

Document Pack



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THURSDAY, 1 FEBRUARY 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 11.00 AM ON THURSDAY, 8TH FEBRUARY, 2018** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Michelle Evans Thomas
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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

AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF PERSONAL INTERESTS
3. TO CONSIDER THE HEAD OF PLANNING'S REPORTS ON THE FOLLOWING PLANNING APPLICATIONS [WHICH HAD BEEN THE SUBJECT OF EARLIER SITE VISITS BY THE COMMITTEE] AND TO DETERMINE THE APPLICATIONS
 - 3.1 E/35356 - IMPROVEMENT TO EXISTING FIELD ACCESS TO FACILITATE ACCESS TO A 5 CARAVAN CL SITE AT LAND AT BRYNHYFRYD, TALLEY ROAD, LLANDEILO, SA19 7HU 5 - 12
4. AREA EAST - DETERMINATION OF PLANNING APPLICATIONS 13 - 24
5. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS 25 - 40
6. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS 41 - 70
7. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 11TH JANUARY 2018 71 - 74

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Application No	E/35356
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Application Type	Full Planning
Proposal & Location	IMPROVEMENT TO EXISTING FIELD ACCESS TO FACILITATE ACCESS TO A 5 CARAVAN CL SITE AT LAND AT BRYNHYFRYD, TALLEY ROAD, LLANDEILO, SA19 7HU

Applicant(s)	MR & MRS EYNON PRICE, BRYNHYFRYD, TALLEY ROAD, LLANDEILO, SA19 7HU
Agent	NAYLOR SALE & WIDDOWS LLP - IAN NELSON, THE OLD LIBRARY, RISLEY LANE, BREASTON, DE72 3AU
Case Officer	Kevin Phillips
Ward	Manordeilo & Salem
Date of validation	31/03/2017

CONSULTATIONS

Head of Transport – Offers no objection to the proposal subject to the imposition of eight conditions.

Manordeilo and Salem Community Council – Offers no objection to the application.

Local Member - County Councillor J Davies is a member of the Planning Committee and has made no prior comment on the proposal.

Public Rights of Way Officer- Footpath 44/104 abuts the proposed development site. If the application is approved, reference should be made to the applicant/developer of the existence of the footpath and to the requirement not to obstruct or encroach upon it at any time.

National Grid – No comments received.

Neighbours/Public - The application has been publicised by the posting of a Site Notice and six letters of objection have been received. The issues of objection raised are as follows:-

- There is highway safety concern from the increased traffic to/from the site and the creation of a new access.
- Safety concern for local children.
- There is concern regarding noise and pollution for refuse collection.

- Concerns of the proposal upon the local ecology.
- The proposal is not in keeping with the rural character of the area.
- Concern that caravanners will become grounded at the site because of the poor ground conditions.
- Loss of privacy for local residents.
- Light pollution for the area.
- Concern regarding the ability to access water and the safe disposal of waste.
- The proposal has resulted in the public footpath being blocked.
- Concern that pollution from vehicles enters the watercourses.
- The application form conveys that there are no trees or hedgerows impacted and their removal will make the site more visible.

RELEVANT PLANNING HISTORY

E/ENF/08072 – Unauthorised creation of an access and tracks. – Investigation ongoing.

APPRAISAL

The application was reported to the Planning Committee on 14 December 2017, whereby it was determined to undertake a site visit to enable the Committee to assess the visibility splay and access at/to the site.

THE SITE

The application site is an agricultural field that forms part of the holding at Brynhyfryd, Llandeilo. Access to the site is from the C2118 road that runs from the B4302 Talley road, to the village of Penybanc to the west. The road is delineated by mature hedgerows and there is a single dwelling, Llety-Maelog opposite.

THE PROPOSAL

This is a retrospective application for a new improved access onto a “C” class road, to facilitate a proposed 5 caravan or motorhome certified (CL) site that the applicant intends to pursue at the application site.

For information, the Camping and Caravanning Club holds a Certificate of Exemption under Section 269 (6) of the 1936 Public Health Act, as well as Section 2 of the First Schedule to the Caravan Sites and Control of Development Act 1960, which permits the Club to establish small sites without the need to obtain a specific planning approval. Within that certification process there is however, a need to consult the Local Authority in relation to the aspect of the highway safety.

In response to the certification consultation the Head of Transport required the submission of a routing plan that controlled the arrival and exit of the visitors to the site and improvements to the visibility splays for the access. Whilst there was an acceptance by the applicant and the motor caravanners club in terms of adherence to the routing stipulations to/from the site and the visibility splay requirements, works were undertaken by the applicant that resulted in a new and enlarged access being formed without the submission of a planning application.

This application seeks planning permission in retrospect for the enlarged access.

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Carmarthenshire Local Development Plan. In terms of the application's policy context, reference is made to the following Carmarthenshire LDP policies and guidance.

Policy GP1 Sustainability and High Quality Design is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy TR3 Highways in Developments - Design Considerations requires the design and layout of all development proposals to, where appropriate, to include an integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport; suitable provision for access by public transport; appropriate parking and where applicable, servicing space in accordance with required standards; an infrastructure and spaces allowing safe and easy access for those with mobility difficulties; required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced; and provide for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

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.

Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

THIRD PARTY REPRESENTATIONS

Six letters of objection have been received from local residents and the issues of objection shall be addressed herewith:

There is highway safety concern from the increased traffic to/from the site and the creation of a new access and safety concern for local children

The Head of Transport has been consulted on the application for the access and there is no objection to the proposal, subject to the imposition of 8 conditions on any permission that may be granted.

There is concern regarding noise and pollution for refuse collection

While the application refers to a revised access to facilitate a proposed 5 caravan or motorhomes certified site the specific development that requires planning permission is the alteration of an existing access. The alteration to the access shall not result in refuse collections. It is considered that the level of waste will not be such that it will result in significant noise from refuse collection.

Any issue of noise generated from the potential caravan use of the site will be a public nuisance issue for action by the Public Protection section.

Concerns in regard to the proposal's impact upon the local ecology

The Authority's Planning Ecologist has raised no objection or concerns regarding the proposed development at the site.

The proposal is not in keeping with the rural character of the area

The access for which a retrospective planning permission is sought is not considered to be out of keeping with the rural character of the area.

Concern that caravanners will become grounded at the site because of the poor ground conditions

This is not a material planning consideration in this application in respect of the vehicular access.

The suitability of the land as a caravan site is a matter for the Camping and Caravanning Club.

Loss of privacy for local residents

This is a retrospective planning application for an access to serve a proposed CL site which does not presently benefit from a CL certificate, and any issue or concern regarding the impact that the proposed 5 caravans or motorhomes will have upon the living conditions of local residents is a matter to be raised with the caravan certifying body. The proposed access at this location will not result in any significant loss of privacy for local residents.

Light pollution for the area

This is not considered to be a material planning consideration in the determination of this planning application for the access.

Concern regarding the ability to access water and the safe disposal of waste.

This is not considered to be a material planning consideration in the determination of an application for the access.

The guidance applied in terms of the CL site will require that organisations will act responsibly when disposing of the contents of chemical toilets and waste water and take full account of the need to safeguard water supplies and prevent the pollution of rivers and streams.

There is an ongoing enforcement investigation into an unauthorised waste water and storage facility sited within the ground at the site, which is not the subject of this application.

The proposal has resulted in the public footpath being blocked.

The Country Footpath Officer has visited the site and whilst it has been conveyed that the footpath is in a poor condition and appears not to be in regular use, and the stile at the entrance is overgrown and dilapidated, it is intended to improve the situation with the footpath through appropriate highways legislation.

Concern that pollution from vehicles enters the watercourses.

The proposal in terms of the new access to serve a possible CL site is not considered to be of a scale that will result in any significant harm from pollution from visiting vehicles.

The application form conveys that there are no trees or hedgerows impacted and their removal will make the site more visible.

This is a retrospective planning application and the works to create the access has already resulted in the translocation of the hedgerow fronting the site to the western side, to allow for the visibility improvements when accessing/exiting the site, in accordance with the Head of Transport's requirements. The hedgerow remains and continues to screen the enclosure to the south.

CONCLUSION

The two central issues in the determination of the application are firstly, whether the access is acceptable in terms of highway safety, with regard to which the Head of Transport offers no objection, and secondly, whether the altered access is acceptable in terms of amenity.

Although the altered access has been the subject of a significant engineering operation, the resulting development is not considered to have caused an unacceptable impact upon the visual amenity of the area.

After careful consideration of the site and its surrounding environs together with the representations received, it is concluded on balance that the proposed access is acceptable and accords with policy. In light of the above, and having assessed the principal issues of highway safety and amenity concerns, this application is put forward with a recommendation for approval.

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 13 April 2017

- 2 The above approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below:
 - Location Plan, Field Plan, Site Plan, Entrance and Tracking in and out plans (3369/01B), received 15 May 2017.
- 3 Any access gates shall be set back a minimum distance of 12.0 metres from the highway boundary, and shall open inwards into the site only.
- 4 There shall at no time be any means of vehicular access to the development from Brynhyfryd Farm via the B4302 Road.
- 5 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 90 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. And there shall at no time be any growth or obstruction above 0.9 metres in height within this splay.
- 6 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.
- 7 The access shall be hard surfaced for a minimum distance of 12.0 behind the highway boundary, in materials which shall be subject to the prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.

REASONS

- 1 To comply with Section 73A of the Town and Country Planning Act (as amended).
- 2 In the interest of visual amenity.
- 3-7 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 proposed development complies with Policy GP1 of the Carmarthenshire LDP in that it is an appropriate form of development that is acceptable to the character of the area.
- The proposed development complies with Policy TR3 of the Carmarthenshire LDP in that the access is an appropriate design and layout that is acceptable to the requirements of the site and the character of the area.

NOTES

- 1 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).
- 2 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.

- 3 It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.

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**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
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:	08 FEBRUARY 2018
REPORT OF:	HEAD OF PLANNING

INDEX - AREA EAST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
E/35139	Agricultural hardstanding, with access track and alterations to existing vehicular access (retrospective) at land part of field enclosure east of Penrhiwgoch, Maesybont, Llanelli, SA14 7TB

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	E/35139
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Application Type	Full Planning
Proposal & Location	AGRICULTURAL HARDSTANDING, WITH ACCESS TRACK AND ALTERATIONS TO EXISTING VEHICULAR ACCESS (Retrospective) AT LAND PART OF FIELD ENCLOSURE EAST OF PENRHIWGOCH, MAESYBONT, LLANELLI, SA14 7TB

Applicant(s)	MR AND MRS E & A ISAAC, FRONDEG, PENRHIWGOCH, MAESYBONT, LLANELLI, SA14 7TB
Agent	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
Case Officer	Ceri Davies
Ward	Llanfihangel Aberbythych
Date of validation	20/02/2017

CONSULTATIONS

Head of Transport – Has no objections.

Llanfihangel Aberbythych Community Council - Has indicated to the Authority that it would be objecting to this application but to date, no formal objection has been received to date.

Local Member - County Councillor Cefin Campbell has verbally advised that he is supportive of this application on the basis that it will make a positive contribution to the rural economy.

Natural Resources Wales - Has no adverse comments

Neighbours/Public – The application was advertised by means of Site Notice; two letters of representation have been received to date, raising the following concerns:-

- Highway safety/mud on the road
- Impact on visual amenity/commercial appearance
- Destruction of wetland/pond
- EIA requirement
- Loss of views
- Works undertaken without planning permission

RELEVANT PLANNING HISTORY

The following previous application has been received on the application site:-

P6/17929/90	Agricultural access from county highway Full planning permission	10 January 1991
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APPRAISAL

This application has been submitted as a result of an ongoing investigation undertaken by the authority's Enforcement Section.

THE SITE

The application site comprises of a newly created agricultural hardstanding and associated access track, 400 metres east of the small hamlet of Penrhiwgoch; the said hamlet lies approximately 1 mile north of the village of Maesybont. The site fronts onto the C2221 Classified Road which links Penrhiwgoch and Golden Grove. The site forms part of a small field enclosure which appears, from the authority's photographic records, to have been used historically as an informal storage area; the enclosure does not appear to have been used for grazing.

The historic maps also indicate a pond on the site, which will be considered as part of this appraisal as it is a subject raised by third parties; again from the authority's photographic records the said pond no longer exists.

The application site does not form part of an established farmstead but does form part of a small holding equating to approximately 22 acres of pastureland recently acquired by the applicant; the applicant resides in the nearby hamlet of Penrhiwgoch. From a closer site inspection, it is evident that the hardstanding is being used for the storage of silage/bales as well as agricultural implements and machinery

THE PROPOSAL

As already highlighted, the application has been submitted following an ongoing investigation by the Authority's Enforcement Section into unauthorised activities currently taking place at this location. The application is therefore retrospective in nature as the hardstanding has been formed; the access track has already been constructed and the entrance onto the C2221 county road has been extensively modified. In essence, full planning permission is sought for the retention of the agricultural hardstanding and associated access track.

The agricultural questionnaire accompanying the application indicates the land being used predominantly for grazing/cropping with the intention to introduce 90-100 ewes onto the holding.

PLANNING POLICY

Whilst there is no policy context of direct relevance to a proposal of this nature, due to its rural location, the application falls to be considered against the General Development policies for the open countryside as contained in the Carmarthenshire Local Development

Plan. For the purposes of this application reference will be made to Policy GP1 of the LDP and also Policies TR3 and SP14 of the LDP.

In addition to the aforementioned policies, national guidance in the form of TAN6 (Planning for Sustainable Rural Communities) July 2010 advises that, *“The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve.”*

THIRD PARTY REPRESENTATIONS

Two letters of representation have been received to date, raising the following concerns:-

- Highway safety/mud on the road
- Impact on visual amenity/commercial appearance
- Destruction of wetland/pond
- EIA requirement
- Loss of views
- Works undertaken without planning permission

CONCLUSION

Members are advised that the main objector considers the development requires an Environmental Impact Assessment (EIA); the proposal has been screened by the authority under the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. The EIA Regulations state that all types of development within Schedule 1 require EIA. The hardstanding, subject of this application does not fall within Schedule 1 of the Regulations.

The development does fall within Schedule 2 and the authority has assessed if the development meets the relevant criteria in column 2 of Schedule 2. The relevant extract from the table in Schedule 2 is set out and highlights the thresholds and criteria for ‘Agriculture and aquaculture’ development such as the hardstanding proposal. The proposal comes under “Projects for the use of uncultivated land or semi-natural areas for intensive purposes” as defined in Column 1 as it is deemed a permanent agricultural hardstanding on semi improved grassland. It would appear that the proposed development falls within Schedule 2 of the 2016 Regulations (part 1A) and as such only requires an EIA ‘If it is a development, with a site area of more than 0.5 Hectares.’ The area of development subject of this application is 0.3 hectares, hence does not exceed the 0.5 hectare threshold in this instance as such, no assessment needs to be undertaken as to the likely significant environmental effects. Members are advised therefore that based on the Council’s Screening Opinion, an Environmental Impact Assessment (EIA) is not required in this instance.

The main concern expressed by objectors is based upon the impact of the development on the ecology of the site with specific reference made to the removal of the wetland at the site and the loss of the pond which the objector highlights is the source of the Afon Gwynon.

In terms of the ecology concerns, Members are advised that the land forming part of the application site is not sited within the Towy Valley Special Landscape Area (SLA), as suggested by a third party, neither does it fall within a Special Area of Conservation (SAC) or a SSSI.

The Authority's Planning Ecologist has advised that having reviewed the data maps available to her, it indicates the application site as standing water and semi improved species rich grassland; however, the Planning Ecologist also advises on examining the authority's photographic records as well as Google street map and Google Earth records, the presence of standing water is not clear and it is likely that the pond that previously existed on site has been filled in for some time. The latest data map does not record standing water, but does still record the grassland present surrounding the old pond feature as semi improved species rich neutral grassland; the authority's aerial photographic records do show the site as likely comprising semi natural grassland habitats.

In view of the ecology concerns, members attention is drawn to Policy SP14 of the LDP which states that development should reflect the need to protect, and wherever possible enhance the County's natural environment; and all development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of the Local Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas.

Policy EQ4 of the LDP also 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, except where it can be demonstrated that:

- a) The impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements;
- b) There are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.

The Authority's Planning Ecologist acknowledges that as the application is retrospective in nature, no survey of the grassland to determine its ecological quality can now be undertaken; Members are advised that this would have likely been requested to inform the application had it not been retrospective.

On the basis of the information now available, the Authority's Planning Ecologist advised that the applicant should provide a compensation strategy, prepared by a competent ecologist, to provide an area of species rich grassland/lowland meadow and also include an element of enhancement to meet the LDP Policy requirements detailed in the aforementioned policies.

For that purpose an Ecology Compensation Scheme has been prepared by Llecology on behalf of the applicant; the said scheme has been reviewed by the Authority's Planning Ecologist. The Authority is satisfied with the level of assessment made and the proposed compensation measures outlined in Section 4 of the report; it is therefore considered that the recommendations of the report meet the LDP policy objectives in Policies SP14, EQ4 and EQ5. Members are advised that a condition will be included to ensure that the compensation recommendations outlined in the Ecology Compensation Scheme by Llecology are implemented in full. NRW have not provided any observations.

In terms of the concerns raised over visual amenity with the objectors citing “*the unsightly large scale commercial changes to the site being out of context with nature of the area;*” the authority accepts that the appearance of the site has been altered, however the open storage of silage/bales is now an accepted common practise in the open countryside. The authority contends that the storage of bales and agricultural implements/machinery is not tantamount to a large scale commercial change as suggested. Whilst the formation of a hardstanding is deemed development which the applicant ought to have required prior approval, Members will be fully aware that the actual use of the land for the storage of bales and implements is something that does not require any form of prior approval. The presence of established mature hedgerows acts as a natural screen, hence the hardstanding is considered to be an acceptable low-key form of development at this location.

Whilst the hardstanding is not directly linked to a farmstead, it is acknowledged that the applicant resides less than ¼ mile away in Penrhiwgoch and from the information conveyed in the agricultural questionnaire, the land forms part of a 22 acre small holding, hence the justification for the storage facility is accepted. The objectors have raised questions as to the applicant’s intentions for the site, citing concerns that the applicant is attempting to establish a farm holding at this location, however this is not deemed a sustainable material objection. Loss of views is also not deemed a sustainable material objection.

The concern raised in relation to the state of the road is noted, however in the absence of a hard surface track, in all likelihood, there would be significantly more mud on the adjacent highway as a result of farm vehicles entering/exiting the field enclosures. The surfacing of the track serves to ensure less mud is carried onto the adjacent highway. It is accepted that during its construction there would likely to have been additional vehicular movements and general disturbance which would in all probability have resulted in poor road conditions, this would have been a temporary measure. In terms of highway safety, it is acknowledged that the applicant has widened an existing field entrance, however the Head of Transport has not offered any objection to the application; highway safety is not deemed an issue in this instance.

It is acknowledged also that this application is retrospective in nature as highlighted by one of the objectors; however this in itself is not a sufficient ground for refusal. On the basis that this application is retrospective, it has allowed the authority to gauge and assess the impact the formation of the hardstanding and track has had at this location. From the wider area, the track and hardstanding is not readily visible; the track follows an existing and established hedgerow whilst the storage compound area consists of tree-lined and mature hedgerow boundaries hence the visual impact of the track is minimal and as such does not represent an inappropriate and visual intrusion in the open countryside. It is accepted that owing to the topography of the area the site is visible as you travel along the C2221 county road in a westerly direction.

In conclusion and having regard to all planning policies and material considerations, there is no denying that the hardstanding as constructed has a degree of visual impact on the immediate area and also an impact on the wider area. However, on balance, the visual impact is deemed minimal, hence it is considered to have no significant adverse impact upon the surrounding landscape, the amenities of occupiers to such an extent as to warrant refusal. The Authority is satisfied that adequate ecological compensation has been derived to mitigate/offset any adverse impacts on the ecological assets of the area. The development does not conflict with relevant local plan policy and in the absence of any

sustainable material objections to this proposal the application is put forward with a favourable recommendation.

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 20th February 2017.
- 2 The permission hereby granted relates to the following plans and documents and works should be carried out strictly in accordance with them unless amended by any following conditions:
 - Location Plan (Ref:GENPL/03A) – 1:2500 scale received on 6 October 2016;
 - Location & Block Plan – 1:2500 & 1:500 scale received on 16 September 2016.
- 3 The hardstanding hereby approved shall only be used for the purposes of agriculture as defined under Section 336 of the Town & Country Planning Act 1990.
- 4 Within three months of approval a detailed ecological compensation, habitat management and monitoring plan identifying all necessary habitat creation and ongoing management measures for the lifetime of the development, delivering the outline compensatory measures listed within the Ecology Compensation Scheme by Llecology, must be submitted to and approved in writing by the Local Planning Authority. The plan shall then be implemented as approved.

REASONS

- 1+2 Required to be imposed pursuant to Section 91 of the Town and Country Act 1990 and in the interests of visual amenity and highway safety. (Policy GP1 of the LDP)
- 3 To prevent any separate use of the buildings. (Policy GP1 of the LDP)
- 4 To ensure the ecology compensation recommendations are implemented in full. (Policy SP14 of the LDP)

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 TR3 of the LDP in that the access would improve highway safety at this locality; furthermore it will ensure that the existing development is served by an appropriate access.

- It is considered that the proposed development complies with Policy SP14 of the LDP in that the development will not have an adverse effect on the surrounding open countryside or any designated areas of protection.
- It is considered that the proposed development complies with Policy GP1 of the LDP in that the justification for the hardstanding track is accepted as there is clear evidence that farming operations are taking place at this location and there would appear to be a genuine attempt by the applicant to establish a small holding at this location.

NOTE(S)

- 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).

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.

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*Ardal De/
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 08 CHWEFROR 2018
ON 08 FEBRUARY 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:	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.

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*Ardal
Gorllewin/
Area West*

**ADRODDIAD PENNAETH
CYNLLUNIO, CYFARWYDDIAETH
YR AMGYLCHEDD**

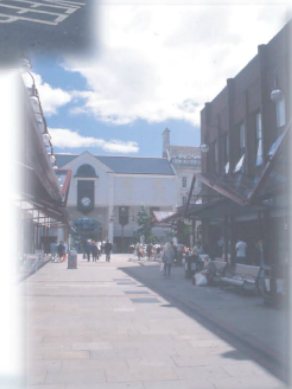
**REPORT OF THE HEAD OF
PLANNING, DIRECTORATE OF
ENVIRONMENT**

**AR GYFER PWYLLGOR
CYNLLUNIO CYNGOR SIR
CAERFYRDDIN**

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

AR 08 CHWEFROR 2018

ON 08 FEBRUARY 2018



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:	08 FEBRUARY 2018
REPORT OF:	HEAD OF PLANNING

INDEX - AREA WEST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
W/22625	New dairy complex, cubicle sheds, slurry system, access road and concrete yards at Henallan Farm, Henllan Amgoed, Whitland, Carmarthenshire, SA34 0SL
W/36320	Residential development - 2 detached units at land off Heol Yr Ysgol, Cefneithin, SA14 7EA
W/36467	Change of use of existing private dwelling to HMO for up to five people at 3 Tabernacle Terrace, Carmarthen, SA31 1DL

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	W/22625
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Application Type	Full Planning
Proposal & Location	NEW DAIRY COMPLEX, CUBICLE SHEDS, SLURRY SYSTEM, ACCESS ROAD AND CONCRETE YARDS. AT HENLLAN FARM, HENLLAN AMGOED, WHITLAND, CARMARTHENSHIRE, SA34 0SL

Applicant(s)	MR E DAVIES, HENLLAN FARMS LTD, HENLLAN FARM, HENLLAN AMGOED, WHITLAND, CARMS, SA34 0SL
Agent	MR LYN DAVIES, L D DRAWING SERVICE, 6 MONKSFORD STREET, KIDWELLY, CARMS, SA17 4TW
Case Officer	Helen Rice
Ward	Whitland
Date of validation	25/03/2010

CONSULTATIONS

INITIAL CONSULTATION RESPONSES

Head of Transport – Indicates that there are anomalies with the information provided within the application and requested clarification. Information requests of the Agent, however, none forthcoming. Therefore the issues remain unanswered.

Public Rights of Way Officer – No observations received.

Local Member – County Councillor Mrs S Allen, a Member of the Planning Committee has not commented on the application specifically but has mentioned the concerns with heavy goods vehicles repeatedly colliding with a residential property at the junction leading to the farm.

Henllanfallteg Community Council – Notes that this development has largely been built and that the planning permission sought is therefore retrospective. The application has been examined by the Community Council and it had the following concerns:

- The overall scale of the development (7481 sq. metres of internal floorspace) and the 24hour nature of the new operation.
- There are reports that stockman's living accommodation has been provided within the dairy complex.

- There is no detail of environmental risk assessment of the slurry storage system or of the rainwater collection and disposal systems. Due to the large expanse of new roofs there is concern over the total amount of surface water run-off.
- The submission mentions only distant views from the south, whilst photographs are provided showing that the site is visible from other properties to the north and from a public road.
- The development does have a significant impact on the amenity of properties to the north by virtue of scale, visual intrusion and noise, contrary to Policy HC15.
- Traffic problems as a result of the development due to increase in the volume of traffic generated by it contrary to Policy HC15. (These comments originally made prior to the adoption of the Local Development Plan)
- Suggests that the surrounding highways be surveyed to find the most appropriate route for farm traffic and to identify the highway improvements that may need to be carried out on that route to improve highway safety.
- Concerned that a public footpath passes through the land of Henllan Farm close to the development site.
- Concerned that further land may be required to store silage to support the increased number of animals at the farm resulting in the loss of further green fields and increased surface water run-off.

Environment Agency – Has no objection to the development and comments that the proposed slurry store would appear to comply with most of the requirements of the ‘Control of Pollution (Silage, Slurry and Agricultural Fuel Oil (SSAFO)) Regulations 1991. It has some further considerable advice to give on farm activities together with links to further advice via websites.

Dyfed Archaeological Trust – Originally recommended that an archaeological field evaluation be requested from the applicant and its results presented prior to the determination of the application. However, when it was pointed out to the Trust that this was a retrospective application it indicated that no further action is recommended.

Neighbours/Public – The application was given publicity by the posting of a public notice in the local press and at the application site. Representations have been received from the occupiers of three neighbouring properties, objecting to the application on the following grounds:

- The overall scale of the development (quoted as a massive increase in the built environment) and the 24hour nature of the new operation.
- The development does have a significant impact on the amenity of properties to the north by virtue of scale, visual intrusion and noise, contrary to Policy HC15.
- Traffic problems as a result of the development due to increase in the volume of traffic generated by it contrary to Policy HC15.

- The proposal would generate increased traffic movements on a substandard highway contrary to policies T3 and GDC12 of the Carmarthenshire Unitary Development Plan.

FURTHER REPRESENTATIONS UPON REVISED DETAILS RECEIVED SEPTEMBER 2017

Head of Transport – Has consistently raised concerns in relation to the inadequacy of the local road network to accommodate increased traffic from the development, in particular the junctions at the Henllan Amgoed crossroads and the unclassified road that leads from the crossroads into the farm. Whilst the applicants have provided additional information setting out the increase in traffic numbers, the Authority has also undertaken its own survey to establish actual traffic movements facilitated by a video survey at the three road access junctions leading to the Farm. This survey confirmed that in comparison to the figures provided by the applicant, the number of total movements amounts to 555%. The Highway Authority comments that this increase has led to damage to property, street furniture and the highway at the Henllan Amgoed cross roads and created demand for passing places along the road leading from the crossroads to the farm. To mitigate against the increase in traffic, the Highway Authority recommends the imposition of conditions to require the establishment of 3 no. passing places along the road leading from the cross roads to the farm and junction improvements.

Public Rights of Way Officer – Advise that Public Footpath 10/13 passes through the development site and requests that the applicant/developer is advised of its existence and the requirement not to obstruct or encroach upon it at any time.

Henllanfallteg Community Council – Confirm that they have reviewed the amended application, in particular the highway report and recommendations and confirm that concerns previously expressed (see above) remain. However, in addition they raise the following concerns in relation to the amended details:

- Further buildings have now been erected on the site, increasing the scale and physical impact of the whole development.
- Extended periods of noise are now evident in surrounding properties, especially when pumping out the slurry lagoon.
- There are repeated problems of serious slurry and silage run-off pollution incidents which has been the subject of separate prosecution by Natural Resources Wales.
- Concerns that that consultation with NRW has not taken place in relation to the revised proposals on the suitability of the slurry and silage management on the farm to enable planning permission to be granted.
- No high level screening to mitigate the visual impact from properties on the higher ground to the north of Henllan Farm has been included in the revised proposals.
- The Henllan Amgoed crossroads has become a dangerous junction with large agricultural vehicles, lorries and double articulated milk tankers emerging from the junction with zero visibility.

- The damage caused to The Old Smithy by the larger vehicles using this access and reached “ludicrous proportions”.
- Vehicles have started to take alternative routes through Llanfallteg and narrow roads through Rhydywrach to more favourably negotiate the Henllan Amgoed off-set crossroads junction.
- Traffic incidents have been reported on all of the roads used by the farm’s vehicles to harvest silage or spread slurry on satellite holdings, with damage caused by such vehicles presenting dangers to highway users.
- Support the recommendations of the Highway Authority’s conditions but wish to see further improvements on other sections of roads used by the farms’ agricultural vehicles to access satellite holdings.
- Supports the views of the Right of Way Officer to remind the applicants of their responsibilities regarding Footpath 10/13.
- Council remains very concerned that the owners have shown no regard to the planning process, safe operation of their enterprise, consideration for the property of others and the general environment.
- Due to previous disregard for the planning process, concerned that the conditions suggested would also be ignored and therefore insist that all required works are completed prior to any permission being granted.

Natural Resources Wales – Initially indicated that they had significant concerns regarding the development and therefore required the submission of further information prior to the determination of the application, to include confirmation that the farm had sufficient slurry storage capacity and a nutrient management plan to demonstrate that the farm had sufficient land to stay within the recommended maximum field application of 250kg total nitrogen per hectare per year.

This response has since been superseded following the submission of details by the applicant and whilst this information remains deficient, NRW has now confirmed that they would not raise objections to the development provided that time-limit conditions are imposed to require the submission of further detail to fully establish the slurry capacity at the site. This information will then assist NRW’s responsibilities under separate legislation namely the Water Resources (Control of Pollution) Silage, Slurry and Agricultural Fuel Oil (Wales) Regulations 2010.

Neighbours/Public – Revisions to the application was given publicity through a site notice and letters to members of the public who previously commented on the application. 4no. letters were received from objecting to the development on the following grounds:

- Concerns over slurry management and lack of consultation with Natural Resources Wales.
- Traffic survey welcomed but consider that traffic movements are even higher, especially during silage cuts, with vehicles using private drives to avoid accidents. The volume of traffic make surrounding local roads unusable for long periods of time.

- Unclear which roads are referred to in the Highway Authority's report, improvements need to include junction improvements at the crossroads, passing places along the road leading to the farm and passing places and reconstruction work on roads out to the outlying land of the farm.
- 24/7 operation out of character with the rural area.
- Previous complainants have not been contacted by the Authority.
- Needs to be comprehensive vegetation screening plan to mitigate the visual impact of the development.
- Request a comprehensive waste management plan.
- Little faith that the conditions recommended will be adhered to and therefore the information should be requested and improvements works carried out prior to the determination of the application.
- Concerned over the delays regarding the determination of the application.
- Damage to property continues as large vehicles try to negotiate the crossroads.

RELEVANT PLANNING HISTORY

The following relevant planning applications have previously been submitted at the application site:-

W/14542	Conversion of barns to create 4 holiday accommodation units Full planning permission	31 January 2007
D4/13193	Renovation upgrading of existing cottage Full planning permission	January 1986
D4/12832	Conversion of outbuildings to 6 no. holiday accommodation units Full planning permission	21 November 1985
D4/6135	Agricultural covered area Full planning permission	6 July 1979
D4/5274	Erection of agricultural building Full planning permission	23 October 1978
D4/4145	Erection of tower silo Full planning permission	28 November 1977

INTRODUCTION

This application was initially submitted following an investigation/action undertaken by the Authority's Planning Enforcement Officers. The application was originally reported to the Planning Committee in 23 October 2012 when it was recommended for refusal on grounds

of insufficient information. The application was deferred for further information and discussions to take place with the applicant. Following an extensive period of time and discussions between the applicants and the Highway Authority, the application was once again reported to the Planning Committee in 16 July 2015 when it was recommended for refusal on grounds of insufficient information regarding traffic movements.

The Committee resolved to undertake a site visit to enable an appreciation of the impact of the development on the highway network. This site visit has not been carried out in that the Authority has sought to obtain further information from the applicant, as well as undertaking its own assessment of traffic movements. This has now been completed and, as indicated within this report, those initial highways concerns have been addressed through the receipt of additional information and comment from the Highways Authority. This has therefore enabled the application to be brought back before Committee for determination.

Given the changes to the membership of the committee since the previous resolution, and revisions referred to above, it is necessary for the application to be put back before Members for their consideration and resolution.

The application, as now revised, has been the subject of an EIA Screening which has concluded that having regard to the information now known and the responses received from statutory consultees, that it is not classed as EIA development.

THE SITE

The application site comprises a range of farm buildings located to the north and east of the existing farm complex of Henllan Farm that is approximately 1km to the north of Cwmfelin Boeth near Whitland and 1km north east of the Henllan Amgoed crossroads. There is an existing dwelling approximately 400 metres to the south of the farm complex beyond which is a disused church immediately to its south, St David's Church, with existing farms at a further distance within the surrounding agricultural landscape. The farm is on slightly sloping ground with the land to the north and east rising to higher land in these directions. The farm is principally accessed by an unclassified road that leads from the Henllan Amgoed crossroads. This unclassified road also serves a number of other residential properties and other farms to the west.

THE PROPOSAL

The application seeks retrospective approval for the construction of a dairy building that includes a rotary milking parlour and cattle circulation areas as well as other ancillary farm uses. The dairy unit measures 71 metres by 27 metres and has a height of 6.9 metres to ridge. The original application included the unauthorised construction of five animal housing buildings on the extended farm yard together with outside silage store hardstanding and a new slurry lagoon. Each of these buildings have a length of approximately 35 metres and a width of 16 metres on two general levels with an average ridge height of 7 metres. The slurry lagoon measures 69 metres by 26 metres and is formed by earth banks and with a concrete floor. There is also the unauthorised formation of a new farm roadway from the south that sweeps to the east of the existing farm yard towards the extended farm complex. Since the application was submitted, a further two unauthorised animal housing buildings have been erected alongside the original five buildings along with a silage clamp to the north of this complex. These buildings and silage clamp now form part of the application to be considered.

The application is accompanied by a Design and Access Statement.

PLANNING POLICY

The development plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 at the time that the application was submitted was the Carmarthenshire Unitary Development Plan, however, the current adopted development plan is the Carmarthenshire Local Development Plan (CLDP), with regard to which policies GP1 and TR3 are particularly relevant.

Policy GP1 is general in nature and seeks to ensure that development conforms to a number of criteria, where appropriate, in respect of sustainability and high quality design. Of particular relevance is that the development conforms with and enhances the character and appearance of the site; that it incorporates existing landscape and other features; that it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community; and, an appropriate access exists or can be provided which does not give rise to any highway safety concerns on the site or within the locality.

Policy TR3 is the overarching highway policy that covers the highway considerations of development. This policy requires that the local highway network is sufficient to serve the development without detriment to the safety of road users and pedestrians, whilst access provision is of an appropriate standard. The policy supports development that does 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.

There is also reference to advice and guidance on agricultural development in both Planning Policy Wales, Edition 7 and Technical Advice Note 6: Planning for Sustainable Communities.

APPRAISAL

Following formal publicity and consultations objections have been received from the occupiers of neighbouring properties and Henllanfallteg Community Council has expressed its concern on the application, the grounds of these have already been quoted, however, they are considered in detail below. There is mention of Policy HC15 in all of the original third party representations received, including that from the Community Council. This policy does not feature in the Carmarthenshire Local Development Plan and therefore will not be material to any decision made on this application. Further research has highlighted that reference to this policy is included in the Design and Access Statement and that it actually refers to a policy that is within the Swansea Unitary Development Plan. Therefore any reference in this report to this policy has been omitted as being immaterial with any reference made to policies within the Carmarthenshire Unitary Development Plan.

The main considerations of this case is the effect that the proposal is having on the landscape and visual intrusion, the impact of the development on the surrounding highway network and concerns raised in relation to the impact of the development on the local environment in relation to the site's slurry and silage management. These are dealt with in turn below.

Impact upon the local highway network

The impact of the development on the local highway network has been a long standing concern since the application was originally submitted. This concern has been expressed

by local residents as well as the Highway Authority as referred to in the consultation responses above. In particular the number of large vehicles associated by the development are considered to have caused damage to the local highway network and property with large vehicles having to manoeuvre the crossroads which has limited visibility.

Since the application was last reported to the Planning Committee, the applicants have sought to provide information on the traffic movements arising from the farm as now developed. They consider that the development has not resulted in additional increases in traffic movements over and above the movements associated with the farm pre the development. These have been expressed as Typical Traffic Movements rather than actual counts. This information was scrutinised by the Highway Authority who identified discrepancies. It was therefore decided, having regard to the number of objections received and the evidence of damage to property and the highway network that the Authority undertook its own survey of traffic movements. This took place for a period of 19 dates between 28th May and 28th June 2017 at three locations namely:

U6208 road junction with the C3204 road (Henllan Amgoed Crossroads)

Henllan Farm road junction with the unclassified road (U6208) leading from the Henllan Amgoed Crossroads.

Henllan Farm track (north of the site) junction with C3205 road.

The results of the survey indicate for the period of the survey 717 in total vehicles pass through the eastern arm of the crossroads junction (site1), more than half of these two way movements (arrival and departures) (369) are associated with the Henllan Farm access (site2). Cars and LGVs account for a daily average of 26.0 two way movements (arrivals and departures) per day, HGVs account for 4.4 two way movements per day and agricultural vehicles (which enter the site avoiding the crossroads (site 1) account for 10.3 two way movements per day. These traffic movements amount to an increase of 555% in the level of total movements associated by Henllan Farm compared to the typical movements submitted by the application. This is a significant number of movements which appear to corroborate claims of highway and property damage.

The Highway Authority therefore considers that in order to mitigate against the number of movements that improvements to the highway network are necessary to include the provision of passing bays along the unclassified track and improvements to the junction at Henllan Amgoed. The land that would be required to undertake such works is within the ownership of either the Highway Authority or the applicant and thus there is reasonable prospect of such works being capable of delivery. The Highway Authority therefore suggest the imposition of time-limited conditions to require the submission of details for such improvements and subsequent completion. Whilst it is noted that a number of residents are concerned that such conditions would be disregarded by the applicants and request that the work is undertaken prior to determination, it is not within the realms of the planning system to require an applicant to undertake such works prior to the determination of an application. If for any reason the conditions are not adhered to the Authority can consider the instigation of enforcement proceedings. Therefore, having regard to the above and subject to the imposition of the recommended conditions, it is considered that concerns consistently raised in relation to highway impacts can now be satisfactorily addressed.

Landscape and visual impact

Turning to the issue of the effect that the development has on the landscape, in general, and the visual impact the buildings have on the landscape. On this issue, the Council's Landscape Officer has been consulted on the application and his response considers these issues. In relation to the design and layout of the development the Landscape Officer comments that the development relates to the construction of a significant extension to the existing dairy farm infrastructure and the development has resulted in the loss of existing mature trees and hedgerows to the southern end of the track to the north east of the dairy building and the loss of a section of existing hedgeline to the north west of animal housing shed 5.

The observations include that the development has resulted in a significant increase in the built form within the landscape, however, it is not considered that the development runs counter to the objectives of Policy GP1 of the LDP. Site observation reveals that the built form is largely screened by existing topography and that impacts are limited to occasional views from the wider landscape. It is not considered that any residential receptors are significantly adversely affected by the development, however, occasional views from some areas of private amenity space, public footpaths and the minor road network are subject to minor adverse impacts.

To reduce any impacts that the development has on landscape and visual impact the Landscape Officer has recommended that a comprehensive landscape design scheme be submitted for consideration prior to the determination of the application. A comprehensive landscaping scheme was submitted and is considered appropriate and sufficiently comprehensive by the Landscape Officer.

However, a further issue had arisen in respect of this application in that information had been supplied that the material excavated on site to allow for the construction of these buildings has been deposited elsewhere on the holding that is believed to have affected an area of semi natural area scrub/woodland in a steep sided valley which falls outside of the application site area. However, following a visit by the Rural Conservation Manager no major concerns were raised.

Slurry capacity

A number of concerns have been raised by local residents in relation to the management of the slurry and silage from the development in the knowledge that the farm has been the subject of separate enforcement by Natural Resources Wales as a result of pollution incidents. Whilst originally the Environment Agency, as it was then referred to, did not object to the development, following re-consultation with Natural Resources Wales upon amendment of the application to include the additional two buildings, concerns have been raised over the ability of the farm to appropriately manage the generated waste.

NRW initially requested additional information from the applicant to establish whether the farm has the necessary slurry storage capacity to accommodate the number of cattle in accordance with the Water Resources (Control of Pollution) Silage, Slurry and Agricultural Fuel Oil (Wales) Regulations 2010 and the submission of a nutrient management plan to ensure that the farm has sufficient land to stay within the recommended maximum field application of 250kg total nitrogen per hectare per year.

Following this request, the applicant has confirmed that the total farm complex comprise 284 ha with present dairy stocking consisting of 450 milking cows and 100 followers with other beef cattle and calves at Caeremlyn Farm also forming part of the wider holding. The applicants have advised that the re-development of the site was essential to provide modern buildings appropriate to their Holstein cattle herd. The applicants state that the current slurry store has a capacity of 19000m³ which they deem is sufficient storage for the current herd, with a further above ground storage tank that has a capacity of 1364m³ at their disposal. Whilst this information has provided some additional detail to address earlier matters and concerns raised, it is acknowledged that the historical nature has the potential to require amendment should the current/future position, with regard to the farming operations, change. This has been reflected in the NRW comments received although, as indicated, they have now confirmed that provided a condition is imposed to ensure that full details of the storage capacity at the farm is provided within a set period of time that they would have no objection to the proposal. Should the storage not meet with current requirements, this would be dealt with under separate legislation under the responsibility of NRW.

CONCLUSION

After careful consideration of the application, it is considered that the previous reasons for refusal of the application have now been adequately addressed and can be appropriately mitigated through the imposition of appropriate conditions. As such the application is recommended for approval subject to the below 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 7 August 2009.
- 2 The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
 - 1:2500 scale Site Location Plan received 23 March 2010;
 - 1:1000 scale Site Layout Showing Planting Details received 14 September 2017;
 - 1:500 scale Site Layout, Floor and Elevation Plans received 14 September 2017;
 - 1:200 scale Elevations and Cross Sections received 14 September 2017;
 - Proposed Hedgerow and Slurry Lagoon Bank Planting details received 25 August 2010.
- 3 Within 3 months of the date of this permission 3no. passing places, giving a carriageway width of 5.5 metres over 15.0 metres linear length of the road, shall be provided for the U6208 county road at locations to be first agreed with the Local Planning Authority. Thereafter they shall be retained, unobstructed, in perpetuity.

- 4 Within 1 month of the date of this permission a junction improvement scheme relating to the junction of the C3204 classified highway with the U6208 unclassified highway, known as the Henllan Amgoed Crossroads, in respect of alignment, visibility splays and junction radii shall be submitted to the Local Planning Authority for approval. Thereafter and within 3 months of receiving written approval from the Local Planning Authority, the approved scheme shall be implemented in full.
- 5 Within 1 month of the date of this permission, full details of the surface water and foul drainage system serving the development hereby approved shall be submitted to the Local Planning Authority for approval. The development shall thereafter be carried out in accordance with those details.
- 6 Notwithstanding the information received to date, within 1 month of the date of this permission, full details of the farm's current slurry storage capacity shall be submitted to the Local Planning Authority.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3-4 In the interest of highway safety.
- 5-6 To ascertain whether adequate provision has been made to avoid pollution of controlled waters.

Application No	W/36320
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Application Type	Outline
Proposal & Location	RESIDENTIAL DEVELOPMENT - 2 DETACHED UNITS AT LAND OFF HEOL YR YSGOL, CEFNEITHIN, SA14 7EA

Applicant(s)	MR A JOHN, C/O AGENT,
Agent	SAURO ARCHITECTURAL DESIGN LTD - MR MIKE SAURO, SAURO ARCHITECTURAL DESIGN LTD, 9 ELLISTON TERRACE, CARMARTHEN, SA311HA
Case Officer	Richard Jones
Ward	Gorslas
Date of validation	21/11/2017

CONSULTATIONS

Head of Transport – No formal response received to date.

Gorslas Community Council – Has not commented to date.

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

Neighbours/Public - The application has been publicised by the posting of a Site Notice adjacent to the application site. Two responses have been received as a result. These have raised the following issues:-

- Confirming requested whether the road will be widened in order to accommodate the development and increased traffic?
- The site is situated on a blind corner.
- Views of the surrounding area will be harmed as a result of the proposed development and therefore reduce property value.
- I built my property on the understanding that no more properties would be built at this end of the road.
- There are 8 properties served by a single track only 2.9m wide and is accessed by a smaller bin lorry as a result.
- The proposed plot is situated on a 90 degree bend.
- Impact on hedgerow where bats feed.
- Impact on frog, toads and nesting birds.

RELEVANT PLANNING HISTORY

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

D4/16654	Siting of a dwelling and garage Outline Planning Permission	28 October 1988
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APPRAISAL

THE SITE

The application site comprises an irregular shaped paddock situated at the north eastern end of Heol yr Ysgol, a residential street of mixed dwellings within the settlement limits of Cefneithin. The site is currently overgrown and laid to rough pasture, has a length of 42m and variable width increasing from 22m across the site frontage to 40.5m across the rear boundary. The frontage (south east perimeter) measures approximately 22m and is characterised by a rough hedge and hedgerow trees. The hedgerow immediately abuts Heol yr Ysgol and faces a small group of modern recently constructed residential dwellings on the other side of the road. The site's south western perimeter comprises a ranch fence separating the site from the residential curtilage of Bryn Holfen, a detached dormer bungalow. The rear boundary (north west) has no defined treatment or demarcation and as such the site merges into a larger unimproved field. The site slopes gradually in a downhill direction from north east to south west. The site forms the termination of the settlement limits and beyond these some 90m to the north east is the A48 dual carriageway.

The site is located at the northern end of Heol yr Ysgol where it terminates as a public highway and this final part of the road which serves the proposed site and approximately 8 dwellings is narrow in places and amounts to a single width carriageway. There are however, areas set aside for highway widening in front of some of the dwellings, notably those the application site faces (Nos. 37 and 38).

The planning history for the site indicates that outline planning permission was given for one detached dwelling and garage in 1988 (D4/16654). This however, was never implemented and has long since lapsed.

THE PROPOSAL

Outline planning permission is sought for two residential dwellings at the site with all matters reserved. Indicative details of the dwelling have been submitted and these comprise the construction of two detached dwellings, with each being set back approximately 17m from Heol yr Ysgol to enable frontage parking and turning. Sufficient space will be provided to the rear of each dwelling for amenity purposes. Plot 1, which is closest to the dormer bungalow at Bryn Holfen will be centrally positioned within a rectangular plot and measure 9.2m across its frontage, have a depth of 12m (which includes a single storey sun room) and constructed with a pitch roof measuring 8m in height. Plot 1 will have 4 bedrooms and an integral garage. Plot 2 will be within a larger plot of land and also have greater dimensions than its sister dwelling. These will be 11.7m across the frontage, 10m in depth and 8.2m in height. The dwelling will have four bedrooms. A detached double garage of conventional scale will be situated at the rear of the plot. Each dwelling will have a conventional modern design that will include two storey front projecting gable.

The application has been accompanied by a unilateral undertaking which commits to providing contributions towards affordable housing and butterfly conservation.

PLANNING POLICY

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

Policy GP1 of the Local Development Plan (LDP) 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”.

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 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.

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 Cefneithin is within the CrossHands/Ammanford growth area. Provision for growth and development will be at sustainable locations in accordance with the following 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.).

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.

Policy EQ7 Development within the Caeau Mynydd Mawr SPG Area. The SPG provides specific guidance in relation to the consideration of proposals for potential developments impacting upon the Caeau Mynydd Mawr Special Area of Conservation (SAC) and the need to establish a management strategy to ameliorate for the loss of and secure the ongoing and future management of habitat used by the Caeau Mynydd Mawr SAC marsh fritillary butterfly meta-population.

The objective of this SPG is to provide a (strategic) framework that will ensure that as development proceeds in the SPG area, appropriate land within the same area is managed as supporting habitat for the marsh fritillary butterfly. The SPG provides a mechanism for funds to be secured from planning permissions issued in order to mitigate for the loss of habitat that is likely to occur as a result of development. It also similarly mitigates for any reduction in the permeability of the landscape within the SPG area due to development.

Where planning permission for development is approved within the SPG area, a contribution will be required from the developer which has been calculated to be sufficient to fund the management of twice that area lost to development. This SPG establishes a transparent and consistent approach to securing contributions towards habitat management. The SPG area denotes the area from which contributions will be secured and where habitat management projects will be delivered.

ASSESSMENT

The two dwellings proposed are considered acceptable in terms of their design and scale and assimilate well into a street comprising a variety of designs and scales. Each unit will have acceptable dwelling to plot ratios and ensure there will be no detrimental impact to the character of the area.

The dwelling at Plot 1 will be set back behind the building line of the neighbouring dormer bungalow to the south Bryn Holfen. Consequently Plot 1 will project approximately 7m beyond the rear elevation Bryn Holfen. This projection will partly include the single storey element of Plot 1. A separation distance of approximately 7m will be maintained between the proposed and existing dwellings. Given the separation distance, orientation and lack of facing habitable windows it is not considered that Plot 1 will have an unacceptable overbearing, overshadowing or overlooking impact upon Bryn Holfen. The relationship between Plot 1 and Plot 2 and other dwellings in the street is considered acceptable and will not give rise to any harmful effects on residential amenity. Plot 2 will maintain adequate separation distance from neighbouring dwellings so as to ensure no significant impact on the amenity of neighbours. The indicative details submitted provide sufficient details to demonstrate that the two units at this site can be provided without significantly harming amenity and the character of the area.

In terms of the impact upon highway safety, Officer's from the Transportation section had initially raised concerns regarding visibility when vehicles emerge from the proposed development site. Amendments have been sought to address this issue, but no formal response has been received to date from the section. Given that there are concerns regarding the width of the road serving the application site from third parties, the formal response from the Head of Transport is required before making a decision on the application. Should members approve the application it is requested that this is subject to no objection from the Head of Transport.

The division's Planning Ecologist has responded by raising no objection on ecological and biodiversity grounds subject to standard ecological advisory notes and a planning obligation securing a financial contribution towards Marsh Fritillary butterfly conservation relating to the Caeau Mynydd Mawr Special Area of Conservation.

THIRD PARTY REPRESENTATIONS

Two letters of objection have been received from occupiers of neighbouring dwellings opposite the application site. Concerns mainly relate to the increase in traffic and the use of a narrow carriageway to access the site, thus causing potential traffic conflict along this section of the road. The Head of Transport has not formally responded to date therefore it is not possible to adequately respond to these concerns until such time. Notwithstanding this an additional two dwellings being served by the road will need to be balanced against the highway safety effects.

In terms of the loss of the hedgerow fronting the site and potential impact on ecological species, the applicant has shown that the hedgerow will be translocated to form the rear boundary for the two plots, whilst no objections subject to advisory notes has been raised by the Council's Planning Ecologist in respect of biodiversity.

The loss of a view and impact on property values is not a material planning consideration in the determination of this application.

CONCLUSION

After careful consideration of the site and surrounding environs, it is considered that the proposal is acceptable and complies with the planning policies relating to design, character, amenity and biodiversity. The Head of Transport has not formally responded to date on matters relating to highway safety therefore approval of this application is subject to a favourable response from this Section. Accordingly the application is put forward with the recommendation of approval subject to the legal agreement and a favourable recommendation from the Head of Transport.

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 Proposed Sections and Scale Parameters [01] 1:100, 1:500, 1:1250 @A1; Proposed Elevations and Floor Plans [02] 1:100 @ A1; Site Plan [03] 1:250 @A3 received 22nd September 2017. Amended Site Block and Location Plans 1:500, 1:1250 @A3 [LP01]; Proposed Visibility Splay 1:200 @A3 [05] received on 22nd November 2017.
- 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 Prior to the commencement of development a hedgerow translocation method statement shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme during the first planting season following the commencement of development.

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 In the interests of residential amenity.
- 6 In the interest of amenity and biodiversity.

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, SP14, EQ4 and EQ7 of the adopted Local Development Plan in that the development is within the settlement limits, the design, layout and scale of the development does not give rise to significant detrimental impacts in terms of amenity, privacy, character and appearance, landscape or utility concerns subject to the conditions recommended. Sufficient provision towards affordable housing and butterfly conservation has been committed to subject to a legal agreement.

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 and the Caeau Mynydd Mawr Special Area of Conservation.
- 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).

Application No	W/36467
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Application Type	Full Planning
Proposal & Location	CHANGE OF USE OF EXISTING PRIVATE DWELLING TO HMO FOR UP TO 5 PEOPLE AT 3 TABERNACLE TERRACE, CARMARTHEN, SA31 1DL

Applicant(s)	ADRIAN W ROWLANDS ARCHITECTS - MR A W ROWANDS, 3 TABERNACLE TERRACE, CARMARTHEN, SA31 1DL
Agent	ADRIAN W ROWLANDS ARCHITECTS - ADRIAN W ROWLANDS, 3 TABERNACLE TERRACE, CARMARTHEN, SA31 1DL
Case Officer	Stuart Willis
Ward	Carmarthen North
Date of validation	20/11/2017

CONSULTATIONS

Head of Highways and Transport – Has responded with no observations based on the existing parking provision associated with the existing use of the site.

Head of Public Protection – Offers no objection with regard to noise commenting that should there be problems with the occupants then Public Protection and the Police have powers in relation to Statutory Noise Nuisance and Anti-Social Behaviour to investigate and remedy such matters. The Public Protection Division's complaints database system has not found any recent noise complaints regarding noise on Tabernacle Terrace.

In relation to licensing, records show the following properties have currently/previously had a licence to operate as a HMO:-

- 1 Greenfield Court, Tabernacle Terrace (Supported Housing);
- 11 Tabernacle Terrace (Previous additional licence – five people);
- 12 Tabernacle Terrace (Previous mandatory licence – five people (last information not in use as HMO));
- 16 Tabernacle Terrace (Previous additional licence – four people);
- 17 Tabernacle Terrace (five people);
- 18 Tabernacle Terrace (Current Mandatory licence – six people).

They are not able to confirm what the current use for these properties is but they have all been either investigated as HMOs, inspected as HMOs or licensed as HMOs under the previous additional licensing scheme. The licensing requirements have altered in recent years meaning that unless a property has a minimum of five people and has accommodation over three floors, a license is no longer required.

No concerns were raised by any other element of the Public Protection Division.

Carmarthen Town Council – Have responded stating they have no comment to make.

Local Members - County Councillor P Hughes Griffiths has not commented to date. County Councillor Ken Lloyd has concerns that a HMO in this small terraced street may be a step too far. Tabernacle Terrace already has a number of HMOs which he is sure causes significant parking problems to residents, as well as residents of neighbouring streets, because already there is inadequate parking space on Tabernacle Terrace, with some residents having to park somewhere nearby.

Neighbours/Public – A site notice was erected near the site and to date, three representations have been received objecting to the proposal for the following reasons:-

- Already four student houses in the cul-de-sac and mental health properties;
- Permit parking only and therefore lack of parking already would be made worse;
- Value of houses affected;
- Noise disturbance;
- Strain on the community;
- Detrimental effect on the quality of the life;
- Online objection form not available in Welsh;
- Two existing HMOs in the street opposed to animals and cause disturbance at night;
- Complaints previously been made to University and police;
- Suspicious of the applicant's attitude to keep tenants in order based on previous experience.

RELEVANT PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

THE SITE

The application site consists of a mid-terraced two storey property with habitable space in the roof located on the southern side of Tabernacle Terrace, Carmarthen. The site is located near the centre of Carmarthen. There is a rear amenity space for the property. The street is primarily terrace properties with more modern ones to the eastern end of the street with a total of twenty-three properties in the street. There is no off street parking for the property and this is the case for many of the properties in the street. There is currently permit parking on the street. The site is located in the North Carmarthen Conservation Area.

The site lies within the development limits of Carmarthen as delineated by the Carmarthenshire LDP.

THE PROPOSAL

The application seeks full planning permission for the conversion of building in to a four bed room house of multiple occupancy (HMO) for up to five people. The proposal would alter the dwelling house (Class C3) to a House in Multiple Occupation (Class C4).

No external alterations to the property are proposed. The applicant also indicates there are no internal alterations proposed either.

PLANNING POLICY

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

Policy H3 relates to Conversion or Subdivision of Existing Dwellings. This states that proposals for the conversion or sub-division of appropriate dwellings into flats or dwellings of multiple occupation, will be permitted provided that it would not result in an over-intensification of use, suitable parking provision is available, or made available, and architectural quality, character and appearance of the building is, where applicable, safeguarded and its setting not unacceptably harmed.

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that "*it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community*". Reference is also made to highways safety in the policy

Policy TR3 Highways in Developments - Design Considerations also applies and refers to the need for the design and layout of all development proposals to where appropriate include, an integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport, suitable provision for access by public transport, appropriate parking and where applicable, servicing space in accordance with required standards, infrastructure and spaces allowing safe and easy access for those with mobility difficulties, required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced, provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

It also 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. Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted.

Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

SP13 of the Local Development Plan of the Built and Historic Environment states proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets and where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- Sites and features of recognised Historical and Cultural Importance;
- Listed Buildings and their setting;
- Scheduled Ancient Monuments and other sites of recognised archaeological importance

Proposals will be expected to promote high quality design and that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

Policy EQ1 of the Location Development Plan for Protection of Buildings, Landscapes and Features of Historic Importance states:

Proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

THIRD PARTY REPRESENTATIONS

There have been three objections received from residents of the street and concerns raised by one of the local members.

There have been alterations in recent years to the use class order which have introduced the new C4 use class for smaller HMO's. Previously the use class order was as follows:-

- Class C3. Dwelling houses - Use as a dwelling house whether or not as a sole or main residence;
 - a) by a single person or persons living together as a family;
 - b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).
- HMO - Sui generis

This was altered under the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 as follows:-

- Class C3 – Use as a dwelling house (whether or not as sole or main residence) by:-
 - (a) a single person or by people to be regarded as forming a single household;
 - (b) not more than 6 residents living together as a single household where care is provided for residents; or

(c) not more than 6 residents living together as a single household where no care is provided to residents (other than a use within class C4 – Use of a dwelling house by not more than 6 residents as a house in multiple occupation);

- Sui generis - larger HMO still

This proposal would be within the C4 use class as it is proposed to have only up to five residents. The description of development refers to specifically to up to five people at the property. It should also be noted that planning permission is needed for change of use from a class C4 HMO to a larger HMO where a material change of use is considered to have taken place. A condition is also recommended limiting the number of occupants to five as referred to in the application. The house is currently a four-bedroom property and could be occupied by more than five people if they were living as a single household rather than as a HMO. The new C4 use class would also mean that smaller HMO's previously outside the control of planning would now require planning permission where a material change of use has taken place.

It should be noted that not all HMO's are licensable. The licence is only required where the property consists of three or more storeys with five or more occupants. This proposal would therefore require a licence as the existing accommodation in the roof space means it would be considered as three storey.

Comment has been made that there are existing HMOs in the street and other properties with shared living. There is no planning history for other properties in the street. However as noted above there have been changes in recent years which mean similar sized HMOs may not have required planning permission previously. Records from Public Protection have indicated there have been/are currently licenses for six properties in the street. Their records show that one of these is no longer used as a HMO. For four of the properties they are not able to confirm whether they are currently HMOs or not due to the changes in the licensing regime. The records provided indicate that none of the six properties have more than six occupants in them. These are smaller scale HMOs which until the 2016 changes in planning legislation would not have required planning permission. Therefore it is not possible to confirm whether they continue to be used as a HMO as they fall outside the scope planning and licensing.

LDP policy does refer to a consideration being the over-intensification of use. While there are some properties in the street being used as a HMO due to their historical use they did not require planning permission. Any future proposed HMOs of between three and six occupants would now require planning permission, as is the case here. Also were any HMOs to increase to greater than six occupants then where there is a material change of use these would also need permission. Therefore there would be control over future proposals in the street. In relation to licences the Public Protection Division have confirmed that while they have records of previous use of a number of properties as HMOs in the street, not all HMOs require a licence under the current system and therefore they may not all be used as a HMO at present.

A lack of parking has been raised as an existing issue and one objectors feel would be exacerbated by the proposed change of use. There is no parking at present for the property and given the nature of the street there is no opportunity for any additional off street parking to be provided. There is parking control at the street with permit parking on one side of the road. As referred to above the property is currently a four bedroom property and therefore would have a parking requirement as it stands. The Head of Transport has responded

stating they have no observations based on the existing lawful use of the building as a dwelling.

The potential for disturbance from the property and issues relating to existing properties has been raised. Reference is also made regarding complaints made about existing properties. Linked to this is the perception that the change of use of the property would put strain on the community and quality of life of occupants on the other properties. The proposal is for the change of use of a single property. The maximum number of occupants would be five. A number of the concerns appear to relate to the perception that the property will be occupied by students and assumptions made on their way of life and how this may not be compatible with that of other residents. The occupants are not known and issues relate to presumptions of their behaviour. Should there be problems with the occupants then Public Protection Division and the Police have powers in relation to Statutory Noise Nuisance and Anti-Social Behaviour to investigate and remedy such matters. The Public Protection Division have been consulted and have responded with no objections to the proposal. They also confirm that they have no recorded complaints regarding noise at Tabernacle Terrace.

It is not felt that there would be any significant impacts on amenity of nearby residents based on the number of occupants proposed and the lawful use of the property. There are no alterations to the property and therefore no impacts on the character of the building itself or the Conservation Area from any changes to the property.

The impact of the development on the value of properties was raised however this is not a material consideration. The applicant's attitude is also referred to and reference made to previous experiences however this is also not considered to be a material planning consideration. One objection referred to the online objection form and again is not an issue affecting the assessment of this application. Property values are referred to however this is not a material planning consideration.

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

As such the application is put forward with a recommendation of approval subject to the following conditions.

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 shall be carried out strictly in accordance with the following approved plans and documents received on 12th November 2017, unless otherwise stipulated by conditions:-
 - 1:1250 and 1:100 scale Location Plan, Existing Floor Plans, Elevations and Section (TAB.EX).

- 3 The property shall be occupied by no more than five persons.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3 To prevent intensification of the use without appropriate assessment/justification.

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 EQ1, GP1, TR3 and H3 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that it is not considered that the proposal would have a significant impact on the amenity of adjacent land uses, properties, residents or the community. It is also felt it would not lead to any significant impacts in relation to highway safety or parking given the existing use of the building. There are no alterations to the building and therefore no adverse impact on the appearance of the building or the Conservation Area. It is not considered that there are any significant adverse impacts on the character of the area or lead to an over intensification of the use.
- It is considered that the proposed development complies with S.72 of the Listed Buildings and Conservation Areas Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. In that the development is not harmful to the character of the Conservation Area.

NOTE(S)

- 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.

PLANNING COMMITTEE

11TH JANUARY 2018

PRESENT: Councillor A. Lenny (Chair)

Councillors:

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

Also present:

Councillor K. Broome, who addressed the Committee in respect of planning application S/35028;
Councillor J. Jenkins, who addressed the Committee in respect of planning application S/35215
and S/35962.

The following Officers were in attendance:

J. Edwards, Development & Built Heritage Manager;
J. Thomas, Senior Development Management Officer [South];
K. James, Assistant Engineer Planning Liaison;
S. Murphy, Senior Solicitor;
J. Owen, Democratic Services Officer.

Chamber, County Hall, Carmarthen – 10:00am - 11:10am

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J.A. Davies, C. Jones and J.E. Williams.

2. DECLARATIONS OF PERSONAL INTERESTS

There were no declarations of personal interest.

3. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS

3.1 UNANIMOUSLY RESOLVED that consideration of the following planning application be deferred to enable the Committee to undertake a site visit:-

S/35215	<p>Residential development for 51 dwellings together with associated works at land off Clos y Benallt Fawr, Fforest, Swansea, SA4 0TQ</p> <p>A request was received for the Committee to undertake a site visit in order to view the access from the site onto Fforest Road.</p> <p>In accordance with Planning Committee Protocol, the objectors who had requested to speak in relation to this application, opted to make their representations at the meeting following the site visit.</p> <p>REASON: To enable the Committee to view the access from the site onto Fforest Road in view of concerns raised regarding highway safety.</p>
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3.2 RESOLVED that consideration of the following planning applications be deferred to enable the Committee to undertake a site visit:-

S/35962	<p>Retention of ground floor as a daytime café bar, with use of rear ground and first floors as a nightclub during evening hours, together with addition of a rear fire escape stairwell at 56 Stepney Street, Llanelli, SA15 3TG</p> <p>Following a representation made by the local member objecting to the planning application, it was proposed that the Committee undertake a site visit to the proposed site of the nightclub in order to gain a better perception on whether there would be any potential detriment to neighbouring properties and the surrounding area during operating hours.</p> <p>REASON: To enable the Committee to view the site to gain a perception of the location of the proposed nightclub in relation to neighbouring properties.</p>
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S/36429	<p>Two storey side extension with a car port to the ground level at 36 Stradey Park Avenue, Llanelli, SA15 3EF.</p> <p>A representation was received objecting to the proposed development which re-iterated the points detailed within the Head of Planning's addendum. It was proposed that the Committee undertake a site visit to consider the over-bearance and loss of light to the immediate neighbour and that the application would result in a change of character to the street scene of Stradey Park Avenue.</p> <p>In accordance with Planning Committee Protocol, the objectors who had requested to speak in relation to this application, opted to make their representations at the meeting following the site visit.</p> <p>REASON: To assess whether the proposal could adversely impact on the amenity of the neighbouring property in terms of loss of light and to consider the character of the proposal in relation to the area.</p>
S/35028	<p>Two storey dwelling at 15A Bryncaerau, Trimsaran, Kidwelly, SA17 4DW.</p> <p>Representation was received in relation to the proposed development which had been recommended for refusal by officers.</p> <p>A representation was received by the local member on behalf of the applicant. The Senior Development Management Officer [South] responded to the points raised.</p> <p>In light of the above representations it was proposed that the Committee undertake a site visit in order to view the site and its access in view of the concerns raised regarding highway safety.</p> <p>REASON: To afford the Committee with the opportunity to view the access of the proposed development.</p>

4. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 16TH NOVEMBER 2017

UNANIMOUSLY RESOLVED that the minutes of the meeting held on the 16th November 2017 be signed as a correct record.

CHAIR

DATE

[PLEASE NOTE: These minutes reflect the order of business itemised on the agenda for the meeting which may differ from that on any webcast recording as applications with members of the public attending to speak would have been dealt with first.]

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