

<b>Application No</b>	<b>S/39984</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	RETROSPECTIVE APPLICATION FOR THE RETENTION OF DWELLINGS ON PLOTS 4 AND 5 PREVIOUSLY APPROVED UNDER REFERENCE S/33081 AT PLOT 4 & 5, CERDDI GLASFRYN GARDENS, LLANELLI, SA15 3LL

<b>Applicant(s)</b>	PARKER BROTHER (CONTRACTORS) LTD - STUART PARKER, C/O AGENT, ,
<b>Agent</b>	ASBRI PLANNING - MR TOMAS HOPKINS, SUITE D, 1ST FLOOR, 220 HIGH STREET, SWANSEA, SA1 1NW
<b>Case Officer</b>	Robert Davies
<b>Ward</b>	Lliedi
<b>Date of validation</b>	18/12/2019

## 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 consists of Plots 4 and 5 on the Glasfryn Gardens cul de sac development which is located to the immediate south of Glasfryn Terrace in Llanelli. The two plots to the south eastern most corner of the development are at a lower level than the rest of the development and are at an advanced stage of construction. They represent the rounding off of this housing development that has been ongoing on a plot by plot basis since the early part of the millennium.

## Proposal

The application seeks full planning permission to regularise the development undertaken thus far and proposed on Plots 4 and 5, which varies from that granted full planning permission on the 18<sup>th</sup> January, 2016 under planning reference S/33081.

The revisions when viewed against the plans approved under S/33081 are as follows:-

Plot 4 Changes

East Elevation:

- Minor window changes at second-floor level;
- Removal of chimney stack

West Elevation:

- Addition of window at first-floor level;
- Removal of window at second-floor level

North Elevation:

- Minor alteration to front door;
- Addition of roof-light window

South Elevation:

- Removal of glass door and replacement with window

Other:

- Increase in the curtilage of the plot to the south-east

Plot 5 Changes

East Elevation:

- Addition of window at ground-floor level;
- Removal of chimney stack

West Elevation

- Minor window changes at second floor level

North Elevation

- Minor changes to the size (reduced in size) and the position of roof-lights

South Elevation

- Design of conservatory has been modified to reduce the amount of brick and increase glass;
- Additional of small roof light

Other

- Increase in the curtilage of the plot to the south;
- Addition of outbuilding/shed in the rear garden area

In order to facilitate the extended residential curtilage for each plot, due to the fact that the site slopes gently from north to south the rear boundary a retaining wall has been erected and constructed on the southern boundary of each plot. Included in this submission are 'Retaining Wall Engineering Details' and associated structural calculations to evidence the structural integrity of the works undertaken.

## Planning Site History

- S/33081 PROPOSED 2 NO DETACHED TWO STOREY DWELLINGS WITH DETACHED GARAGE (PLOT 4 ONLY)  
Full Granted 18/01/2016
- S/14976 TO RETAIN DEVELOPMENT OF 10 NO. DWELLING HOUSES UNDERTAKEN AS PREVIOUSLY GRANTED PLANNING PERMISSION REF. S/01768 AND WITH AN AMENDED SCHEME FOR PLOT NO. 2 (PREVIOUSLY REFERRED NO.9)  
Full Granted 10/01/2007
- S/11417 TO RETAIN DEVELOPMENT OF 10 NO. DWELLING HOUSES UNDERTAKEN AS PREVIOUSLY GRANTED PLANNING PERMISSION REFERENCE NO. S/01768 AND WITH AN AMENDED SCHEME FOR PLOTS 8, 9, 10  
Withdraw - 24/11/2005
- S/1768 RESIDENTIAL - 10 DWELLING HOUSES  
Approved – 26/05/1999
- S/1239 EIGHT EXECUTIVE HOUSES AND ROADWAY ACCESS TO MEET ADOPTABLE REQUIREMENTS  
Approved - 18/05/1998
- D5/16842 DEMOLITION OF EXISTING NURSERY BUILDINGS AND CARRYING OUT OF RESIDENTIAL DEVELOPMENT  
Withdrawn
- D5/9277 GREENHOUSE  
Approved – 12/07/1986
- D5/6283 STORAGE BUILDING  
Approved – 13/05/1982

## Planning Policy

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

- SP1 Sustainable Places and Spaces
- SP3 Sustainable Distribution – Settlement Framework
- SP9 Transportation
- SP13 Protection and Enhancement of the Built and Historic Environment
- SP14 Protection and Enhancement of the Natural Environment
- SP17 Infrastructure
- GP1 Sustainability and High Quality Design

GP2 Development Limits  
GP4 Infrastructure and New Development  
H2 Housing within Development Limits  
AH1 Affordable Housing  
TR2 Location of Development – Transport Considerations  
TR3 Highways in Developments – Design Considerations  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ4 Biodiversity  
EP1 Water Quality and Resources  
EP2 Pollution  
EP3 Sustainable Drainage

### [Carmarthenshire Supplementary Planning Guidance](#)

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

## Summary of Consultation Responses

**Llanelli Town Council** – No response received to date.

**Local Members** – County Councillor S Najmi has not responded to date.

County Councillor R James requests that the Planning Committee visit the site on the grounds of loss of privacy.

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

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

## Summary of Public Representations

14 neighbouring properties consulted on the application. To date, three letters of representation have been received raising the following concerns and objections:-

- Close proximity of dwelling to no.4 Glasfryn Terrace
- Overlooking of no.4 Glasfryn Terrace from side attic windows of Plot 4.
- Overlooking of no. 3 Glasfryn Gardens from additional velux rooflight in front roof slope
- The scale of dwelling built on Plot 4 dominates the area and is incongruous.
- How can the original two storey dwelling become three storey?
- Assurance is sought that the “top floor” windows facing the rear of 4 Glasfryn Terrace are obscure glazed.
- Devaluation of property

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

## Appraisal

As aforementioned, three letters of representation have been received raising concerns and objections towards the application. The material reasons for consideration raised will now be addressed individually as part of this appraisal. Members will however be aware that devaluation of property is not a material planning consideration.

In terms of the concerns raised over the scale of development and proximity of the dwellings to no. 4 Glasfryn Terrace, it is worth noting that the scale and positioning of the two dwellings on Plots 4 and 5 has not changed from that previously approved. The two plots are sited at a lower level than other dwellings on the Glasfryn Gardens development and therefore are not considered to dominate the area in visual terms. There is a separation distance in excess of 23m from the side elevation of Plot 4 and the rear elevation of no.4 Glasfryn Terrace, whilst both properties are separated by a new 2m high brick boundary wall. This separation distance coupled with the high quality boundary treatment is considered to limit the impact upon this property.

Contrary to the respondent's understanding of what design of dwelling was previously approved on Plot 4, under planning permission S/33081. Those plans did show a 2 storey scale of dwelling, with a 2<sup>nd</sup> floor bedroom with en-suite facilities, accommodated in the attic space. Such detail was clearly evident on the submitted and approved floor plans, together with the conspicuous rooflight windows and gable elevation windows. There is a specific condition on the previous planning permission (S/33081) requiring the relevant gable windows be obscure glazed, which is amended and replicated in the recommended conditions to this present application.

The previous planning permission S/33081, for essentially the same scale and general design of dwelling, was determined under delegated authority (not by the Planning Committee) in the absence of any objections.

The previously approved scheme had two attic windows in the side elevation facing no.4 Glasfryn Gardens which were conditioned to be obscure glazed. There has only been some minor changes to these windows, which will again be conditioned to be obscure glazed. One additional velux roof light has been included in the front elevation of Plot 4 facing towards no.3 Glasfryn Gardens, however due to the nature of velux rooflights and their positioning in the roof slope it is not considered that this results in any adverse impact in terms of overlooking.

## Well-being of Future Generations (Wales) Act 2015

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

## Conclusion

The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted LDP and benefits from extant planning permission for residential development. Therefore there is no in principle objection to residential development on the site, whilst the changes undertaken are relatively minor in nature and are considered acceptable subject to conditions. The extension to the domestic curtilage of each Plot is considered acceptable and retains sufficient rear garden spaces for other surrounding dwellings.

It is considered that there are no loss of amenity issues associated with the proposed development whilst the issues of concern and objection raised have adequately been addressed as part of the above appraisal.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted LDP. As such the application is put forward with a recommendation for approval subject to the following 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 18 December, 2019.
- 2 The development hereby permitted shall be retained and completed strictly in accordance with the following schedule of plans:-
  - Block and location plan (592 01) 1:500; 1:2500 @ A3 received 16<sup>th</sup> December, 2019
  - Plot 4 Floor plans, elevations and section (A102) 1:100 @ A1 received 16<sup>th</sup> December, 2019
  - Plot 5 Floor plans, elevations and section (A100) 1:100 @ A1 received 16<sup>th</sup> December, 2019
  - Double garage Plot 4 floor plan and elevations (A100) 1:100 @ A1 received 16<sup>th</sup> December, 2019
  - Shed Plot 5 floor plan and elevations (A100) 1:50 @ A4 received 16<sup>th</sup> December, 2019
  - Retaining wall details plan (BX1) 1:20; 1:40 @ A3 received 16<sup>th</sup> December, 2019
  - Site plan (592 02A) 1:200 @ A3 received 10<sup>th</sup> February, 2020
  - Site section plan (592 03 ) 1:200 @ A3 received 10<sup>th</sup> February, 2020
- 3 The first floor and second floor windows in the side elevations of Plots 4 and 5 shall be glazed in obscure glass and thereafter retained as such in perpetuity.

- 4 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.
- 5 The garage hereby approved on Plot 4 and outbuilding on Plot 5 shall be used for domestic purposes in perpetuity, and not for trade or business use.

## **Reasons**

- 1 To comply with Section 73A of the Town and Country Planning Act (as amended)
- 2 In the interest of visual amenity
- 3 In the interest of preserving residential amenity.
- 4 In the interest of highway safety
- 5 To prevent any separate use on the site, and to ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

## **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 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 SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- 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 application site is within defined settlement limits
- 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 it will deliver new housing within development limits.
- 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 and the current proposal only relates to some minor changes
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.
- 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 EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- 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.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.

## 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.

