

Document Pack



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County Hall, Carmarthen. SA31 1JP

THURSDAY, 2 MARCH 2017

TO: ALL MEMBERS OF THE PLANNING COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **PLANNING COMMITTEE** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN AT 10.00 AM ON THURSDAY, 9TH MARCH, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Martin S. Davies
Telephone (direct line):	01267 224059
E-Mail:	MSDavies@carmarthenshire.gov.uk
Ref:	AD016-001

PLANNING COMMITTEE

19 MEMBERS

PLAID CYMRU GROUP - 7 MEMBERS

- | | | |
|----|---------------------------------|--|
| 1. | Councillor J.M. Charles | Member of Llanegwad Community Council |
| 2. | Councillor W.T. Evans | Member of Llangyndeyrn Community Council |
| 3. | Councillor J.K. Howell | |
| 4. | Councillor W.J. Lemon | Member of Llanelli Town Council |
| 5. | Councillor A. Lenny | Member of Carmarthen Town Council |
| 6. | Councillor M.J.A. Lewis | |
| 7. | Councillor J.S. Williams | Member of Pontyberem Community Council |

LABOUR GROUP - 6 MEMBERS

- | | | |
|----|-------------------------------|---------------------------------------|
| 1. | Councillor A.P. Cooper | Member of Llandybie Community Council |
| 2. | Councillor T. Davies | Member of Gorslas Community Council |
| 3. | Councillor D.C. Evans | Member of Ammanford Town Council |
| 4. | Councillor A.W. Jones | |
| 5. | Councillor K. Madge | Member of Cwmamman Town Council |
| 6. | Councillor M.K. Thomas | Member of Llannon Community Council |

INDEPENDENT GROUP - 6 MEMBERS

- | | | |
|----|--------------------------------|---|
| 1. | Councillor S.M. Allen | Member of Whitland Town Council |
| 2. | Councillor D.B. Davies | Member of Llansteffan Community Council |
| 3. | Councillor I.W. Davies | |
| 4. | Councillor J.A. Davies | |
| 5. | Councillor I.J. Jackson | Member of Llandovery Town Council |
| 6. | Councillor H.I. Jones | Member of Bronwydd Community Council |

NOMINATED SUBSTITUTES

Plaid Cymru Group (4)

- | | |
|----|-----------------------------|
| 1. | Councillor D.J.R. Llewellyn |
| 2. | Councillor D.O. Tomos |
| 3. | Councillor G.B. Thomas |
| 4. | Councillor J.E. Williams |

Labour Group (4)

- | | | |
|----|----------------------------|---|
| 1. | Councillor D.J.R. Bartlett | |
| 2. | Councillor P.M. Edwards | |
| 3. | Councillor J.D. James | Member of Pembrey & Burry Port Town Council |
| 4. | Councillor P.E.M. Jones | Member of Pembrey & Burry Port Town Council |

Independent Group (4)

- | | | |
|----|----------------------------|--|
| 1. | Councillor W.J.W. Evans | Member of Llanddarog Community Council |
| 2. | Councillor P.M. Hughes | |
| 3. | Councillor D.W.H. Richards | |
| 4. | VACANCY | |

A G E N D A

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**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

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

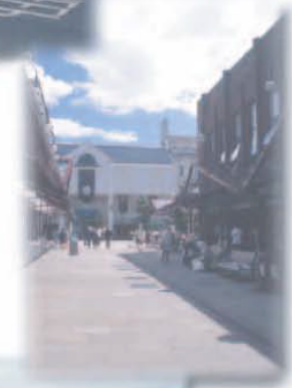
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

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

**AR 9 MAWRTH 2017
ON 9 MARCH 2017**

**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 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:	9 MARCH 2017
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	E/33595
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Application Type	Full Planning
Proposal & Location	CONVERSION OF A WATER STORAGE TANK AND THE PLANT SHED TO A HOLIDAY LET AT LAND AT BRYNGIOALLT, FELINGWM, CARMARTHEN, SA32 7PX

Applicant(s)	MR DEIAN OWEN, 10 CLOS GER Y BRYN, TIRCOED, SWANSEA, SA4 9IL
Agent	NICOLE JONES ARCHITECTS - NICOLE JONES, 6 MYRDDIN CRESCENT, CARMARTHEN, SA31 1DX
Case Officer	Ceri Davies
Ward	Llanegwad
Date of validation	05/04/2016

CONSULTATIONS

Planning Ecologist – Has advised on the existence of bats and nesting birds and the requirements of the Habitats Regulations 1994 and the Wildlife and Countryside Act 1981.

Llanegwad Community Council – Has objected to this application citing a number of concerns addressed in the Officer's appraisal.

Local Member – County Councillor Mansel Charles is a member of the Planning Committee and has made no prior comment.

Natural Resources Wales – Has not commented on this application to date

Dwr Cymru Welsh Water – Has advised on disposal of foul water.

Neighbours/Public – One neighbour was notified on receipt of this application; two letters of representation have been submitted to date; the concerns raised are addressed in the Officer's appraisal.

RELEVANT PLANNING HISTORY

There is no relevant planning history

APPRAISAL

THE SITE

The application site consists of a redundant water treatment site near a residential property, Bryngoiallt, an isolated site, approximately 2km north-west of the village of Felingwm Uchaf and 1.8km south-east of Horeb. The site occupies an elevated position which affords extensive views over the Cothi Valley and further afield; the land immediately south and east of the application site is predominantly woodland, whilst the land to the north and west is predominantly pastureland associated with various farmsteads.

Access to the site is derived off an unmade access track which serves both the water treatment plant and Bryngoiallt; the said access comes off an unclassified road (U5570) which links a number of farmsteads between Felingwm Uchaf and Horeb.

The site includes an underground water tank and a single storey shed above ground, constructed of concrete panels with a shallow roof pitch; the shed sits within an extensive grassed area which is bounded by mature hedgerows and trees. Immediately north east of the application site is the residential curtilage associated with the adjacent property, Bryngoiallt; the said curtilage appears to have been extended over the years and wraps around the southern perimeter of the application site.

THE PROPOSAL

The application seeks full consent for the conversion of the water storage tank and the plant shed to a holiday let. As part of the overall proposal the above ground shed is to be totally re-built with a link attached connecting the above and underground elements. The proposal involves extensive ground clearance works whereby the actual underground water tank which at present is totally obscured will be exposed along its southern, eastern and western elevations, the roof will be grassed over. New fenestration and door openings will be inserted into the water tank as part of the conversion works. Provision will also be made for vehicular access and parking along with a patio area.

POLICY CONTEXT

The relevant planning policies in this instance are Policies TSM4 and H5 of the Carmarthenshire Local Development Plan which state:-

Policy TSM4 Visitor Accommodation

Proposals for new build serviced or self catering holiday accommodation will be permitted within the development limits of defined settlements (Policy SP3) where it accords with the relevant criterion under Policy SP15. Outside the development limits of defined settlements (Policy SP3) proposals for permanent serviced or self catering visitor accommodation will be permitted where it consists of the re-use and adaptation (including conversion) of existing buildings and complies with criteria d) and e) set out in Policy H5.

Policy H5 Adaptation and Re-use of Rural Buildings for Residential Use

Proposals for the conversion and re-use of buildings in rural areas outside the Development Limits of a defined settlement (Policy SP3) for residential purposes will only be permitted where:

- a) The authority is satisfied that every reasonable endeavour has been made to secure an alternative business use and the application is supported by a statement of evidence to the Council's satisfaction of appropriate efforts that have been undertaken to achieve this;
- b) Any residential use would be a subordinate element associated with a wider scheme for business re-use; or,
- c) The residential use contributes to the provision of affordable housing to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:
 - i) The benefits of the initial affordability will be retained for all subsequent occupants;
 - ii) It is of a scale compatible with an affordable dwelling and would be available to low or moderate income groups.

Proposals will also be required to demonstrate that the following criteria can be met:

- d) The building is structurally sound, substantially intact and is of sufficient size to accommodate the proposed use without extensive alteration, extension or re-construction;
- e) The building demonstrates and retains sufficient quality of architectural features and traditional materials with no significant

THIRD PARTY REPRESENTATIONS

Llanegwad Community Council has objected to the application on the following grounds:

- Conversion to holiday let is financially unviable
- It will potentially become a permanent residential dwelling
- Access issues with the adjacent neighbour could lead to friction/dispute
- The loss of the water storage tank will have an impact on the village of Felingwm
- Ground works will impact the water course

Two letters of objection have been submitted to date, one from a farmer, whose farm is in Horeb, but he farms land adjacent to the application site; the other objectors are the occupiers of the adjacent dwelling, Bryngoyallt. A site meeting has also been held with the occupiers of Bryngoyallt.

Concerns raised are summarised as follows:

- Unsuitable site within a rural/farming community
- Inappropriate tourism use in the open countryside
- Detrimental Impact on the privacy/amenity of the occupiers of Bryngoyallt.
- General disturbance for the occupiers of Bryngoyallt
- Noise pollution for the occupiers of Bryngoyallt
- Traffic increase/unsuitable access road
- Inadequate parking
- Installation of a septic tank
- Impact on security for the occupiers of Bryngoyallt
- Impact on health for the occupiers of Bryngoyallt

Of the aforementioned list of concerns/objections, Members are reminded that the Authority will only consider matters which are deemed planning related material considerations for the purposes of this application.

APPRAISAL

With regard to the above objections, it should be noted that both Policy TSM4 and H5 allow for the re-use and adaption of redundant buildings in the open countryside; the said policies are aimed at allowing the re-adaption of buildings where appropriate, which in turn reduces the need/demand for new development in the open countryside.

It is acknowledged in this instance that this proposal is somewhat unique in that it involves the adaption of an underground water tank rather than a conversion of a redundant agricultural outbuilding which tends to be the norm for proposals considered against Policies TSM4 and H5 of the Local Plan, however it is important to note that there is no stipulation within either policy that restricts conversion proposals to certain types of structures. The text of the policy actually states that the adaption/re-use of buildings within the plan area will be allowed subject to various stipulations. Whilst this above-ground building is not of any great architectural merit, as it was merely designed as a functional building, it is acknowledged that the said building is an ancillary building in that the main structure in this instance is the underground water tank. It is further acknowledged that this proposal by its very nature is unlikely to adhere strictly to the full criteria of Policy H5 on the basis that it involves an underground tank.

In terms of the concerns raised by the community council, Members are advised that matters raised in relation to financial viability of the holiday use, potential permanent residential use and potential friction with the adjacent neighbour are not material planning considerations for the purposes of this application. In terms of the concerns over loss of the water storage tank and potential impact on the water course, Members are advised that further to DCWW's consultation response and further to a site inspection, it was evident that there continues to be operating apparatus throughout the site. Clarification has therefore been sought from DCWW as to whether or not there are any easements in place and/or any restrictions in terms of building within certain distances to the operating apparatus.

In response, DCWW has provided the authority with a revised water map extract showing the removal of a supply pipe through the centre of the site as it is no longer there. DCWW has confirmed that this is the most up-to-date record they have of their apparatus on site. The plan indicates active pipes linking active apparatus along the northern end of the application site and inactive pipes linking inactive apparatus around the underground water tank and associated ancillary building. The authority is therefore satisfied that based on DCWW's advice it is physically possible for the applicant to develop this site in lieu of the pipes/apparatus at this location. Furthermore, as the tank is no longer in use, there are no issues regarding water supply for the wider area.

In terms of the concerns raised in relation to the appropriateness of such tourism/holiday use in the open countryside, Local Plan policies clearly support and encourage such uses, particularly where they involve adaption of existing buildings/structures.

With regard to the objection received from the occupiers of the adjacent property, the authority has scrutinised the concerns raised by the said occupiers very closely and have also met with the occupiers at Bryngoyallt to fully evaluate the potential impact of the proposal on their property. It is noted that the dwelling is 24 metres north-east of the application site and 33 metres away from the actual water tank itself; however it was also noted at the time of the site inspection that the water tank/shed is not visible from the dwelling by virtue of the presence of mature trees between the application site and

Bryngoyallt. As such, it is considered the conversion/adaption of the water tank will not impact on the dwelling itself.

It is accepted that by developing this site, the peace and tranquillity, referred to by the occupiers of Bryngoyallt will be disturbed, what the authority has to determine whether or not the extent of that disturbance warrants refusal.

The introduction of the holiday use will lead to additional traffic movements, however the proposal makes adequate provision within the application site for parking and turning areas which will allow vehicles to enter and leave in a forward gear, hence it is considered the additional movements will not have an unacceptable impact on the adjacent occupiers. The entrance to Bryngoyallt is approximately 20 metres north-east of the entrance to the application site, hence no actual traffic will go beyond the application site. Furthermore, the level of traffic envisaged will not be to a level that cannot be accommodated within the surrounding road network hence highway safety will not be detrimentally affected by this development.

In terms of concerns over loss of privacy/overlooking, it is noted that the immediate garden/private amenity space associated with Bryngoyallt is the piece of land to the south and east of the dwelling. The authority's photographic records show the residential curtilage has been extended in a south western direction and has absorbed the land to the south of the application site. The land in question though now forming part of the extended residential curtilage of Bryngoyallt, is not deemed to be the immediate garden area, hence the authority considers the objections over loss of privacy and overlooking cannot be sustained in this instance. Members are advised that planning permission. The presence of trees/mature hedgerows will ensure that there is no direct over-looking or loss of privacy whatsoever in regard to the immediate garden area associated with Bryngoyallt.

Other issues raised such as impact on security and health are not deemed material planning considerations; the installation of the septic tank will be controlled via Building Control Regulations and any excessive noise issues will be enforced against under more appropriate legislation contained in the Environmental Protection Act.

It is not envisaged that allowing this permission will result in a precedent for similar developments as such proposals are quite rare in the county area. The authority acknowledges that certain criterion stipulated by Policy H5 cannot be achieved owing to the nature of the structure, however, the water tank itself is definitely structurally sound and substantially intact, furthermore, it is deemed of sufficient size to accommodate the holiday use without extensive re-construction. The ground works to expose the water tank are not deemed excessive; the justification for the installation of windows/door openings is accepted due to the lack of any natural lighting at present.

Whilst it is acknowledged that the above ground building is to be totally demolished and rebuilt, this is deemed to be the ancillary structure as the main element of this proposal is the water tank itself. Notwithstanding the aforementioned, the replacement structure be it with a minimal increase in size/mass and an increase in the roof pitch, will replicate the existing building in terms of shape and form; furthermore will occupy the same footprint. The Bat/Owl survey has concluded that there are no bats present at this site.

Criterion a) of Policy H5 is satisfied in that the proposal to utilise the building for holiday rental demonstrates that the business re-use of the building is viable and appropriate at this location. In view of the above, it is considered the proposal complies with the general criteria

as set out in the aforementioned LDP policies, the application is therefore put forward with a favourable recommendation.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of two years from the date of this permission.
- 2 The approved development relates to the following plans and documents and works should be carried out strictly in accordance with them unless amended by any other condition:
 - Location Plan – 1:1250 scale
 - Block Plan 1:500 scale
 - Existing Sections & Plans – 1:100 scale
Received on 20th March 2016
 - Proposed Floor Plans – 1:100 scale
 - Proposed Elevations – 1:100 scale
Received on 26th July 2016
- 3 The premises shall be used for holiday accommodation and for no other purpose (including any purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E, G, shall be carried out within the curtilage of the dwelling hereby approved (other than those expressly authorised by this permission) without the prior written permission of the Local Planning Authority.
- 5 Where any species listed under Schedules 2 or 4 of the Conservation (Natural Habitats, etc) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
- 6 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity. (Policy H5 of the LDP)
- 3 For the avoidance of doubt as to the extent of this consent and in the interest of ensuring that the proposal does not allow for conversion to residential use without consideration within a further planning application.
(Policy TSM4 of the LDP)
- 4 To prevent over-development of the site (Policy H5 of the LDP)
- 5 In the interests of protecting wildlife and to ensure that the development does not adversely affect a European Protected Species. (Policy SP14 of the LDP)
- 6 In the interest of highway safety (Policy SP9 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.

The development accords with Policy H5 of the LDP in that the building is suitable for conversion without substantial alterations. The alterations / modifications have been carefully designed to integrate with the buildings architectural integrity and do not detract from the character of the building. It is considered the building is substantially intact and capable of conversion; the building is of a traditional rural character and its future can best be secured through appropriate conversion.

NOTE

- 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

Application No	E/34720
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Application Type	Full Planning
Proposal & Location	8 NO SEMI DETACHED HOUSES WITHIN AN EXISTING SITE AT LAND AT MAESPIODE, LLANDYBIE, AMMANFORD, SA18 3YS

Applicant(s)	HEAD OF PUBLIC PROTECTION & HOUSING -ROBIN STAINES, 3 SPILMAN STREET, CARMARTHEN, SA31 1HQ
Agent	CCC - MR HYWEL HARRIES, BLOCK 3, PARC MYRDDIN, CARMARTHEN, SA31 1HQ
Case Officer	Andrew Francis
Ward	Llandybie
Date of validation	17/11/2016

CONSULTATIONS

Head of Transport – Has no objections, recommends the imposition of planning conditions.

Natural Resources Wales – No observations have been received to date.

Dwr Cymru Welsh Water – Originally raised concerns with the proposal stating they were unhappy with more surface water being drained into the public sewer and require that this is treated via a SUDS system or alternative that does not impact upon the existing public sewer. An amended surface water drainage scheme has been submitted and further comments are awaited.

Llandybie Community Council – has no objections to the proposal though request that there should be adequate parking of vehicles provided for the new dwellings as there is a current lack of parking on the Maespiode.

Local Members – County Councillor A W Jones is a member of the Planning Committee and has therefore made no prior comment, County Councillor W R A Davies has not commented to date.

Neighbours/Public – The application was advertised by means of a Site Notice. As a result, seven letters of objection have been received from six separate addresses.

The points of objection are summarised as follows:

- Why is the green being used to build on? There are bigger and better suited areas to build on and the green is integral to the quiet nature of the estate and is a well-used play area.
- The green space has all the drainage pipes and soakaway for the estate. Where is all the water generated from the new houses going to go to now?
- There are council owned properties that are empty and not maintained. Why build more?
- More houses will increase the parking problems on the site. There is already a problem with refuse lorries.
- The proposal will reduce privacy for the occupiers of the existing dwellings.
- The development will result in a tree that was planted by former Councillor Brenda Penlan being removed.

In addition to the above points, the following non material concerns were also raised:

- The proposal will devalue existing properties.
- The development will obstruct the view for some properties.

RELEVANT PLANNING HISTORY

No relevant planning history.

APPRAISAL

This is an application in which Carmarthenshire County Council has an interest either as applicant/agent, or in terms of land or property ownership.

THE SITE

The application site consists of a rectangular area of currently grassed land situated on the existing Maespode residential estate, Llandybie. The site is entered via junction off the western flank of Blaenau Road via fairly narrow site roads which also lead to the now closed Glanmarlais care facility.

Of the thirty six residential units addressed as Maespode, twenty eight are situated in a 'U' shape around the green area forms the application site. The application site has historically been used as a recreation area for these dwellings and also accommodates the existing dwellings soakaways. The application site and existing residential units are elevated slightly from the road area.

The application site measures 65 metres in length by 34.5 metres in depth

THE PROPOSAL

The application seeks full planning permission for the development of a 4 pairs of two bedroom semi-detached dwellings built by the Local Authority to be offered as affordable social housing.

Each of the dwellings are situated fronting onto the Maespiode site road, with two parking spaces provided to the front of each dwelling on what currently is the slope leading up to the flat grassed area.

Two specific house types are proposed, though each are identical in size and internal layout, the differences being with the external finishes. Each dwelling provides two bedrooms and a bathroom on the first floor with a living room, kitchen/dining area, WC/wetroom and hallway on the ground floor. Each pair of dwellings measure 12.29 metres in width by 8.8 metres in depth.

In terms of external finish House Type A is to have fully face brick elevations with concrete roof tiles, photovoltaic solar panels on the south facing roof slopes and uPVC windows, doors and other external finishes. House Type B provides visual relief by providing a face brick ground floor level elevations with rendered first floor level elevations. 4 of each house type are proposed.

Due to the uniform nature of the site each dwelling provides a rear garden of approximately 14.5 metres.

Originally the scheme described that the surface water as being directed into the existing combined sewer. However, Dwr Cymru Welsh Water raised concerns regarding this and as such an alternative method of surface water drainage has been submitted utilizing an attenuated soakaway which is currently being considered by Dwr Cymru Welsh Water.

PLANNING POLICY

The application site lies within the settlement development limits for Llandybie, as defined in the Carmarthenshire Local Development Plan. As such, policies GP1, GP4, H2, TR2 and TR3 apply.

Policy GP1 states that in this instance the development should conform with and enhance the character and appearance of the area, utilise appropriate materials and should not have a significant impact on the amenity of adjacent land uses, properties, residents or the community. The proposed development should be appropriate to the scale of the site and helps to create attractive and safe public places, which has an appropriate access which does not give rise to any parking or highway safety concerns and has regard for the for the satisfactory generation, treatment and disposal of both surface and foul water.

Typically, policy GP3 states that where necessary, developers will be required to enter into planning obligations to secure contributions to fund improvements needed arising from the new development. In implementing this policy, schemes will be assessed on a case by case basis. However, as this is a Council application the Authority cannot enter into an agreement with itself.

Policy GP4 requires that new development will be permitted where the infrastructure is adequate to meet the needs of the development. Where new or improved infrastructure is required, development will be permitted where it can be demonstrated that this infrastructure will be provided or where the required work is funded or contributed to by the developer.

Policy H2 states that proposals for housing developments on unallocated sites within development limits will be permitted provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy TR2 considers proposals which have the potential for significant trip generation and will be permitted where it is located in a manner consistent with the Plan's strategic objectives, policies and proposals, is accessible to non car modes of transport and provision is made for non-car modes of transport and those with mobility difficulties.

Policy TR3 in this instance requires that the development has appropriate parking and servicing space in accordance with required difficulties, an appropriate access reflective of the relevant class of road and speed limit and suitable drainage systems that dispose of surface water 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 residents will be permitted, as will proposals which will not result in offsite congestion where the road network capacity is sufficient.

THIRD PARTY REPRESENTATIONS

Following the consultation process, which included the erection of a Site Notice, seven letters of objection from six separate addresses has been received. The points of objection received are summarised and discussed below:

- Why is the green being used to build on? There are bigger and better suited areas to build on and the green is integral to the quiet nature of the estate and is a well used play area.

With regards to this initial point, the application site, Maespiode is a majority council owned estate. The green area is a vacant area which can be used to provide extra social housing which is needed within the Llandybie area. However, the loss of the green area will undoubtedly result in a loss of an important amenity area that currently serves all the residential units, particularly for the children. In this instance, the balance has to be struck with retaining a small but important piece of land to be used for amenity against the provision of land for 8 new social houses.

The land is understood to have been provided as an open space within a local authority housing estate, under housing legislation. The land is situated within the development limits for Llandybie and has not been allocated for any kind of recreational purposes within the Local Development Plan (LDP) which was adopted in December 2014. As such, this particular issue has essentially been examined within the LDP process. Within the LDP process it wasn't allocated as a recreational area but remained within the limits as white land.

There have been public calls to try and record the application site as a village green. It is understood that an application may be submitted in order to try and secure this. If this is the case, the village green application would have no particular bearing on the planning application in that planning permission could still be granted if Members were satisfied with the planning application. However, no works could start until any potential village green application had been determined. If village green status was granted, then the valid planning permission could not be commenced.

- The green space has all the drainage pipes and soakaway for the estate. Where is all the water generated from the new houses going to go to now?

The application initially showed the surface water from the development being directed to the existing combined sewer that serves the site. However, Dwr Cymru Welsh Water (DCWW) raised concerns with this solution stating that the application had not demonstrated that all alternative means of surface water disposal have been explored and was unviable in this instance. As such, an alternative means of surface water drainage was requested and has been submitted for comment by DCWW. This includes a formal soakaway system; at the time of writing the Authority is still awaiting further comments from DCWW in relation to the revised scheme.

- There are council owned properties that are empty and not maintained. Why build more?

This is an argument that is often raised when new houses are proposed but one which doesn't stand up to scrutiny. The Authority has an Affordable Homes Commitment which offers £60 million to provide up to 1000 new affordable units in the next 5 years. This will come through a mixture of new units and the purchase and renovation of existing housing stock. This is part of a bigger national initiative in which the Welsh Government have calculated that an additional 284,000 homes are needed in Wales between 2006 and 2026, with 101,000 of those being in the social housing sector. There is a long standing shortage of developing new homes and that demand is still outstripping supply.

Carmarthenshire, through the LDP and in particular it's Affordable Housing policies is seeking to do what it can to help to provide enough social housing on the sites it can support.

- More houses will increase the parking problems on the site. There is already a problem with refuse lorries.

With regard to this point, the Authority's Head of Transport has been consulted on this application who has considered the proposal carefully. In his response, no objections have been raised, instead recommending a series of conditions to be imposed on the development should it be approved. As such, it is considered that the existing site roads are considered to be adequate to accommodate the new development which also provides adequate parking to serve the new dwellings.

- The proposal will reduce privacy for the occupiers of the existing dwellings.

The provision of new dwellings on the site will inevitably lead to changes in the outlook and privacy levels currently enjoyed by the existing occupiers, the task is to ensure that the development does not demonstrably harm the privacy and amenity of the occupiers of the existing dwellings. Established planning standards utilise distances between facing windows to ensure that minimum privacy standards are maintained and that a distance of 21 metres should be achieved. In this instance, there is a minimum distance of 25 metres between the rear windows of the proposed dwellings and the front windows of the existing buildings, which extends to as much as 30 metres. With regards to side elevations, the standards aren't as established and there isn't the overlooking of windows to occur. In this instance there is a distance of approximately 12.5 metres between the side elevation of the proposed dwelling and the front of the existing dwelling on the western side of the site and approximately 11 metres between the dwellings on the eastern side of the site.

Taking the above into account, it is considered that the layout of the proposed development maintains acceptable levels of privacy for the occupiers of the existing units by virtue of the adequate separation distances achieved between the existing and proposed buildings.

- The development will result in a tree that was planted by former Councillor Brenda Penlan being removed.

In terms of amenity the tree referred to above is not considered to make a huge contribution however the Authority acknowledges its significance and for that purpose has suggested to the Head of Housing & Public Protection that measures be undertaken to translocate the tree to a more suitable location within the vicinity. An advisory note has been attached accordingly.

In addition to the above points, the following non material concerns were also raised:

- The proposal will devalue existing properties.
- The development will obstruct the view for some properties.

With regard to the above non material points, as Members will be aware, these cannot be taken into consideration when determining this planning application.

CONCLUSION

Further to and alluded to the above discussion, a balance needs to be struck in terms of providing new social homes and making efficient use of land, whilst respecting the amenities and character of the area and the privacy of the occupants of nearby buildings.

In its favour, the application does make very efficient use of the land and does so in a way that is ultimately not detrimental to highway safety whilst the siting, scale and design of the proposal is considered to be acceptable in terms of its impact on the character and appearance of the area.

In terms of the impact of the new dwellings on the amenity of the neighbours, the relationship of the proposed new dwellings to the existing neighbouring dwellings and the occupiers of these buildings, it is considered that this development would not have a detrimental impact upon their privacy or amenity by virtue of the separation distances and the location of the fenestration proposed on the new units. This proposal provides eight affordable residential units in what is considered to be a sustainable and suitable location.

Therefore, on balance, it is considered that the proposal now complies with policies GP1, GP4, H2, TR2 and TR3 and as such, the proposal is recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

- 2 The above approved development relates to the following plans and documents and works should be carried out strictly in accordance with them unless amended by any of the following conditions:
- The 1:1250 and 1:500 scale Existing Location and Site Plans and Aerial View (8845-149-CCC-A-DR-01) received on the 11 November 2016,
 - The 1:500 and 1:200 scale Proposed Site Plan and Sections (8845-149-CCC-A-DR-02) received on the 11 November 2016,
 - The 1:200 scale amended Proposed Drainage Layout (P01) received on the 13 February 2017,
 - The 1:100 and 1:50 scale Proposed House Type A Plan, Elevations and Section (8845-149-CCC-A-DR-03),
 - The 1:100 and 1:50 scale Proposed House Type B Plan, Elevations and Section (8845-149-CCC-A-DR-04),
- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the commencement 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, unless the Local Planning Authority gives written consent to any variations and thereafter shall be retained in perpetuity.
- 4 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole estate road frontage within 2.0 metres of the near edge of carriageway.
- 5 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 6 The proposed car park area to the north east of the proposed development shall be provided prior to commencement of any other part of the development.
- 7 The parking spaces fronting the proposed dwellings shall be hard-surfaced for a minimum distance of 5.0 metres behind the edge of highway, in materials which shall be subject to 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.
- 8 No development or site clearance shall take place until an appropriate and comprehensive Ecological Design Scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions. The scheme shall be in compliance with the principles of the landscape and ecological information submitted with the following approved application documents Section 6.2 of the submitted ecological assessment by Habitat Matters dated September 2016 and relevant guidance as provided by the Local Planning Authority.

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.
- 4-7 In the interest of highway safety.
- 8 To preserve the ecological interests of the site.

REASONS FOR GRANTING PLANNING APPROVAL

In accordance with Article 3 of the Town and Country Planning (General Development Procedure) (Wales) (Amendment) Order 2004, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan (comprising the Carmarthenshire Unitary Development Plan 2006) and material considerations do not indicate otherwise. The policies, which refer, are as follows:

- The proposed development accords with policy GP1 of the LDP in that the proposed development represents an acceptable form of development which is appropriate to the character and appearance of the surrounding area, is of an acceptable design and will not have an unacceptable impact upon the residential amenity of nearby properties and provides an acceptable access and parking facilities.
- The proposed development accords with policy H2 of the LDP in that the land is situated within the settlement limits for Llandybie and the proposal does not conflict with other policies within the plan.
- The proposed development accords with policies TR2 and TR3 of the LDP in that the proposed development is accessible from non-car modes of transport, located in a manner consistent with the plan's objectives, would not generate unacceptable levels of traffic on the surrounding road network, or harm highway safety whilst providing acceptable parking and service space to highway standards.

NOTES

- 1 The above approved development relates to the following plans and documents and works should be carried out strictly in accordance with them unless amended by any of the following conditions:
- 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 In relation to concerns raised by local residents, measures should be undertaken to ensure the tree, planted by former Councillor Brenda Penlan, is translocated to a more suitable location within the vicinity, prior to commencement of development
- 4 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)

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*Ardal Del/
Area South*

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR AMGYLCHEDD**

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

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

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

**AR 09 MAWRTH 2017
ON 09 MARCH 2017**

**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:	09 MARCH 2017
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/34486
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Application Type	Full Planning
Proposal & Location	CHANGE OF USE OF LAND TO FORM CUSTOMER VEHICULAR PARKING AREA AT LAND OFF ANDREW STREET, LLANELLI, SA15 3YW

Applicant(s)	C DAVIES COMMERCIALS - MR C DAVIES, OFF ANDREW STREET, LLANELLI, SA15 3YW
Agent	DIMENSION DRAWING SERVICES - IAN JONES, 15 STEBONHEATH TERRACE, LLANELLI, SA15 1NE
Case Officer	Robert Davies
Ward	Lliedi
Date of validation	30/09/2016

CONSULTATIONS

Head of Public Protection – No objection.

Head of Transport – No objection.

Llanelli Town Council – No response received to date.

Local Members – County Councillor J Williams has not responded to date.

County Councillor B Thomas objects to the application on the following grounds:-

- Blocking of the highway and pavements in the area with cars and vans being worked on whilst parked on the road and pavements.
- Not all of the recommendations in the Welsh Inspector's appeal decision have been met.

Natural Resources Wales – No objection.

Neighbours/Public – The application was publicised by posting four site notices within the locality. To date two letters of representation and a petition signed by 30 residents of Andrew Street have been received objecting to the application on the following grounds:-

- The application is retrospective and is currently being used by the applicant to store in a locked up area, auction bought old campers and vans. The applicant previously built a garage, a pit and erected galvanised steel sheet fencing around the land without planning permission.
- An appeal against an Enforcement Notice was dismissed however the applicant has still not complied with the majority of the requirements of the Enforcement Notice.
- There is already too much congestion around this area and objectors believe that the applicant will not clear this area to allow customer vehicular parking and abide by any clause to remove any said vehicle parked in this area beyond 48 hours. He will still use the land to store vehicles and continue to park vehicles that he is working on, on the road, lane and pavements during the day and overnight.
- Health and safety concerns associated with indiscriminate parking. Emergency vehicles will not gain access down the lane whilst the area is used daily by the Llanelli Scouts. Other commercial garages located in the area are aware of neighbouring residents and do not overspill on to the lanes.
- The residents and local councillors have been complaining about the applicant's commercial garage to various departments of the Council for a number of years. Allowing this proposal to proceed will only make matters worse.
- The applicant has no consideration for neighbours, the application site was originally a wild grassed area leading to the river which contained wildlife, but this has diminished due to the noise, smell, fumes and pollution from the applicant's garages.
- Allowing this change of use will set a precedent and assist the applicant in justifying future applications for erecting a building on the site.
- The applicant has claimed land which is not within his ownership.
- Andrew Street was traditionally a residential area however over the past 15 years the applicant has slowly changed the area from a garage dealing with garden machinery to car and van spraying and repair with no respect to the surrounding residents.

RELEVANT PLANNING HISTORY

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

S/ENF/07056	Unauthorised commercial garage/change of use of land Enforcement notice served Appeal dismissed	23 June 2015 26 October 2015
LL/02803	Erection of one dwelling Outline planning permission Appeal dismissed	9 January 2003 30 April 2003
LL/00280	Erection of two store flats Planning permission refused	10 January 2002

APPRAISAL

THE SITE

The application site consists of an almost triangular parcel of land situated off the rear service lane behind Andrew Street in Llanelli, and next to the footbridge that links Andrew Street with Toft Place which is located on the opposite side of the Lliedi River. The rear lane in this location not only provides rear access for the properties along Andrew Street, but also serves the adjacent residential cul-de-sac of Clos Andreas, and the small number of commercial businesses located further along the lane. Clos Andreas borders the majority of the southern boundary of the appeal site, while the entire northern boundary runs along the bank of the River Lliedi.

The area is generally residential in character inclusive of development on the opposite bank of the river, while there are a small number of commercial businesses interspersed along the rear lane, inclusive of the applicant's own established garage at the rear of no.45 Andrew Street.

The site previously comprised of an empty, open and overgrown area of land located between the lane, footpath and river. Although the site was previously enclosed along the common boundary with Clos Andreas by a timber fence, together with a much shorter and lower masonry wall along the boundary with the footpath, the remaining boundaries were open. The previous landowner submitted planning applications in 2002 and 2003 for residential development on the site, which in the main were refused for reasons relating to over development. The later refusal was appealed against, and in dismissing the appeal the Inspector also included flooding as a reason also.

The application site was later sold to the current applicant and in recent years a metal storage container had been placed on the site, albeit with no obvious purpose. This was subsequently removed and in February/March 2015 the applicant commenced work on the construction of a garage building on the site without the benefit of planning permission. Despite advice from the Local Planning Authority to cease works, the applicant proceeded to complete the mono pitch breeze block and upvc cladded garage measuring approximately 9.5m by 4.5m.

The remainder of the site was resurfaced in compacted stone to serve as a parking/storage area and in addition to the length and height of the eastern boundary wall being extended, the remaining open boundaries were also enclosed within a tall metal profile fence, with the exception of a sheet metal gate in front of the garage, and personnel doorway in the rear fence providing direct access onto the river bank.

As a result of these unauthorised works the Local Planning Authority served an Enforcement Notice on the 23rd June, 2015 against the unauthorised change of use of the land and construction of a building in association with a commercial garage business. The reasons for serving the notice related to residential amenity; flooding; design; ecology and highways, whilst the requirements of the notice were as follows:-

- Permanently cease all commercial activity;
- Demolish the commercial garage building and remove all resulting demolished materials;
- Remove boundary wall along the eastern boundary;
- Remove all steel perimeter fencing along the boundary of the site;

The time for compliance was 6 calendar months, which expired on the 23rd January, 2016.

The applicant opted to appeal to the Welsh Government against the Enforcement Notice. In his decision on the 26th October, 2015 the Planning Inspector dismissed the appeal agreeing with the Local Planning Authority on the majority of the Enforcement Notice requirements with the exception of the requirement relating to the eastern boundary wall. Instead of requiring its complete demolition, the Inspector varied the notice to require that the wall is to be reduced in height to its level before the development was carried out.

Since the appeal decision, the applicant has demolished the commercial garage building, however the other requirements of the Enforcement Notice currently remain outstanding. In the interim period the current application was received by the Local Planning Authority and therefore in accordance with good practice guidelines in relation to Enforcement Action the Local Planning Authority has refrained from further enforcement action and possible prosecution pending the decision on the application itself.

THE PROPOSAL

The application seeks full planning permission to change the use of the land to form a customer vehicular parking area. The plans submitted indicate scope to park customer cars perpendicular to the eastern boundary wall with the remainder of the site to remain as an open hardstanding area for turning with some soft landscaping.

The plans submitted indicate that Boundary A, namely the boundary wall along the eastern boundary is to be lowered to 0.9m in height over 2.4m in order to allow enhanced pedestrian visibility from the footbridge. They also indicate that the unauthorised grey galvanised sheet fencing to the southern and northern boundaries is to be removed, resulting in an open area. A small section of retaining wall is required along part of the northern boundary with the river bank.

The application has also been accompanied by detailed specification of two fuel interceptor tanks that are proposed to be installed in the ground underneath the site to prevent pollution of the adjacent watercourse. In order to allow these tanks to function correctly the proposed car park is to have a tarmac finish designed to fall towards aco drains. These drains will channel surface water runoff through the interceptor tanks prior to discharge to the watercourse.

PLANNING POLICY

The application site is located within the defined settlement limits of Llanelli as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014.

In respect of the applications policy context reference is drawn to the following Strategic and Specific planning policies: -

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

Policy SP2 of the LDP supports proposals which respond to, are resilient to and adapt to minimise for the causes and impacts of climate change. Proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN15.

Policy SP14 of the LDP states that development should reflect the need to protect, and wherever possible enhance the County's natural environment in accordance with national guidance and legislation.

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 GP4 of the LDP 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 EMP3 of the LDP states that proposals for extensions and/or intensification of existing employment enterprises will be permitted provided that the proposals are of an appropriate scale and form, and do not result in adverse environmental or amenity issues.

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 EQ4 of the LDP 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 (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EQ5 of the LDP relates to corridors, networks and features of distinctiveness and states that proposals for development which would not adversely affect those features which contribute to local distinctiveness/qualities of the County, and to the management and/or development of ecological networks, accessible green corridors and their continuity and integrity will be permitted.

Policy EP1 of the LDP states that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

Policy EP2 of the LDP states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

THIRD PARTY REPRESENTATIONS

As aforementioned in this report, letters of objection and a petition have been received in relation to this application. The material reasons for objection raised will now be addressed individually as part of this appraisal. As Members will be aware land ownership is not a material planning consideration, and therefore the claim that the applicant has claimed land not in his ownership will therefore not influence any decision made on this application.

The objectors state that the applicant's commercial garage business already results in parts of the highway being blocked as a result of indiscriminate parking, and by approving this development congestion will get worse. The application proposes a customer parking area that will accommodate four customer cars and therefore in this respect cars can be parked here whilst waiting to be repaired within the garage itself, thus hopefully relieving pressure on the surrounding road network. The Authority's Head of Transport has been consulted on the application and has raised no objection. The proposals to reduce the height of the eastern boundary wall and remove boundary fencing are welcomed from both a highway safety and visual amenity perspective.

The objectors opine that even if the application is approved as a customer parking area, the applicant will still continue to use the land for storing and working on vehicles. In this respect conditions can be imposed on any planning permission granted to ensure that the customer parking area is only used for its intended purpose, and prevent storage and repair of vehicles on the land.

Both the local member and neighbouring objectors have drawn reference to the fact that the majority of the Enforcement Notice and Welsh Government requirements have not yet been met. As aforementioned in this report this is correct, however the applicant has demolished the unauthorised garage structure. In light of this revised planning submission for a customer parking area only, and in accordance with good practice guidelines in relation to planning enforcement, the Local Planning Authority has refrained from taking further enforcement action to date pending the outcome of this application. If the application is approved then the Local Planning Authority would suggest that a condition is imposed stating that the approved works are undertaken and completed within a six month period. The granting of planning permission does not affect the requirements of the current enforcement notice, and thus if the consent is not strictly implemented within the timescale further action can be taken to ensure that the requirements of the enforcement notice are complied with.

It is stated that the approval of this application would be a precursor to justify further development on the site, including the construction of a new garage building. In this respect Members will be aware that this is not the case, and that any future application would be considered on its own merits and being mindful of the planning history relating to the site.

The final issue of concern and objection raised relates to the loss of a previous wild grassed area and impact upon wildlife adjacent to the riverbank. In this respect it is worth noting that both Natural Resources Wales and the Authority's own Planning Ecologist have not raised any objection towards the proposed customer parking area. The Authority's Planning Ecologist has confirmed that whilst the application site is hydrologically linked to the European protected estuary via the Lliedi River, the proposal will not impact on the SAC, SPA or Ramsar habitat or species features. It is noted that the applicant has included petrol interceptors within the scheme in order to prevent pollution of the watercourse. Whilst it is acknowledged that Local Development Plan policy requires a suitable buffer zone with a river corridor, in this instance the application site is located in an area where there is no consistent existing riparian habitat corridors. Therefore the previous habitat on site had they been retained would not have linked to other riparian habitats. The Planning Ecologist has also noted that within 350m downstream of the site the river is culverted and does not offer ideal habitat connectivity. In light of these characteristics, in this instance a buffer zone with the river is not required. Natural Resources Wales has also not requested a buffer zone in this case.

In their most recent response Natural Resources Wales stated that as the adjacent Lliedi river is a statutory main river the applicant may require a Flood Risk Activity Permit (FRAP) from Natural Resources Wales. It is recommended that an advisory note informing the applicant of this is imposed on any planning permission granted.

CONCLUSION

The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted Local Development Plan and thus there is no in-principle objection to developing the site for residential use.

As aforementioned an enforcement notice was previously served against unauthorised development for reasons relating to residential amenity; flooding; design; ecology and highways. The current proposal purely relates to a customer parking area in association with the well-established commercial garage to the rear of no.45 Andrew Street, which for the reasons outlined above is considered acceptable and overcomes the previous reasons for serving an enforcement notice against the unauthorised extension of commercial garage activities.

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

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the policies contained within the Adopted Local Development Plan and is put forward with a favourable recommendation.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The car parking spaces, turning area and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority within six calendar months of the date of this decision. Thereafter, they shall be retained in perpetuity, unobstructed, for the purpose of parking and turning only.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Bypass interceptor information received on the 22nd September, 2016;
 - Site plan and land stability, bypass tanks and drainage details (CD 03A) 1:100; 1:1250 @ A1 received 21st February, 2017.
- 3 The car parking spaces hereby approved shall be provided and used solely for the purpose of customer car parking in association with the existing commercial garage to the rear of no.45 Andrew Street. Thereafter the car parking spaces shall remain available for their designated use in perpetuity.
- 4 The application site should not be used for the storage of vehicles, the external storage of vehicular parts and should also not be used as an area for maintenance and repair of vehicles.
- 5 The customer car park in association with the commercial garage to the rear of no.45 Andrew Street hereby approved shall not be used for any purpose including any other purpose within Class B2 of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without variation.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the application site.

REASONS

- 1+3-5 In the interest of visual and residential amenity.
- 2 In the interest of visual amenity.
- 6 In the interest of visual amenity and highway safety.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the 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 SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy EMP3 of the LDP in that the proposals are of an appropriate scale and form and will not result in any adverse environmental or amenity issues.
- 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 EQ5 of the LDP in that the proposal does not adversely affect corridors, networks and features of distinctiveness.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.

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 The applicant/developer's attention is specifically drawn to the consultation response received from Natural Resources Wales dated the 21st February, 2017, in which they advise that a Flood Risk Activity Permit may be required from them for the proposed works. Natural Resources Wales should be contacted directly for advice in this respect.

- 3 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.

Application No	S/34872
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Application Type	Full Planning
Proposal & Location	PROPOSED CONSTRUCTION OF REPLACEMENT SHOWER, TOILET BLOCK AND CAR PORT AT CARAVAN SITE, LLWYNIFAN FARM, TROSSERCH ROAD, LLANGENNECH, LLANELLI, SA14 8AX

Applicant(s)	MR H DAVIES, CARAVAN SITE, LLWYNIFAN FARM, TROSSERCH ROAD, LLANGENNECH, LLANELLI, SA14 8AX
Agent	ELGIN ARCHITECTURE & DESIGN - HUW WILLIAMS, 88 ELGIN ROAD, PWLL, LLANELLI, SA15 4AF
Case Officer	Paul Roberts
Ward	Llangennech
Date of validation	16/12/2016

CONSULTATIONS

Llangennech Community Council – Has not commented on the application to date.

Local Member - County Councillors G Thomas and G Hopkins have not commented on the application to date.

Welsh Water/Dwr Cymru – Has raised no objection to the application.

Neighbours/Public – The application has been publicised by the posting of a site notice within the vicinity of the site. In response, letters of objection have been received from the residents of 6 neighbouring residents who raise the following concerns regarding the proposal:-

- The previous extension of the caravan park in 2012 resulted in the creation of additional hardstanding areas that have caused surface water drainage problems in the rear gardens of neighbouring properties located below the park and the access lane leading to these properties.
- The creation of further hardstanding areas will exacerbate existing problems and there is therefore a need for the drainage problems to be addressed prior to the commencement of any additional development.

RELEVANT PLANNING HISTORY

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

S/26201	Proposed extension to touring caravan park to include 10 additional caravan pitches, 2 log pods, an extension to the site road and improvements to the existing access road Full planning permission	24 May 2012
S/24817	Certificate of Lawfulness for an existing use – 15 touring caravan pitches. Approval	23 June 2011

APPRAISAL

THE SITE

The application site consists of an existing shower and toilet block building located in the Llwynifan Farm Caravan Park located off Trosserch Road on the outskirts of Llangennech. The building is of modest proportions being of a single storey construction with a mix of sloping and pitched roofs. It incorporates a small gymnasium and has a lean-to car port structure on its rear elevation.

The caravan park consists of some 25 touring caravan pitches that are served by an internal roadway that leads from the park entrance off Trosserch Road. The toilet block is located within the main complex of buildings within the park which include the farmhouse, a converted barn and number of agricultural buildings. The park occupies an elevated position above the residential properties of Trosserch Road and the neighbouring Llwynifan Housing Estate and is separated from both by open grassed areas.

THE PROPOSAL

The application seeks full planning permission for the demolition and replacement of the existing toilet and shower block building. The replacement building is of a similar size to the existing structure and will have a hipped roof design with a similar car port feature to the rear. The front of the building will consist of a canopied roof. The building will provide a mix of toilet, showering and wash room facilities for visitors to the park. Externally, the building will consist of a mix of natural stone and rendered walling while the roof is to be clad in grey slate or concrete tiles. The car port is to have a dark grey box profile sheet roof.

Foul drainage from the replacement building is to be disposed of via the public sewer while surface water from the roof will discharge to a soakaway system.

PLANNING POLICY

The application site is located outside the defined settlement limits of Llangennech as defined in the Adopted Carmarthenshire Local Development Plan. Reference is drawn to the following policies of the Plan.

Policy GP1 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 TSM2 relates to proposals for new touring caravan and tent sites and extensions or improvements to existing sites. Proposals are permitted subject to a number of qualifying criteria which include the need to prevent any adverse impact upon the surrounding landscape and townscape and the need for new buildings to be appropriate in terms of their siting, need and scale.

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.

THIRD PARTY REPRESENTATIONS

As highlighted above, a number of letters of objection have been received from neighbouring residents in respect of the proposal all of whom refer to surface water problems that have resulted from the previous extension of the caravan park back in 2012. The respondents opine that the creation of additional hardstanding pitches and areas as part of the previous extension has resulted in surface water drainage and flooding problems in the rear gardens of their properties along Trosserch Road which are set at a lower level below the caravan park. Reference is also made to the flooding of an access lane to the rear of their properties. As a result, the respondents have requested that drainage problems associated with the existing park are investigated and rectified prior to the creation of any further developments and hardstanding areas.

The concerns raised by the respondents relate to drainage problems associated with previous developments within the caravan park. Planning permission was granted for an extension to the park in May 2012 which included the creation of 10 additional caravan pitches and an extension of the internal site road. Planning application S/26201 refers. The additional pitches have been created to the west of the original caravan park whereby they are located further away from the respondents' properties than the original park. Moreover, the approved scheme shows the new pitches and extended road consisting of a loose stone surface finish whereby surface water will percolate into the ground thereby causing no detriment to neighbouring properties. Notwithstanding the above, the complaint relating to the extension to the original caravan park, whilst not being relevant to the current proposal, will be the subject of appropriate investigation by the Authority's enforcement team.

The current application relates to the replacement of an existing toilet and shower block within the caravan park. Surface water from the roof of the new building is to be disposed of via an existing piped system that discharges into an existing drain in Trosserch Road. The proposed discharge into this drain will ensure the proposal will cause no unacceptable drainage impacts upon the respondents' properties. Moreover, in the interests of ensuring the same and compliance with Policy EP3 of the LDP, any permission granted will be conditioned to require the submission and approval of the detailed design of the proposed surface water drainage scheme prior to the commencement of the development.

CONCLUSION

Llwynifan Farm Caravan Park is a well-established tourist facility located on the outskirts of the village of Llangennech. The site is well related to the main built form of the village and the services and facilities therein. The scale and design of the proposed replacement building are considered to be acceptable within the context of the site's surroundings and will serve to improve the visitor facilities available at the park. The design and finishes of the building are of a high standard whereby they will enhance the appearance of the site while causing no unacceptable material harm to the landscape character of the surrounding area or the living standards of neighbouring occupiers.

On balance therefore, and after careful examination of the site and its surrounding environs, the proposal is considered to be in accord with the objectives of the abovementioned policies of the Local Development Plan and is accordingly recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans received on 7 December 2016:-
 - 1:1250 scale location plan;
 - 1:500 scale block plan;
 - 1:50 scale proposed plan;
 - 1:50 scaler proposed front and rear elevations;
 - 1:50 scaler proposed side elevations.
- 3 No development shall commence until a detailed scheme of surface water drainage works proposed to serve the development hereby approved has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the use of the development.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3 To ensure the installation of an appropriate drainage scheme and ensure the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposal complies with Policy GP1 and TSM2 of the Carmarthenshire Local Development Plan in that it is appropriate in terms of scale and design and will not cause unacceptable harm to the surrounding landscape. Moreover, there will be no loss of amenity to neighbouring uses.
- It is considered that the proposal complies with Policy EP3 in that it will be served by an appropriate SUDS drainage scheme.

NOTES

- 1 Comments and responses received from consultees and third parties can be found on the Authority's website (www.carmarthenshire.gov.uk). They may also relate to other permissions or consents required or include further advice and guidance.
- 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.

Application No	S/34900
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Application Type	Full Planning
Proposal & Location	REMOVE EXISTING FLAT ROOF AND REPLACE WITH PITCHED ROOF; ALTERATION AND RENOVATION OF GROUND FLOOR FROM 3 BEDROOM TO 2 BEDROOM. NEW FIRST FLOOR TO INCLUDE, 2 BEDROOMS, ENSUITE, BATHROOM AND STUDY AT NEW LODGE, Y LLAN, FELINFOEL, LLANELLI, SA14 8DY

Applicant(s)	MR JOHN PHILLIPS, 1 DAN-Y-BRYN, FURNACE ROAD, BURRY PORT, SA16 0YN
Case Officer	Paul Roberts
Ward	Swiss Valley
Date of validation	29/12/2016

CONSULTATIONS

Llanelli Rural Council - Have raised no objection to the application provided:-

- The drainage generated from the additional development does not increase the hydraulic load on the public sewer.
- The general scale and massing of the proposed pitched roof and new first floor does not result in a disproportionate increase in the size of the original dwelling.
- The development being compatible with the original dwelling in terms of scale and design and does not represent an incongruous form of development that will be unacceptably harmful to the character and appearance of the dwelling and surrounding residential area.
- There is no detrimental impact on the amenity and privacy of neighbouring dwellings.

Local Member – County Councillor G Morgan has not commented on the application to date.

Neighbours/Public – Seven neighbouring properties have been notified of the application and four letters of representation have been received from adjacent occupiers who object to the proposal on the following grounds:-

- Loss of privacy to neighbouring properties and their gardens.
- The increase in height of the dwelling will be disproportionate to the existing bungalow and be overbearing and dominate neighbouring properties.

RELEVANT PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

THE SITE

The application site consists of the curtilage of a detached three bedroom bungalow located in Y Llan in Swiss Valley, Llanelli. The bungalow is of a flat roof design and is currently vacant and in a state of disrepair. It is set within a generous triangular shaped curtilage with garden areas to both sides and the rear of the bungalow. The bungalow has an integral garage as well as a front and side parking area. The site is bounded to the south and west by the side and rear gardens of the neighbouring properties of Llys Westfa which are set a lower level than the bungalow.

The area wherein the site is located is characterised by a narrow single lane road known as Y Llan which serves a small number of properties which consist of a mix of bungalows and two storey houses.

THE PROPOSAL

The application seeks full planning permission for the renovation of the existing bungalow which will include the replacement of the flat roof of the main bungalow with a new pitched roof. The existing flat roof above the easternmost end of the bungalow which includes the integral garage is to remain as part of the proposal.

The new roof extension is to have a maximum ridge height of approximately 6.5 metres and will include a gable projection on the rear elevation. The roof extension will incorporate new first floor accommodation which will include two bedrooms and a study while the ground floor is incorporate two further bedrooms. The first floor rooms are to be served by a number of velux style windows to the front and rear of the new roof as well as further side windows. The new first floor study will be served by high level windows in the rear gable projection the bottom of which are set a height of 1.8 metres so as to ensure no overlooking of the properties to the rear. In terms of external finishes, the elevations of the extended bungalow are to consist of a white render finish while the roof is to be clad in dark grey concrete tiles.

It is of note that the original scheme submitted with the application included a large first floor glazed opening in the rear gable projection which was to serve the new study. However, following discussions with officer's regarding the privacy impact of the same upon the properties of Llys Westfa to the rear, the scheme was amended to that described above whereby the large glazed opening has been removed and replaced with high level windows in the gable and further velux and side windows.

PLANNING POLICY

The following policies of the adopted Local Development Plan are of relevance to the proposal.

Policy GP1 of the Plan 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. It also requires that proposals should not have a significant impact on the amenity of adjacent land uses and properties.

Policy GP6 of the Plan relates to extensions to dwellings whether buildings or structures and seeks to ensure that their scale is subordinate and compatible to the size, type and character of the existing development and does not result in the overdevelopment of the site or lead to inadequate amenity or garden space. Furthermore, it requires that the external appearance of the extension in terms of its design shall complement that of the existing development and proposals should not adversely affect the local environment and amenities of neighbouring properties.

THIRD PARTY REPRESENTATIONS

Four letters of objection have been received from the residents of three neighbouring properties within the Llys Westfa Estate which is located to the rear and side of the application property. Moreover, Llanelli Rural have raised no objection to the application subject to certain criteria being met. The issues raised are appraised below.

A common ground of concern amongst respondents is the likely impact of the proposed new first floor accommodation on their properties by way of overlooking and loss of privacy. Reference is made to the overlooking of rear windows in their properties as well as private garden areas.

Three of the objection letters received were submitted in respect of the original scheme submitted with the application which, as referred to above, included a large first floor glazed opening in the rear gable projection of the bungalow. The position and size of the window opening would have meant that the occupiers of the application property would have a direct outlook towards the rear of the respondents' properties and on this basis, and following discussions with officers, it has been removed from the scheme. This window has been replaced with a high level window in the rear gable projection as well as further velux windows and new first floor windows in the side elevation of the bungalow which minimise the level of overlooking to the respondents' properties.

Officers have undertaken a re-consultation exercise in respect of the above changes to the scheme and whilst no further objections have been received from two of the three respondents, a further letter of objection has been received from the third respondent who reiterates previous privacy concerns while also raising concerns regarding the proposed height of the bungalow and its potential impact in terms of overbearance.

The first floor rear elevation facing the respondent's property will include a bathroom window, a velux window to one of the bedrooms as well as the high level window that will serve the study, as referred to above. The bathroom window will be conditioned to be of obscure glazing thereby ensuring there will be no overlooking of the properties to the rear while, similarly, the 1.8 metre height of the study window will mean occupiers will not have

any outlook towards the respondent's property from this room. Although the occupiers of the application property will have some outlook towards the respondent's property from the velux window of the new bedroom, the differing orientations of the properties combined with the separating distances involved will ensure it will not be of such a level so as to adversely affect the respondent's current living conditions. In this regard, it of note that the elevated position of the application property relative to the respondent's property means that many of the rear ground floor windows of the property currently have a direct outlook towards the rear elevation of the respondent's property.

Turning to the concerns regarding the scale of the extension and impact in terms of overbearance. The modest height of the roof extension at some 6.5 metres is considered to be acceptable within the context of the appearance of the property and surrounding area. Indeed, the addition of the pitched roof and general renovation of the property as part of the proposal will significantly improve its general appearance. Furthermore, the separating distance of some 20 metres to the respondent's property will safeguard against any unacceptable impacts by way of overbearance.

Finally, Llanelli Rural Council's comment regarding the impact of the proposal upon the hydraulic loading of the public sewer are not considered to be of relevance to the proposal in that the application merely proposes the renovation and extension of an existing property.

CONCLUSION

On balance therefore, and after careful examination of the site and its surrounding environs, together with the representations received to date, the proposal is considered to be acceptable and in accord with the Authority's Development Plan policies. The proposal will significantly improve the property's current unkempt appearance within the surrounding area while at the same time brining an empty property back into residential use.

Furthermore, the scale and design of the changes to the property will be in keeping with the character and appearance of the surrounding area and cause no unacceptable material harm to the amenity of adjacent residents.

Accordingly, the application is recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans received with the application:-
 - 1:1250 scale location plan (04_10_Rev1) received on 10 January 2017;
 - 1:200 scale proposed site plan (04_04 Rev1) received on 9 February 2017;
 - 1:50 scale proposed first floor plan (04_06 Rev1) received on 9 February 2017;
 - 1:50 scale proposed roof plan (04_07 Rev 1) received on 9 February 2017;

- 1:100 scale proposed elevations (04_08 Rev 1) received on 9 February 2017;
 - 1:50 scale proposed sections A-A and B-B (04_09_ Rev 1) received on 9 February 2017;
 - 1:50 scale proposed ground floor plans (04_05) received on 28 December 2016.
- 3 The first floor en-suite bathroom window proposed in the rear elevation of the extension hereby approved, as shown on the 1:100 scale proposed elevations (04_08 Rev 1) received on 9 February 2017 shall be glazed in obscure glass and shall be so maintained thereafter in perpetuity.
- 4 Notwithstanding the provisions of the Town and Country Planning, Wales (General Permitted Development) (Amendment) (Wales) Order 2013 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B and C shall be carried out within the curtilage of the dwelling hereby approved (other than those expressly authorised by this permission) without the prior written consent of the Local Planning Authority.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3+4 To ensure the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposal complies with Policy GP1 and GP16 of the Carmarthenshire Local Development Plan in that it is appropriate in terms of scale and design and will not cause unacceptable loss of amenity to neighbouring uses.

NOTES

- 1 Comments and responses received from consultees and third parties can be found on the Authority's website (www.carmarthenshire.gov.uk). They may also relate to other permissions or consents required or include further advice and guidance.
- 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.

Application No	S/34972
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Application Type	Full Planning
Proposal & Location	DEMOLITION OF CURRENT GARAGE BUILDING AND THE ERECTION OF A STEEL FRAMED AGRICULTURAL SHED WITH CONCRETE FLOOR TO THE REAR OF THE GARDEN AT 17 HEOL Y BRYN, PONTYBEREM, LLANELLI, SA15 5AG

Applicant(s)	JACKEY MURPHY-HEALY, 17 HEOL Y BRYN, PONTYBEREM, LLANELLI, SA15 5AG
Case Officer	Gary Glenister
Ward	Pontyberem
Date of validation	17/01/2017

CONSULTATION

Pontyberem Community Council – Raises the following concerns:-

- The Council were in full agreement that this building was not in keeping with other buildings in the area being much larger in size and noticeable.
- The use of the building would be to store and repair tractors, however, the roads to and from the address cannot safely accommodate such large vehicles safely.
- There could be an issue of noise pollution as the repairs are undertaken.

Local Members – Councillor J S Williams is a member of the Planning Committee and has not made prior comment. However, Councillor Williams has requested that the application be referred to Planning Committee for determination for the reasons highlighted by the Community Council.

Neighbours/Public – 2No. neighbour consultation letters have been sent out, with a letter signed by three neighbours received to date raising the following matters:-

- Character and size.
- Use for storing tractors and other implements in a residential area.
- Over development.
- Noise and disturbance.

RELEVANT PLANNING HISTORY

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

D5/5904 –	Garage, coal shed, store and wc Full planning permission	08 October 1981
D5/4067	Single storey rear extension Full planning permission	07 June 1979

APPRAISAL

THE SITE

The application site is to the rear of a two storey cottage, and set within a large garden area. The site is in an area of primarily residential character with houses and bungalows facing onto Heol y Bryn with long rear gardens.

There is an existing double garage which is proposed to be demolished to provide access, the applicant is proposing to crush and re-use the wall materials and existing concrete paths to provide an access to the rear of the garden. The garden also has a shed and green-houses which are proposed to be removed.

The area is of a generally sloping valley side character, however the individual gardens have been levelled to form relatively flat plateaus.

THE PROPOSAL

The application seeks full planning permission for a detached steel frame agricultural type outbuilding for use as a garage for classic tractors.

The building measures 12.192m by 6.09m with an eave height of 3.658m and a ridge height of 4.572m. The proposal is portal framed and is proposed to be clad in green steel box profile sheets.

The outbuilding is proposed to be sited at the end of the garden and orientated at 90degrees to the house. Given the location, there is a reasonable distance between the proposal and neighbouring dwellings. It is also noted that the proposal is situated along the southern boundary of the site, so would primarily shade the applicant's own garden rather than affecting third parties.

The proposal would involve demolition of an existing garage which is immediately to the south of a neighbouring property so would present a gain in terms of reducing over shadowing.

PLANNING POLICY

In the context of the current development control policy framework the site is within the settlement development limits of Pontyberem as defined in the Carmarthenshire Local Development Plan (LDP) Adopted 10 December 2014.

Policy GP1 Sustainability and High Quality Design states:-

Development proposals will be permitted where they accord with the following:

- a) 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;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) 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;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste;
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 and TAN12: Design (2016)).

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.

Paragraphs 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) state:

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 building is proposed to be of an agricultural steel framed character and is designed as a garage for classic tractors, so is of a size which is fit for that purpose. The site is in a residential area, however the scale of the building is not considered likely to be over bearing or over powering as the height is just 4.572m so is more akin to a domestic garage. The building is proposed at the far end of the garden to the residential dwellings, so is not considered to be prominent or highly visible within the residential area.

The use of the building for storing tractors and other implements in a residential area. It is understood that the applicant collects classic tractors as a hobby, so the use is proposed to be domestic rather than agricultural or commercial. This would be similar to the storage of classic cars or campervans. If approved, it is recommended that a condition be imposed precluding any trade or commercial use of the building.

There are concerns regarding over development of the garden. However it should be noted that the garden is on average 50m long and 16.5m wide. In context, the building is not considered to be over-development of the site.

As stated above, the proposed siting is at the end of the garden furthest from the dwellings, so noise and disturbance is not likely to be unacceptable. The applicant could start and stop tractor engines within the garden area and carry out mechanical work on a hobby basis without requiring planning permission, so allowing the use within a building is likely to have less of an impact. Use of the existing garage for such a use would be closer to neighbouring dwellings.

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of the representations received to date, the proposal is considered to be a large domestic garage which would allow parking and storage of the applicant's classic tractors and remove the other buildings / greenhouses on the site. Given the separation distances from the garage to the neighbouring properties, it is not likely to have an unacceptable impact. The proposal is therefore considered to be in accordance with the above policies.

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:-
 - 1:1250 scale Location Plan dated 17 January 2017;
 - 1:500 scale Site Plan dated 17 January 2017;
 - 1:50 scale North Elevation dated 13 January 2017;
 - 1:50 scale South Elevation dated 13 January 2017;
 - 1:50 scale East Elevation dated 13 January 2017;
 - 1:50 scale West Elevation dated 13 January 2017.
- 3 The garage shall be used for private domestic purposes only, ancillary to the dwelling and not for any trade or commercial purpose.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3 To protect the amenities of neighbouring properties.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposed development complies with Policy GP1 of the LDP in that it is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.

NOTES

- 1 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

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

Application No	S/35069
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Application Type	Outline
Proposal & Location	PROPOSED DETACHED DWELLING AT PLOT ADJOINING, 1 PENYGRAIG ROAD, LLWYNHENDY, LLANELLI, CARMARTHENSHIRE, SA14 9PA

Applicant(s)	MS JULIA JONES, 88 HENDRE PARK, LLANGENNECH, LLANELLI, SA14 8UR
Case Officer	Paul Roberts
Ward	Bynea
Date of validation	03/02/2017

CONSULTATIONS

Llanelli Rural Council - Has raised no objection to the application provided:-

- The plot is large enough to accommodate a dwelling.
- There is no detrimental impact on the remaining amenity space at 1 Penygraig Road.
- The drainage generated from the additional development does not increase the hydraulic load on the public sewer.

Local Member - County Councillor D Cundy has not commented on the application to date.

Welsh Water/Dwr Cymru – Has not commented on the application to date.

Neighbours/Public – The neighbouring properties within the vicinity of the site have been notified of the application. In response, no letters of representation have been received to date.

RELEVANT PLANNING HISTORY

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

S/16463	1 No residential dwelling Outline planning refused Appeal Dismissed	5 October 2007 09 May 2008
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APPRAISAL

The application is presented to the Committee for a decision given that the applicant is related to a former member of staff of the Planning Service who has only recently left employment with the Authority.

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

THE SITE

The application site consists of an irregular shaped parcel of land located off the northern flank of Penygraig Road in Llwynhendy. The site currently consists of the side garden of no. 1 Penygraig Road and extends to a maximum width and depth of 13 and 18 metres respectively. The front of the site is characterised by low face brick walling with a grassed area and established hedgerow above. The area of the site to the rear of the hedge consists of a mix of hardstanding and lawned areas with the northern rear boundary consisting of a further hedgerow which separates the land from the neighbouring garden area to the rear.

The site is flanked on either side by existing residential properties consisting of a detached bungalow and two storey semi-detached house. The side driveway of the latter runs contiguous with the site's eastern boundary. The site is located in a primarily residential area which is characterised by a mix of former local authority housing estates and lower density detached properties.

THE PROPOSAL

The application seeks outline planning permission for the construction of a single dwelling on the site. All detailed matters are reserved for future consideration; the application therefore seeks to establish the principle of developing a single dwelling on the site.

The application has been accompanied by an indicative site layout plan which seeks to demonstrate how the land could be developed in an acceptable manner. The layout plan shows the siting of a modest sized dwelling at a comparable depth within the site to the neighbouring detached bungalow. Provision is made for a front forecourt area together with a rear garden which extends to a depth of 6 metres. Vehicle parking is shown to the side of the dwelling with the creation of a joint access arrangement with the host dwelling, no. 1 Penygraig Road. Scale parameters of the dwelling have also been provided which indicate it will have a ridge height of between 5 and 8 metres.

It is of note that part of the site was previously the subject of an outline planning application for a detached dwelling back in 2007. Planning application S/16463 refers. This application was refused on 5 October 2007 on the basis that the site was considered to be of insufficient size to accommodate a dwelling together with adequate off road parking and amenity space and the proposal would consequently represent the overdevelopment of the site. The Authority's decision was subsequently upheld at appeal in May 2008.

PLANNING POLICY

In the context of the current Development Plan framework the site is located within the development limits for Llanelli as defined in the Carmarthenshire Local Development Plan (December 2014). The following policies are of relevance to the proposal.

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

Policy GP1 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 GP2 requires 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 GP3 states that the Council will, where necessary seek developers to enter into planning obligations to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites.

Policy H2 permits proposals for smaller housing developments on unallocated sites within the development limits of a defined settlement provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 – Affordable Housing – requires that proposals for residential development less than 5 dwellings will be required to contribute through a commuted sum towards the provision of affordable housing in the local area.

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 TR3 relates to 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 EP2 states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land. 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.

THIRD PARTY REPRESENTATIONS

No third party letters of objection have been received in respect of the application to date. The application is presented to Committee for a decision given that the applicant is related to a former member of staff of the Planning Service.

Llanelli Rural Council have offered no objection to the application provided the plot is large enough to accommodate a dwelling and there being no detriment to the remaining amenity space of the host dwelling, no. 1 Penygraig Road. They've also highlighted the need to ensure the development does not unacceptably impact upon the hydraulic load of the public sewer.

Turning to the first issue relating to the size of the site. Whilst a previous application for the siting of a dwelling on the site was refused back in 2007 and this decision was subsequently upheld at appeal, the current application relates to a larger site whereby the grassed area fronting the land has been included within the site. The resulting depth of the site at some 18 metres allows for the siting of a modest sized dwelling with a generous front curtilage area and private garden space to the rear. The indicative plan shows a rear garden space measuring some 6 metres in depth by 13 metres in width which is larger than that of an adjacent property and is considered adequate to serve a dwelling of the scale proposed. Moreover, a generous garden area is retained to the rear of the existing dwelling, no. 1 Penygraig Road.

The layout of the development is in keeping with the spatial character of the surrounding area and with the careful design of the dwelling, the proposal will complement the appearance of neighbouring properties while having no unacceptable impact upon residential amenity. Furthermore, the proposal incorporates a suitable access and adequate off road parking provision.

The proposal is therefore considered to be in compliance with the objectives of policies GP1 and H2 of the LDP in terms of its visual and amenity impacts. Furthermore, it is also in accord with Policy TR3 in that it will not result in any unacceptable highway impacts.

With regard to the impact of the proposal upon the public sewer, Dwr Cymru/Welsh Water have raised no objection to the application in this regard.

CONCLUSIONS

On balance, and after careful examination of the site and its surrounding environs, together with the representations received to date, the principle of the residential development of the site is considered to be acceptable. The site is within the development limits of Llanelli and with the careful siting and design of the dwelling the proposal be in keeping with and complement the general character and appearance of the surrounding area.

The dwelling will be well related to the existing services and facilities in the wider Llanelli area while also being within easy access of existing public transport facilities. It therefore complies with the key policy and sustainability objectives of both the Authority's Local Development Plan and National Planning Policy. Furthermore, the proposal will make a positive contribution towards the provision of affordable housing in the locality whereby the applicant will be providing a commuted payment towards the same in accord with the requirements of Policy AH1 of the Local Development Plan.

In addition, there are no amenity, highway or public service objections to the development.

The application is put forward with a favourable recommendation subject to the applicant entering into a unilateral Undertaking or Section 106 Agreement securing the above commuted payment towards affordable housing.

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 1:1250 scale location plan received on 31 January 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 appearance; landscaping; layout; and scale of each building stated in the application, together with the means of access thereto, have been submitted, and received the written approval of the Local Planning Authority.
- 5 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Penygraig Road frontage within 2.4 metres of the near edge of the carriageway.
- 6 Cross sections taken throughout the site and details of the finished ground, floor and roof levels of the development hereby approved in relation to adjacent properties and the roadway shall be submitted with any subsequent reserved matters or detailed planning application.
- 7 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 8 Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.
- 9 The ridge height of the dwelling hereby approved shall not be higher than 8 metres.

REASONS

- 1 The application is in outline only.
 - 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.
- 4,6+9 In the interest of visual amenities.
- 5,7+8 In the interest of visual amenities and highway safety.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposal complies with Policies H2 of the Local Development Plan in that it is located within the development limits of Llanelli and will be in scale and compatible with the surrounding area.
- The proposal complies with Policy GP1 of the LDP in that it will conform to the character and appearance of the area and will not cause unacceptable loss of amenity to neighbouring properties.
- The proposal complies with Policy AH1 of the LDP in that in the applicant will make a commuted payment towards the provision of affordable housing as part of the proposal.
- The proposal complies with Policy TRS3 of the LDP in that it will be served by suitable access and parking provision and the traffic generated by the proposed development will not adversely affect highway safety or residential amenity.

NOTES

- 1 Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.
- 2 The developer/applicant's attention is drawn to the terms of the Unilateral Undertaking under Section 106 of the Town and Country Planning Act which sets out the agreement to make a contribution of £53.35 per square metre of internal floor space of the proposed dwelling towards the provision of affordable housing.

- 3 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 outline 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**

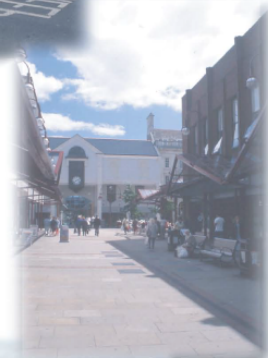
**REPORT OF THE HEAD OF
PLANNING, DIRECTORATE OF
ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN/**

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

**AR 9 MAWRTH 2017
ON 9 MARCH 2017**

**I'W BENDERFYNU/
FOR DECISION**



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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	9 MARCH 2017
REPORT OF:	HEAD OF PLANNING

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W/35024	Proposed prep room and storage areas with extensions to a commercial kitchen and dining room at The Old Board School Guest House, High Street, St Clears, SA33 4DY	94-98
W/35078	Change of use of existing ground floor front room to beauty treatment room (retrospective) at 43 Heol Rudd, Carmarthen, SA31 1ST	99-105

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	W/21986
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Application Type	Mineral Application
Proposal & Location	APPLICATION FOR THE DETERMINATION OF CONDITIONS ON AN INTERIM DEVELOPMENT ORDER PERMISSION AT MAESDULAIS QUARRY, PORTHYRHYD, CARMS

Applicant(s)	GOWER PLANT HIRE LTD, BRYN YSGALLOG, BURRY GREEN, GOWER, SWANSEA, SA31 1HR
Agent	BLANDFORD CONSULTING, THE ENTERPRISE CENTRE, MERTHYR INDUSTRIAL PARK, PENTREBACH, MERTHYR TYDFIL, SOUTH WALES, CF48 4DR,
Case Officer	Hugh Towns
Ward	Llanddarog
Date of validation	05/11/2009

CONSULTATIONS

Head of Transport – No comments.

Head of Public Protection – Request condition in relation to noise limits. It is not considered that the development would have a significant adverse effect on air quality. No adverse comments in relation to contaminated land

Planning Ecologist – Natural Resources Wales (NRW) should be consulted in relation to impacts on the nearby SSSI. An outlier single badger sett has been identified which will need to be closed. This will require a licence from NRW but works must proceed in strict accordance with the Badger Survey and Mitigation Report. A mitigation strategy for dormice and a long term Habitat Management and Monitoring Scheme are necessary. Peregrine falcon may be breeding in the quarry and a mitigation scheme for peregrine falcon is required. UKBAP habitat is present – wet woodland, lowland mixed deciduous woodland and open mosaic habitat on previously developed land. The restoration strategy is considered beneficial in terms of ecology and includes provision for net habitat gain. The proposed conditions satisfactorily address the issues of dust control, protection of water resources, phasing, lighting, habitat protection of surrounding areas and breeding bird mitigation.

Conservation Officer – Maesdulais Lime Kilns are Grade II listed buildings but are also scheduled monuments. Scheduled Monument Consent may be required from Welsh Government.

Llanddarog Community Council – Object as the roadway is too narrow and not suitable for additional quarry traffic of any kind. The road is already suffering from traffic generated by Garn Bica Quarry and the safety of road users is being endangered. Highway maintenance and extensive improvement works need to be carried out if permission is granted.

Local Member – County Councillor W.J.W. Evans has not commented to date.

Natural Resources Wales – Request conditions in relation to European Protected Species, a Habitat Management and Monitoring Scheme, restricting quarrying below the water table and the management of dust so as not to adversely impact the SSSI.

CADW – Verbally requested a condition requiring the scheduled monument to be fenced off from the working area of the quarry. Written confirmation is awaited.

Neighbours/Public – Whilst there is no statutory requirement on the Local Planning Authority to publicise an application for a Determination of Conditions on an IDO permission, it is clear from the guidance in Mineral Planning Guidance 9 (MPG9) that Authorities should do so as if it were an application for planning permission. The application has been publicised by display of a site notice in December 2009 and in January 2017 as well as in the local press also in 2009 and 2017. Eleven letters of objection and one letter expressing no objections have been received as a result. The grounds of objection include:

- Additional heavy traffic resulting in danger to road users;
- Impact on public amenity - noise, dust, blasting and health impacts;
- Hours of operation;
- Structural damage to property;
- Impact on ecology and habitats;
- Impact on groundwater;
- Impact on tourism;
- Object in principle;
- Current planning conditions on Garn Bica are ignored.

RELEVANT PLANNING HISTORY

Maesdulais

C4/401/REG	Registration of IDO Permission R1/50/PL/25/48/7 Approved	21 May 1992
R1/50/PL/25/48/7	Re-opening of Quarry IDO Approved	3 October 1946

Garn Bica

W/19140	Extend Quarrying Area within Existing Quarry Boundary Approved	16 April 2009
W/17359	Erection of Workshop and Product Storage Building Approved	29 May 2009
W/14482	Removal of Condition 20 attached to planning permission W/02506 (Restoration Slope Gradients) Approved	22 February 2007
W/02506	Determination of Conditions on Old Mining Permission Approved Appeal against Conditions 3, 5,8,9,11,18,20,21,40 and 56 Withdrawn	8 th June 2000 31 st July 2001
C4/124	New quarry access and weighbridge Approved (Not developed).	19 th December 1980
R1/322	Quarry Approved	15 th September 1949

APPRAISAL

THE SITE

Maesdulais Quarry is located in an area of open countryside on the limestone ridge approximately 650m north-west of the village of Drefach, 620m north east of Mynyddcerrig and 1km south of Porthyrhyd. The application site is approximately 2.33 hectares in extent and is located immediately to the south of the operational Garn Bica Quarry which is also in the ownership of the applicant. The sites are effectively worked as a single unit as the narrow wall of rock between the two sites has had to be removed for safety reasons. Ancillary operations to mineral extraction at Garn Bica have already become established within the Maesdulais quarry void but no extraction is being undertaken within Maesdulais.

The remaining reserve areas to the south of the quarry are wooded with the woodland having established on soil/overburden mounds probably dating back to the 1940's. The applicant has recently removed an area of woodland to facilitate the commencement of mineral extraction once this application is determined and to avoid removing woodland in the bird nesting season.

Surrounding land to the south and east is largely agricultural with land to the west of the application site being an area of unauthorised quarry workings dating back to the 1960's and early 1970's. Beyond that to the west is the C2066 county road and beyond that again the Coedydd y Garn SSSI. The site also lies within the Carmarthenshire Limestone Ridge Special Landscape Area.

The Maesdulais Lime Kilns Scheduled Monument is located in the south-east corner of the site adjacent to an area of woodland which contains the remaining stone reserves of approximately 200,000 tonnes. These reserves are overlain with approximately 16,500m³ of soils/overburden stripped when the quarry was initially developed.

A number of properties are located within the quarry buffer zone identified in the Carmarthenshire Local Development Plan (LDP). Llawrcwrt is the closest property, located approximately 125m to the west on the opposite side of the county road. Maesdulais Farm is located approximately 250m to the east. Caerau Croft and Nant-y-gleisied are located approximately 160m and 225m to the south west respectively.

Access to the site is gained along a 600m stretch of the C2066 running west from the B4310 at Banc-y-Mansel although some vehicles do access the site from Mynyddcerrig to the south as quarry vehicles are not restricted to a specific route. The access is shared with Garn Bica Quarry.

THE PROPOSAL

The Planning and Compensation Act 1991 introduced new procedures for dealing with permissions for the winning and working of minerals or the depositing of mineral waste, originally granted under Interim Development Orders between 21st July 1943 and 1st July 1948. Applications to register these 'old mining permissions', as they were called, had to be made to the Local Planning Authority by 25th March 1992 or they ceased to have effect. An application to register the 'old mining permission' at Maesdulais was duly made and registration was confirmed in May 1992.

As no working had been carried out at the site to any substantial extent between 1st May 1989 and 30th April 1991 the permission was classed as dormant. It is believed that the quarry was last worked substantively in 1972.

Where a permission is dormant, working may not lawfully re-commence until a scheme of operating and restoration conditions has been determined by the Local Planning Authority. This application is the applicant's submission of a scheme of operating and restoration conditions.

It is estimated that approximately 200,000 tonnes of reserve remain at the quarry which is anticipated to be worked at 50,000 tonnes per annum, as has been the case at the adjacent Garn Bica Quarry which is all but worked out. Therefore, the life of the site is estimated at approximately 4 years, even though the legislation requires permission to be granted until 21st February 2042. This output level equates to an average of 9 loaded vehicles per day (180 tonnes) over a 280 day working year. However, the maximum tonnage permitted from Garn Bica Quarry is 300 tonnes per day (150 tonnes on Saturday) and it is proposed to control the output of the two sites combined to the same tonnage per day, but with an absolute limit of 50,000 tonnes per year. Such a 'cap' does not currently exist.

The remaining reserve is to be worked in two phases of mineral working which are referred to in the submitted documents as Phase 3 and Phase 4. Phase 1 is the restoration of the Garn Bica Quarry to the north, Phase 2 is the restoration of the unauthorised quarry area to the west. The final phase of working will be the restoration of phases 3 and 4.

Hours of working are between 0730 hours and 1800 hours on Mondays to Fridays, and 0800 and 1200 hours on Saturdays which is the same as is currently the case for Garn Bica.

Restoration of the site is to a nature conservation after-use to enhance biodiversity. The nutrient poor materials with a higher pH will be used to establish calcareous grassland, with richer material used to establish distinct pockets of scrub/woodland. Advance woodland planting and translocation of existing vegetation to a receptor site is also proposed. An area of quarry face would also be retained to encourage nesting birds and peregrine falcon in particular. A series of ponds/wetlands will be provided. The applicant considers that this restoration would be in keeping with the characteristics of the wider landscape context.

Determination of Conditions applications cannot be refused. They can only be granted in accordance with the list of conditions required to be submitted by the applicant or granted subject to conditions different from those submitted by the applicant. Conditions which may be imposed on a dormant IDO permission may include any conditions which could be imposed on a grant of planning permission and full modern conditions will always be appropriate to dormant permissions.

Planning guidance also states that conditions imposed on any grant of planning permission should not be imposed which duplicate the effect of other controls as duplication of those controls would not meet the test of necessity.

Any conditions imposed do not take effect until the application has been finally determined i.e. all proceedings on the application, including appeals and High Court actions have been determined and the time period for any further appeal has expired.

PLANNING POLICY

Whilst the principle of development has already been established the following policies of the LDP are considered relevant: Policy SP1 – Sustainable Places and Spaces; Policy SP10 – Sustainable Mineral Development; Policy SP14 Protection and Enhancement of the Natural Environment; Policy EQ1 – Protection of Buildings, Landscapes and Features of Historic Importance; Policy EQ4 – Biodiversity; Policy EQ5 – Corridors, Networks and Features of Distinctiveness; Policy EQ6 – Special Landscape Areas, Policy EP1 – Water Quality and Resources, Policy EP2 – Pollution, Policy MPP1 – Mineral Proposals; Policy MPP2 – Buffer Zones; Policy MPP6 - Restoration and Aftercare of Mineral Sites; Policy GP1 – Sustainability and High Quality Design.

APPRAISAL

Noise

Concerns have been expressed by objectors regarding the level of noise. A noise assessment has been undertaken by the applicant. Noise measurements have been taken at 4 locations surrounding the site – Llawrcwrt to the west, Porthyrhyd Farm to the north, Maesdulais Farm to the east and Caerau Croft to the south-west. Background noise levels were established ranging from 30.9 dB at Llawrcwrt to 35.8 dB at Maesdulais Farm.

MTAN1: Aggregates, requires the noise limits to be set at 55dB or the background level plus 10 dB for areas with background levels below 45dB. As all the background levels measured are below 45dB it is the background plus 10dB which should apply in this case. This would provide a range of noise limits between 41dBLAeq and 46dBLAeq during the daytime (7am to 7pm). MTAN1 advises that the noise limits outside this period should be established at 42 dBLAeq.

Given that a limit of 42 dBLAeq (1 hour) is considered acceptable for night-time working it would be inappropriate to establish levels lower than that during the daytime. Therefore, based on the background levels provided by the applicant, MTAN1 would indicate a working level of 42 dBLAeq (1 hour) to be applied at Llawrcwrt and Porthyrhyd Farm, 46dBLAeq (1 hour) at Maesdulais Farm and 44 dBLAeq (1 hour) at Caerau Croft. These are the levels proposed by the applicant even though the report indicates they cannot be achieved at two locations.

However, the current day time noise limit attributable to operations at the Garn Bica Quarry, measured at any noise sensitive properties used as dwellings shall not exceed 55 dBLAeq (5 min). As the two quarries are to be worked as a single unit, having different noise limits for Garn Bica and Maesdulais poses significant problems. However, if noise limits can be reduced then this would have a beneficial impact. As extraction operations at Garn Bica will be limited in future it would be beneficial to impose achievable noise limits at Maesdulais lower than the 55 dBLAeq at Garn Bica.

The Head of Public Protection has considered the proposals and has indicated that a limit should be applied across both Garn Bica and Maesdulais. Predicted noise levels in the extraction phases 3 and 4 are 47 dBLAeq (1 hour) at Llawrcwrt 39dBLAeq at Porthyrhyd Farm, 44dBLAeq (1 hour) at Maesdulais Farm and 47 dBLAeq (1 hour) at Caerau Croft.

An appropriate limit during these phases especially as Garn Bica will have been largely restored would be 47bBLAeq at Llawrcwrt and Caerau Croft, 46dbLAeq at Maesdulais Farm and 42 dBLAeq at Porthyrhyd Farm. The limits are lower than the current limit at Garn Bica.

The proposal results in a reduction in the noise limits applied to the working of the site and therefore it complies with Policies MPP1 (b) and EP2 of the LDP.

Air Quality

The resumption of operations within Maesdulais will involve, soil stripping and overburden removal, extraction by blasting, transfer of material within the site, processing and progressive restoration, all of which have the potential to give rise to dust. A number of objectors have referred to concerns regarding dust and health impacts.

In Mineral Technical Advice Note 1: Aggregates (MTAN1) the Welsh Government indicates that research has indicated that people living close to mineral workings consider dust to be the main impact of mineral extraction. MTAN1 seeks to reduce the impact of aggregates production and as part of that the concept of buffer zones of a minimum distance of 200m is recommended around hard rock quarries, unless there are clear and justifiable reasons for reducing the distance. A buffer zone has been set around Maesdulais and Garn Bica which includes four existing residential properties as indicated above.

Based on research carried out by the DETR in 1995 the vast majority of particles responsible for annoyance/nuisance are deposited within 100m of the source although this can be increased to 200m if dust becomes wind entrained.

The closest property is Llawrcwrt just over 100m to the west. Extraction operations will be further from Llawrcwrt than is currently the case within Garn Bica and in addition the prevailing winds blow away from Llawrcwrt. Winds from the east are generally less frequent (6% of the time) and lighter than winds from the west and south west. The only other property within 200m is Caerau Croft which is located approximately 160m to the south west. Again the frequency of winds blowing to the south west is between 3% and 5% and these winds are generally lighter. The applicant has also submitted a suggested condition containing dust management protocols to be observed at the site. On that basis it is not considered that any residential property within 200m of the site will be subjected to significant levels of nuisance dust from the site.

The potential impact of dust on the Coedydd y Garn SSSI has been considered and as the woodland is limestone based it is not considered that any additional limestone dust from quarrying operations would be detrimental to the SSSI. However, NRW has commented that dust deposition should be managed by a suitably worded condition.

Air Quality Regulations prescribe National Air Quality Strategy (NAQS) – objectives to be achieved for a range of pollutants. Pollutants such as PM₁₀ and PM_{2.5} particulates are relevant and NO₂ is relevant for HGV emissions.

PM₁₀ data from DEFRA show that the 2015 average PM₁₀ concentrations in the area occupied by the site are 12ug/m³, 30% of the annual average NAQS objective of 40ug/m³. The NAQS daily mean objective is 50ug/m³ which should not be exceeded more than 35 times per year. The threshold value has been set at a level at which the risk of adverse health effects to any individual would be very small. Surface related mining operations are associated with very small increases in mean concentration of PM₁₀ particles (2ug/m³) and on that basis the concentration would still be well below half the mean threshold at 35%.

The mapped level for PM_{2.5} is 7.88ug/m³ (2015 data), 31.5% of the NAQS average annual objective of 25ug/m³. NO₂ levels are 5.54ug/m³, 13.85% of the annual mean NAQS objective of 40ug/m³ and 2.77% of the 1 hour mean of 200ug/m³, which should not be exceeded more than 18 times per year. Air Quality in the area is therefore good. The Head of Public Protection does not consider that the development would have a significant adverse effect on air quality.

For the reasons set out above the proposal is not considered to conflict with policies SP14 (h), EP2 (a) and MPP1(c) of the LDP.

Blasting & Vibration

Paragraph 83 of MTAN1 states that the maximum level of ground vibration at vibration sensitive locations as a result of blasting operations should not exceed a ppv of 6mm/sec in 95% of all blasts over any 6 month period, and no individual blast should exceed a ppv of 10 mm/sec. The applicant has therefore suggested a planning condition to that effect.

However, the existing blasting vibration limits at the adjacent Garn Bica Quarry are set at 4 mm/sec for 90% of blasts with no individual blast above 10 mm/sec. In order that a consistent threshold is set at both sites it is considered that the limits should be set the same as at

Garn Bica. Lower limits are also considered appropriate given the proximity of the Scheduled Monument to extraction areas in Phases 3 and 4.

Objectors have made reference to structural damage to their property as a result of operations at Garn Bica. However, the lowest threshold for cosmetic damage to a residential dwelling is 15mm/sec, minor damage is possible at more than twice that magnitude (30mm/sec) and major damage at four times that magnitude (60mm/sec). Blasting at Garn Bica has been nowhere near those levels.

Blasting also generates an air pressure wave (air overpressure) which is measured in decibels (dB). As air overpressure is transmitted through the atmosphere, climatic conditions will affect the intensity of the impact. In view of this unpredictability, planning conditions to control air overpressure are unlikely to be enforceable. However, it is considered appropriate to require the blasting regime to be redesigned if air overpressure exceeds a defined limit of 120dB.

In order to ensure that blasting limits are adhered to a blast monitoring regime will be required. As the control over blast vibration can be improved as a result of this proposal there is no conflict with Policy MPP1 (d) of the LDP.

Ecology and Biodiversity

The application is supported by an Ecological Impact Assessment. The study area is dominated by areas of bare ground within the quarry. The quarry void is almost entirely surrounded by semi-natural broadleaf woodland, although some areas are more secondary and are likely to have established on overburden/soils from previous quarrying activity. The woodland areas meet the broad characteristics of 'Broadleaved, mixed and yew woodland' which is a habitat of principal importance as well as being a priority habitat in the Carmarthenshire LBAP. Mitigation for the loss of approximately 0.44 hectares of woodland includes the early planting of new scrub/woodland areas and translocation of root balls and woodland soils amounting to a larger area of 1.22 hectares.

The presence of dormouse has been confirmed by survey work. The proposed operations would result in the removal of approximately 0.44 hectares of high value dormouse habitat. It is proposed to remove the dormouse habitat utilising two stages of vegetation clearance between May and September. The removed material would be utilised for habitat creation elsewhere. A dormouse mitigation strategy will therefore be required as well as a Habitat Management and Monitoring Scheme. A licence may also be required from NRW

Surveys did not identify the presence of bat roost sites although foraging and commuting routes were confirmed. The potential impacts to bats relate to loss of foraging grounds and the disruption to flight lines. Seeding and natural recolonization to create calcareous grassland together with the creation of ponds and ditches will improve habitat diversity and provide foraging resources for birds, bats, invertebrates, amphibians and small mammals.

Three priority species of birds were recorded as breeding or likely to be breeding on the site – song thrush, spotted flycatcher and bullfinch. The impact on breeding birds is more likely during vegetation removal which is usually carried out outside the bird nesting season. Restoration of the quarry faces to leave high ledges would be beneficial for nesting birds such as peregrine falcon which has been recorded in the area.

An outlier badger set was identified and will need to be closed under licence from NRW. However, the Council Ecologist has recommended a condition requiring the work to be done in accordance with the submitted Badger Survey and Mitigation Report.

Provided the proposed mitigation is provided and the proposed restoration strategy is achieved the proposal will be beneficial in terms of ecology and includes the provision of net habitat gain.. The proposal does not therefore conflict with policy SP1 (i), SP14, EQ4, EQ5, GP1, MPP1 (f) and MPP6.

Hydrology and Hydrogeology

The quarry is situated within a band of limestone of Lower Carboniferous age known as the Dowlais Limestone Formation or Llandyfan Limestone Beds. This series of rocks are classified as a 'Principal Aquifer' and defined as layers of rock that have high permeability, meaning that they usually provide high levels of water storage which may support water supply and/or river base flow on a strategic scale.

Borehole data from three boreholes indicate that groundwater fluctuates between 92.8m AOD and 105.7m AOD. Site observations seem to confirm that data as the existing quarry sump areas tend to hold water up to approximately 101m AOD and below. The current quarry floor is at approximately 104mAOD and is above the water table. There are no proposals to deepen the quarry floor below the current level and therefore the water table will not be intercepted. There will therefore be no impact on water resources.

There is no formal surface water drainage system as the site is worked dry. Rainfall collects on the quarry floor and within the lower areas before percolating through the bedrock. The restoration scheme will provide for wetland/pond areas to control surface water which will infiltrate into the ground naturally. Some water features may dry out during dry weather facilitating ephemeral vegetation types.

NRW have no adverse comments in relation to hydrology and hydrogeology provided a condition is imposed to prevent quarrying below the water table. It is proposed to limit the depth of working to the existing floor level of 104mAOD or the water table whichever is the higher.

Therefore there is no conflict with Policies SP14 (h), EP1, EP2 (b) and MPP1 (e) of the LDP

Cultural Heritage

Maesdulais Limekilns Scheduled Monument was designated in 1996 and lies within the south east corner of the site. These kilns are also Grade II listed buildings.

The monument consists of the remains of a pair of exceptionally tall 18m high triple buttressed limekilns build of dressed limestone and set into a bank of quarry spoil. A date stone of 1887 is built into the central buttress. Two drawing arches include brick drawing holes with steel beams and shutters. The features are embedded in an area of woodland that is to remain and therefore there will be no discernible change in the setting of the Monument.

Non-designated features include a track to the kilns, a spoil tip to the south and concrete piers for a crushing mill and a further limekiln which is no longer evident. The spoil tip lies on top of the remaining reserve and is therefore to be removed as part of the development.

The proposed excavation in Phases 3 and 4 do not encroach on the scheduled area although they do bring the excavations closer than have occurred in recent years at Garn Bica. Blasting has been undertaken at Garn Bica over a number of years but blasting limits at Garn Bica are set at a lower level than those suggested by Welsh Government Guidance contained in MTAN1. The same limits would be appropriate for Maesdulais and therefore there should be no significant impact on the scheduled monument from blast vibration. CADW recommends that the scheduled area is fenced off from the working site and that can be required by condition.

The applicant suggests a written scheme of investigation in the currently undisturbed areas as mitigation and to ensure no loss of archaeological features without prior recording. Such a condition is acceptable in this case.

On the basis of the above there is no conflict with policies EQ1 and MPP1 (f) of the LDP.

Landscape Character and Visual Impact

The site falls within the Gwendraeth Vales area as defined in the Landscape Character Map of Wales. The landscape is defined as varied owing to its complex underlying geology, with a prominent limestone ridge overlooking rolling hills and valleys. Evidence of past settlement and industrial uses is still visible in the landscape.

The development has also been assessed against the LANDMAP database maintained by NRW. The site also within LANDMAP aspect areas which are described and evaluated as follows:

Visual and Sensory – Evaluation: High

A ridge of higher exposed land that provides contrast to the adjacent valleys. Though running through lowland, the ridge, with its undulating skyline, reaches a series of highpoints between 240 and 280mAOD and therefore is considered as upland. This is echoed in its character and exposure, although these qualities are less evident to the west where the ridge dips gently. It is a very varied area, with patches of unenclosed common land such as at Mynydd Llangynderine, characterised by bracken and heather and rock exposures. A common feature is the series of limestone quarries such as at Crwbin and Cilyrchen, which are detractors. There are areas of enclosed pasture where the fields are relatively small at lower altitudes around Meinciau. The area provides views over the adjacent valleys and in places beyond. It is crossed by several roads, the busiest being the A48 [T] but is tranquil in parts, and there are areas of scattered settlements and linear settlements often related to the quarries.

Landscape Habitats – Evaluation: Outstanding

Narrow ridge of outcropping carboniferous limestone and quartzite supporting a mosaic of ash-dominated broad-leaved woodland, marshy grassland, neutral grassland and calcareous grassland as well as heath, Bracken and scrub. The ridge is at times fragmented and interspersed by improved grasslands. Parts of the area are of international interest, particularly Cernydd Carmel which hosts the only Welsh turlough.

Historic Landscape – Evaluation: Outstanding

Includes unenclosed areas of limestone quarrying and processing, some now disused, with areas of medium sized irregular field enclosures and some woodland. Includes the nucleation of Crwbin and dispersed farmsteads and cottages. Most significant archaeological element(s): Bronze Age ritual sites - relict landscape, Lime quarrying and burning industry.

Geological Landscape – Evaluation: High

WSW-ENE crest to broad ridge, rising slightly above surrounding areas. Very distinctive with ground excavated by many quarries in Lower Carboniferous limestones, also rock outcrops, including of overlying Upper Carboniferous 'Millstone Grit' sandstones and surface scatter of rocks/blocks. Karstic features such as dolines ('sink' or 'swallow holes') probably also present.

Cultural Landscape – Evaluation: High

Multi-faceted appearance but largely homogenous cultural use in the form of farming. The county of Carmarthenshire is so large, and indeed so topographically, culturally and socially diverse as between its various components, that it is not possible within resources to characterise all its cultural features other than those which have a special resonance. However, on the basis that historically, and currently, the principal cultural activity is farming, and recognising that the landscape changes from coastal flats to rugged and inaccessible high points riven by mountain river and stream valleys with undulating landscapes of soothing attractiveness, this catch-all designation appears to be appropriate.

The site also falls within the Carmarthenshire Limestone Ridge Special Landscape Area defined in Policy EQ6 of the LDP.

In landscape terms the quarry site itself is of medium value with a low landscape susceptibility because it is an existing quarry. The mineral extraction area itself is well hidden in the landscape and will have a low impact on the visual and sensory character and how the landscape is perceived. In cultural and historic terms the site is unlikely to represent a change to the recognised cultural aspect. Restoration reflects the landscape habitats important to the aspect area within which it is located. The impact is therefore assessed as minor/moderate locally and negligible within the wider landscape.

The overall conclusions relative to visual impact are that the operation would have a very limited effect on views from the wider landscape. The greatest impact would be from the local road at Banc-y-Mansel (Viewpoint E) but the nature and scale of the change would not be significant.

The quarry is not prominent in the landscape and the restoration strategy seeks to integrate the site into the surrounding countryside. It is not therefore considered that the continuation of quarrying has a significant impact in landscape and visual terms and the proposal does not conflict with Policies SP1(d), SP14(e), MPP1(h) and EQ6 of the LDP

Highways and Transportation

The majority of objectors claim that additional heavy traffic from the site will result in additional danger to road users. The Community Council has also objected to the proposal on highway grounds.

The existing planning permission for Garn Bica restricts the output from the quarry to a maximum of 300 tonnes per day Monday to Friday and 150 tonnes on Saturdays. This amounts to an annual output of 72,000 tonnes assuming a working year of 280 days.

The applicants have proposed a similar planning restriction at Maesdulais and Garn Bica combined and have also suggested an annual restriction of a maximum of 50,000 tonnes per annum. This restriction effectively reduces the potential output from the site by 22,000 tonnes per annum and consequently reduces the traffic movements potentially generated at the site.

That being the case there is no additional pressure on the existing highway network than is currently the case. There is therefore no conflict with Policy MPP1 (a).

Other Matters

One of the objectors claims that current planning conditions attached to the operations at Garn Bica are ignored and the same will be the case at Maesdulais. This claim is strongly refuted as all of the objectors complaints have been investigated in accordance with Enforcement Protocols and Guidance and whilst the objector may be disappointed with the outcome of investigations it is not correct to say that his concerns, or planning conditions, have been ignored.

Objectors refer to an adverse impact of tourism but do not provide any specific evidence to support that view. It is difficult to support such a view on a site where quarrying has been undertaken for a number of years without any claims from local tourist facilities that it has an adverse impact on their business.

CONCLUSION

As stated above, this type of application cannot be refused. It can only be granted in accordance with the list of conditions required to be submitted by the applicant or granted subject to conditions different from those submitted by the applicant.

Consideration is therefore limited to minimising the impact of the development on amenity and the environment and maximising the opportunities for enhancement of the ecosystems and biodiversity of the area during site restoration.

In this case, for the reasons outlined above it is considered that the application cannot be granted subject to the conditions submitted by the applicant. Greater protection of amenity and the environment and additional benefits in terms of biodiversity can be achieved by imposing conditions different to those submitted by the applicant.

RECOMMENDATION – APPROVAL

CONDITIONS

Time Limits

- 1 The winning and working of minerals at the site shall cease not later than 21st February 2042. The site shall be fully restored in accordance with the approved restoration strategy, including the removal of all quarry plant, machinery and temporary buildings and the removal of stone stockpiles no later than 21st February 2043 or 12 months from the permanent cessation of winning and working of minerals at the site whichever is the earlier.

Working Programme, Phasing and Direction of Working

- 2 The development hereby permitted shall be carried out in accordance with the following documents and drawings received by the Local Planning Authority on 9th January 2014 unless amended by any of the following conditions:
 - Drawing MQ/01 – Site Location Plan
 - Drawing MQ/02 – Existing Layout
 - Drawing MQ/03 – Phase 1
 - Drawing MQ/04 – Phase 2
 - Drawing MQ/05 – Phase 3
 - Drawing MQ/06 – Phase 4
 - Drawing MQ/07 – Whole Site Restoration
 - Planning Statement dated June 2016
 - Environmental Statement dated June 2016
 - Letter from SLR dated 12th December 2016
- 3 No winning and working of minerals shall be undertaken in Phase 4 as defined on Drawing MQ/06 until such time as the restoration works indicated on Drawing Number MQ/03 (Phase 1) and MQ/04 (Phase 2) have been completed in accordance with detailed restoration schemes for those areas which have been submitted to and approved by the Local Planning Authority.
- 4 The advance tree planting area indicated on Drawing MQ/07 shall be planted in the first tree planting season following final determination of the application in accordance with a detailed scheme to be submitted for the written approval of the Local Planning Authority.
- 5 There shall be no winning and working of minerals within the Phase 2 area and no plant and machinery shall be located within the Phase 2 restoration area.
- 6 Until such time as operations at the quarry permanently cease, copies of this decision notice and any other documents referred to in it shall be kept available at the site office for inspection during permitted working hours. The existence and contents of these shall be made known to all operatives who are responsible for the matters referred to in the documents.

Restriction of Permitted Development Rights

- 7 Notwithstanding the provisions of Parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, replacing or re-enacting that Order)
- (a) no fixed plant or machinery, buildings or structures, shall be erected, extended, installed, rearranged or altered at the site without the prior written approval of the Local Planning Authority.
 - (b) Any waste from the quarry shall be deposited inside the site so as to assist in the reclamation and re-vegetation of the quarry in accordance with the approved restoration details. The locations of such waste deposits shall be chosen so as not to conflict with the overall scheme of restoration referred to in this decision. There shall be no deposits on land adjoining the excavated areas except with prior written permission from the Local Planning Authority. No tips of quarry waste shall be created on skylines.

Production Limits

- 8 The output of mineral via the combined Maesdulais/Garn Bica quarry unit access shall not exceed a level of 50,000 tonnes per calendar year. Output of mineral from the site shall also not exceed 300 tonnes per day Monday to Friday and 150 tonnes on Saturdays.
- 9 From the date of final determination of this permission, the quarry unit operators shall maintain records of their daily output/production and shall make them available to the Local Planning Authority within 14 days of a formal request. All records shall be retained for at least two years.

Hours of Working

- 10 Except in emergencies to maintain safe quarry working (which shall be notified to the Local Planning Authority as soon as practicable), or with the prior written approval of the Local Planning Authority:-
- (a) no operations, other than servicing, environmental monitoring, repair and testing of plant or other similar work, shall be carried out except between 0730 hours and 1800 hours on Mondays to Fridays, and 0800 and 1200 hours on Saturdays
 - (b) no essential servicing or repair and testing of plant shall be carried out after 2100 and before 0800 hours on any normal weekday after 1800 hours and before 0800 hours on a Saturday or Public Holiday.
 - (c) no operations on the periphery of the site or at high levels, or in unscreened locations, such as the formation, removal or alteration of spoil tips, baffle mounds, screening and storage embankments, formation or maintenance of drainage works, and the stripping and replacement of soils shall be carried out except between 0800 hours and 1700 hours Monday to Friday and 0800 hours and 1200 hours on Saturdays

- (d) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays and Public Holidays.

The term 'emergency' means any circumstances in which the operator has reasonable cause for apprehending injury to persons or serious damage to property or the environment.

- 11 During published school term times for local schools, no HGV's (more than 7.5 tonnes gross weight) shall enter or leave the site except between the following hours Monday to Friday:-

0730 and 0830 hours

0930 and 1500 hours

1600 and 1800 hours

Depth of Working

- 12 No mineral extraction shall take place below 104m AOD or the depth of the water table whichever is the higher.

Access, Traffic and Protection of the Public Highway

- 13 No waste materials or minerals shall be brought into the site for disposal, treatment, processing or re-distribution.
- 14 The site access road shall be hardsurfaced for a minimum distance of 15 metres from the C2066 County Road. The hardsurfacing shall be maintained and repaired as necessary to ensure full hardsurface coverage during the life of the site.
- 15 A visibility splay of 2.4m x 33m shall be retained for the duration of the permission, either side of the centre line of the access road in relation to the nearer edge of carriageway. No growth and/or any other form of development exceeding a height of 0.9 m above the level of the crown of the adjoining public road shall be permitted within the visibility splay.
- 16 Efficient means of cleaning shall be provided and be utilised for the cleansing of wheels and chassis of all vehicles leaving the site so as to prevent the deposition of extraneous material on the public highway. Any wheelwash or wheel bath shall be a "closed" system with no discharge of contaminated waters.
- 17 All surface water from within the site shall be trapped and disposed of so that it does not flow on to the public highway.
- 18 All vehicles leaving the site loaded with crushed aggregates shall be securely sheeted. This shall not apply to single sized graded material which is above 75 mm.

Dust

- 19 Measures shall be taken to minimise dust emissions from operations at the site in accordance with the following protocol:

- (a) water bowsers fitted with control sprayers or other mobile or fixed water sprayers shall be available on site and utilised as often as is necessary to suppress dust. At such times as the prevention of dust nuisance by these means is not possible, operations shall cease until such time as the weather conditions are satisfactory for those operations to be undertaken without dust nuisance;
- (b) soils and overburden shall not be handled during extreme dry weather conditions unless the working areas and any mounds created can be dampened down sufficiently to prevent dust nuisance. At such times as the prevention of dust nuisance by these means is not possible, operations shall cease until such time as the weather conditions are satisfactory for those purposes;
- (c) all drilling rigs used on site shall have efficient filter bag units or other efficient arrestment system fitted correctly and used when drilling in order to minimise the emission of dust to atmosphere, except for collaring and horizontal drilling;
- (d) the site access road shall be maintained by use of a road sweeper which shall operate as required to maintain the surface of the road free of mud and other detritus;
- (e) a speed limit of 10 mph shall apply to all vehicles on internal haul roads;
- (f) no vehicle used for the movement of materials within the site shall be equipped with downward pointing exhausts;
- (g) loading of vehicles shall be carried out so as to minimise the generation of airborne dust. Where crushed material is loaded into lorries at a load out area then dust emissions shall be minimised by water suppression;
- (h) any crushing or screening plant operated at the site shall include measures to control the emission of dust to atmosphere. The operators shall ensure that all visible dust emissions from materials handling be kept to a minimum and that in particular stock piles of pre-crushed materials shall be kept moist in order to reduce emissions to atmosphere of dust;
- (i) internal road transport of processed materials likely to generate dust shall be carried out in closed tankers or sheeted vehicles, or the materials adequately conditioned with water;
- (j) all water based dust suppression systems for processing plant must have a suitable and sufficient supply of water and shall have adequate freeze protection to ensure consistent operations;
- (k) the loading to and from stockpiles, and construction and management of stockpiles shall be carried out in such a manner as to minimise wind borne dust;
- (l) drop heights of stone shall be minimised. Stone shall normally be conditioned with water or proprietary conditioning agents and this shall take place at or before the point of discharge from any conveyor. Loading shall take place at

sheltered points around the stockpile. When constructing and managing stock piles, regard shall be had to the need to prevent dust becoming wind entrained. Stock piles shall be suitably profiled and shall be situated in sheltered areas of the site. Other appropriate measures shall include periodic conditioning with water or proprietary conditioning agents, according to weather conditions and the fitting of dust covers to all external conveyors;

- (m) any complaints received regarding dust nuisance shall be investigated and reported to the Local Planning Authority within 7 days of receipt together with the action considered appropriate to resolve any issue highlighted by the investigation (including provision for monitoring) and any amendments required to the protocol. Any revised protocol approved by the Local Planning Authority shall be implemented from the date of approval.

Blasting and Vibration

- 20 No blasting shall take place at the site except between 9.30 and 15:30 hours on Mondays to Fridays inclusive. There shall be no blasting or drilling operations on Saturdays, Sundays, Public Holidays or National Holidays.
- 21 Blasting shall be undertaken in such a manner to ensure that ground vibration for 95% of blasts over any continuous six month period are at or below a measured peak particle velocity (ppv) of 4 mm per second. No single blast shall exceed a ppv of 10 mm per second. The measurement is to be the maximum of three mutually perpendicular directions taken at the ground surface as measured at or near the foundations of any vibration sensitive building.
- 22 No secondary blasting shall be carried out on site.
- 23 All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby residential property the Local Planning Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed and revised in accordance with the findings of such review prior to any further blasting being undertaken at the site.
- 24 Blast monitoring measures shall be implemented in accordance with a scheme to be submitted for the written approval of the Local Planning Authority within 1 month of the date of this permission. The scheme shall include
 - a) Blast monitoring locations and frequency of monitoring.
 - b) The monitoring equipment to be used to record ground vibration and air overpressure.
 - c) Presentation of results.
 - d) Procedures to be adopted if vibration levels are exceeded.

Noise

- 25 Between the hours of 07:30 and 18:00 hours on Mondays to Fridays, and 08:00 and 12:00 noon on Saturdays the noise level attributable to operations at the site, measured at noise sensitive properties identified below shall not exceed the following levels measured as dBLAeq. (1 hour) (free field):

Llawrcwrt -	47
Porthyrhyd Farm	42
Maesdlais Farm	46
Caerau Croft	47

Outside these hours the noise level attributable to operations at the site shall not exceed 42 dB LAeq (1 hour) (freefield).

- 26 Silencers and means of silencing or covers shall be fitted to, used and maintained on all vehicles, plant, and machinery used on site, including power hammers and percussive equipment. Save for the purpose of maintenance, no machinery shall be operated with the covers open or removed.
- 27 The best practical means shall be used to minimise noise from reversing warning devices which are fitted to mobile plant and vehicles on site. This may include the fitting of "smart" alarms to vehicles.
- 28 Prior to the commencement of mineral extraction within Phase 3 a scheme for monitoring noise levels arising from the working of the site shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide for:
- (i) Noise monitoring locations and frequency of monitoring;
 - (ii) Details of equipment proposed to be used for monitoring;
 - (iii) Recording the details of plant and machinery working at the time of monitoring;
 - (iv) Logging of all weather conditions and wind direction;
 - (v) Presentation of results;
 - (vi) The procedures to be adopted in the event of noise levels being exceeded.

Such scheme shall be implemented as approved and complied with at all times.

Protection of the Water Environment

- 29 Within 3 months of the date of determination, a Pollution Prevention Method Statement detailing all pollution prevention measures to be adopted at the site and potential contingency plans if an incident does occur, shall be submitted for the written approval of the Local Planning Authority. The Method Statement shall identify as a minimum:
- (a) storage facilities for all fuels, oils and chemicals;

- (b) construction compounds, car parks and offices;
- (c) details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off and the maintenance regime for such installations;
- (d) details of measures to ensure no polluting discharge from haul roads and disturbed areas;
- (e) details of emergency contacts.

Floodlighting

- 30 Any artificial lighting units installed on the site shall be so sited so that the lamp is below the level of the quarry face towards which it is facing and shall be shielded so as to be unobtrusive to any residential or agricultural property outside the site.

Historic Environment

- 31 No works/operations, the parking of vehicles/plant or the removal of vegetation shall take place within the Scheduled Monument Area. The boundary of the Scheduled Monument shall be securely fenced prior to any mineral extraction being undertaken within Phase 3 and the fence shall be maintained in a stockproof condition for the duration of operations at the site.
- 32 No soil stripping or soil moving operations shall take place within Phase 3 or Phase 4 of the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and been approved by the Local Planning Authority.

Ecology

- 33 Throughout the working life of the quarry the site shall be managed for species and habitat conservation. The management shall include the following:-
- (i) Areas where no quarrying activity (excavation, soil stripping, waste tipping, soil storage, siting of plant, equipment and offices) is to take place shall remain undisturbed to enable the natural colonisation of bare surfaces;
 - (ii) Once excavations have reached the finished contours in any part of the site no further disturbance shall take place without the prior written approval of the Local Planning Authority;
 - (iii) Artificial features such as good ledges, large cavities, holes and cracks shall be created in quarry faces once excavations have reached the finished contours, for use by birds and bats;
 - (iv) Leaving some exposed soft, crumbly faces where safe to do so;
 - (v) Minerals and mineral waste arising from the operations at the site may be left on the floor of the quarry;

(vi) Leaving exposed at the surface such geological profiles as may have been exposed and may be safely left.

- 34 No removal of trees, bushes or hedgerows within the working area shall take place between 1st March and 31st August (inclusive) in any year unless.
- 35 No mineral extraction operations shall be undertaken on the Maesdulais Quarry site until a detailed long-term Habitat Management and Monitoring Scheme has been submitted to and approved by the Local Planning Authority. The scheme shall be fully implemented as approved.
- 36 Works for the closure of the identified badger sett must proceed in strict accordance with Section 9 of the submitted Badger Survey and Mitigation Report.
- 37 No extraction works shall take place at the site until a detailed mitigation strategy for dormice has been submitted for the written approval of the Local Planning Authority. The scheme shall be implemented as approved.
- 38 No works to suitable dormouse habitats shall be commenced until the Local Planning Authority has been provided with a licence that has been issued by NRW pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead, or NRW has informed the applicant in writing that such a licence is not required.

Landscaping

- 39 The existing trees, bushes and hedgerows within the site (except those within the area of excavation) or on land within the applicants control, shall be retained and shall not be felled, lopped, topped or removed without the prior written approval of the Local Planning Authority. Any such vegetation removed without such approval, dying, being severely damaged or becoming seriously diseased as a result of operations at the site shall be replaced with trees or bushes of such size and species, as may be specified by the Local Planning Authority, in the planting season immediately following any such occurrences

Site Maintenance

- 40 The external cladding, colour and finish of all buildings, structures or fixed plant shall be maintained in a good state of repair and appearance throughout the life of this development.
- 41 From the date of the final determination of this permission until final completion of the development, the operator shall maintain and make stock proof the perimeter hedges, fences and walls and protect the same from damage. Where a site boundary does not coincide with an existing stockproof hedge or fence, a stockproof fence shall be provided and maintained until completion of operations.
- 42 The topsoil and subsoil mounds shall be kept free of weeds and all necessary steps shall be taken to destroy weeds at an early stage of growth to prevent seeding.

Soil Stripping, Handling and Storage

- 43 All available topsoil and subsoil, shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles or machinery, or roads, buildings, plant yards or stores are constructed on it.
- 44 The operator shall notify the Local Planning Authority at least 72 hours prior to the stripping of soils and/or the re-spreading of soils on any part of the site.
- 45 In each calendar year, soil stripping shall not commence until any standing crop of vegetation has been cut and removed.
- 46 All stripped topsoil's, subsoil's and other growing media shall be stored separately within the site for the progressive restoration of the quarry in a place where they will not be disturbed until such time as they are required for restoration purposes. No topsoil, subsoil, or peat shall be sold or otherwise removed from the site.
- 47 Not later than three months from the final date of determination of this application the developer shall provide the Local Planning Authority with plans, drawings and written details to define the location, quantity and quality of topsoil and subsoil stores.
- 48 The surfaces of all topsoil and subsoil storage mounds shall be graded and sloped at suitable gradients to encourage surface water drainage and prevent ponding and erosion, and shall be seeded, planted, and maintained to have sufficient moisture content or other treatment to minimise fugitive dust emissions.
- 49 The stripping, movement and re-spreading of soils and peat shall be restricted to occasions when material is friable and the ground is sufficiently dry to allow the passage of heavy vehicles and machinery over it without damage to the soils and peat.

Restoration and Aftercare

- 50 Not later than three years from the date of this decision the owner or developer of the quarry shall submit for the written approval of the Local Planning Authority detailed schemes for the final restoration and aftercare of the site. The schemes shall reflect the principles of the Concept Restoration Plan MQ/07. The site shall be reclaimed in accordance with the terms of approval of the schemes.
- 51 Without prejudice to the totality of the restoration scheme, it shall include details of the removal of all plant, machinery, buildings, stockpiles, drainage ditches and lagoons, unless these are to be retained as wetlands, the re-grading of the site, and the spreading of soils or other growing media.
- 52 In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme and which in the opinion of the Local Planning Authority constitutes a permanent cessation as defined in Paragraph 3 of Schedule 9 of the Town & Country Planning Act 1990, a revised scheme, to include all details of restoration and aftercare, shall be submitted in writing to the Local Planning Authority within 6 months of the permanent cessation of mineral working. The approved revised scheme shall be fully implemented within 12 months of the written approval unless otherwise agreed in writing by the Local Planning Authority.

- 53 Without prejudice to the totality of the scheme of aftercare, it shall include details of:-
- (a) Planting and landscaping.
 - (b) Cultivations, seeding and management of woodland, shrubs, and grassland, in accordance with the rules of good husbandry.
 - (c) The duration of the aftercare period.
 - (d) Grazing management, where appropriate.
 - (e) Any other agricultural, silvicultural or conservation treatment particularly relevant to the site.
 - (f) The creation, management and maintenance of any paths, tracks, and roads.
 - (g) Maintenance and management of drainage features, ponds and wetlands.
 - (h) At least once a year the site operators shall arrange a formal review to consider the restoration and aftercare operations which have taken place on the land during the previous year, and the programme of management for the following year. The parties invited to this review shall include the Mineral Operator, the owner(s) of the land, the occupier(s), the Mineral Planning Authority, the Countryside Council for Wales and the Environment Agency.
 - (i) At least four weeks before the date of each annual review the operator shall provide the Mineral Planning Authority with a record of the management and operations carried out on the land during the period covered by the review.

REASONS

- 1 As required by the Planning and Compensation Act 1991.
- 2 To define the development hereby approved.
- 3 To ensure that the progressive restoration of the entire site is achieved at the earliest opportunity.
- 4 To mitigate for the loss of woodland at the earliest opportunity.
- 5 To maintain control over the extent of the operational area.
- 6 To ensure the development is carried out in accordance with the approved documents.
- 7 To control site operations and in the interests of the amenities of residents of the area.
- 8,9,11 In the interest of highway safety.
- 10 In the interests of the amenity of residents of nearby residential properties.

- 12 To protect groundwater resources.
- 13-18 In the Interests of highway safety.
- 19-28 In the interests of the amenity of residents of nearby residential properties.
- 29 To protect the water environment.
- 30 In the interests of the amenity of residents of nearby residential properties.
- 31,32 In the interests of the protection of the historic environment.
- 33-39 In the interests of biodiversity and nature conservation.
- 40 In the interests of visual amenity.
- 41 To prevent access to the site by livestock.
- 42 To prevent a build-up of harmful weeds in soils that are being or will be used for restoration.
- 43-49 To ensure the restoration of the site is not put at risk by poor soil handling techniques.
- 50-53 To ensure the proper restoration of the site.

NOTES

- 1 All British Bat species and dormice are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations (1994).

Under Regulation 39 of the Regulations, it is an offence to deliberately to capture or kill a wild animal of a European protected species; deliberately to disturb any such animal; or to damage or destroy a breeding site or resting place of such an animal. For bats this includes roosts that are not currently being used.

If Bats or dormice are found within the quarry area work will have to stop and the Countryside Council for Wales informed - a licence may need to be applied for from the Welsh Government. Licences are not automatically granted by virtue of a valid planning consent and it may be possible that a licence application is refused.

- 2 In addition the applicant should be aware that peregrine falcons are known to nest in Maesdulais Quarry. Under the provisions of Schedule 1 of the Wildlife and Countryside Act (1981) (as amended) it is an offence to kill, injure or disturb any wild bird or damage or destroy the nest of any wild bird whilst that nest is being built or is in use. The breeding bird season is generally taken to be mid-March to mid-August. As such no work should be carried out during the breeding season, unless it can be demonstrated that nesting birds are absent.

Application No	W/35024
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Application Type	Full Planning
Proposal & Location	PROPOSED PREP ROOM AND STORAGE AREAS WITH EXTENSIONS TO A COMMERCIAL KITCHEN AND DINING ROOM AT THE OLD BOARD SCHOOL GUEST HOUSE, HIGH STREET, ST CLEARS, SA33 4DY

Applicant(s)	MR PHILLIP HUGHES, THE OLD BOARD SCHOOL GUEST HOUSE, HIGH STREET, ST CLEARS, SA33 4DY
Agent	CAD SERVICES - TIM STICKLAND, GOITRE FAWR, CWMBACH, WHITLAND, CARMS, SA34 0DN
Case Officer	Stuart Willis
Ward	St Clears
Date of validation	25/01/2017

CONSULTATIONS

St Clears Town Council – Has not responded to date.

Local Member - County Councillor P Hughes is the applicant and has made no prior comment.

Neighbours/ Public - The application has been publicised by the posting of 2 site notices and no responses have been received to date.

RELEVANT PLANNING HISTORY

The following planning application has previously been submitted on the application site:-

W/32906	Change of Use with single storey rear extension to form a small companion animal veterinary centre Full planning permission	4 February 2016
W/20265	Proposed new medical centre and veterinary clinic with new access road and associated car parking Withdrawn	18 August 2011

W/18063	New residential care home (45 bed spaces) Withdrawn.	18 July 2008
W/17224	Retrospective application for conservatory Full planning permission	16 October 2007
W/09170	Ground floor extensions to dining room and kitchen including new entrance lobby, storerooms and garage Full planning permission	18 March 2005
D4/24586	Conversion into guest house 1 Full planning permission	28 April 1994
D4/22889	Change of Use of old school building to residential Full planning permission	4 February 1993
D4/22054	Electricity supply Full planning permission	6 February 1992

APPRAISAL

The application is presented to the Planning Committee as the applicant is the Local Member Cllr P Hughes.

THE SITE

The application site comprises a detached 2 storey building known as Old Board School. The site is located near the corner of High Street and Penyffordd. The site is accessed off Penyffordd. The building is set back from the road in the north eastern corner of the site with a parking/turning area to the front and western side. The site is elevated from High Street and also, but less so, from Penyffordd. Penyffordd is a no through cul-de-sac road of residential properties. The site is located on the southern edge of upper St Clears, positioned close to the A40 Junction. The site is located within the development limits of St Clears. There are residential properties to the west along Penyffordd and along High Street. To the north of the site is a field located outside of the development limits. Opposite the site to the east are the existing premises of Market Hall Vets located on High Street. There have been previous applications for extensions to the building and also one for change of use to a veterinary surgery approved at Planning Committee in 2016.

THE PROPOSAL

The application seeks planning permission for extensions to the existing premises.

There would be an extension at the north western corner of the property running along the northern boundary of the site. This would be single storey and accommodate a commercial kitchen, prep room and associated storage. This would be built on to the existing stone boundary wall. A further single storey extension is proposed on the north eastern side of the building where there is currently a courtyard area. This would be for a large dining room area. The extensions would have natural stone and render walls and slate roofs. The design and form of the extensions are similar to the existing property.

PLANNING POLICY

In the context of the current development control policy framework the site is located outside the defined development limits as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014.

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”, “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 parking or highway safety concerns on the site or within the locality” and “incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges”.

THIRD PARTY REPRESENTATIONS

There have been no adverse representation received to date and the application is only presented to the Planning Committee as the applicant is the Local Member.

The scale of the extensions are considered appropriate and are single storey therefore subordinate to the main building. The design and materials also compliment and match the existing property. There have previously been approvals for similar extensions at the property. Due to the orientation of the nearby properties and the single storey nature of the extensions it is not felt that there would be any significant impacts on the amenity of other properties. The extensions are for improved ancillary facilities and it is not felt that there would be any significant impacts on traffic. The existing parking spaces are also not affected.

A bat scoping survey was carried out and found no evidence of bats and no requirement for further survey work.

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 permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-

- 1:1250 scale Location Plan
- 1:100 scale Proposed Roof Plan (191/PRP-9)
- 1:100 scale Proposed East Elevation and Section A-A (191/PEES-8)
- 1:100 scale Proposed North Elevation (191/PNE-7)
- 1:100 scale Proposed South and West Elevation (191/PSWE-6)
- 1:100 scale Proposed Ground Floor Plan (191/PGFP-5)

received on 28th December 2016

- Bat Scoping Survey

received on 24th January 2017

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.

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 Local Development Plan, 2014 (LDP) in that in an extensions are in keeping with the design of the existing building, do not give rise to any significant concerns in relation to access, parking or traffic generation. There would be limited impacts on the amenity of nearby properties and the proposal would not be detrimental to protected species.

NOTES

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

Application No	W/35078
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Application Type	Full Planning
Proposal & Location	CHANGE OF USE OF EXISTING GROUND FLOOR FRONT ROOM TO BEAUTY TREATMENT ROOM (RETROSPECTIVE) AT 43 HEOL RUDD, CARMARTHEN, SA31 1ST

Applicant(s)	MRS FAYE TYLER-WINNEY, 43 HEOL RUDD, CARMARTHEN, SA31 1ST
Agent	HAROLD METCALFE PARTNERSHIP - MR CERI EVANS, 32 SPILMAN STREET, CARMARTHEN, SA31 1LQ
Case Officer	Stuart Willis
Ward	Carmarthen North
Date of validation	08/02/2017

CONSULTATIONS

Carmarthen Town Council – Has stated they have no objection.

Local Member - County Councillor P Hughes Griffiths and G O Jones have requested that the application be presented to the Planning Committee for the following reasons:

- Concerns regarding parking at the site and also a possible increase in traffic within a very confined area (G O Jones).
- Concerns regarding the suitability of such a development mainly regarding parking issues and the development of businesses within a tight residential area (P Hughes Griffiths).

Neighbours/ Public - The application has been publicised by the posting of a site notices and one response has been received to date raising the following issues:

- Application gives incorrect opening hours – business is open on some weekends and some Saturdays;
- On road parking is particularly an issue at weekends and evenings;
- Noise from clients coming and going from the premises and their cars impacting on amenity of surrounding properties;
- Proposed additional parking is not sufficient and not address issues;
- Highway safety - increase in traffic;

- Narrowness of the road restricts movement;
- People park on the pavement;
- Damage to vehicles;
- Site is on a bend in the road;
- No off road turning area;
- Safety risk for pedestrians;
- Area not suitable for business activity, no other businesses in the area;
- Precedent for further businesses;
- Impact on businesses in the town.

RELEVANT PLANNING HISTORY

W/32451	Construction of one dwelling Withdrawn	24 February 2016
W/17323	Kitchen extension Full planning permission	11 October 2007

APPRAISAL

The application is as a result of investigations by the Planning Enforcement Team.

THE SITE

The application site is a semi-detached 2 storey dwelling located off the southern flank of Heol Rudd. The site is located at the northern end of Carmarthen. The dwelling is at a higher level than the road. There are currently 2 existing off road parking spaces for the dwelling. Many of the dwellings in the street do not have off road parking. There is unrestricted parking on the street and the road width is approximately 6m with a pavements either side. The application is retrospective with the business already in operation.

THE PROPOSAL

The application seeks retrospective planning permission for change of use of the existing ground floor front room to a beauty treatment room. The proposal would also include the creation of an additional off street parking space.

The application form indicates that the business has been operating from the premises since 2007. The application has been submitted following an enforcement complaint last year regarding the business. The area changed is approximately 11sqm of floor space.

Further information has been provided by the applicant regarding the business. The applicant has clarified the opening hours stating these are:

Monday 9.30am – 4.30pm
 Tuesday 9.30am – 7pm
 Wednesday 11.30am – 7pm
 Thursday 9.30am – 7pm
 Friday 9.30 – 4.30pm
 Saturdays 10am – 2pm occasionally (1 week in 6)

The business is for mobile and home based beauty therapy. The applicant carries out beauty treatments on clients at their home or the beauty room subject to this application which is a dedicated room in the family home and has not been modified or changed structurally. Treatments includes nails, spray tans, body massages and facials. In relation to opening hours these are hours the applicant is available to work with clients booking a convenient time within that period. They have indicated that approximately 15-20 hours per week of appointments are made. All appointments are pre-booked with the applicant in order to manage their times and to rule out disruption to their family and neighbours.

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.

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”, “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 parking or highway safety concerns on the site or within the locality” and “incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges”.

Policy TR3 Highways in Developments - Design Considerations states that the design and layout of all development proposals will, where appropriate, be required 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; 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 provision 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.

Policy H10 Home Working states proposals for home working (where planning permission is required) will be permitted where it can be demonstrated that the proposal would be compatible with adjacent land uses and that it would not result in any adverse impacts on local amenity and/or the character of the area. The notes of the policy expand on the policy and saying it relates to small businesses operating from home providing for considerations

resulting from the increasing trend for home working (for now and the future). It comments that such businesses can play an important role in developing and supporting a diverse economy across the Plan area. It is recognised that many small businesses are started by individuals working from their own homes, and that such instances are likely to increase as technological innovations increase. In considering home working within the context of planning, it is recognised that it does not necessarily require planning permission. For instance, planning permission will not normally be required where the use for business purposes proposed for part of the house does not result in a change to the overall character of the property and its use as a dwelling. Generally the requirement for planning permission results where the business activity ceases to be ancillary to its use as a dwelling or where the residential character of the property is altered. Where such businesses are of a scale and intensity where planning permission will be required, the Council will have regard to the implications of the proposal on surrounding properties and on the likely access and parking arrangements emanating from the nature of the proposal

THIRD PARTY REPRESENTATIONS

There has been one adverse representation received to date from members of the public. The application is before the Planning Committee at the request of the 2 local members.

Highways

Many of the issues raised relate to highways considerations. These include on road parking issues, increase in traffic and the existing parking issues, particularly at certain times along with the road conditions. The objections also feel that the proposal would not overcome the highways concerns, there is a lack turning facilities and risk for pedestrians.

The application site is one of those properties in the street which has off street parking. The road does bend however the width is approximately 6m. There is existing unrestricted on street parking and this is the only parking for many properties. The application is for the use of a single room within the dwelling covering approximately 11sqm of floor space. There is only 1 member of staff who resides at the premises. As such there is only 1 client at a time using the site. There will be an increase in traffic generation at the site however it is not considered to be significant and will be limited in terms of the capacity of the site. The proposal includes the creation of 1 additional space parking space. This would mean that there would be 3 off street parking spaces. Comment has been made that the additional parking would reduce on street parking. The application increases off street parking which was a concern of the objector. Due to the class of the road there is no need for turning space within the property.

Parking on the pavement and risk to pedestrians were raised. This application can only look at the implications of this development. The proposal is for a small scale home working enterprise. One additional parking space is provided which would cater for the client. The proposal is to also tarmac the drive area. The access is located on a bend in the road however this is an existing access which is being widened rather than a new access. Overall it is felt that with the proposed alterations to the parking it is felt that the proposal would address the additional impacts of the development subject to this application. Conditions are recommended in relation to the timely provision and retention of the parking spaces.

Amenity

Concerns over the impacts of the proposal on amenity were also raised. This was in part from the comings and goings of clients and also disturbance from additional traffic. Concerns over the opening hours were also raised. The site is located in a residential area. The change of use relates to one room within the property. No objections have referred to noise from the operations within the building itself. In terms of the vehicles as discussed above there would be a limited number of clients using the business at any one time. There will be some noise from clients coming and going however this would be no more than with residents or visitors using the dwellings in the street. There may be more frequent coming and goings however it is not felt this would be to an extent to cause any significant harm to amenity.

The opening hours have been queried by objectors. The applicant has commented that the opening hours are those times they are available and also includes times when they visit clients homes as well as times people visit the site. The business is a combination of mobile services as well as services from the application site. Due to the level of use being restricted by it being only one room it is not felt that it is necessary for restrict the hours of opening. The disturbance is not said to come from the services provided within the building but the movements associated with the clients.

Working from Home

Objections have referred to the suitability or not of a business activity in a residential area and that there are no other business in the area. The impact on the town has also been raised as well as the proposal setting a precedent for future applications.

Each application is assessed on its own merits and approval of this proposal would not set any precedent for future developments. Each would be assessed based on the relevant planning policies and other material considerations.

The proposal is a small scale business operating from a single room within the dwelling. The majority of the property would remain as a dwelling. The floor space that has been altered is approximately 11sqm only. The business operations within the dwelling have not generated any objections in terms noise or disturbance. The beauty services offered are not ones that would be considered to generate significant noise or disturbance in the future.

The site is located outside of the defined town centre of Carmarthen however at this scale it is not felt that the proposal would have any significant impact on the town centre. The LDP recognises that working from home is something that will be likely to become increasingly common. It also acknowledges that many instances would not require planning permission. The LDP comments that such small businesses can play an important role in developing and supporting a diverse economy. It acknowledges that many small businesses are started by individuals working from their own homes. For instance, planning permission will not normally be required where the use for business purposes proposed for part of the house does not result in a change to the overall character of the property and its use as a dwelling. Generally the requirement for planning permission results where the business activity ceases to be ancillary to its use as a dwelling or where the residential character of the property is altered. In terms of alterations to the building there have been no structural changes. Were it not for the parking implications with the proposal then it is unlikely that planning permission would have been required in this instance. Additional parking is provided to address this matter.

Working from home and small businesses at residential properties is clearly something that has been considered as part of the LDP. Many instances do not require planning permission.

In this case due to the individual circumstances of the parking in the area and at the site it was felt that planning permission was needed. An additional parking space has been created to cater for clients and it is felt this overcomes the impacts from the development in question.

Other issues

Other matters were raised such as damage to vehicles when parked in the street. This would not be a material 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 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 31st January 2017.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
 - 1:1250 scale Location Plan and Block Plan (C/4481/3)
 - 1:100 scale Site Plan and Section (C/4481/2)received on 6th February 2017
 - 1:50 scale Floor Plan (C/4481/1)received on 1st February 2017
- 3 Within 2 months of the date of this permission the additional parking space shall be provided in accordance with the 1:100 scale Site Plan and Section (C/4481/2) received on 6th February 2017. The parking spaces shall thereafter be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 4 The commercial beauty use at the site shall be restricted to the area identified as “Beauty Treatment Room” on the 1:50 scale Floor Plan (C/4481/1) received on 1st February 2017 only.

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 In the interest of highway safety.
- 4 To prevent intensification and/or expansion of the business without permission.

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 development complies with Policy GP1, TR3 and H10 of the Carmarthenshire Local Development Plan, 2014 (LDP) in it is not considered that the proposal would give rise to any significant concerns in relation to impacts on amenity of nearby residents. Additional parking is proposed to add to the existing off street parking and it is not felt that there are significant impacts from in terms of highway safety from the development. the proposal relates to a small scale business at home and would not have significant impact on the viability or vitality of the town centre. It is considered that the use is compatible with the character of the area.

NOTES

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

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Tuesday, 24 January 2017

PRESENT: Councillor A. Lenny (Chair);

Councillors:

J.M. Charles, A.P. Cooper, D.B. Davies, I.W. Davies, J.A. Davies, M.J.A. Lewis, K. Madge, T. Davies, W.T. Evans, J.K. Howell, I.J. Jackson, A.W. Jones, H.I. Jones, G.B. Thomas (In place of W.J. Lemon), S.M. Allen and J.S. Williams;

Also Present:

Councillor E. Dole who addressed the Committee in respect of Planning Application S/34721;

The following Officers were in attendance:

L. Quelch, Head of Planning;
 S. Murphy, Senior Solicitor;
 G. Noakes, Senior Development Management Officer [East];
 J. Thomas, Senior Development Management Officer [South];
 K. James, Assistant Engineer Planning Liaison;
 S. Willis, Development Management Officer;
 M.S. Davies, Democratic Services Officer.

Chamber, County Hall, Carmarthen - 11.15 am - 1.45 pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D.C. Evans, W.J. Lemon and M.K. Thomas.

2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute Number	Nature of Interest
G.B. Thomas	3 - Planning Application S/34627 - Retrospective application for the retention of rear patio canopy at 91 Heol Y Parc, Pontarddulais, Swansea, SA4 0XX	Applicant known to him.

3. S34627 - RETROSPECTIVE APPLICATION FOR THE RETENTION OF REAR PATIO CANOPY AT 91 HEOL Y PARC, PONTARDDULAIS, SWANSEA, SA4 0XX

(NOTE: Cllr. G.B. Thomas declared an interest in this item and left the meeting following his submission and prior to the Committee's consideration of the application.)

The Development Management Officer (South) referred to the private site visit undertaken by the Committee earlier that day (Minute 6 of the Planning Committee held on the 20th December, 2016 refers) the purpose of which had been to enable the Committee to view the canopy in relation to neighbouring property.. He referred, with the aid of powerpoint slides, to the written report of the Head of

Planning which provided an appraisal of the site together with a description of the proposed development, a summary of the consultation responses received and information on the local and national policies which were relevant to the assessment of the application. The Committee was advised that the Head of Planning was recommending refusal of the application for the reasons detailed within her written report.

RESOLVED that planning application S/34627 be refused for the reasons detailed within the Head of Planning's written report.

4. AREA EAST - DETERMINATION OF PLANNING APPLICATIONS

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

E/34841	One residential dwelling at land opposite, Brodawl, Llandeilo, SA19 7TA.
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5. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS

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

S/33421	Construction of 4 no. residential dwellings with associated access and landscaping works at land at 58 Llannon Road, Pontyberem, Llanelli, SA15 5LY;
S/34146	Residential development of up to 24 dwellings and associated works at land off Park View Drive, Kidwelly, SA17 4UP.

5.2 RESOLVED that the following planning application be refused for the reasons detailed within the Report/Addendum of the Head of Planning.

S/34721	Siting of dwellinghouse to enable farm succession management at land part of Coed Derwen Farm, Llwynteg, Llannon, Llanelli, SA14 8JQ.
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6. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS

6.1 RESOLVED that the following planning application be refused for the reasons detailed within the Report of the Head of Planning.

W/34798	This proposal is for the erection of a log cabin adjacent to existing buildings at Creigiau Bach. Additional accommodation is required for the existing holiday business to cater for additional capacity. The accommodation will be accessible for wheelchair users and the less able, this is to support our business model to provide high quality accessible accommodation, which is deficient in this area at Creigiau Bach, Llangain, Carmarthen, SA33 5AY;
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6.2 **RESOLVED** that the approval reasons and conditions drafted by the Head of Planning, as detailed in the report, in relation to the following planning application which was granted planning permission by the Planning Committee, contrary to the officer recommendation, on 20th December, 2016, be endorsed:-

W/34187	Proposed 10 new & 2 relocated static caravans at Waunygroes Caravan Site, Llanybri, Carmarthen, SA33 5AN.
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7. **MINUTES**

RESOLVED that the minutes of the meetings of the Committee held on the 18th and 20th December 2016, be signed as correct records.

CHAIR

DATE

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PLANNING COMMITTEE **9th FEBRUARY 2017**

Present: Councillor A. Lenny (Chair)

Councillors: S.M. Allen, J.M. Charles, A.P. Cooper, D.B. Davies (Vice-Chair),
J.A. Davies, T. Davies, W.T. Evans, J.K. Howell, I.J. Jackson,
A.W. Jones, M.J.A. Lewis, K. Madge, J.S. Williams

Councillor D.J.R. Bartlett – Substitute for Councillor D.C. Evans

The following officers were in attendance:

Mrs. L. Quelch – Head of Planning
Mr. S. Murphy – Senior Solicitor
Mr. B. Jenkins – Strategy & Implementation Manager (Transportation & Highways)
Mr. J. Thomas – Senior Development Management Officer (South)
Mr. S. Thomas – Senior Development Management Officer (West)
Mr. G. Glenister – Development Management Officer
Mr. K. James – Assistant Engineer Planning Liaison
Mr. A. Evans – Graduate Transport, Policy & Implementation Officer
Mr. M. Hughes – Democratic Services Officer

Venue: County Hall Chamber, Carmarthen (10:00am – 12:50pm)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D.C. Evans and W.J. Lemon.

2. DECLARATIONS OF PERSONAL INTERESTS

There were no declarations of personal interest.

3. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS

3.1 RESOLVED that the following planning application be granted subject to the developer entering into a Section 106 Agreement with Carmarthenshire County Council regarding the Marsh Fritillary Butterfly (Caeau Mynydd Mawr Special Area of Conservation SPG) and Active Travel within the Business Park.

S/32298

Full planning application for the erection of a Class A1 (shop) unit with service road, car park and associated infrastructure at land adjacent to Leekes, Heol Stanllyd, Cross Hands, Llanelli, SA14 6RB.

Representation was received objecting to the proposed development. These included:

- Concerns that the ability of the Cross Hands West developer to fully let the units on that site would be compromised by this development.
- Specific concerns regarding congestion at the Cross Hands roundabout, especially due to the likely increase in traffic caused by the developments at Cross Hands West, the current Co-op site and the proposed development at the former Carmarthen Farmers Co-op site, all of which equated to retail space the size of Trostre.
- Concerns that no analysis of Saturday afternoon traffic had been undertaken by the South Wales Trunk Road Agency at Cross Hands roundabout.
- Concerns that the parking spaces within the proposed site were insufficient.
- Concerns that the ecological studies had not been carried out at the correct time of year.
- Concerns that Natural Resources Wales and Dŵr Cymru's objections had not been included in the report.

Representations were also received in support of the proposed development. These included:

- The application was for an area at the heart of the Cross Hands Business Park and would utilise Leekes' significant and unused car parking area.
- Through this development, the applicant was seeking to safeguard its future presence in Cross Hands in the face of increasing competition from online retailers and thus directly and in-directly safeguarding many local jobs.
- The application would meet the substantial need for an additional discount food store in the Cross Hands area and bring much needed jobs to the village.
- Lidl had an exclusive agreement with Leekes to develop this site and would not consider locating in another part of Cross Hands.
- No statutory consultees had objected to the development.
- The site was ideal for such a development as there was access to Heol Stanllyd from the A48 (via a slip road) and the Cross Hands Link Road (from Black Lion Road) which meant that consumers would not need to travel around the roundabout.

3.2 UNANIMOUSLY RESOLVED that the following application be granted.

S/34584	Outline application for residential development at land adjacent to and to the rear of 55 – 62, Maesydderwen, Llangennech, Llanelli, SA14 8UW.
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3.3 UNANIMOUSLY RESOLVED that the following application be granted subject to an S106 Agreement seeking retention for local needs.

S/34659	Conversion of existing agricultural building to a local needs/affordable dwelling, retention of existing caravan for a temporary period and new access track at land at Tŷ Llwyd, Trimsaran, Kidwelly, SA17 4EN.
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4. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS

4.1 UNANIMOUSLY RESOLVED (by those members who were permitted to vote on this matter) that the following application be granted, subject to S106 Agreement.

W/27776	Development of land for residential use at land to the north of Old St. Clears Road (B4312), south of Pentremeurig Road and west of Carmarthen, known as Pentremeurig Farm South.
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4.2 UNANIMOUSLY RESOLVED that the following applications be granted.

W/34666	To make opening in existing boundary wall, make good, and install steel fire escape steps to enable evacuation of number 2 Spilman Street Office at land to rear of 1 & 2 Spilman Street, Carmarthen, SA31 1LE.
W/34667	To make opening in existing boundary wall, make good, and install steel fire escape steps to enable evacuation of number 2 Spilman Street Office at land to rear of 1 & 2 Spilman Street, Carmarthen, SA31 1LE.

4.3 UNANIMOUSLY RESOLVED that the following applications be granted.

W/34922	<p>Installation of 3 adjoining retail kiosks on existing pedestrian public realm at land at Chapel Street, (adjacent to / rear of the O2 Shop), Carmarthen, SA31 1RA.</p> <p>Representation was received in support of the application as this would assist in developing a new link between the old and new parts of Carmarthen Town. This would be the first step towards drawing consumers to King Street via Jackson's Lane in keeping with Carmarthen Town Forum's vision and plans for this particular area of the town.</p>
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5. PLANNING ENFORCEMENT AND MONITORING PERFORMANCE INDICATORS

In response to a question about what a typical 'Top Priority Case' (response in 2 working days) entailed, the Head of Planning informed the Committee that such cases would involve an officer considering and visiting a particular site and assessing an appropriate response and way forward. Such matters typically involved incidents relating to tree preservation orders, listed buildings or other legislative matters.

In response to a query regarding the percentage of cases resolved within 12 weeks, the Head of Planning noted that this particular figure did tend to fluctuate during the year and was generally around the 70% mark. It was acknowledged that the resources available did impact on the service's ability to tackle outstanding enforcement matters but this matter was monitored on a continual basis by officers.

UNANIMOUSLY RESOLVED that the Planning Enforcement and Monitoring Performance Indicators report be received.

6. EXCLUSION OF THE PUBLIC

UNANIMOUSLY RESOLVED pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information (Variation)) Order 2007, that the public be excluded from the meeting during consideration of the following item as the report contained exempt information as defined in Paragraphs 12, 13, 17 & 18 of Part 4 of Schedule 12A to the Act.

7. PLANNING ENFORCEMENT AND MONITORING ENFORCEMENT CASES

Following the application of the public interest test it was **UNANIMOUSLY RESOLVED**, pursuant to the Act referred to in Minute No. 8 above, to consider

this matter in private, with the public excluded from the meeting as it would involve the disclosure of exempt information relating to the following:

- Paragraph 12 of Part 4 of Schedule 12A to the Act – Information relating to a particular individual;
- Paragraph 13 of Part 4 of Schedule 12A to the Act – Information which is likely to reveal the identity of an individual;
- Paragraph 17 of Part 4 of Schedule 12A to the Act – Information that reveals that the authority proposes;
- to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- to make an order or direction under any enactment.
- Paragraph 18 of Part 4 of Schedule 12A to the Act – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The public interest test in this matter related to the fact that the report contained information on cases where legal action was being contemplated against third parties, sometimes in situations where the third party was unaware of the action contemplated. The report included personal information relating to the third party, and sometimes identified a complainant. The public had an interest in being assured that the Council's general enforcement practices were lawful, fair and in accordance with its policies and procedures. However, if details relating to individual cases were to be disclosed to the public at this stage then it would be likely to jeopardise the investigation and might also breach the Authority's duty of confidentiality to a complaint. On balance therefore, public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was **UNANIMOUSLY RESOLVED** that the Head of Planning's report on enforcement action undertaken by her in accordance with her delegated powers, be noted.

SIGNED: _____ (Chair)

DATE: _____

Please note that 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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