

**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 17 HYDREF 2019
ON 17 OCTOBER 2019**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal Del/
Area South*



**Cyngor Sir Gâr
Carmarthenshire**
County Council



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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	17 OCTOBER 2019
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/39356
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Application Type	Full Planning
Proposal & Location	PROPOSED 4 BEDROOM RESIDENTIAL DWELLING AT LAND REAR OF 43 PENLLWYNGWYN ROAD, BRYN, LLANELLI, SA14 9UG

Applicant(s)	NATHAN ROBERTS, 105 WALTERS ROAD, LLANELLI, SA15 1LU
Agent	LEWIS PARTNERSHIP LTD - RHYS ANDREWS, 13 PARK CRESCENT, LLANELLI, SA15 3AE
Case Officer	Zoe James
Ward	Llangennech
Date of validation	29/08/2019

Reason for Committee

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

Site

The application site comprises a roughly square shaped parcel of land situated to the rear of no. 43 Penllwyngwyn Road. The site is accessed from the existing lane off Penllwyngwyn Road, B4297. The lane provides access to a number of existing properties. The site is bordered by existing properties and garden areas on each side with the exception of the access lane to the west. The site is located within the Bryn and within the development limits of Llanelli.

The site of approximately 530sq m slopes slightly in an easterly direction from the road in the west and a large Birch tree and privet hedge is located along the site frontage, with a further privet hedge to the east elevation.

The site is not situated within any environmental or ecological designations, and is entirely within the Coal Authority's Development Low Risk Area.

Proposal

The application seeks full planning permission for the construction of a detached dwellinghouse with four bedrooms and an integral garage. The proposed dwelling is sited fronting the lane to the west, as per existing properties along the lane, with the rear elevation to the east. At ground floor an entrance porch, garage and two bedrooms (bedrooms 3 and 4) are located to the front of the property, with a study, utility room, playroom and large open plan kitchen/dining/living room to the rear. At first floor, a master bedroom complete with balcony, en-suite and walk-in wardrobe are proposed alongside bedroom 1, chill out room, bathroom and storage cupboards. The master bedroom and chill out room along with the proposed balcony overlook the rear garden, with apex glazing proposed and two velux roof windows. To the front two dormer windows are proposed at first floor and a further window on the northern elevation for the en-suite.

An easement of around 5m is proposed to the north of the site to accommodate the existing sewer. A new site access is proposed slightly further to the south than the existing access to allow for retention and minimal impact on the root protection area of the existing Birch tree located on the site's western boundary. Paving is proposed to the front of the property with car parking for two cars and a raised patio area supported by a new retaining wall proposed to the rear. New privet hedge is proposed along the rear eastern boundary and along part of the front western boundary.

The application has been accompanied by cross sectional drawings taken through the site which show the proposed finished levels of the development in relation to existing properties to the east-west and north-south. The ridge height of the proposed dwelling is 8.1m from the proposed site level, and is around 1.3m higher than no. 41 situated opposite the site beyond the access land.

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

Planning Site History

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

S/33275	Proposed new detached dwelling Outline planning permission	17 November 2016
S/03338	Outline application for the erection of one detached bungalow Outline planning permission	01 November 2001
D5/16032	Private dwelling Full planning permission	31 March 1994

Planning Policy

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

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

SP1 Sustainable Places and Spaces

SP3 Sustainable Distribution- Settlement Framework

GP1 Sustainability and High Quality Design

GP2 Development Limits

GP3 Planning Obligations

GP4 Infrastructure and New Development

H2 Housing within Development Limits

AH1 Affordable Housing

TR3 Highways in Developments

EQ4 Biodiversity

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

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

Llangennech Community Council - No observations received to date.

Local Member(s) - Councillors Gwyneth Thomas and Gary Jones have not commented to date.

Natural Resources Wales – No observations on proposal.

Dwr Cymru/Welsh Water – No objection subject to conditions.

Sustainable Drainage Approval Body – responded advising of the new Sustainable Drainage System (SuDS) requirements and application process following the Flood and Water Management Act 2010.

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

Summary of Public Representations

The application was the subject of notification by way of neighbouring letters and a site notice displayed on the access lane.

Two representations were received, both of which object and the matters raised are summarised as follows:

- Reduction in natural light to back of property.
- Reduction in privacy, particularly caused by first floor balcony.
- Consider bungalow would be more appropriate for the site and in keeping with properties in vicinity.

- Concern regarding description of development incorrectly referring to three bedroom property.
- Site is of higher level than properties fronting Penllwyngwyn Road and proposed dwelling will tower above them.
- Proposed dwelling is larger than outline planning permission granted in 2016 and also higher ridge height.
- Scale and size of property will impact on privacy, loss of amenity value and light.
- Scale, height and massing in excess of those of surrounding properties.
- Concerns are raised regarding the statements within the Design and Access Statement.

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

Appraisal

Principle of Development

The principle of residential development is typically supported given the site is located within the development limits of Llanelli where new residential development is directed to, in line with Policies SP3, GP2 and H2. In addition, outline planning permission has previously been granted for residential development of 1 dwelling at the site in 2016, 2001 and 1994.

Impact upon Character and Appearance of the Area

The character of the area surrounding the site comprises existing residential dwellings. The style and design of properties in the immediate vicinity vary, with properties to the west of the site no. 41a and Ty Bach Twt being bungalows, whilst properties along Penllwyngwyn Road are two storey and dwellings Woodfield and Leafy Lodge to the south of the site are dormer bungalows.

Visual Impact

The proposed development is a two storey dwelling with dormer windows to the front elevation which seeks to conform to the character of the area. However, the maximum ridge height is around 1.9m higher than the adjacent property. The positioning of the dwelling is in line with the two adjacent properties to the south and does not protrude any further any further to the east than the existing building line. In terms of the comments regarding overbearance and loss of light, resulting from the size of the dwelling and higher ground of the application site than properties fronting Penllwyngwyn Road. Firstly, the proposed dwelling is situated approximately 18.5m at the closest point to no. 43 Penllwyngwyn Road and 23m to no. 47 Penllwyngwyn Road. The submitted section shows that the dwelling will be around 2m higher taking into account the change in land levels. It is not considered that the scale and positioning of the dwelling will result in loss of light or overbearance on neighbouring properties.

Privacy Impacts

Outline planning permission previously granted for the site in 2016 reserved details of scale, appearance and layout. However, scale parameters were submitted and approved as part of the application which allowed for dwelling of width and depth both between 10.5 and 12.5m and a ridge height of between 6.5 and 8.5m above finished internal floor level of the property fronting the lane. The current submission and proposed dwelling is in line with the parameters approved previously as part of the outline permission granted for both the depth and ridge height. The ridge height of the current application is no higher than what has previously been accepted by the Council. On this basis, the scale and height of the property remains to be considered acceptable.

Turning to loss of privacy, the side elevation towards Penllwyngwyn Road has one window for the en-suite. A condition is suggested to ensure obscure glazing is used to address any privacy concerns. No windows are proposed on the south side elevation. To the rear elevation apex glazing and an integral balcony is proposed. As identified above, the proposed dwelling is situated in line with existing properties Woodfield, Leafy Lodge and Dawnine Villa located to the south of the site. As such, there will be further loss of privacy arising from the proposed dwelling on properties at Penlan backing onto the site than at present. The orientation of the glazing and integral balcony will not allow for direct overlooking onto properties fronting Penllwyngwyn Road.

The raised patio area runs along the width of the property and extends into the garden approximately 3.4m. A new privet hedge is proposed along the entire rear boundary screening views from the proposed garden and patio area of the subject site.

Other Matters

In terms of the comments regarding the incorrect description of development, this was amended and re-consultation letters issued confirming the application is for a four bedroom dwelling.

Comments were made regarding the lack of Design and Access Statement. However, it is no longer a requirement for a planning application for a single dwelling to be accompanied by a Design and Access Statement. Whilst some of the information contained within the previously submitted Design and Access Statement for planning application reference. S/33275 may be similar to the current scheme it does not form part of the current application submission.

The application has been supported by a Tree Survey. No observations have been received to date from the Authority's Tree Officer. There are no biodiversity impacts associated with the proposal and drainage details will be dealt with via the new SuDS application process. Dwr Cymru Welsh Water have no objection subject to a condition regarding sewerage. Natural Resources Wales have confirmed they have no observations on the scheme also.

The application proposes two car parking spaces and an integral garage, totalling in 3 car parking spaces and complies with the standard requirements within the CCS Standards for a 4 bedroom property. No objections have been received from Highways subject to imposition of conditions.

Planning Obligations

A draft Unilateral Undertaking has been submitted by the applicant's solicitor regarding a commuted payment to contribute towards the provision of affordable housing in the locality as part of the proposal. As such, the proposal complies with the requirements regarding affordable housing within LDP Policy AH1 (Affordable Housing).

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that proposed dwelling is acceptable given the application site is located within the defined settlement limits of Llanelli as delineated within the Adopted LDP and therefore there is no in-principle objection to developing the site for residential use. The height and depth of the proposed dwelling are in line with the parameters previously approved on the site as part of the outline permission granted in 2016. As such, the scale and design of the proposed dwelling seeks to respect the mixed character and appearance of the surrounding area in line with Policy GP1.

Concerns have been raised regarding the scale and height of the dwelling and resulting impacts regarding loss of light, privacy and overbearance. The proposed dwelling follows the existing building line of properties along the lane and the ridge height is lower than the maximum ridge height previously approved for the site. Loss of privacy is mitigated through a condition requiring obscure glazing for the north elevation side window, the privet hedge to the rear boundary and the distance and orientation of the proposed integral balcony. The proposal is not considered to have a significant impact on the amenity of adjacent properties or residents as stipulated by part d of Policy GP1.

No objections have been raised by statutory consultees.

Recommendation – Approval

Conditions

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Existing Site and Location Plans scale 1:1250 and 1:500 drawing no. 01 received 6 June 2019;

- Proposed Site and Location Plans scale 1:1250 and 1:500 drawing no. 04 Rev B received 17 July 2019;
- Proposed Plans and Elevations scale 1:100 drawing no. 02 Rev A received 6 June 2019;
- Proposed Site Plan and Sections drawing no. 03 Rev C received 24 July 2019;
- Proposed Schematic Drainage Plan drawing no. 19/104 (100) Rev A received 17 July 2019.

- 3 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 4 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 private road frontage within 2.0 metres of the near edge of the carriageway.
- 5 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.
- 6 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 7 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- 8 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.
- 9 No development approved by this permission shall commence until a protective fence to BS3998 has been erected within that Phase site around the Mature Birch Tree highlighted in the Tree Survey and Arboricultural Method Statement. The fence shall be retained in situ throughout the construction period. No development shall take place and no materials shall be stored within the protected area.
- 10 The privet hedge proposed along the east boundary of the site (as shown on the Proposed Site Plan and Sections drawing no. 03 Rev C) shall be planted at a minimum height of 1.8m prior to the beneficial occupation of the dwelling. The hedge shall be retained thereafter.
- 11 Before the development hereby permitted is first brought into use the en suite window (as shown on Proposed Plans and Elevations drawing no. 02 Rev A) shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter.

Reasons

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

- 2 For the avoidance of doubt as to the extent of this permission.
- 3-6 In the interest of highway safety.
- 7 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.
- 8 To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 9 To protect features of biodiversity and landscape importance.
- 10-11 In the interest of privacy.

Notes/Informatives

- 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 The applicant/developer's attention is drawn to the signed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution of £53.35 per square metre internal floor area.
 - 3 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).
- Please see the relevant responses from Dwr Cymru/Welsh Water and the Council's Sustainable Drainage Body and refer to the recommendations and advice contained therein.