

**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 08 CHWEFROR 2018
ON 08 FEBRUARY 2018**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal Del/
Area South*



**Cyngor Sir Gâr
Carmarthenshire**
County Council



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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	08 FEBRUARY 2018
REPORT OF:	HEAD OF PLANNING

INDEX - AREA SOUTH

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
S/35645	Residential dwelling and garage at land off Hafod Road, Tycroes, Ammanford, SA18 3GA

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/35645
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Application Type	Full Planning
Proposal & Location	RESIDENTIAL DWELLING AND GARAGE AT LAND OFF HAFOD ROAD, TYCROES, AMMANFORD, SA18 3GA

Applicant(s)	MRS BEVERLEY WILLIAMS, 1A PARC PENCAE, LLANDYBIE, AMMANFORD, SA18 3AZ
Case Officer	John Thomas
Ward	Tycroes
Date of validation	08/06/2017

CONSULTATIONS

Llanedi Community Council – Has not commented to date.

Local Member – County Councillor T Higgins has received expressions of concern over the proposed drainage arrangements for the development and requested that the Council's Hydrology Division be consulted.

Dwr Cymru/Welsh Water – No adverse comments.

The Coal Authority – In light of the latest Coal Mining Risk Assessment, the previous objection to the proposed development is withdrawn.

Neighbours/Public - The application has been publicised by the posting of two Public Notices in the vicinity of the application site, in response to which, letters of concern and objection have been received from two different households raising the following issues:-

- Construction traffic to the proposed development will access via a narrow shared access way, raising issues over maintenance and upkeep, and liability for any damage caused by construction traffic.
- Concern that previous surface water problems would re-occur, should the proposed development be constructed.
- Criticism of the means by which the application was publicised i.e. one public notice on the Parc yr Hendre Estate, when adjacent property owners/occupiers should have been notified directly.

- Concern regarding the scale, appearance and impact of the dwelling and garage on the surrounding area and adjoining neighbours.
- It is opined that the proposed siting of the development would overlook an adjacent dwelling, impacting on both the light received and privacy enjoyed to the rear of the house and garden.
- The large scale of the proposal would have an impact upon the appearance of the overall area.
- Contrary to Carmarthenshire LDP Policy G1 Sustainability and High Quality Design.
- Outstanding issues with uncompleted works on the adjacent Parc yr Hendre estate, the estate road to which has yet to be adopted.

RELEVANT PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

This application was previously reported to the Planning Committee at its meeting on the 19th October 2017, when it was resolved to defer determination to enable discussions to be undertaken with the applicant regarding a financial contribution towards the provision of affordable housing.

THE SITE

The application site consists of a 0.0875 ha area of gently sloping pasture land located to rear (East) of the detached properties “Lon Las” and “Melona” located along Hafod Road, Tycroes, Ammanford. The site presently serves as part of a small field enclosure which also borders onto the Parc yr Hendre residential estate (North), and former Wernos Farm (North-East). The private access driveway to the latter property borders the site along its South-eastern boundary.

Although the site address is given as being Off Hafod Road, the site is not contiguous with, and has no direct access onto that road. The only direct vehicle access route to the site would be via Parc yr Hendre, which is the confirmed route of access off the A483, given that Hafod Road is constrained in terms of width and restricted visibility at the junctions onto Ammanford Road. The point of access to the application site would be via an un-adopted section of private road leading off the Parc yr Hendre estate, which serves nos. 24 & 25 Parc yr Hendre as well as providing rear access and parking for nos. 16 - 18 Parc yr Hendre.

THE PROPOSAL

The application seeks full planning permission for the construction of a detached dwelling and further double garage/workshop, served by a generous driveway/turning area off the un-adopted private lane. Although two-storey in scale and appearance, with a generous roof pitch and unbroken roof planes, the basic footprint of the house would measure 9.21m x 13.15m, with a further two-storey front gable and hallway projection and single storey rear sun room, with a maximum ridge height of 9.5m. The design of this 368 sqm gross floor

area six bedroom house does include a partial second floor, surreptitiously provided in part of the attic space. The sole source of natural light to the second floor attic room would be via a high level window in the apex of the western gable elevation wall, while all other principle fenestration would be to the front (north) and rear (south). The proposed dwelling is of a not too unfamiliar front gable featured design, while the proposed facing brick, hanging tiles and dark grey roof tile finishes being common to the surrounding area. Similarly, the 10.0m (L) x 7.2m (W) x 5.7m (H) single storey garage/workshop is shown to be finished in matching material finishes.

Although no detailed landscaping scheme or precise details of all boundary treatment is included in the application submission, the provision and implementation of such details can be secured by means of appropriately worded pre-commencement conditions, as can other aspects of the proposal.

As the application site is located in an area where there is a legacy of past coal mining activity, and as such we are statutorily required to consult with the Coal Authority on all planning applications which may be at risk from such past activities. While the initial Mining Investigation Report submitted with the application did not specifically cover the application site, and consequently attracted an objection from The Coal Authority. A new Coal Mining Risk Assessment dated December 2017 has been received and The Coal Authority has been re-consulted. In light of this latest report, inclusive of the findings of intrusive site investigations, and the recommendations of that report regarding foundation design and construction, The Coal Authority has withdrawn its previous objection to the application.

PLANNING POLICY

The application site is located within the defined settlement limits of Tycroes, which forms part of the Ammanford/Cross Hands Growth Area, as delineated by Inset Map GA3 to the Adopted Carmarthenshire Local Development Plan (LDP), 2014. The application site, together with the remainder of the same paddock, and substantively completed Parc yr Hendre Estate are allocated for housing purposes under Policy H1 of the Plan (allocation GA3/h20). As such, there is a clear policy presumption in favour of the development of the site for residential purposes. Reference is also drawn to the following strategic and specific policies of the Plan which are relevant to the consideration of the proposal.

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

Policy SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LDP's settlement framework. In this respect, Tycroes forms part of the Ammanford/Cross Hands Growth Area.

Policy SP17 of the LDP states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

Policy GP2 of the LDP states that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy AH1 of the LDP normally requires, where an open market development falls below the threshold of five dwellings, a contribution towards affordable housing in lieu of on-site provision.

Policy TR3 of the LDP highlights the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy GP4 states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy EP3 requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

Policy EQ4 relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

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

Paragraph 4.11.1 states: "Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings."

Paragraph 4.11.2 states "Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design:"

Paragraph 4.11.3 states “The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent which are material considerations.”

Paragraph 4.11.4 states “Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).”

Paragraph 4.11.8 states “Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.”

Paragraph 4.11.9 states “The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.”

Paragraph 2.2 of Technical Advice Note 12 Design (March 2016) 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 (March 2016) 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 (Figure 1). 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.

THIRD PARTY REPRESENTATIONS

The application has attracted some local objection and concern, certain of which have been echoed by the local County Councillor. In respect of the concerns raised regarding surface water drainage, given past instances of surface water flooding and worries that such flooding

could re-occur or worsen as a result of the proposed development. The applicant has undertaken a percolation test on the site to ascertain the suitability of the site for soakaways to function. The results of that exercise, which have been shared with colleagues in the Drainage Section, demonstrate good infiltration and that the site would be suitable for soakaway to function.

Certain of the objectors question the scale, appearance and appropriateness of the proposed house and garage, given the surrounding context and relative proximity of neighbouring properties, with specific reference to LDP Policy GP1 *Sustainability and High Quality Design*. However, in the context of the scale and spatial arrangement of those neighbouring dwellings on the Parc yr Hendre estate, as well as those along Hafod Road. The two-storey scale development is of a design and finish that would not only integrate well with surrounding development, but would sit within a generous plot with more than adequate separation distance from the nearest neighbouring properties.

The concerns raised around the perceived disturbance and inconvenience caused during any construction phase is an inevitable and recognised short term inconvenience with any development of this nature. However, by their very nature any construction phase would be over a relatively short period, invariably gaining access via Parc yr Hendre as the only practicable access route. While the initial short section of private lane may not be to an adoptable width, it would be sufficient for delivery and construction vehicles to serve the proposed development. The associated questions surrounding the ownership, maintenance and repair of this section of private road would be a civil matter between the respective interested parties, but are not directly material to the consideration of this planning application.

The Coal Authority did initially object to application, given that the submitted Mining Investigation Report did not specifically relate to the application site. This has subsequently been addressed by the commissioning and submission of a Coal Risk Assessment dated December 2017, in light of which, The Coal Authority has withdrawn its earlier objection.

On the question of the alleged inadequacy on the part of the Planning Service in publicising the planning application. As the application file records and site visit photographs taken bare testimony, the application was publicised by means of two site notices, one on Hafod Road and the other on the Parc yr Hendre Estate. Contrary to the objectors understanding of the statutory requirements regarding the publicising of all planning applications, the local planning authority is only required to publicise by means of either a site notice displayed in the near vicinity of the application site, or by individual notification to any immediately adjoining owners or occupiers. This is a requirement in the alternative, and there is no requirement to do both.

The Planning Committee, during their consideration of this application at the 19th October 2017 meeting, expressed concern over the absence of any legal agreement securing a financial contribution towards the provision of affordable housing, as required by LDP policy AH1 "Affordable Housing" and accompanying Affordable Housing Supplementary Planning Guidance (SPG). Although it is a policy requirement on all new residential development sites of less than 5 units to secure a commuted sum in lieu of on-site provision, with the precise figure calculated based on the gross floor area of the proposed dwelling. There is an exception to this requirement where the development is not commercially viable. The applicant has provided figures relating to the prospective land value, build costs, etc. as well as a "figure for purchase (selling)" which have been reviewed by colleagues in the

Regeneration & Policy Department who do not disagree with the viability assessment provided.

CONCLUSION

The site is allocated for residential development in the Local Development Plan so forms part of the County's housing strategy for the village and wider Growth Area. The application plot is of generous proportions, while the scale and design of dwelling can be comfortably accommodated within the confines of the site, allowing for an appropriately form of development not out of place within the village.

The village of Tycroes benefits from a primary school, shops, post office, places of worship, and reasonable amount of community facilities, coupled with the fact that the application site is within easy walking distance of a public transport route. The site is therefore considered to be in a sustainable location.

Although it is adopted Policy (AH1 – Affordable Housing) that all new residential development contribute to either the on-site provision of affordable housing or, for open market developments of below five dwellings a commuted sum contribution is made towards the provision of affordable housing elsewhere. Where it can be demonstrated that the policy requirements cannot be achieved, without making the scheme unviable and otherwise undeliverable, provision exists to relax this requirement. In accordance with this policy exception, the applicant has in this instance submitted a viability appraisal to support this exception, which has been assessed and scrutinised by colleagues in Corporate Property. The conclusions of that examination and analysis of the viability appraisal has confirmed that the scheme would be commercially unviable, even without the requirement to make a contribution towards affordable housing provision or any other such obligations. Although the concerns of the Planning Committee over the absence of any commuted sum towards affordable housing have been conveyed to the applicant, the applicant maintains the position that the unviability of the proposal dictates that there is no profit margin with the proposal as it stands. Even without any commuted sum contribution the proposal would not be commercially viable. As such, the Planning Service will not be seeking a legal agreement to secure an in lieu contribution towards affordable housing in this instance.

The various concerns and objections raised by neighbouring residents and the local County Councillor have been addressed in this appraisal, with appropriately worded conditions recommended to cover certain detailed aspects of the development.

The proposed development is within settlement development limits and is not likely to have an unacceptable adverse impact on third parties or highway safety. Therefore, is considered to be in accordance with the above policies and policy guidance with the recommendation to grant conditional planning permission.

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:-

- Site Location Plan 1:1250 scale (Drawing No. 14649/02 Rev. A) received on the 18th May 2017;
- Amended Block Plan 1:500 scale (Drawing No. CTA339.106 Rev. D) received on the 05th September 2017;
- Amended Ground Floor Plan 1:75 scale (Drawing No. CTA339.101 Rev. -) received on the 31st August 2017;
- Amended First Floor Plan 1:75 scale (Drawing No. CTA339.102 Rev. -) received on the 31st August 2017;
- Amended Attic Floor Plan 1:75 scale (Drawing No. CTA339.104 Rev. A) received on the 31st August 2017;
- Amended Elevations Plan 1:100 scale (Drawing No. CTA339.103 Rev. A) received on the 31st August 2017;
- Amended Typical Section Plan 1:50 scale (Drawing No. CTA339.108 Rev. -) received on the Amended 31st August 2017;
- Amended Garage Design Plans 1:50 & 1:100 scale (Drawing No. CTA339.107 Rev. -) received on the 31st August 2017.

- 3 Prior to the construction of the dwelling hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings have been shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4 Before the development hereby permitted is brought into use, the western elevation attic window shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 5 Any access gates shall be set back a minimum distance of 5 metres from the private lane boundary and shall open inwards into the site only.
- 6 The front and side forecourt area shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they it shall be retained, unobstructed, for the purpose of vehicle parking and turning only.
- 7 No development approved by this permission shall be commenced until a detailed scheme for the provision of surface water drainage works, including future maintenance and management of the scheme for that unit, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented as agreed.

- 8 A detailed landscaping scheme for the site, including boundary and forecourt treatment indicating species size and number of trees and/or shrubs to be planted shall be submitted to and specifically approved in writing by the Local Planning Authority prior to the commencement the development, and shall following approval of such a scheme be implemented in the first planting season following commencement of the development, or at such other time as may be specifically approved in writing by the Local Planning Authority.
- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10 The garage/workshop shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and shall be permanently retained as such thereafter.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2+3 In the interest of visual amenity.
- 4 In order to preserve the amenities of neighbouring residential properties.
- 5+6 In the interest of highway safety.
- 7 To reduce risk of surface water flooding and ensure appropriate drainage is provided.
- 8+9 To ensure the provision, establishment and maintenance of a reasonable standard of landscaping and boundary treatment.
- 10 To ensure the garage/workshop is used for domestic purposes only.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposal complies with Policy SP1 of the Local Development Plan (LDP) in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.

- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the site is located within the defined settlement limits of Llanelli and accords with all other policies of the plan.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy H2 of the LDP in that the proposed housing development is located within defined settlement limits and accords with the principles of the plan's strategy and its policies.
- It is considered that the proposal complies with Policy AH1 of the LDP in that a commuted sum contribution towards affordable housing is not required in this instance as the application site benefits from having extant planning permission for two dwellings.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.

NOTES

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