordance with the Settlement Framework.

Policy SP5 Housing outlines the targets for housing provision and indicates this will be through allocated site but indicates this will not all be achieved through housing allocations.

Policy GP3 Planning Obligations states that the Council will, where necessary seek developers to enter into Planning Obligations to secure contributions to fund improvements to various community benefits.

Policy H2 Housing within Development Limits states that proposals for housing developments on unallocated sites within the development limits of a defined settlement will, where they are not subject to the provisions be permitted, provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 Affordable Housing indicates that a contribution to affordable housing will be required on all housing sites and below the thresholds, a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas as set out above. Commuted sum charges will be based on floor space (cost per sq.m.). In the Ammanford-Cross Hands area this is £40.48 per sq.m.

Policy TR3 Highways in Developments - Design Considerations outlines a number of matters to be considered included suitable access and parking and to ensure highway safety is not adversely affected for users of the roads/streets.

ASSESSMENT

The submitted details and the case officer's inspection of the site suggest that a dwelling can be comfortably accommodated within the plot whilst ensuring that neighbouring occupiers are not subjected to unacceptable overlooking or overshadowing. Furthermore adequate separation distances could be achieved with a sensitively designed dwelling to ensure there is no significant physical overbearance on the two adjoining dwellings. Detailed proposals will need to be assessed at reserved matters stage and this will also include the design of the dwelling and whether it is consistent and acceptable in the context of the character and appearance of the area. It is noted that the immediate properties primarily two story dwellings of varying designs. Therefore it is considered that a two storey dwelling of consistent scale, external appearances and character to the surroundings can be accommodated on this plot without harming the character and appearance of the area.

The Head of Highways has responded raising no objection subject to planning conditions requiring parking, access and visibility to required standards.

DCWW have raised no objection to a dwelling at this location subject to their standard advice and also a requirement that the proposal maintains a distance of 3m from water main that runs to the rear of the site. Given the location of this pipe relative to the size of the plot it is considered that a dwelling could comfortably maintain this separation distance.

No ecological issues have been raised by the Council's Planning Ecologist.

THIRD PARTY REPRESENTATIONS

There have been no third party representations.

CONCLUSION

After careful consideration of the site and surrounding environs, it is considered that the proposal is acceptable and complies with the relevant policies.

As such the application is put forward with the recommendation of approval subject to a legal agreement requiring financial commitment that contributes towards affordable housing provision in the area.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- 2 The permission hereby granted relates to the land defined by the Block and Location Plan 1:500, 1:1250 @A4 and the Statement of Scale Parameters received on 25th June 2018.

- 3 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.
- 4 Development shall not commence until detailed plans of access; appearance; landscaping; layout; and scale of each building stated in the application have been submitted and received the written approval of the Local Planning Authority.
- 5 Cross sections taken through the site detailing the finished floor levels of the proposed dwellings in relation to the existing ground levels of the site and adjacent properties shall be submitted as part of any reserved matters application.
- 6 No development shall commence until full details of the boundary treatments have been submitted to and approved in writing by Local Planning Authority. The boundary treatments shall be implemented as agreed prior to the beneficial use of the dwelling.
- 7 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Council's (Transport and Engineering Service) Typical Layout No. 3 prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 8 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.
- 9 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.
- 10 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 Heol Caegwyn Road frontage within 2.4 metres of the near edge of the carriageway.
- 11 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.

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 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 4 In the interest of visual and general amenity and highway safety.
- 5-6 In the interests of residential amenity.
- 7-11 In the interests of highway safety.

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 H2, GP1, GP3, AH1, TR3, SP14, and EQ4 of the adopted Local Development Plan in that the development is within the settlement limits, the indicative layout and scale of the development do not give rise to significant detrimental impacts in terms of highway safety, ecological, amenity, landscape or utility concerns subject to the conditions recommended. Sufficient provision towards affordable housing has been commitment to subject to a legal agreement. It is not considered that there would be any significant impacts on amenity or privacy of nearby properties.

NOTE(S)

- 1 The applicant is advised that this planning permission is subject to the applicant/developer first entering in to a Section 106 Agreement/Unilateral Undertaking for the provision of a financial contribution towards affordable housing.
- 2 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

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

This page is intentionally left blank

Tuesday, 7 August 2018

PRESENT: Councillor A. Lenny (Chair)

Councillors:

S.M. Allen, S.A. Curry, J.M. Charles, I.W. Davies, J.A. Davies, P.M. Edwards, W.T. Evans, J.K. Howell, J.D. James, C. Jones, D. Jones, H.I. Jones, M.J.A. Lewis, K. Lloyd, B.D.J. Phillips, G.B. Thomas and J.E. Williams

Also in attendance:

Councillor C.A. Davies who addressed the Committee in respect of planning application W/37328

The following Officers were in attendance:

L. Quelch, Head of Planning
 S. Murphy, Senior Solicitor
 G. Noakes, Senior Development Management Officer [East]
 J. Thomas, Senior Development Management Officer [South]
 Z.A. Evans, Senior Technician (Planning Liaison)
 K. Thomas, Democratic Services Officer

Chamber, County Hall, Carmarthen - County Hall, Carmarthen. SA31 1JP. - 11.00 am - 1.00 pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Gilasbey and K. Madge.

2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute Number	Nature of Interest
I. W. Davies	5.1 – Planning Application W/35336 – Proposed Residential dwelling including new access / parking arrangements for the existing dwelling at land at, Frondeg, 2 Bro Rhydybont, Llanybydder, SA40 9QX	Related to the applicant

3. W/37328 - RETROSPECTIVE PLANNING APPLICATION FOR AN AGRICULTURAL MACHINERY SALES AREA INCLUDING ASSOCIATED GROUND WORKS, STORAGE SHED AND LANDSCAPING AT LAND AT TAN Y BRYN NANTGAREDIG, CARMARTHEN, SA32 7LH

The Senior Development Management Officer (East) referred to the private site visit undertaken by the Committee earlier that day (minute 3.3 of the Planning Committee meeting held on the 10th July, 2018 refers) the purpose of which was to enable the Committee to view the site in relation to its position within the Towy Valley Special Landscape Area. He referred, with the aid of powerpoint slides, to the written report of the Head of Planning which provided an appraisal of the site together with a description of the proposed development, a summary of

consultation responses received and information relating to local and national policies relevant to the assessment of the application. The Committee was advised that the Head of Planning recommended refusal of the application for the reasons detailed within her written report.

A representation was received in support of the application in that the business, singularly operated by the applicant, had existed on the site since 1998 and had incrementally grown over the years to its current position. The potential impact on the Towy Valley Special Landscape Area could be addressed by appropriate landscaping works. The issues raised by the Head of Highways and Transportation were easily addressed. There was a history of other businesses within the area situated outside of established development limits. No objections had been received to the proposal

The Committee in considering the report heard views to the effect it was considered the application would not adversely impact on the Towy Valley Special Landscape Area. Similarly, although the site was situated outside the development limits of Nantgaredig, it was considered to be appropriate for the location given its agricultural nature, together with the history of other businesses operating/having operated within the locality. For those reasons, it was considered the application would not conflict with Policies EMP2 and EQ6 cited by the Head of Planning as reasons for refusing the application.

RESOLVED that contrary to the recommendation of the Head of Planning, planning application W/37328 be granted on the basis it was considered the development would not conflict with the principles of Policies EMP2 and EQ6 in that it would not be detrimental to the character and appearance of the landscape, was compatible with its location and neighbouring uses and would not adversely impact on the Towy Valley Special Landscape Area:

W/37328	Retrospective Planning Application for an agricultural machinery sales area including associated ground works, storage shed and landscaping at land at Tan y Bryn, Nantgaredig, Carmarthen, sa32 7LH
----------------	---

4. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS

RESOLVED that the following planning applications be granted subject to the conditions detailed within the Report/Addendum of the Head of Planning and /or reported at the meeting:-

S/36302	<p>Retention of mixed use of agriculture and air rifle shooting range, with engineering works to raise levels with inert material for pasture improvement, and for the siting of two timber outbuildings for use as a small implement store and air rifle shooting hide at Gelli Hwaid, Llannon, Llanelli, SA14 8JW</p> <p>(NOTE: an additional condition be applied to the Decision Notice restricting the power of the air rifles to those not requiring a firearms licence)</p>
----------------	--

S/37357	Proposed side two storey bedroom extension and rear single storey kitchen extension at 107 Hill Top, Llanelli, SA14 8DB
S/37468	To build one 3 / 4 bed detached house with parking and turning area at the front at land part of, 37 Heol Llanelli, Potyates, Llanelli SA15 5UB

5. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS

UNANIMOUSLY RESOLVED that the following planning application be granted subject to the conditions detailed within the Report of the Head of Planning and / or reported at the meeting

W/35336	<p>Proposed residential dwelling including new access / parking arrangements for the existing dwelling at land at, Frondeg, 2 Bro Rhydybont, Llanybydder, SA40 9QX</p> <p>(NOTE: Councillor I.W. Dvaies, having earlier declared an interest in this item left the Council Chamber during its consideration and determination by the Committee)</p> <p>A representation was received objecting to the proposed development which re-iterated the points detailed within the Head of Planning's written report and included the following:-</p> <ul style="list-style-type: none"> • The plot was considered too small, with room for only two cars and insufficient space available for the provision of a turning area • The proposed building would change the characteristics of the street scene and result in overlooking of the immediate adjoining properties • Existing on street parking would reduce visibility for vehicles exiting the proposed plot and similarly for the new access for the existing property resulting in highway safety concerns especially having regard to the speed of traffic travelling along the B4337 • Slow worms were present on the site • On-going sewage capacity issues in the area <p>The Senior Development Management Officer (East) and the Senior Technician (Planning Liaison) responded to the issues raised.</p>
---------	---

6. MINUTES:-

6.1. 28TH JUNE, 2018

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Planning Committee held on the 28th June, 2018 be signed as a correct record.

6.2. 10TH JULY, 2018

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Planning Committee held on the 10th July, 2018 be signed as a correct record.

CHAIR

DATE