

# Document Pack



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
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County Hall, Carmarthen. SA31 1JP

**WEDNESDAY, 29 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, 6TH APRIL, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Michelle Evans Thomas</b>
<b>Telephone (direct line):</b>	<b>01267 224470</b>
<b>E-Mail:</b>	<b>MEEvansThomas@carmarthenshire.gov.uk</b>
<b>Ref:</b>	<b>AD016-001</b>

# PLANNING COMMITTEE

## 19 MEMBERS

### PLAID CYMRU GROUP - 7 MEMBERS

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

### LABOUR GROUP - 6 MEMBERS

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

### INDEPENDENT GROUP - 6 MEMBERS

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

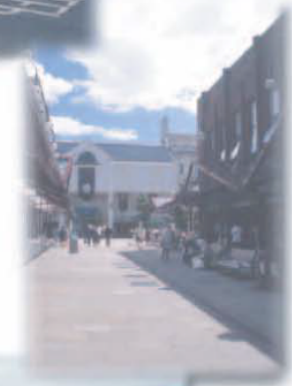
**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

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

**AR 06 EBRILL 2017  
ON 06 APRIL 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.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>06 APRIL 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**



<b>Application No</b>	<b>E/33695</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	FULL PLANNING FOR THE ERECTION OF A POULTRY UNIT ON FARM TO ACCOMMODATE FREE RANGE CHICKENS (EGG PRODUCTION) TOGETHER WITH ASSOCIATED FEED BINS, INTERNAL FARM ACCESS AND ASSOCIATED WORKS AT GODRE GARREG, LLANGADOG, SA19 9DA

<b>Applicant(s)</b>	T V HUGHES & CO, GODRE GARREG, LLANGADOG, SA19 9DA
<b>Agent</b>	ROGER PARRY AND PARTNERS - GAIL LEWIS, THE ESTATES OFFICE, 20 SALOP ROAD, OSWESTRY, SHROPSHIRE, SY11 2NU
<b>Case Officer</b>	Kevin Phillips
<b>Ward</b>	Llangadog
<b>Date of validation</b>	21/04/2016

## CONSULTATIONS

**Head of Transport** – Initially recommended the refusal of the application as the traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the county road. However, following a traffic survey and improvement to the design of the access and the proposed provision of a passing bays along the road leading to/from the site, the application has been supported subject to the application of conditions.

**Head of Public Health & Protection** – Requests that a suitably worded condition is applied to any planning permission, requiring that the business is operated in compliance with the Design and Access Statement mitigation measures, to ensure that the amenity of local residents/businesses is adequately protected from dust during construction.

As the proposed location of the proposed development is within close proximity to a number of residential dwellings, it is also recommended that a further seven suitably worded noise related conditions are applied to any permission.

The comments provided in response to the application consultation do not prejudice any Environmental Health enforcement action required as a result of the proposals, therefore it is important that any development does comply with all Environmental Health legislation, particularly that of statutory nuisance under the Environmental Protection Act 1990.

**Head of Corporate Property** – No objections.

**Llangadog Community Council** – Objects to the proposal. Whilst the Community Council has no issue with the applicant wishing to diversify their business and move into egg production, they do feel that the current proposed location for a poultry unit of this size and scale is inappropriate due to its close proximity to several neighbouring properties (under 200m)

The Community Council would like to ensure that the planning authority ensures that there is sufficient separation between the residential properties and the proposed poultry unit to mitigate against any detrimental effects of noise smell and visual amenity as set out in planning law.

**Local Member** – County Councillor A James requests that the Planning Committee determines the application. The reasons for this request are as follows:-

- The planning application includes details in relation to the mitigation of the scheme with landscaping details and ammonia modelling to protect the SSSI;
- Access to/from the site is an important consideration;
- The applicant is diversifying at the site and the employment benefits for his family are an important consideration.

**Natural Resources Wales** – Following a detailed consideration of the proposal that includes detailed manure management and nutrient plans, it is recommended that any permission shall include conditions that require within one month of granting planning permission, the submission of a planning application for the erection of a covered manure store at Godre Garreg; no manure spreading shall take place within a 10m wide buffer zone measured from any nearby water course bank top for the whole extent of the site; on an annual basis the manure management plan will be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless other agreed in writing with the Local Planning Authority; all vehicles used for the movement of manure shall be sheeted and/or fully covered and the storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the protection of Air, Water and Soil.

In addition, a Test of Likely Significant Effect (TLSE) for the proposed development has been undertaken and it was concluded that planning permission should only be granted if relevant conditions are attached. The conditions would address significant concerns that have been identified with regard to manure management. Poultry waste from the unit will be managed in line with the approved manure management plan and during the operational lifetime of the poultry unit an updated manure management plan is to be submitted to the Local Planning Authority for written approval on an annual basis reflecting any changes in the operation. The nutrient management plan which informs the manure management plan is also to be updated as required as agreed with the Local Planning Authority in writing.

Subject to the imposition of the specified conditions it is considered that the development will have no significant effect on the River Tywi Special Area of Conservation (SAC).

The comments above only relate specifically to matters that are included on Natural Resources Wales checklist and Planning Consultations (March 2015) which is published on NRW website. NRW have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

**National Grid** – No comments received.

**Dwr Cymru/Welsh Water** – No comments received.

**Dyfed Archaeological Trust** – Require a historic environment appraisal of the site to be undertaken, which has subsequently been done and has been approved by the Trust.

**Neighbours/Public** – This application has been publicised by the display of a site notice in the vicinity of the application site. Thirty nine letters of objection have been received and 32 letters of support have been received and the reasons of objection are as follows:-

- The proposal is a large scale building that will be detrimental to the visual amenity of the landscape.
- The proposal will result in highway safety problems with vehicles accessing and exiting the site.
- The proposal is within the river Tywi flood zone and there will be pollution of the environment as a result.
- The proposal will result in the loss of hedgerow.
- The proposal will be detrimental to local living conditions as a result of noise.
- The proposal will be detrimental to local living conditions as a result of smells.
- There will be an increase in rats and fly infestation.
- There will be a devaluation of local properties.
- The welfare of the chicken business is questioned.
- The proposal will increase in Antibiotic resistance.
- The proposal will Impact upon the tourism of the locality.
- The proposal will Impact upon the heritage of Llangadog village.
- There is concern regarding the spread of manure.

The letters of support of the application refer to:-

- Expansion and diversification of a rural business is essential for a rural community
- The proposed development will allow a young farmer to succeed in a new rural enterprise
- A modern poultry will not cause any harm in for local residents in terms of smells and noise
- The proposal allows quality food to be produced locally
- Chicken manure will be beneficial to farming practices in the locality and rather than importing in from far afield, the manure can be supplied from a local source.

## **PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

### **THE SITE**

The application site is part of two large fields within the Tywi Valley, approximately 220 metres south/south east of the dairy farm, Godre Garreg, Llangadog. Access to the site is from an unclassified road that runs across Carregsawdde Common and ends at Devanah and Dolau farm. There are two properties to the south of the application site with a mature hedgerow in between along the field boundary; Brofana (formerly Kite Cottage) at 30 metres and Ty Newydd a further 17 metres to the south. Opposite the proposed access there is a bungalow Derwen Deg which is approximately 90 metres to the east of the poultry unit; Bwlchagored is located approximately 140 metres to the north east fronting the highway to the site. The village of Llangadog is approximately 1 kilometre to the North East across the river Sawdde and the village of Carregsawdde is approximately 400 metres to the East.

### **THE PROPOSAL**

The application seeks planning permission to erect a free range poultry unit; the hen house is shown to measure 140 metres x 20 metres, being of a rectangular design, with a 3.1 metre eaves height and 6.2 m height to the ridge, four feed bins at 8.95 metres in height, are proposed to be sited at the mid-point of the southern elevation. The roof will have box profile sheeting and the elevations will be a mass concrete base with box profile sheeting to the eaves. The elevation facing towards the farm will have pop holes to the site to allow the hens to exit and enter. The east gable elevation will have four, 3 metre wide double doors and a standard door opening in the western side of the south elevation and one centrally positioned in the west gable elevation.

The building is specifically designed for the housing of free range hens and is to meet the relevant regulations and codes for bird welfare. The proposed development will have the capacity to accommodate up to 32,000 laying hens.

The proposed units will not only house the poultry, but will include the mechanical processing and packing of eggs via a conveyor belt system. Essentially, the chickens will lay eggs within certain designated areas within the units; the eggs will enter onto a conveyor system (this may also be done manually); then transported into the packaging/grading area whereby they are mechanically sorted and graded into crates. The crates are then sealed and stored at optimum temperatures before being collected. The whole process is low labour intensive.

The poultry unit is to be served by a new, revised access approximately 25 metres from the boundary with Brofana and Ty Newydd which runs along the south side of the building with a turning facility at the western extremity. A hardstanding area for parking is to be provided at the eastern side of the building for staff, deliveries and collections.

### **PLANNING POLICY**

The application falls to be considered against Policies within the Carmarthenshire Local Development Plan (LDP). The relevant policies are:

Policy SP14 is a strategic policy that requires that development should reflect the need to protect and wherever possible enhance the County's natural environment and should be considered in accordance with national guidance/legislation and the policies and proposals of this 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 EMP 4 provides advice on the consideration of farm diversification proposals, and requires that it is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm; is of a scale and nature appropriate to the existing farm operation; the scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements; the scale and scope of any retail use (where planning permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy (see policy RT1); it would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape.

Proposals should give priority to the conversion of suitable existing buildings on the working farm. Where justified new building should be integrated with the existing working farm complex and not detrimental to the respective character and appearance of the area and surrounding landscape.

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 EQ4 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, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements; there are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.

Policy EQ6 states that Special Landscape Areas are designated in specific locations and proposals for development which enhance or improve the Special Landscape Areas through their design, appearance and landscape schemes will be permitted (subject to the policies and proposals of the Plan).

Policy EP1 requires that proposals for development 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. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County. Proposals will wherever possible be required to make efficient use of water resources.

Policy EP2 requires that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.

Policy EP3 requires that proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.

Nationally, Technical Advice Note 6 "Planning for Sustainable Rural Communities" (July 2010) provides guidance on the subject of new agricultural buildings that requires local planning authorities seek to ensure such development is essentially required at that location, sensitively related to existing settlement patterns and landscape features, and is of an appropriate size, scale and design. These principles serve to ensure the proposal is justified, and complements rather than detracts from the site and surroundings in which it is proposed.

### **THIRD PARTY REPRESENTATIONS**

The details in relation to the letters of objection received shall be considered herewith.

**The proposal is a large scale building that will be detrimental to the visual amenity of the landscape.**

Although large, the proposed free range egg production unit, is not considered to be overly large in relation to it's setting with a mature hedgerow and supporting landscaping to supplement the existing hedgerow to the south and additional native species woodland planting to the western and northern side to screen the development. Although having some concerns in relation to the impact of the building in the landscape, the Landscape Officer has recommended the imposition of conditions to be imposed on any permission to mitigate the impact.

**The proposal will result in highway safety problems with vehicles accessing and exiting the site.**

The proposed development has been considered in detail by the Head of Transport in relation to the vehicular movements, visibility splays and turning facilities and the proposal is supported subject to the application of relevant conditions.

**The proposal is within the flood zone and there will be pollution of the environment as a result.**

Following the submission of detailed information to Natural Resources Wales including a TLSE, the proposal received their support, in that any fluvial flood risk to the unit was likely to be negligible. Therefore there is not considered to be any significant risk through pollution of the local rivers as a result of flooding.

**The proposal will result in the loss of hedgerow.**

A length of hedgerow along the eastern boundary at the proposed access and western side of the proposed site is to be removed, however there will be native species hedgerow planted adjacent to the western side and a further native species woodland planting to screen the development from wider views and a hedgerow and a further native species hedgerow is to be planted from the eastern side of the building to the highway hedgerow in addition to further native species woodland planting to screen the development from wider views and to aid integration into the landscape.

**The proposal will be detrimental to local living conditions as a result of noise and smells.**

As detailed in the summary consultations section above, the proposal has received a favourable recommendation from the Head of Public Health and Protection subject to the imposition of a number of relevant conditions on any permission.

**There will be an increase in rats and fly infestation.**

It is considered that as far as flies are concerned, they could be controlled by way of Statutory Nuisance powers under the Environmental Protection Act 1990, this would include management practices at the unit to ensure fly larvae etc. are controlled as conveyed in the Design and Access Statement submitted with the application. Rats can be controlled via pest control treatments, and minimising access to foodstuffs etc. and legal notices for rodent problems can be served if deemed necessary.

**There will be no employment created by the proposal and there is no viable need for the proposal.**

The proposed development will add to the existing agricultural business viability of the farm with the introduction of three full time and 1 part time employees.

**The application is not supported by an Environmental Impact Assessment.**

The proposal comes under "Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes" as defined in Column 1 as it is deemed a permanent agricultural building; the area of development does not exceed the 0.5 hectare threshold.

It would appear that the proposed development falls within Schedule 2 of the 2016 Regulations (part 1C) and as such only requires an EIA 'if it is a development, with an area of new floorspace that exceeds 500 square metres. In this instance the proposed shed measuring 120 metres x 20 metres would have a floor-space equating to 2800 sq. metres. The development therefore falls to be considered against the indicative thresholds and criteria stipulated in Column 2 of schedule 2 (part 1C).

The relevant circular provides guidance and stipulates that such developments on previously uncultivated land would only require an EIA if it is designed to house more than “50,000 layers, turkeys or other poultry”. From the information given by the landowner, the building has been designed to accommodate 32,000 poultry, on the basis of the above it is not considered that the requirement of an EIA are applicable.

In the consideration of the above it necessary to consider the characteristics of the development in combination with its proposed location in order to identify the potential for interactions between a development and its environment and therefore determine whether there are likely to be significant environmental effects. Having received a favourable response to consultation from NRW in relation to the TLSE, it is considered that the proposed development will not have a significant impact upon the local environment.

**There will be a devaluation of local properties/The welfare of the chicken business is questioned/ The proposal will increase in antibiotic resistance.**

These are not considered to be a material planning matters in the determination of the application.

**The proposal will impact upon the tourism of the locality.**

It is not considered that an agricultural building as a diversification scheme to an existing farming enterprise will have any significant harm to the tourism of the locality. It is appreciated that there is a small scale exempted caravan site adjacent at Ty Newydd, however the retention and strengthening of the landscape feature will not result in the proposal having any harmful impacts on the caravan site.

**The proposal will impact upon the heritage of Llangadog village.**

The building is sufficiently distant from the village of Llangadog to ensure that there will not be any harm to its heritage.

**There is concern regarding the spread of manure.**

The updated manure management plan considers the requirements of the current Glastir agreement. The plan shows that there is insufficient land available to apply all the poultry manure produced. The excess is to be exported off the holding by a (specialised) contractor. The plan also refers to the construction of a new manure store on the holding. NRW has confirmed that the nutrient management plan is based on soil samples taken in 2013 is acceptable, commenting that the applicant should refer to best practice and be aware that the soil nutrient levels should be checked every three to five years to give a suitable baseline for the production of the nutrient management plan.

As noted in the summary of consultations section above, the proposal has been the subject of a involved detailed consideration by NRW, including the assessment of manure and nutrient management plans and the undertaking of a TLSE and it has been concluded that the proposal shall not have a significant effect on the River Tywi Special Area of Conservation. The application of conditions recommended by NRW to the planning permission and their adherence will protect the environment from any concerns.

**CONCLUSION**



The proposed poultry building is sited away from Godre Garreg farmyard and buildings at a location accessed from an unclassified road to the south east, which has three dwellings in what can be considered as within close proximity to the proposal. As indicated, a thorough consultation exercise has been undertaken, indicating NRW and the Head of Public Protection to appropriately consider, the key areas of concern regarding the visual harm; smells and noise; the manure management plan. and the highway impacts of the development.

It is considered that the principal concern in relation to smells and noise can be appropriately controlled with the professional management of the business and adherence to conditions applied to the planning permission. Although there would be negligible odour from the buildings when in operation, there may be some odour from the buildings during the cleaning period, which is for a short period of time every 14 months and this is not considered significant enough to warrant a negative determination of the proposal.

The Head of Transport is satisfied that the traffic movements, access and parking/turning provision at the site with passing bays proposed to be provided, is acceptable and has received a favourable response to consultation subject to the application of conditions.

The Landscape Officer has considered the proposed development and in the course of the application requested improvements to the application's landscaping scheme with regard to which it has been concluded that the proposed development will not have a significant visual impact on the amenity of adjacent uses, properties, residents or community; the scheme retains important local features and ensures the use of good quality hard and soft landscaping; embraces opportunities to enhance biodiversity and ecological connectivity; not adversely affect those features which contribute local distinctiveness/qualities of the county, and to the management and/or development of ecological networks [wildlife corridor networks], accessible green corridors and their continuity.

The Landscape Officer has raised some concern regarding the scheme's adherence with policy GP1 of the LDP regarding the ability to conform with and enhance the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing. Also, the scheme's ability to incorporate existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges; and utilises materials appropriate to the area within which it is located. In addition, concern is raised whether the proposal 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. The ability of the proposal to enhance or improve the Tywi Valley Special Landscape area in relation to policy EQ6 is also raised.

The Planning Ecologist has undertaken a Test of Likely Significant Effect (TLSE) on the proposal with NRW consultation, which is a process in determining planning applications, whereby local planning authorities should have regard to the Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Habitats Directive in respect of the land use planning system. The consideration of the likelihood of significant effects is a form of screening process or risk assessment. The planning authority must consider whether the proposed development would be likely to have a significant effect on any European site or European offshore marine site alone and in combination with other plan or projects. In doing so, it must adopt a precautionary approach. The TLSE was forwarded to NRW who have indicated that they are satisfied with the findings of the

assessment and the proposed mitigation measures and consider that subject to the measures and conditions referred to therein being applied to any permission, their significant concerns regarding the development would be addressed.

The operation of the free range egg production business is typically seen as an extension to an existing farm business and the rural location proposed is where in planning terms it is expected to see this type of enterprise. Taking into consideration the comments of the consultees and the issues of objection received, and balancing this with the policy guidance that is available through the Carmarthenshire LDP as well as other national guidance, it is considered that at this location with the landscaping mitigation, the proposed poultry unit is acceptable and the successful operation of the business in both planning and business terms is reliant upon adherence to the planning conditions and effective management of the business. While the proposed development shall have an impact within the Tywi Valley Special Landscape area, a balance has to be made between the visual harm to the landscape and the economic benefits of this farm diversification scheme. It is considered that the siting has implemented as much of the existing hedgerow screening and will apply sufficient additional landscaping improvements to allow the balance to tip in favour of the application.

In light of the aforementioned report of the proposed development, it is recommended on balance that planning permission be granted for this development subject to the conditions below.

## **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 in accordance with them unless amended by any conditions below:-
  - Elevations, Floor Plan and Feed Bins (03) 1:50 scale, 1:500 scale, received 2 October 2015;
  - Revised Site and Landscape Plan 04, 1:1000 scale, received 15 December 2016;
  - Plan showing Passing Bay 1:500 scale, received 25 November 2016;
  - Passing Place plan 1:250 scale, received 15 December 2016.
- 3 The building hereby approved shall only be used for the purposes of agriculture as defined by Section 336 of the Town and Country Planning Act 1990.
- 4 The use of the poultry unit shall be for free range egg laying only; any change to the operation must first be approved in writing by the Local Planning Authority.
- 5 Any external artificial lighting incorporated with the proposed poultry unit shall be installed in accordance with the relevant lighting engineers' guidance to reduce any potential light nuisance to neighbouring properties. Any such proposals for artificial lighting is to be agreed in writing by the Local Planning Authority prior to installation.

- 6 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway for the initial 15.0m measured from the nearside edge of carriageway and 10.0 metre kerbed radii at the junction with the U4502 road.
- 7 Any access gates shall be set back a minimum distance of 15.0 metres from the highway boundary, and shall open inwards into the site only.
- 8 The existing means of vehicular access into the site shall be permanently stopped up, and the public highway reinstated to the written approval of the Local Planning Authority, prior to the new means of vehicular access herein approved, being brought into use.
- 9 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 57 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access road in relation to the nearer edge of carriageway. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
- 10 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 11 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.
- 12 The site access road shall be hard-surfaced for a minimum distance of 15.0 metres behind the nearside edge of carriageway, 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.
- 13 A passing bay, giving a carriageway width of 5.5 metres over a 10 metres linear length of the road, shall be provided as shown on the Passing Place drawing dated 13/12/2016. This shall be implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 14 Within one month of the granting of this planning permission the applicant shall submit a planning application for the erection of a covered manure store at Godre Garreg farm, Llangadog. No work shall commence on the poultry unit hereby approved until the covered manure store has also been granted planning permission and the poultry unit shall not be operational until the covered manure store has been completed and is ready to be used in association with the approved poultry unit.
- 15 No manure spreading shall take place within a 10 metre wide buffer zone measured from any nearby water course bank top for the whole extent of the site (banked off is defined at the point at which the bank meets normal land levels). The buffer zone shall be without structure, hardstanding, footpath, fences or overhanging development.

- 16 During the operational lifetime of the poultry unit an annual updated manure management plan reflecting any changes in the operation is to be submitted to the Local Planning Authority for their written approval. The nutrient management plan which informs the manure management plan is also to be updated and submitted in conjunction to the Local Planning Authority for their written approval.
- 17 All vehicles used for the movement of manure shall be sheeted and/or fully covered.
- 18 Poultry waste from the unit will be managed in line with the approved Revised Manure Management Plan (January 2017), received 26 January 2017.
- 19 The rating level of the noise emitted from the proposed development as a whole shall not exceed the background noise level. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.
- 20 If the authority receives a justified complaint with respect to the development, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for rating and assessing industrial and commercial sound, to determine whether noise arising from development exceeds the level specified in condition 19 above. The assessment shall be undertaken under the supervision of the Local Authority.
- 21 In the event that Condition 19 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 19. The development shall then be undertaken in accordance with the approved details.
- 22 Deliveries and collections associated with the proposed development shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 23 Any associated works with the proposed development, such as cleaning, maintenance shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 24 Fans shall not operate between the hours of 23:00 and 07:00.
- 25 During the construction phases, no works or construction shall take place other than within the hours of 08:00 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays.
- 26 The approved Detailed landscaping and planting of the site as approved within the Landscape Plan approved in condition 2 above shall be fully implemented during the first available planting and seeding season following the commencement of the development.
- 27 Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design,

within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

## **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.
- 3-5 To prevent any separate use on the site, and to ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.
- 6-13 In the interest of highway safety.
- 14-18 To ensure that there is no significant effect to any designated site.
- 19-25 In the interest of protecting the living conditions of local residents.
- 26-27 In the interest of the visual amenity of the locality.

## **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 adheres to the requirements of policy SP14 of the Carmarthenshire Local Development Plan which ensures that proposed development does not unacceptably harm the Tywi Valley Special Area of Conservation.
- The proposed development adheres to the requirements of policy GP1 of the Carmarthenshire Local Development Plan which ensures that proposed development 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. The development proposal should also not have a significant impact on the amenity of adjacent land uses and properties.
- The proposed development adheres to the requirements of policy EMP4 of the Carmarthenshire Local Development Plan which ensures that proposed development is a form of farm diversification, and requires that it is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm; is of a scale and nature appropriate to the existing farm operation; the scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements; the scale and scope of any retail use (where planning

permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy (see policy RT1); it would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape. As the proposal is a new building and not integrated with the existing working farm complex, it remains that it is considered that the proposal is not detrimental to the respective character and appearance of the area and surrounding landscape.

- The proposed development adheres to the requirements of policy TR3 of the Carmarthenshire Local Development Plan which ensures that proposed development 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.
- The proposed development adheres to the requirements of policy EQ4 of the Carmarthenshire Local Development Plan which ensures 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, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements; there are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.
- The proposed development adheres to the requirements of policy EQ6 of the Carmarthenshire Local Development Plan which ensures that proposed development in Special Landscape Areas are designated in specific locations and proposals for development which enhance or improve the Special Landscape Areas through their design, appearance and landscape schemes will be permitted (subject to the policies and proposals of the Plan). The proposal is a diversification scheme for an established agricultural enterprise, at a sensitive siting and with a detailed landscaping scheme which will mitigate for the impact of the building within the landscape, and provides biodiversity benefits to the locality.
- The proposed development adheres to the requirements of policy EP1 of the Carmarthenshire Local Development Plan which ensures that proposals for development 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. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County. Proposals will wherever possible be required to make efficient use of water resources.

- The proposed development adheres to the requirements of policy EP2 of the Carmarthenshire Local Development Plan which ensures that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.
- The proposed development adheres to the requirements of policy EP3 of the Carmarthenshire Local Development Plan which ensures that proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.
- The proposal complies with Welsh Assembly Government issued advice contained in Technical Advice Note 6 "Planning for Sustainable Rural Communities" in that the proposed development is appropriate to the site and surrounding landscape.

## NOTES

- 1 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).
- 2 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement 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.

- 3 The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.
- 4 The burning of waste on the site should at no time be permitted which is likely to emit dark or black smoke, or smoke which would constitute a smoke nuisance at the nearest sensitive residential property.
- 5 All waste manure must be stored in a satisfactory manner/covered to ensure it does not give rise to an odour nuisance beyond the site boundary.
- 6 Appropriate methods of clearing the waste and cleaning the unit must be adopted to minimise the effect of dust / odours affecting neighbouring properties.
- 7 All dead stock must be stored in appropriate containers to reduce the potential for odours and flies.
- 8 Adequate procedures must in place for controlling flies if necessary.
- 9 Appropriate methods must be in place for the control of vermin if required.
- 10 Adequate procedures must be adopted to ensure the litter/manure inside the unit is kept dry and in such a condition as to reduce the ammonia produced.
- 11 It should be noted that the proposed development should be adequately controlled with regard to other emissions or deposits so that the development does not at any time constitute a statutory nuisance as defined by Section 79 of the Environmental Protection Act 1990.
- 12 Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Highway Authority.
- 13 The applicant should take due care and attention to avoid the deposit of mud on the road from construction vehicles using the access.
- 14 No drainage from the development site shall be connected to or allowed to discharge into the road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the road.



<b>Application No</b>	<b>E/34849</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	ONE RESIDENTIAL DWELLING (LOCAL NEEDS) AT LAND OPPOSITE, TEGFAN, TALLEY, LLANDEILO, SA19 7YL

<b>Applicant(s)</b>	MR R VAUGHAN, C/O AGENT,
<b>Agent</b>	JCR PLANNING LTD - JASON EVANS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
<b>Case Officer</b>	Kevin Phillips
<b>Ward</b>	Manordeilo & Salem
<b>Date of validation</b>	14/12/2016

## CONSULTATIONS

**Head of Transport** – Comments that any permission shall be subject to the application of two highways conditions.

**Chief Executive (Valuations Manager)** – No comments received to date.

**Head of Public Protection and Housing, (Housing Services)** – The ward of Manordeilo and Salem is an area of high housing need. This need could be best met by providing either a mix of 2 bedroom, 4 person houses and 3 bedroom, 5 person houses for low cost home ownership or by providing 2 bedroom, 4 person houses for affordable rent.

**Manordeilo and Salem Community Council** – No comments received to date.

**Local Member** – County Councillor J Davies is a member of the Planning Committee and has not commented to date.

**Public Rights of Way Officer** – Footpath 64/43 abuts the proposed development site (runs along the adjacent farm track). If the application is approved, reference should be made to the applicant/developer of the existence of the footpath and to the requirement not to obstruct or encroach upon it at any time. If the development affects the Public Right of Way it is recommended that the applicant contacts the Public Rights of Way department.

**Neighbours/Public** – The application has been publicised by the posting of a site notice to the front of the site. In response, two letters of representation have been received who object to the application and raise the following concerns:-

- Concern regarding the possible building up of the land to achieve a level base and a flood risk to downstream houses
- The land acts a flood plain which acts as a flood plain, which holds the water back from the adjacent property to the west and the culvert under the B4302 road.
- Concern that any waste treatment plant will pollute the adjacent watercourse
- There is a public footpath that passes the front of the site and the proposed development would harm the visual amenity of the area
- The track running to/from the site is not appropriate for the proposed development
- The easement to the site is controlled by Blaennant farm, Talley and they would not agree to changes to the access to the site or the removal of the hedge under their ownership.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

**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 is a small agricultural enclosure approximately 24 metres in depth and between 21 and 37 meters in width, to the rear of Blaen Isaf, Talley (that front the main B4302 road), and opposite Tegfan. Entrance to the site is approximately 65 metres along the track that leads to Blaenig Uchaf, Talley. The site borders the curtilage to Blaen Isaf to the south west, further agricultural land opposite Blaenig Isaf to the north east and a stream borders the north west, running from north east to south west.

## **THE PROPOSAL**

The application seeks outline planning permission for the construction of a Local Needs dwelling on the site with all matters reserved. An indicative drawing has been submitted that shows the dwelling is to be positioned in the centre of the site with the parking spaces and turning area to the south.

## **PLANNING POLICY**

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

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 AH2 – Affordable Housing – requires that proposals for 100% affordable housing development on sites immediately adjacent to the Development Limits of defined settlements (Policy SP3), will in exceptional circumstances be permitted where it is to meet a genuine identified local need and where the site represents a logical extension to the Development Limits and is of a scale appropriate and in keeping with the character of the settlement, the benefits of the initial affordability will be retained for all subsequent occupants, it is of a size, scale and design compatible with an affordable dwelling and available to low or moderate income groups and there are no market housing schemes within the settlement being, or projected to be developed which include a requirement for affordable housing

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.

Policy SP1 states that proposals for development will be supported where they reflect sustainable development and design principles.

### **THIRD PARTY REPRESENTATIONS**

Letters of representation have been received from three local residents and the issues raised are commented on herewith.

#### **Concern regarding the possible building up of the land to achieve a level base and a flood risk to downstream houses.**

This is an outline planning application and therefore the issues of levels and excavation will be considered as details in the reserved matters application. The dwelling is shown to be sited in the centre of the plot and it is not considered that this will have any significant impact upon the stream that borders the site to the north west.

**The land acts a flood plain, which holds the water back from the adjacent property to the west and the culvert under the B4302 road.**

The site of the proposed dwelling as indicated on the indicative plans submitted in this application show that the dwelling is sited well away from the stream that borders the site and at a much higher level than the stream. The Reserved Matters application will contain further details in relation to levels in order to determine specifically whether there are any engineering works proposed closer to the stream and to consider the surface water run-off from the site to provide a sustainable drainage system.

**Concern that any waste treatment plant will pollute the adjacent watercourse.**

The form of waste treatment facility for the site will be a matter for consideration within the Building Regulations application, which shall ensure that an appropriate waste treatment plant will be provided to avoid any pollution of the stream that borders the site.

**There is a public footpath that passes the front of the site and the proposed development would harm the visual amenity of the area.**

A public footpath does run along the track that leads to Blaenig Uchaf and beyond, however, it is not considered that an appropriate design of dwelling at this location opposite Tegfan which recently had a replacement dwelling approved (E/28737) and below Blaenig Uchaf, will have any significant harm to the visual amenity of the locality; at a site adjacent to the village settlement limits.

**The track running to/from the site is not appropriate for the proposed development.**

The proposal has received a favourable recommendation from the Head of Transport and a proposal for 1 additional dwelling along this track does not justify a negative recommendation. The Head of Transport requires a typical layout number 5 to be provided at the entrance to the site, which would be an improvement for passing for existing traffic along the track.

**The easement to the site is controlled by Blaennant farm, Talley and they would not agree to changes to the access to the site or the removal of the hedge under their ownership.**

The easement issue is a civil matter between the two private parties. As noted above, the applicant will be required to provide a typical layout number 5 at the entrance into the site, which will require the removal of a section of hedgerow and the authorisation of any third party owners will also be needed in order to provide the required access, if this is required.

**CONCLUSION**

On balance, and after careful examination of the site and its surrounding environs, together with the representations received, the proposal is considered to represent an acceptable form of local need residential development at the edge of the settlement limits for Talley. It is considered that a dwelling can be developed within the plot and the application of conditions for any permission will ensure that it will be in keeping with and complement the general character and appearance of the surrounding area.

The site is located adjacent to the development limits of Talley and its development complies with the key policy and sustainability objectives of both the Authority's LDP and National Planning Policy.

In consultation, the Forward Planning Manager has responded that the Planning Statement within the application addresses all the criteria relating to Policy AH2 Affordable Housing – Exceptions Sites i.e. local need development proposals adjacent to the development limits. There is no reason why the application cannot be supported in policy terms

The Landscape Officer requires detailed consideration of the existing and proposed landscaping at the site and this will be a matter that can be considered within the Reserved Matters application.

The proposed layout of the development and means of access thereto are acceptable while the new dwelling will be well related to the existing services and facilities in Talley, as well as being within easy access of existing public transport facilities. The proposal will also make a positive contribution towards the provision of affordable housing in the locality. Furthermore, there are no amenity, highway or public service objections to the development.

The application is put forward with a favourable recommendation subject to the proposed conditions and the signing of a Local Needs Section 106 Agreement.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 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.
- 2 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 3 The permission now granted relates to the land defined by the 1:2500 scale Location Plan and 1:500 scale Block plan received on 14 October 2016.
- 4 Development shall not commence until detailed plans of the access, appearance; landscaping; layout; and scale of the building stated in the application, has been submitted, and received the written approval of the Local Planning Authority.
- 5 The external walls of the proposed dwelling shall be constructed of materials which reflect the character and style of local buildings and the roof shall be covered in natural or fibre cement slates or flat profiled tiles coloured dark grey.
- 6 The development hereby permitted shall be designed to reflect the architectural style and appearance of local dwellings/buildings.
- 7 No development shall take place until details and plans showing the finished floor/roof levels of the dwelling hereby approved, together with cross sections through the site

have been submitted to and approved in writing by the Local Planning Authority, such details to form part of any Reserved Matters application for the site. Development shall be carried out in accordance with those details approved, unless otherwise agreed in writing with the Local Planning Authority.

- 8 Prior to the commencement of development full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.
- 9 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Council's (Transport and Engineering Service) Typical Layout No. 5 specification, prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 10 Prior to any use of the access by vehicular traffic, a visibility splay of 2.0 metres x 25 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access road in relation to the nearer edge of carriageway. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
- 11 A detailed landscaping scheme for the whole site including the retention of any existing landscape features and the indication of tree species, size and number of trees and/or shrubs to be planted shall be submitted to and specifically approved in writing by the Local Planning Authority prior to the commencement of the development and shall, following approval of such a scheme be implemented in the first planting season following commencement of the development or at such other time as may be specifically approved in writing by the Local Planning Authority.
- 12 Any trees planted/trans-located in accordance with condition 11 above which, within a period of 5 years of planting are subsequently removed, dying or become seriously damaged, or diseased, shall be replaced in the next planting season with other of similar size and species to the written approval of the Local Planning Authority.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 The application is in outline only.
- 3 For the avoidance of doubt.
- 4-8 In the interest of visual amenity and to protect the living conditions of local residents.
- 9-10 In the interest of highway safety.
- 11-12 In the interest of visual amenity.

## **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 accords with Policy GP1 of the LDP in that the proposed dwelling represents an acceptable form of development which is appropriate to the character and appearance of the surrounding area; furthermore it will not give rise to any substantially statutory or third party objection sufficient to warrant refusal of the planning application.
- The proposed development accords with Policy AH2 of the LDP in that the proposal will meet a genuine identified local need and the site represents a logical extension to the Development Limits and is to be of a scale appropriate and in keeping with the character of the settlement, the benefits of the initial affordability will be retained for all subsequent occupants, it is to be of a size, scale and design compatible with an affordable dwelling and available to low or moderate income groups and there are no market housing schemes within the settlement being, or projected to be developed which include a requirement for affordable housing
- The proposed development accords with Policy GP1 of the LDP in that the proposal 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.

#### **NOTE(S)**

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

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

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

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

- 2 This application has been determined within the scope of the delegated authority granted to the Head of Planning by the Meeting of Carmarthenshire County Council on 12 October 2011 (Minute No 7 refers).

- 3 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).
- 4 The planning permission hereby granted is subject to the developer, prior to the commencement of development, entering into an agreement with Carmarthenshire County Council under Section 106 of the Town and Country Planning Act 1990 ensuring that the proposed dwelling remains available as an affordable dwelling for those with local housing needs in perpetuity.



<b>Application No</b>	<b>E/35109</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A3 (FOOD AND DRINK) - INCLUDING ANCILLARY SEATING AND THE INSTALLATION OF EXTRACTION AND VENTILATION EQUIPMENT AT 9 CROSS INN BUILDINGS, COLLEGE STREET, AMMANFORD, SA18 3AL

<b>Applicant(s)</b>	DOMINO'S PIZZA UK & IRELAND LTD, C/O AGENT
<b>Agent</b>	DPP PLANNING - ABBIE CONNELLY, SOPHIA HOUSE, 28 CATHEDRAL ROAD, CARDIFF, CF11 9LJ
<b>Case Officer</b>	Andrew Francis
<b>Ward</b>	Ammanford
<b>Date of validation</b>	14/02/2017

## CONSULTATIONS

**Ammanford Town Council** – No observations received to date.

**Local Member** – County Councillor D Harries has not commented to date.

**Welsh Government Transport Division** – Although raised some concern, having had consideration to other similar uses on the trunk road in close proximity, a further response is awaited.

**Neighbours/Public** – The application was advertised by means of a Site Notice. Three letters of objection has been received as a result. The points of objection have been summarised as follows:

- The building is behind double yellow lines, whilst the pavement has bollards and the site is in close proximity to a traffic light controlled pedestrian crossing to the south east and a three way junction to the north-west. There are also no parking zig zag lines in close proximity – the area has very strict no parking regulations for 222 metres to the north-west and 262 metres to the south east. This proposal will cause a problem for highway safety and people trying to park close will cause illegal parking and negatively impact on highway safety.
- Further traffic issues will occur when delivery vehicles are present. The application states that the site has 6 parking spaces, but it is unlikely these spaces will be used

as they will likely be filled by staff. As such, this will cause further traffic issues, contrary to policy.

- There are other takeaways in the area and they all contribute towards environmental issues such as litter. Another takeaway will only increase this problem.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

### **THE SITE**

The application site is addressed as 9 Cross Inn Buildings, which is an existing commercial building situated on the south west flank of College Street and forms part of the Cross Inn group of commercial buildings that are prominently situated on the corner of Wind Street and College Street and include The Square public house and the former Rok Sport shop, presently being fitted out as a gents barbers shop.

The application building is terraced and has been unused for some time. It is situated within the Retail Frontage of Ammanford as defined within the Carmarthenshire Local Development Plan (LDP).

### **THE PROPOSAL**

Planning permission is sought to change the use of the existing building from an A1 retail unit into an A3 use, for the sale of hot food and drink, which includes ancillary seating and the installation of extraction and ventilation equipment.

## **PLANNING POLICY**

The Development Plan to be used for the consideration of this application is the Carmarthenshire Local Development Plan (LDP), adopted in December 2014. The land is situated within the development limits for Ammanford as defined in Inset Map GR3. The Town Centre Inset Map conveys that the application site is situated within the defined Secondary Retail Frontage Area of Ammanford.

The retail policies of the LDP specifically consider the change of use from retail uses to non-retail uses in such areas. Policy RT3 is applicable which states that proposals for non-retail uses will be permitted on ground floor frontages of the designated Secondary Retail Frontage where they would;

- a) Not lead to a concentration on ground floor non-A1 frontages exceeding four consecutive properties or a concentration of non-A1 properties in the same use class exceeding three consecutive properties;
- b) Not undermine the retail function of the centre or have a detrimental effect upon the vitality or viability of the area;
- c) Not create a level of non-retail ground floor frontage detrimental to the retail character and function of the area.

Policy SP8 also state that proposals will be permitted where they maintain and enhance the existing retail provision within the County, and protect and promote the viability and vitality of the defined retail centres.

Furthermore, as highway objections have been received on a Trunk Road, policy TR1 applies which states that proposals which do not restrict traffic movement and/or compromise the safety of the primary road network and core network will, where appropriate be supported.

### **THIRD PARTY REPRESENTATIONS**

This application was advertised by means of a Site Notice. Three letters of objection has been received as a result. The points of objection has been summarised and are discussed as follows:

- The building is behind double yellow lines, whilst the pavement has bollards and the site is in close proximity to a traffic light controlled pedestrian crossing to the south east and a three way junction to the north-west. There are also no parking zig zag lines in close proximity – the area has very strict no parking regulations for 222 metres to the north-west and 262 metres to the south east. This proposal will cause a problem for highway safety and people trying to park close will cause illegal parking and negatively impact on highway safety.

With regard to this first and main point, this is the issue that was stressed by all the objectors and caused some concern to the Welsh Government's Transport Division in their response also. The location of the building is situated approximately thirty metres from the three way junction that serves College Street, High Street and Wind Street and during busy times often has cars stopped or moving slowly due to the weight of traffic moving through the traffic lights.

However, as has been highlighted clearly in the objections, the restrictions to parking outside the application site are comprehensive – there are double yellow lines on the road and kerb to discourage parking on the highway and there are bollards on the kerb to stop cars parking on the kerb in this location. Furthermore, some 5 metres beyond the application site to the north east begins a series of zig zag 'no stopping' lines to further discourage parking. In all, the discouragement to parking outside the application premises is very high, if it can be done so at all given the amount of traffic that flows past the site, particularly in busy periods. In this instance, it is considered that the restrictions to parking are significant and would adequately discourage customers of the proposed A3 unit to stop outside the shop.

Further to the above, it needs to be also noted that there is a large public car park situated behind the buildings on the opposite side of College Street, accessed via the Arcade, a short walk away. For customers who have driven to collect their orders, it is considered that this facility would be the appropriate place to park.

It should also be noted that there are many similar A3 units operating in the near vicinity of this proposal. Whilst many of these are long established and have not required a change of use planning permission to operate, an appeal decision that occurred on a nearby building in very similar circumstances (6 Wind Street) that sought to change the use of that building to an A3 restaurant following refusal by the Local Planning Authority, directed by the Trunk Roads agency, was successful subject to a condition precluding

any takeaway use. That decision was somewhat unusual at the time as the Inspector in his determination referred to the potential takeaway use falling within class A5 of the Use Classes Order, a class that applies to England only.

Taking all the above into consideration, particularly the highly restrictive parking measures and close proximity of the public car park, on balance it is not considered that this proposal fails to comply with policy TR1 of the LDP.

- Further traffic issues will occur when delivery vehicles are present. The application states that the site has 6 parking spaces, but it is unlikely these spaces will be used as they will likely be filled by staff. As such, this will cause further traffic issues, contrary to policy.

With regard to the issue of delivery vehicles, as these are employed by the company they are easier to control and potentially condition if required to ensure that the rear access and parking area is used and that deliveries are made when the shop is closed and the road is potentially quiet. In addition, and as described above, the abundance of parking restrictions and deterrents at the front of the premises would also make it more difficult to deliver items via the front opening. Given the potential control available over the staff and delivery vehicles and the parking restrictions in place at the front of the store, it is considered that these vehicles will not cause further traffic issues and would not be contrary to policy. Clarification has been sought with regard to the stated six parking spaces, as described in the application. However, the existing retail use can be recommenced without planning permission and receive deliveries much in the same way the proposed A3 unit would.

- There are other takeaways in the area and they all contribute towards environmental issues such as litter. Another takeaway will only increase this problem.

With regard to the final point of objection, it is acknowledged that A3 outlets have the potential for an increase in litter, causing a reduction in levels of public amenity.

Whilst not a material planning consideration, littering is a criminal offence under the Environmental Protection Act 1990. Furthermore, the site is within the town centre location with litter bins in the vicinity.

## **CONCLUSION**

As with every planning application, each case has to be considered on the balance of the differing views. In this particular instance, the initial highway safety concerns are acknowledged and have been considered carefully. However, paragraph 10.1.5 of Planning Policy Wales (PPW) (November 2016) states that whilst retailing (A1 uses) should continue to underpin commercial centres, it is only one of the factors which contribute towards their vibrancy. Policies should encourage a diversity of uses in centres including A3 uses which promotes a lively centre and reduces the need to travel to visit a range of facilities.

Furthermore, in terms of policy RT3, the proposal complies with all aspects of the policy as the proposal does not lead to a concentration of ground floor non A1 frontages within the Secondary Retail frontage totalling more than four in a row, wouldn't undermine the retail function of the centre and the vitality or viability of the area by creating a level of non-retail ground floor frontage detrimental to the retail character and function of the area.

The town centre location is also beneficial when considering the proximity of one of the town's main car parks which is convenient for customers of the proposed A3 unit to utilise when collecting orders.

It should also be taken into consideration that an existing shop, that has been vacant for some considerable time, would be brought back into beneficial use. With regard to this point, if the shop was re-opened as an A1 retail unit, without the need for planning permission, the shop would still require deliveries in much the same way as the proposed A3 unit so in highways terms, there would be no particular increase in harm from the proposed unit over the unit opening as a A1 retail unit.

Finally, the proposal is intended to bring eight full time and twenty five part time jobs to the town

Given the above discussion, on balance, the application is recommended for approval.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The use of 9 Cross Inn Buildings, Ammanford is to be used strictly as an A3 (Food and Drink) use as defined within the Use Classes Order, 1987 (as amended).
- 2 The development shall be carried out strictly in accordance with the following approved plans received on 1<sup>st</sup> February 2017:-
  - 1:1250 scale Location Plan (0005);
  - 1:500 scale Block Plan (0006);
  - 1:50 scale Proposed Elevations (0004);
  - 1:50 scale Proposed Floor Plans (0003).
- 3 The use of the retail unit shall be limited between the hours of 09:00 – 23:00 Monday to Sundays and Bank Holidays.
- 4 The rating level of sound emitted from any fixed part or machinery associated with the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.
- 5 Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of sound immissions arising from the development to determine whether they exceed the sound levels specified in Condition 4. The assessment shall be undertaken under the supervision of the Local Authority.
- 6 In the event that Condition 4 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in Condition 4. These measures will then be implemented forthwith.

## REASONS

- 1-2 In the interest of amenity.
- 3 In the interest of public amenity.
- 4-6 To prevent unacceptable noise arising from the site.

## REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposed development complies with policy RT2 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that the proposed use of the building is for retail, within the defined Retail Frontage of Ammanford.
- It is considered that the proposed development complies with policy TR1 of the Carmarthenshire Local Development Plan, 2014 (LDP), in that the proposal would not unduly restrict traffic or compromise the safety of the primary road network by virtue of the existing restrictions in place at the premises and the proximity of a large public car park.

## 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](http://www.carmarthenshire.gov.uk)).

**ADDITIONAL ITEM FOR DECISION**

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

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

## **RECOMMENDATION – REFUSAL**

### **APPRAISAL**

This application was reported to the Planning Committee on 21 March 2017 at which, following an inspection of the application site, it was resolved that planning permission be refused with the reasons for refusal to be reported back to the Committee for ratification. The following reasons which are considered to reflect the concerns of the Committee are put forward for endorsement;

### **REASON**

- 1 The proposal is contrary to Policy H5 – Adaptation and Re-use of Rural Buildings for Residential Use of the Carmarthenshire Local Development Plan:

### **Policy H5**

**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 loss of the character and integrity of the original structure.**

In that the cumulative amount of new building work serves to demonstrate that the application buildings are neither structurally sound nor of sufficient size to be able to accommodate the proposed use without extensive alteration, extension or re-construction.

2 The proposal is contrary to Policy TSM4 – Visitor Accommodation of the Carmarthenshire Local Development Plan:

#### **Policy TSM4**

**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.**

In that the proposal, at a location outside of the development limits of any settlement, is not compliant with criterion d) set out in policy H5, as the cumulative amount of new building work serves to demonstrate that the application buildings are neither structurally sound nor of sufficient size to be able to accommodate the proposed use without extensive alteration, extension or re-construction.

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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 06 EBRILL 2017  
ON 06 APRIL 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.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>06 APRIL 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>S/35189</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	SITING OF TWO DETACHED DWELLING HOUSES AT LAND AT FORMER CWMBLAWD SAWMILLS, LLANNON ROAD, PONTYBEREM, LLANELLI, SA15 5NB

<b>Applicant(s)</b>	MR DHA LEWIS, 17A HEOL Y BRYN, PONTYBEREM, LLANELLI, CARMARTHENSHIRE, SA15 5AG
<b>Agent</b>	SAURO ARCHITECTURAL DESIGN LTD - MR PETER SAURO, SAURO ARCHITECTURAL DESIGN LTD, 9 ELLISTON TERRACE, CARMARTHEN, SA311HA
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Pontyberem
<b>Date of validation</b>	27/02/2017

## CONSULTATION

**Head of Transport** – Has not commented to date.

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

**Local Members** – County Councillor J S Williams is a member of the Planning Committee and has not made prior comment. She has however asked that the application be determined at Committee after a site visit as the land has been maintained by the family since the mill closed and there is historic permission for a dwelling.

**Dwr Cymru/Welsh Water** – States that there is no mains sewerage so details of drainage should be submitted prior to commencement of development.

**Neighbours/Public** – Four neighbouring properties have been consulted with no responses received to date.

## RELEVANT PLANNING HISTORY

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

D5/14103	Two houses Outline planning refused	30 September 1991
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## **APPRAISAL**

### **THE SITE**

The application site is strip of land with a road frontage of approximately 39m and an average depth of 23m. The site is outside the development limits of Pontyberem, however it is noted that there is a cluster of 7 houses opposite to the south.

The site is a former sawmill, however any commercial use has long since been abandoned. The remains of the sawmill are evident with some of the wall structure still in place. The owner has maintained the site in a good condition.

The site has also been subject to permission for a dwelling prior to the First World War, and the applicant has the original plans for the site. Undulations on part of the site are said to be evidence of commencement in the form of foundation trenches. The undulations are broadly consistent with the location of the previously approved dwelling, however it is not known when any works were undertaken. However if foundations were dug over 100 years ago as suggested, they have collapsed and infilled over time with no development having taken place, so as to have been abandoned in planning terms.

More recently, planning permission was refused in 1989 and 1991 for two dwellings on the basis of its location in open countryside and highway safety.

### **THE PROPOSAL**

The application seeks outline planning permission to establish the principle of two dwellings on the site in place of the former commercial use. The site is proposed to be laid out with two storey houses addressing the highway with modest rear gardens and a central access with parking & garages and turning to the front for each property.

No justification has been submitted in terms of affordable/local need or rural enterprise.

### **PLANNING POLICY**

In the context of the current development control policy framework the site is outside the settlement development limits of Pontyberem as defined in the Carmarthenshire Local Development Plan (LDP) Adopted July 2006.

Policy SP1 Sustainable Places and Spaces states:

Proposals for development will be supported where they reflect sustainable development and design principles by:

- a) Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;
- b) Promoting, where appropriate, the efficient use of land including previously developed sites;



- c) Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;
- d) Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;
- e) Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;
- f) Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;
- g) Utilising sustainable construction methods where feasible;
- h) Improving social and economic wellbeing;
- i) Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.

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)).

Policy GP2 Development Limits states:

Development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework.

Proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

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 (2014) states:

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales - from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (2014) states:

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

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 should be presented in the design and access statement where one is required.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs, it is considered that whilst there is evidence of a former commercial use and history of permission, both have long since been lost through the passage of time, therefore the proposal is unjustified new residential development in the open countryside. Local and National planning policy directs development to sustainable communities, and there is a general presumption against development in the open countryside.

It is noted that there are houses opposite, however this is not considered to be a sustainable community and merely forms a cluster of rural dwellings without a defined settlement development limit. The general approach adopted in the LDP is to exclude such outlying clusters and confine development limits to sustainable settlements. In this case, the site is 0.7km from the closest part of Pontyberem, and 1.7km from its centre, with no bus stops or pedestrian facilities evident between the site and the village, therefore it is not considered to be in a sustainable location.

In terms of the site specific considerations, an indicative plan has been submitted which shows an indication of two dwellings. It is considered that there is insufficient private amenity space to the rear to serve the dwellings as shown. Notwithstanding the fact that this application merely seeks to establish the principle of development, it is considered that the site is of insufficient dimensions to accommodate two dwellings as shown.

Further, the application does not include any form of legal agreement setting out a contribution towards affordable housing as required under Policy AH1.

On balance, the proposal is not considered to be in accordance with the above policies and therefore is recommended for refusal.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy SP1 “Sustainable Places and Spaces” of the Carmarthenshire Local Development Plan:-

#### **Policy SP1 Sustainable Places and Spaces**

**Proposals for development will be supported where they reflect sustainable development and design principles by:**

- a) **Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;**
- b) **Promoting, where appropriate, the efficient use of land including previously developed sites;**
- c) **Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;**
- d) **Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;**
- e) **Creating safe, attractive and accessible environments which contribute to people’s health and wellbeing and adhere to urban design best practice;**
- f) **Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;**

- g) Utilising sustainable construction methods where feasible;**
- h) Improving social and economic wellbeing;**
- i) Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.**

In that the site is in a location which is not served by public transport or pedestrian facilities, and is therefore wholly reliant on the private car. The site is not therefore considered to be in a sustainable location.

- 2 The proposal is contrary to Policy GP1 "Sustainability and High Quality Design" of the Carmarthenshire Local Development Plan:-

**Policy GP1 Sustainability and High Quality Design**

**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)).**

In that the site is not of sufficient size to accommodate the two houses along with parking, turning and an adequate rear garden area as shown on the indicative plan.

- 3 The proposal is contrary to Policy GP2 “Development Limits” of the Carmarthenshire Local Development Plan:-

**Policy GP2 Development Limits**

**Development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework.**

**Proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.**

In that the proposed development is unjustified development outside the settlement development limits of Pontyberem as defined in the adopted Local Development Plan. The proposal would therefore constitute inappropriate and unsustainable development in the open countryside.

- 4 The proposal is contrary to Policy TR3 “Highways in Developments – Design Considerations” of the Carmarthenshire Local Development Plan:-

**Policy TR3 Highways in Developments - Design Considerations**

**The design and layout of all development proposals will, where appropriate, be required to include:**

- a) **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;**
- b) **Suitable provision for access by public transport;**
- c) **Appropriate parking and where applicable, servicing space in accordance with required standards;**
- d) **Infrastructure and spaces allowing safe and easy access for those with mobility difficulties;**
- e) **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;**
- f) **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.**

In that:

- (i) the site is in a location which is not served by public transport or pedestrian facilities, and is therefore wholly reliant on the private car. The site is not therefore considered to be in a sustainable location.
- (i) it appears impracticable to construct an access within the curtilage of the site which would provide sufficient visibility for vehicles emerging onto the county road.
- (ii) the proposed development would lead to increased pedestrian movements along a section of road with no pedestrian facilities.

5 The proposal is contrary to Policy AH1 “Affordable Housing” of the Carmarthenshire Local Development Plan:-

#### **Policy AH1 Affordable Housing**

**A contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub-market areas.**

**Where viability at the target levels cannot be achieved, variation may be agreed on a case-by-case basis.**

### **On Site Contributions**

**The affordable housing will be required to be provided on proposals of 5 or more dwellings in all settlements. Where adjacent and related residential proposals result in combined numbers meeting or exceeding the above threshold, the Council will seek an element of affordable housing based on the affordable housing target percentages set out above.**

**Proposals will be required to ensure that the dwelling remains affordable for all subsequent occupants in perpetuity.**

### **Commuted Sums**

**Where an open market residential site falls below the above thresholds, a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas as set out above. Commuted sum charges will be based on floor space (cost per sq.m.).**

**In that the application does not provide a contribution for affordable housing in accordance with Policy AH1.**



*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 6 EBRILL 2017  
ON 6 APRIL 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.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>6 APRIL 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	
<b>W/35169</b>	Conservation, renovation and improvement of Carmarthen Park velodrome, including: repair, re-setting and renewal of damaged and missing bricks to the perimeter edging of the velodrome track. Repair and re-setting of the original perimeter railing and concrete posts. Preparation and re-decoration of the original perimeter railing and concrete posts. Concrete repairs and the reinstatement of missing or inappropriate elements to the velodrome steps on the north side of the track. Replacement of the existing concrete velodrome surface with a new concrete surface. Extension of the inner edge of the velodrome surface to create a safety "Blue Zone". Installation of a new safety fence to the perimeter of the track. The treatment of the concrete surface of the velodrome to allow the surface of the track to meet the performance criteria required by British Cycling at Carmarthen Park Velodrome, Morfa Lane, Carmarthen, SA31 3AX	<b>118-126</b>
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W/34901	Detached dwelling house at land at Mounthill, Mount Pleasant, Pensarn, Carmarthen, SA31 2LJ	135-148
W/34931	Alterations to front boundary stone wall to facilitate a vehicular access at land at Mounthill, Mount Pleasant, Pensarn, Carmarthen, SA31 2LJ	149-157

REF.	ADDITIONAL ITEMS FOR DECISION	PAGE NOS
W/35171	Erection of a log cabin adjacent to existing buildings. Further 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, Carmarthenshire, SA33 5AY	159-161

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/31230</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	16 RESIDENTIAL UNITS TOGETHER WITH PUBLIC CAR PARKING AREAS AND ASSOCIATED SITE ROADWAYS. THE PROPOSAL INCLUDES THE REMOVAL OF NUMEROUS TREES AND OTHER FOLIAGE. THE RESIDENTIAL UNITS INCLUDE 4 NO. 4 BED DETACHED HOMES, 5 NO 2 BED AFFORDABLE DWELLINGS, 1 NO 2 BED DETACHED DWELLING AND 6 NO 3 BED SEMI DETACHED DWELLINGS AT LAND AT REAR OF MAESGRIFFITH, HIGH STREET, LLANSTEFFAN, CARMARTHENSHIRE, SA33 5JW

<b>Applicant(s)</b>	CARMARTHENSHIRE COUNTY COUNCIL - JONATHAN FEARN, BUILDING 8, ST DAVIDS PARK, JOBSWELL ROAD, CARMARTHEN, CARMARTHENSHIRE, SA31 3HB
<b>Agent</b>	LEWIS PARTNERSHIP LIMITED - PHILIP LEWIS, 13 PARK CRESCENT, LLANELLI, CARMARTHENSHIRE, SA15 3AE
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Llansteffan
<b>Date of validation</b>	25/11/2014

## CONSULTATION

**Head of Transport** – Had concerns over the initial scheme. The layout has been amended, so has no objection subject to the imposition of conditions and a sum of £8,000 for off-site traffic calming.

**Head of Technical Services (Drainage)** – Has no objection to attenuation proposed.

**Head of Education** – States that the lower threshold of contributions is required for the local schools.

**Llansteffan Community Council** – Has raised the following concerns:-

- Access/Parking – should include rear access for properties in High Street.
- Affordable Housing – 30% requirement. 5 houses shown – needs to be a legal covenant on the land to ensure provision.



- Sewage Treatment Works Capacity – assurance sought that Dwr Cymru has evaluated the capacity of the treatment works.
- Surface Water Flooding & Culverts – Scheme needs to take account of surrounding fields.

**Local Member** – County Councillor Davies is a Member of Planning Committee and has not made prior comment.

**Dyfed Archaeological Trust** – Has no objection subject to the imposition of an appropriate condition.

**Dwr Cymru/Welsh Water** – Has no adverse comments.

**Neighbours/Public** – The application has been advertised by the posting of 5No. Site Notices on original submission and on receipt of amended plans with a total of 8no representations received to date from 3 respondents raising the following matters:-

- Loss of amenity
  - Overlooking of neighbouring properties.
  - Overbearance – ground levels on site are higher.
- Loss of open space.
- Market housing needed for local needs (too many holiday homes in village).
- Affordable housing needed due to inflated prices.
- Site is suitable for a housing association.
- Overshadowing solar panels.
- Wildlife/Ecological impacts.
- Insufficient parking on High Street. Site should include off street parking.
- Public Transport info in DAS is wrong.
- Archaeology/Conservation Area.
- Land drainage, hydrology and sewerage needs to be checked due to local issues.
- Proposal is not feasible.
- Has research been carried out as to needs of village.
- Questions over procedure and consultation given the applicant.

## RELEVANT PLANNING HISTORY

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

W/31231	16 residential units together with public car parking areas and associated site roadways. The proposal includes the removal of numerous trees and other foliage. The residential units include 4 no. 4 bed detached homes, 5 no. 2 bed affordable dwellings, 1 no. 2 bed detached dwelling and 6 no. 3 bed semi detached dwellings. Conservation Area Consent application	Pending
D4/16692	Siting of residential unit Refusal	20 April 1989
D4/14987	Siting of residential development Full planning permission	02 December 1987
D4/11382	Siting of a residential development Outline planning permission	19 April 1984
D4/10101	Siting of 4 no. dwellings and garages with 2 extra garages Refusal	30 June 1983
D4/3956	Residential development (4 dwellings) Full planning permission	25 October 1977
D4/3115	Residential development 4 dwellings Refusal	07 February 1977

## 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 is a 0.81ha parcel of land within the heart of the village of Llansteffan. The site was allocated in the UDP for housing, however it was removed as an allocation in the LDP but remains white land within limits. The site is an irregular shape which forms a tract of land between the gardens of properties in High Street and Glan y Mor.

The site has a mixture of woodland and grassed paddock areas and includes a stream along the southern boundary with its riparian corridor. The mix of habitats has therefore entailed that ecological reports were necessary before any decision is made. This has revealed the presence of protected species which need to be translocated to a safe receptor site.

There is a public footpath along the northern boundary which links between High Street and Glan y Mor.

The site is within the Llansteffan Conservation Area, so the design, appearance and materials need careful consideration.

The site has a long planning history dating back to 1977 with outline approvals in 1977, 1984 and 1987 and refusals in 1977, 1983 and 1989.

An application for Conservation Area Consent has been submitted and is being considered separately.

## **THE PROPOSAL**

The application seeks full detailed permission for 16 residential units together with public car parking areas and associated site roadways. The residential units comprise the following: 4 no. 4 bed detached dwellings, 5 no. 2 bed affordable dwellings, 1 no. 2 bed detached dwelling and 6 no. 3 bed semi-detached dwellings.

The site is in a Conservation Area so the design is simple and traditional with rendered walls with raised render quoins and bands around the windows which are proposed to be of contrasting colours. The proposal seeks therefore to reflect the materials which are evident in High Street.

The original submission included ground level changes and a large retaining wall along the river corridor. However after concerns raised by the conservation section, the levels have been amended to be more sympathetic to the topography and consequently amended plans received and re-consultation has taken place. There is now a much reduced retaining wall along the western boundary than first proposed, as the development is now sympathetic to the contours of the site, with a buffer zone proposed along the water course.

Access from High Street is derived via Maes Griffiths, a small cul de sac which currently serves a small housing development which fronts onto High Street.

The application has been accompanied by detailed ecological and hydrological reports which seek to ensure that the proposal can be developed without adverse impacts. The scheme has been amended considerably from the initial submission due to concerns which have now been addressed.

The application was submitted under the UDP, which allocated the site for housing given its history of residential planning permission. The adoption of the LDP has however changed the planning policy base which is material to the consideration of the proposal, however it is being considered on its merits. The current status is that the site is White Land with no designation.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is within the settlement development limits of Llansteffan as defined in the Carmarthenshire Local Development Plan (LDP) adopted 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 November 2016 and TAN12: Design (2016)).

Policy AH1 Affordable Housing states:

A contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub-market areas.

Where viability at the target levels cannot be achieved, variation may be agreed on a case-by-case basis.

#### On Site Contributions

The affordable housing will be required to be provided on proposals of 5 or more dwellings in all settlements. Where adjacent and related residential proposals result in combined numbers meeting or exceeding the above threshold, the Council will seek an element of affordable housing based on the affordable housing target percentages set out above.

Proposals will be required to ensure that the dwelling remains affordable for all subsequent occupants in perpetuity.

#### Commuted Sums

Where an open market residential site falls below the above thresholds, a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas as set out above. Commuted sum charges will be based on floor space (cost per sq.m.).

SP13 Protection and Enhancement of the Built and Historic Environment states:

Development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- a) Sites and features of recognised Historical and Cultural Importance;
- b) Listed buildings and their setting;
- c) Conservation Areas and their setting;
- d) Scheduled Ancient Monuments and other sites of recognised archaeological importance.

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

Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance states:

Proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character

and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

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

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

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

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

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

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

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

Paragraph 2.2 of Technical Advice Note 12 Design (March 2016) states:

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) 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**

There is concern over loss of amenity and overlooking. The initial scheme had houses in the eastern part of the site at a higher level which would have potentially had overlooking of neighbouring properties in Glan y Mor. This however has been amended so the houses are at right angles and are set at a lower ground level, therefore the matter has been resolved satisfactorily through negotiation and re-engineering of the site.

The initial scheme had an issue with overbearance as ground levels on site are higher than the properties in Glan y Mor below to the south east and this was further exacerbated by land raising in order to make the levels work on a practical level with the initial layout. It should be noted however that after concerns from the Conservation section, this was brought to the attention of the applicant and through negotiation, the layout has been amended so that the proposal now follows the contours better and has less of an impact. The scheme is now considered to be acceptable.

The site currently serves as an area of unofficial open space within the village which provides a green area between High Street and Glan y Mor. It should however be noted that until the adoption of the LDP, the site was a housing allocation and is still 'white land' within the village development limits which is suitable for development subject to consideration of all material considerations. The site is owned by the County Council as a landowner and is not public open space and therefore any use by children or others is at their own risk. Llansteffan has a good amount of public open space at the village green and the foreshore beyond, so the loss of the site would not be detrimental to the recreational amenity of the village as a whole.

The village is said to be popular for second or holiday homes which are good for the summer and weekends but do not support local facilities or services. The development of additional market housing and affordable housing for local people is therefore generally supported.

Affordable housing is said to be needed due to inflated prices in the village. This area is defined in the 30% affordable housing zone as it is considered to be of need and able to support the highest percentage within the County. The application proposes 5 No. 2 bedroom affordable dwellings which is considered to be acceptable. If sold to a developer, the contract of sale will ensure that any third party developer will need to enter into a legal agreement to ensure these are provided.

It is suggested that the site is suitable for a housing association to provide housing for local people. It is noted that the proposal does include affordable units and occupies a central area within the village. However, whether or not a housing association will be in a position to buy it will depend on the land value and this would be a commercial decision.

Overshadowing solar panels is not likely given the relative position of the existing and proposed dwellings.

The wildlife/ecological impacts of the proposal have been carefully considered and have resulted in the amendment of the scheme to include the loss of units and redesign of the layout. The proposed development is therefore considered to be sensitive to the ecology and retains the areas which are considered necessary. A considerable amount of information has been submitted which includes mitigation for species present, including a reptile translocation scheme, so it is considered that the proposal complies with the above policies.

There is concern from the Community Council and residents that there is insufficient parking on High Street and that the site should include off street parking. It is noted that the site does include the car park to the rear of Maes Griffiths and adds 6 no. public parking spaces and parking for the maintenance of the water infrastructure, situated to the north of the access road close to the site entrance. This is seen as a highway safety improvement for the village.

Public Transport information has been supplied in the DAS, however this is said to be out of date. This is not however considered to be material to the consideration of the proposal.

Dyfed Archaeological Trust has been consulted and it considers that the site can be developed subject to a condition requiring archaeological works be carried out prior to commencement of development. The site is also within the Conservation Area so has been given special consideration. It should be noted that there is a Conservation Area Consent application (W/31231) also being considered.

Land drainage, hydrology and sewerage have been checked through the consultation process and the relevant officers / bodies have no objection to the scheme.

It is claimed that the proposal is not feasible and therefore the site will either remain undeveloped or will be too expensive for local people. Whether the site is developed is a commercial decision for the County or private developer if sold and not a planning consideration.

Questions have been raised as to whether research has been carried out as to needs of village. The site has long been identified as a housing opportunity within the village, however due to questions of deliverability, the designation has been removed in the LDP. It should be noted that no other site has been identified, therefore this site remains the only opportunity to provide a mix of housing types as proposed. The representations generally agree that affordable housing is required in the village.

Questions have been raised over procedures and consultation given the applicant is itself the County Council. It should be noted that there has been initial consultation and subsequent consultation when the scheme was amended. The relevant bodies have been consulted and responses have led to amendment of the scheme to ensure its acceptability.



The application is being determined by Planning Committee in accordance with the protocol for applications where the County Council has a financial interest.

## **CONCLUSION**

In accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the application has been screened to establish whether an Environmental Impact is required. Given the scale and nature of the proposal, the development is considered to be of no more than local importance and will not give rise to any significant adverse environmental impacts upon the surrounding area in terms of the above regulations. Moreover, the site does not occupy an environmentally sensitive location and is considered to be of little historical importance. On this basis, the requirements of an Environmental Impact Assessment are not considered to be applicable to the application. In arriving at this decision the authority have taken into account the selection criteria as set out in Schedule 3 of the above Regs.

After careful consideration of the site and surrounding environs, on balance, it is considered that the site is an undeveloped parcel of land within settlement limits and forms the only opportunity for new housing in the village. The layout plan has been amended to take account of ecological and technical constraints. The proposal is considered to be acceptable without unacceptable adverse impacts on surrounding dwellings.

In accordance with LDP Policy AH1 on affordable housing, 5 no. houses are proposed to be affordable, this is secured by condition and will need to be maintained in perpetuity through the sales agreement. An open space contribution of £2463 per dwelling is sought from development, £8,000 for off-site traffic calming and a sum of £8,000 for education contributions will be secured prior to commencement of development, or if the land is sold to third party, it will be a condition of sale that the new owners enter into a legal agreement prior to commencement of development.

The proposed development is within settlement development limits and is not likely to have an unacceptable adverse impact on third parties, highway safety or the character and appearance of the conservation area, therefore is 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 dated 8 October 2014:-
  - 1:1250 & 1:2500 scale Existing Site and Location Plans Drawing No. 01B;
  - 1:1250 scale Tree Survey. Drawing No. 14;

the following schedule of plans dated 13 June 2016:-

- 1:250 scale Engineers Site Plan (Drainage) Drawing No. 04E;
- 1:250 scale Engineers Site Plan (Levels – Survey On) Drawing No. 05B;

- 1:50 & 1:100 scale Proposed Plans and Elevations – Plots 2 & 3, 11 & 12, House Type A Drawing No. 08B;
- 1:50 & 1:100 scale Proposed Plans and Elevations – Plot 1 & 10 Drawing No. 09A;
- 1:50 & 1:100 scale Proposed Plans and Elevations – Plots 4-9 Drawing No. 10;
- 1:50 & 1:100 scale Proposed Plans and Elevations – 13-16 House Type C Drawing No. 11B;
- 1:250 scale Proposed Site Layout Drawing No. 12Rev1;
- 1:100 scale Proposed Plans and Elevations Plots 8 & 9 House Type B Drawing No. 18;
- 1:500 scale Tree Protection Plan Drawing No. 103B;
- 1:500 scale Landscape Proposals Drawing No. 104B;

and the following plan dated 25 November 2016:-

- 1:250 scale Engineers Site Plan (Levels) Drawing No. 03E.

- 3 No development shall take place 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 by the applicant and approved in writing by the Local Planning Authority.
- 4 No more than 50% of the market houses shall be commenced until the affordable housing (5 units Plots 1-3, 11 & 12) has been provided as approved. The affordable houses shall be retained as such in perpetuity.
- 5 Prior to the commencement of development, a detailed Method Statement for the removal or long-term management/eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved Method Statement.
- 6 Prior to its use by vehicular traffic, the new access road and shared private drive shall be laid out and constructed as shown on submitted plan 18523/03 Rev E (received 25/11/2016).
- 7 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.
- 8 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

- 9 Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.
- 10 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.
- 11 The shared private drive (Road No.3) shall be hard surfaced for a minimum distance of 10m behind the estate footway in materials which shall be subject to the prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to the beneficial occupation of any part of the dwellings herewith approved.
- 12 The measures set out in the approved Pollution Prevention Statement dated 13 June shall be implemented in full.
- 13 No development shall commence until the reptile translocation and associated works have been undertaken in strict accordance with the submitted Reptile Mitigation Strategy by Soltys Brewster dated 13th October 2016.
- 14 No development shall take place until details & samples of external roof and wall materials have been submitted to and approved in writing by the Local Planning Authority.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2+14 In the interests of visual amenity.
- 3 To protect historic environment interests whilst enabling development.
- 4 To ensure that affordable housing is provided in accordance with Policy AH1.
- 5 Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.
- 6-11 In the interests of highway safety.
- 12 To protect the Carmarthen Bay and Estuaries Special Area for Conservation.
- 13 In the interests of protected species.

## 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 SP1, GP1, GP2 & H2 of the LDP in that it is sensitive infilling within the settlement development limits which is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.
- The proposed development complies with Policies TR2 & TR3 in that the proposal is not likely to be detrimental to highway safety.
- The proposed development complies with Policy AH1 in that 30% on site affordable housing is proposed to be developed by the applicant, or if the land is sold, the purchaser will need to enter into a Section 106 agreement to provide the affordable housing.

## 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](http://www.carmarthenshire.gov.uk)).

- 3 If the site is sold by the Council to a third party, any prospective purchaser(s) of the land referred to in the Planning Permission S/31230 will be required in the Contract of Sale to enter into a S106 Agreement with Carmarthenshire County Council for the provision of 5 Affordable Units on site, and Contributions of £8,000 for Education, £8,000 for Highway improvements and £39,408 for Open Space. Any third party will also have to submit a translocation scheme and provide a sum via a legal agreement for the translocation of protected species.

<b>Application No</b>	<b>W/34225</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	THE PROVISION OF A SHARED USE PATH ALONG THE LOWER TOWY VALLEY. THE PROPOSAL IS TO UTILISE PARTS OF A FORMER RAIL CORRIDOR ALONG WITH AN EXISTING RIGHT OF WAY, ON AGRICULTURAL LAND AT TOWY VALLEY CYCLEWAY, BETWEEN NANTAGAREDIG AND WHITEMILL, CARMARTHEN

<b>Applicant(s)</b>	ENVIRONMENT DEPARTMENT - RUTH MULLEN, CARMARTHENSHIRE COUNTY COUNCIL, COUNTY HALL, CARMARTHEN, SA31 1JP
<b>Case Officer</b>	Ceri Davies
<b>Ward</b>	Abergwili
<b>Date of validation</b>	03/08/2016

## CONSULTATIONS

**Head of Transport** – Has not made a formal comment, as the application has been submitted on behalf of the Head of Transport.

**Llanegwad Community Council** - Has no objection to this application.

**Abergwili Community Council** – Has no objection to the application but has urged the Council to amicably resolve the concerns of all parties affected by this development.

**Local Members** - County Councillor P A Palmer has not commented on this application to date; County Councillor M Charles is a member of the Planning Committee and has made no prior comment.

**Welsh Government Trunk Road Agency** – Has withdrawn its initial holding direction and provided formal advice in relation to drainage.

**Natural Resources Wales** – Initially objected to the application pending the undertaking of further surveys and submission of details pertaining to mitigation measures. The said surveys have now been undertaken and submitted for consideration; at the time of writing the Authority is awaiting the formal observations of NRW in relation to the Test of Likely Significant Effects (TLSE) as produced by the Authority's Planning Ecologist.

**Dyfed Archaeological Trust** – In their capacity as archaeological advisors to the Council, have not submitted any adverse comments and have recommended the imposition of a suitable condition to ensure the implementation of a programme of archaeological work is undertaken.

**Cadw** – Initially objected to the application as it considered the application contained inadequate information as to how construction work would avoid damage to the scheduled monument.

**Carmarthen Civic Society** – Supports the application.

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

- Proposed cycle path is in a flood plain/flood risk;
- Bio-security;
- Detrimental impact on the farms;
- Detrimental impact on the historic fabric of the immediate area;
- Removal of hedgerows;
- Detrimental impact on Ecology;
- Proposal not in accordance with LDP;
- Proposed route of path deviates from the route as shown on the LDP Proposals Map;
- Proposal is not financially viable;
- No cost benefit analysis has been undertaken;
- Land ownership;
- N & A James transport & storage yard should be relocated as part of the scheme.

**NFU Cymru** - Has submitted an objection on behalf of the farmers/landowners for the following farm holdings:

- Cysgod y Coed;
- Glantowy Fawr;
- Pantyglien;
- Beili Glas;
- Whitemill Farm;
- Danyrallt;
- Fronun.

(Landowners have also submitted individual representations to the Authority).

**Carmarthen Veterinary Centre** - Has submitted a representation on behalf of local farmers with regard to the bio-security concerns.

**Carmarthen Amateur Angling Association (CAAA)** - Has expressed the following concerns:

- The path will have a significantly detrimental effect on the enjoyment of the CAAA's riparian rights.
- A cycle path immediately adjacent to the river will provide an ideal vector for parasites/diseases to reach the river.

- Safety/Conflict between anglers and path users.
- The cycle path should only utilise the former railway line and kept away from the River.

**Carmarthenshire Cycle Forum** – Is fully supportive of the application

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **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 seeks full planning permission for the first section of the Towy Valley Cycleway, which will be a shared use path between Bishops Palace Museum in Abergwili and Ffairfach, Llandeilo. The first section of the Cycleway, known as the western phase, is the path between Abergwili and Nantgaredig. In its entirety, when all the phases of the Cycleway have been completed the Towy Valley Cycleway will total 19.5km in length. The proposal subject of this planning application, is for a route of approximately 4.6km length along the towy river between White Mill and Nantgaredig; the initial route of the path between Abergwili and Whitemill is on highway land and is to be constructed as a highway improvement, hence will be undertaken under the provisions of permitted development.

The western phase of the proposed cycleway is located in the lower Towy Valley; the site comprises primarily of a rural river valley landscape, the land being predominantly pasture land on the flood plains of the river Towy. The Towy valley is wide with the river flowing in an east to west direction. The main land uses are comprised of agricultural pastureland, watercourses, small residential settlements, woodland, along with various roads and tracks. The land supports several farm holdings which are mainly dairy cattle, beef cattle and sheep; there are also a small number of equine units. Sections of the proposed cycle path are in close proximity to the River Towy and cross over smaller watercourses such as the Afon Anell and Afon Lash. The topography of the region is a wide and flat river valley bottom.

The proposed path follows the route of the former Carmarthen-Llandeilo railway line as much as possible; the railway line follows the flat flood plain of the River Towy; generally the route lies on low embankment, but at a few locations it also passes at grade and within cutting where mounds of superficial soils protrude through the alluvium of the flood plain. The former railway between Carmarthen and Ffairfach was closed by British Railway in 1963. In addition to the former rail corridor, the path will also utilise substantial lengths of existing public rights of way and an embankment constructed for a former railway.

## **THE PROPOSAL**

As already highlighted, the application seeks full planning permission for the first section of the Towy Valley Cycleway. The aim of the proposal is to provide a shared use pedestrian/cycle facility along a defined route between Carmarthen and Ffairfach, along the



Towy Valley. This it is considered will encourage active travel, tourism and economic growth in the region. Cycling is to be fully integrated with the public transport providing a direct link between Carmarthen and Ffairfach railway stations. The existing National cycle network between Carmarthen and Llanarthne utilises the B4300 public highway.

The proposed path will be an unsegregated, shared use for pedestrians and cyclists; the path will comprise predominantly of a 3 metre wide, tarmac path with a 1m verge each side; this will be adapted locally, when required, to suit the issues / constraints identified on site. Boundary treatments will be according to accommodation works agreed with the adjacent landowners. It is intended to use fences of stranded wire on wooden posts for most locations. Barriers and gates will be incorporated at key locations to manage access and ensure the site is used by cyclists and walkers. Cattle grids will be incorporated at some locations to assist containment of livestock. The gradients of the proposed path will be gentle and generally will not exceed 5%.

The entire route between Abergwili and Llandeilo has been divided into a number of sections to facilitate the stages of design and construction. The Western section is between Abergwili and Nantgaredig, whilst the section from Nantgaredig to Ffairfach is known as the Eastern section. The Western section is further divided into four discrete sections W1, W2, W3 and W4. Each section can be considered separately with different constraints and methods of scheme delivery. A brief description of each section is as follows:-

W1 is approximately 810m long and is routed along a cul-de-sac road, alongside the A40 Trunk Road, between Bishops Palace Museum, Abergwili and the residential property 'Ox bow' linking to the existing highway (U2183). The route runs along the base of some retaining walls (part of the trunk roads infrastructure). Young Trees provide shade and the highway timber fence boundary is to be amended locally as required.

W2 runs along the U2183 between the residential dwelling known as Ox Bow and Swn-y-coed, and is to be approximately 790m long. The U2183 loops off and runs parallel to the trunk road. This section of road is lightly trafficked providing access to farms, residential properties and a concrete works. It is proposed to use the carriageway here with appropriate signage and furniture to assist and manage the road users. Localised widening at strategic locations will be constructed to provide easier opportunities for passing.

Members are reminded that as already highlighted, both sections W1 and W2, are on highway land and are to be constructed as on-line highway improvements under permitted development; therefore they do not form part of this planning application. They have been described here to show how the full route will deliver the intended link.

W3 (forming part of this planning application) is to be approximately 1230m long. Leaving the highway at approximately 400m east of the concrete works, it will follow the eastern boundary of the property known as Swn-y-coed and then run adjacent to existing hedge lines of farm fields lying to the south west of White Mill Farm (south of a scheduled ancient monument) to a point just south of the farm. Here the path will cross a small watercourse (Afon Anell) and continue, running south of the Garage along the north bank of the river Towy. Here the path is to be constructed on a narrow strip of land between the A40 trunk road and the River Towy.

W4A and W4B (also forming part of this planning application) will be a 3180m in length, linking to Station Road, Nantgaredig. Heading south easterly direction across four fields, the route picks up the southern end of a track from Danyrallt Farm which is a public footpath (ref

2/27) by the dismantled railway corridor. Running alongside the track the path will then follow the riverbank on the Public Right of Way for a length of approximately 1400 metres. The footpath crosses the Afon Lash and it is proposed to replace the bridge structure with a new structure designed for use by cyclists. The proposed path will then run alongside an existing access lane to 'The Folly' and Tycastell and link to the highway east of Glan-yr-ynys farm. Passing Nantgaredig Sports ground, the route ties in to B4310 Station Road, Nantgaredig.

For information, the Eastern Section is to be approximately 13.6km long running from Nantgaredig, in an eastwards direction, using sections of the former rail corridor and terminating at Ffairfach, Llandeilo. Two new river crossings will be required over the river Towy as part of the Eastern Section proposal.

## **PLANNING POLICY**

For the purposes of this application reference will be made to the following LDP Policies:

### **Policy TR4 Cycling and Walking**

Land required to facilitate the following improvements to the cycle network will be safeguarded. Proposed routes where known are shown on the proposals map. The potential opportunity for horse riding should where appropriate be considered.

- a) Towy Valley (between Llandeilo and Carmarthen);
- b) Whitland to Llanglydwen;
- c) Ammanford to the Amman Valley.

Developments should, where appropriate seek to incorporate, or where acceptable, facilitate links to the cycle, rights of way and bridleway network to ensure an integrated sustainable approach in respect of any site.

### **Policy TR6 Redundant Rail Corridors**

Development proposals which do not prejudice the re-use of redundant rail corridors for potential future recreational and rail development purposes will be permitted.

### **Policy GP1 Sustainability and High Quality Design**

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 7 and TAN12: Design (2014)).

#### Strategic Policy SP9 Transportation

Provision is made to contribute to the delivery of an efficient, effective, safe and sustainable integrated transport system through:

- a) Reducing the need to travel, particularly by private motor car;
- b) Addressing social inclusion through increased accessibility to employment, services and facilities;
- c) Supporting and where applicable enhancing alternatives to the motor car, such as public transport (including park and ride facilities and encourage the adoption of travel plans), and active transport through cycling and walking;
- d) Re-enforcing the function and role of settlements in accordance with the settlement framework;
- e) Promoting the efficient use of the transport network;

- f) The use of locational considerations for significant trip generating proposals, with design and access solutions within developments to promote accessibility by non-car modes of transport.

Transport routes, improvements and associated infrastructural facilities which deliver the objectives and priorities of the Regional Transport Plan for South West Wales will be supported. Furthermore, maintaining and enhancing good traffic flows and the attractiveness and viability of more sustainable transport modes which support the strategy and its sustainable objectives will also be supported. Development proposals which do not prejudice the efficient implementation of any identified improvement or scheme will be permitted.

The following improvements to the highway infrastructure will be safeguarded and the routes identified on the proposals map:

- 1) Cross Hands Economic Link Road
- 2) Carmarthen West Link Road

The following Welsh Government improvements to the highway infrastructure will be safeguarded:

- 3) A483 Llandeilo and Ffairfach Improvement – Phase 3
- 4) A40 Llanddewi Velfrey to Penblewin (Formerly St Clears to Haverfordwest)–Phase 3

#### SP1 Sustainable Places and Spaces

Proposals for development will be supported where they reflect sustainable development and design principles by:

- i) Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.

#### SP14 Protection and Enhancement of the Natural Environment

Development should reflect the need to protect, and wherever possible enhance the County's natural environment. All development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of this Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas, including those outlined below:

- a) Statutory designated sites including Ramsar sites, SPAs, SACs, SSSIs and National Nature Reserves;
- b) Biodiversity and Nature Conservation Value, including protected species and habitats of acknowledged importance as well as key connectivity corridors and pathways; (Policy EQ4 and EQ5);
- c) Regional and Locally important sites (and their features) including Local Nature Reserves, RIGS (see Policy EQ3);

- e) Features which contribute to local distinctiveness, nature conservation value or the landscape; (see Policy EQ5);
- h) Natural assets: including air, soil (including high carbon soils) controlled waters and water resources (See Policies EP1 and EP2).

#### Policy EQ4 Biodiversity

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, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that:

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

#### Policy EQ5 Corridors, Networks and Features of Distinctiveness

Proposals for development which would not adversely affect those features which contribute local distinctiveness/qualities of the County and to the management and/or development of ecological networks (wildlife corridor networks), accessible green corridors and their continuity and integrity will be permitted.

Proposals which include provision for the retention and appropriate management of such features will be supported (provided they conform to the policies and proposals of this plan).

#### Policy EP1 Water and Environmental Capacity.

Proposals for development 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 secure improvements to water quality.

Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species;

Proposals will be permitted where they do not have an adverse impact on the nature conservation

## **THIRD PARTY REPRESENTATIONS**

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

- Proposed cycle path is in a flood plain/flood risk;
- Bio-security;
- Detrimental impact on the farms;
- Removal of hedgerows;
- Detrimental impact on Ecology;
- Detrimental impact on the historic fabric of the immediate area;
- Proposal not in accordance with LDP;
- Proposed route of path deviates from the route as shown on the LDP Proposals Map;
- Proposal is not financially viable;
- No cost benefit analysis has been undertaken;
- Land ownership;
- N & A James transport & storage yard should be relocated as part of the scheme;
- Impact on fishing.

## **CONCLUSION**

The concerns raised are addressed as follows:-

### **Ecology**

Third parties have raised concerns over the potential impact of the proposal on the ecology of the immediate area. The Authority recognises that the River Towy is designated as a SAC which is of international conservation value; the SSSI designation of the River Towy underpins the designation for the SAC and therefore this is also considered to be of international conservation value. The River Towy SAC / SSSI is located adjacent to the southern extent of the cycleway; these habitats are assessed as being of international value. Development proposals for the study area would require a Habitat Regulations Screening Assessment (HRSA) with respect to the European designated site. This assessment should be produced and reviewed in agreement with the Local Planning Authority and NRW.

Members are advised that WSP | Parsons Brinckerhoff (WSP | PB) was commissioned by Carmarthenshire County Council to undertake an Update Extended Phase 1 habitat survey to support and inform the proposed construction of the Towy Valley Cycleway. Previous surveys and a desk study have also been undertaken. The cycleway alignment was altered in June 2016 which included areas not previously surveyed. As far as landowner access allowed, the Extended Phase 1 habitat survey of the alignment taken forward to planning was completed in August 2016. The report combines relevant desk study data collated by AECOM and the findings from the various surveys carried out in 2016 by WSP | PB in relation to the western section of the cycleway between Nantgaredig and Whitemill (sections W3 and W4 of the wider cycleway).

The aim of the survey was to identify designated sites and habitats that could be affected by the proposal and potential for protected and/or otherwise notable species of conservation interest. Potential effects on ecological features were explored and requirements for further ecological works recommended, where applicable. The recommendations in the report are based on the design of the cycleway which minimises impacts to habitats and species. The report acknowledges that impacts resulting from the cycleway will be avoided by the cycleway utilising existing gaps in hedgerows and where gaps in hedgerows are required,

the width of the Towy Valley Cycleway will be minimised to no more than 3 m at these locations, to avoid significant fragmentation. Where new gates are provided, these will be wooden. The cycleway will not be lit. There will be a presumption against the felling of mature trees. In addition, a fence will be erected to prevent livestock from roaming onto the cycleway in some locations.

The desk study returned two statutory designated sites within 2 km of the study area. These designations relate to the River Towy which is located adjacent to the cycleway.

The Afon Tywi SAC is designated for supporting a number of protected species; species that are a primary reason for selection are twaite shad and otter. The SAC supports a large self-sustaining spawning population of twaite shad. Spawning sites occur throughout the lower reaches of the river between Carmarthen and Llangadog, with most spawning occurring downstream of Llandeilo. The SAC is one of the best rivers in Wales for otters. There are abundant signs of otters and they are regularly seen on the river. There are suitable lying-up areas along the river bank, but there are few known breeding sites on the main river, although cubs have been seen.

The Afon Tywi SSSI extends downstream from Llandovery to the confluence with the Afon Taf and Pembrey Coast SSSI in Carmarthen Bay. It is an actively eroding river meandering across a wide flood plain which is composed of alluvium, glacial sands and gravels. This has resulted in extensive shingle banks being formed. These are important for birds such as the little ringed plover which lay their eggs amongst the shingle and for breeding populations of sand martin which nest in holes in the eroded banks. The river is also of special interest for its fish species, otters, and the nationally scarce club-tailed dragonfly. The river system supports an important range of vegetation communities including submerged aquatic plants, vegetation of exposed gravel shoals, marginal vegetation, and a diverse range of saltmarsh communities in the lower reaches. Broadleaved semi-natural woodland was identified in the study area and areas of woodland were recorded along the River Towy. Broad-leaved semi-natural woodland is considered to be a habitat of principal importance under the UK BAP / Section 42 (S42). They are also listed as a priority habitat within the Carmarthenshire LBAP. Scattered scrub was identified throughout the study area, particularly along the banks of the River Towy. Himalayan balsam was regularly recorded in conjunction with this habitat. Scattered trees were identified throughout the study area, comprising mature and semi-mature standard trees within hedgerows.

Improved grassland was common throughout the study area. The dominant species was perennial ryegrass with occasional broad-leaved dock, creeping buttercup and dandelion. An isolated unit of marshy grassland was recorded within the study area from a distance. Poor semi-improved grassland was regularly encountered within the study area.

## Badgers

The AECOM (2013)<sup>17</sup> desk study returned records of badger within the study area; during the survey carried out by AECOM in 2013 a number of active setts were identified along the embanked areas of the dismantled railway line. The closest of these records was recorded approximately 400 m to the north of the proposed cycleway. The habitats recorded within the study area, namely semi-improved grassland, scrub, hedge banks and woodland offer suitable foraging and sett building opportunities for badger. No evidence of badgers within the accessible areas of the study area have been recorded by WSP | PB ecologists. It is recommended that a pre-construction survey is undertaken, as badgers can excavate new

setts in a short space of time. This updated survey would include an assessment within areas previously not accessed in 2016.

## Bats

The AECOM (2013)<sup>17</sup> desk study returned records of bats within the 5 km search area, comprising 13 species of bat, including lesser and great horseshoe bat. The records include several reports of large roosts in houses for a number of bat species within close proximity to the dismantled railway line. During the surveys carried out by WSP | PB in January, May and August 2016, a total of 17 trees within 15 m of the proposed alignment were identified as having bat roosting suitability within the accessible study area. Of these, 13 were considered to have moderate potential to support roosting bats. Trees with bat roosting suitability were recorded in the study area, however it is understood that the cycleway will only require the felling of a single tree, this tree was assessed as having low suitability for roosting bats. The cycleway has been designed to avoid the need to fell mature trees. Should the alignment be altered, and it is not possible to avoid the felling of trees assessed as moderate (or above) suitability to bats, further assessments for bats will be required. Trees which are retained but close to the cycleway will be provided with tree root protection during construction where appropriate.

## Reptiles and Amphibians

The desk study returned records of common reptiles within 1 km of the study area; this included records of slow-worm, common lizard and grass snake. No incidental sightings of reptiles were made during any of the surveys, however the study area contained habitat suitable for foraging, resting and breeding reptiles. The majority of semi-improved and improved grasslands were sup-optimal for reptiles, with optimal habitat being located around field edges/margins. The desk study returned records of common amphibians within the study area, namely common frog, palmate newt and common toad. Some habitats within the study area were considered suitable for supporting common species of reptile and amphibian. The survey concludes that the current proposals are unlikely to result in loss of significant habitat. Therefore further surveys for reptiles and amphibians are not recommended.

## Fish and Aquatic Invertebrates

The River Towy is designated for presence of fish species and suitability for supporting the freshwater pearl mussel. Species of fish and freshwater pearl mussel were noted in the study area during the desk study carried out by AECOM (2013)<sup>24</sup>. The current proposals avoid any direct impacts to the River Towy.

## Hedgerows and Trees

Hedgerows assessed as species-rich are likely to be classified as Important under the Hedgerows Regulations (1997). The cycleway has been designed to minimise the impact to this habitat, which will be limited to small hedgerow breaks of approximately 3metres in width. It is understood the total length of habitat affected would be 20m. The small sections of hedgerow affected will be translocated. Appropriate Root Protection Areas for hedgerows, trees and woodland will be implemented.



## Bryophytes

The survey concludes that the location of the cycleway is considered unlikely to affect rare bryophytes and no further surveys are recommended for these species.

## Otters

Evidence of otter activity was identified along the surveyed section of the River Towy, with field signs including potential footprints, spraints and mammal tracks. Potential holt habitat was also identified. An otter survey has been partially completed where access was allowed by landowners. The survey advises that measures are undertaken to avoid any disturbance to riverside habitats during construction; and that construction works should be restricted to the day time. The survey recommends that where the cycleway is located close to the river, vegetation should be allowed to grow up and buffer the river from any increases in human disturbance. It is acknowledged that a fence will be erected to stop livestock roaming onto the cycleway. This will serve a dual-purpose of preventing livestock from grazing the river bank and allowing the vegetation to grow up and form a protective buffer. If an otter holt is identified within close proximity of the cycleway further surveys and a European Protected Species licence from NRW may be required to undertake works.

## Dormouse

Suitable habitat for supporting dormice was recorded within the study area (hedgerows, scrub and woodland). No further surveys for this species are recommended, owing to the very limited impacts to hedgerow habitats which will not lead to habitat fragmentation.

## Birds

The study area contained a variety of habitats with the potential to support breeding bird species, the survey concludes that the scheme will result in minor losses of habitat (limited section breaks in hedgerow and a minor loss of improved and / or poor semi-improved grassland). This is not expected to result in significant reduction in foraging and nesting habitat. It is not considered that further surveys for birds are required.

## Biodiversity Enhancement

The Towy Valley Cycleway has the potential to form high quality Green Infrastructure, delivering ecological services as well as community benefits. The following enhancement measures will be incorporated:

- Buffer habitat between the cycleway and the river will be managed in a manner that is sympathetic to wildlife and, in particular, aligned to the requirements of otter;
- Severed sections of grassland will be used to create species-rich areas of scrub/woodland. The species mix will contain at least seven species of native shrubs/trees, of local provenance and suited to the habitat conditions;
- Provision of log / habitat piles with material from site clearance; and
- A Habitat Management Plan will be created for the management of retained and created habitats, with the aim of increasing and maintaining their species diversity and

conservation value. This will include a programme of management for non-native invasive plants.

The Authority's Planning Ecologist has advised that as the application site lies in close proximity to the Afon Tywi SAC, as a competent authority under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 the council has to consider the impact of development on the features for which the SAC site is designated. In determining planning applications, local planning authorities should have regard to the Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Habitats Directive in respect of the land use planning system.

For that purpose, the Planning Ecologist has concluded that there will be no likely significant effects on the Afon Tywi SAC features and their conservation objectives. It is concluded that there will be no likely significant in combination effects on the SACs features and their objectives, as residual effects will be insignificant to combine will effects from these other known plans and projects. NRW has been consulted on this application as it impacts nearby SSSIs. The LPA is required by section 28I of the Wildlife and Countryside Act 1981 to notify NRW before reaching its decision. This requirement applies whether or not the operation would take place on land included in the SSSI. For that purpose, a Test of Likely Significant Effect (TLSE) has been done for the site and this has been forwarded to Natural Resources Wales (NRW) for consideration; at the time of writing the Authority is still awaiting the formal response of NRW in relation to the TLSE.

The Planning Ecologist has reviewed the submitted ecological information and advised the Authority that she is satisfied with the level of assessment made, along with the findings of the submitted assessments and the ecological mitigation and enhancement proposals recommended. The Planning Ecologist considers that the recommendations meet the LDP policy objectives listed above. The Planning Ecologist advises that the phase 1 assessment report and otter survey report make recommendations which must be integrated with landscape design and delivered via suitable management plans and method statements; these recommendations will be secured via the imposition of suitable planning conditions. The Planning Ecologist has also advised that prior to commencement of the development an ecological management plan must be supplied detailing habitat mitigation, protected species mitigation, habitat management, habitat enhancement and suitable monitoring and ongoing management measures for the lifetime of the development.

### **Bio-Security Concerns**

In response to concerns raised by farmers relating to bio-security and the potential for the proposed cycleway to contribute to the spread of bovine tuberculosis (bTB), Carmarthenshire County Council have commissioned Kernon Countryside Consultants Ltd to provide the Authority with an impartial evaluation of the concerns raised as part of the planning consultation process.

Kernon Countryside Consultants Ltd in their report dated 10th February 2017, have sought to:

- (i) identify the concerns raised;
- (ii) identify legislation and practice advice;

- (iii) appraise the potential for the proposals, or more particularly for use of the proposals, to be a potential cause for bTB spread;
- (iv) and reach conclusions and recommendations.

The report acknowledges that a number of respondents, predominantly farmers, have raised the same or similar objections, stating that the proposal “poses significant risk to bio-security and prevention of spread of diseases to include Tuberculosis, which is in conflict with the Welsh Government’s strategic framework for Bovine TB eradication in Wales”. It is also noted in the report that the Carmarthen Veterinary Centre and Hospital have written to the Authority expressing the following concerns:

- (i) there are cattle grids along the route, which raises the risk of faecal contamination being carried along the cycleway;
- (ii) the design leads to potential for nose-to-nose contact between livestock from different farms;
- (iii) the cycleway poses “a significant risk to bio-security and control of spread of disease”.

The report recognises that by implication these concerns refers to bTB. Legislation, Research and Practice Advice and particular reference has been made to the Government’s TB Hub and the Welsh Government website. It is acknowledged that the Welsh Government’s long term goal is to eradicate bTB in Wales; and for that purpose they published a “Strategic Framework for Bovine TB Eradication in Wales” in 2012 and this it is acknowledged is referred to by many respondents.

However, what the Report also highlights is that within the Strategic Framework, there are five Agendas for Action. Section 7.5 notes the need to reduce contact between badgers and cattle, and section 7.6 notes that non-bovines have only a minor role in the epidemiology of bTB. The report highlights the fact that no measures for prevention of human access to infected areas are suggested in the Strategic Framework.

In terms of legislation, research and practice advice, the report recognises that there is an objective to reduce and ultimately to eradicate bTB; however there is no indication that the general public, dogs or vehicle movements are a factor in the spread of bTB; as such, there is no policy initiative seeking to reduce public access in areas affected by bTB.

The Report evaluates what impact the proposal could potentially have and acknowledges that the cycleway will comprise a dense macadam surface course; will be 3 metres wide, with one metre verges and will be fenced on both sides. It concludes that along these sections of the route there should be no risk of disease transmission, especially bTB as cyclists and walkers will not be in contact with animals. The Report recognises that the design of the scheme does not, so far as the author can tell, result in any location where there might be an increase in potential for cattle to gain nose-to-nose contact where they cannot at present. Thus the Report concludes that the proposals should not increase the potential for bTB spread by nose-to-nose contact.

The Report highlights that one of the vectors of bTB spread is wild animals, particularly badgers and advises that it is almost impossible to prevent badgers from passing between farms. It also highlights that the fencing along the cycleway appears likely to prevent passage to badgers, however this may force badgers along the route to the gateways at the

cattle crossings, where they may be able to cross. The report advises that this in itself should not increase the risk of spread of bTB. The author of the report notes that the dismantled railway line is already considered likely to be a corridor used by badgers for accessing forage and this is acknowledged in Section 3.4 of the Environmental and Ecological Scoping study. However, no evidence of badger activity was identified in the said survey.

The Report acknowledges that concerns raised by the Carmarthen Veterinary Centre and Hospital raises two potential risks; faecal contamination carried on wheels from the crossing points to other farms further along the cycleway; and potential for problems resulting from animals escaping onto the cycleway.

In respect of the second issue, the Report advises that the design of the scheme includes gates, fencing and cattle grids and provided that fences do not fail, and with normal good management, livestock should not be able to “escape” onto the cycleway. The report does however acknowledge that here is the potential for dung to be picked up onto shoes and tyres at the crossing points and infected cattle can excrete M.bovis in their dung, therefore this is potentially a risk. It is highlighted that guidance for farmers in terms of minimising infection from cattle manure is to store it for a long period before spreading and; only spread on land that will not then be grazed for two months; minimise aerosols during spreading that might spread to fields containing cattle; minimise contamination of roadways when spreading; and not to spread manure from other farms.

The Report further highlights that there are many ways that animal manure can be spread between land holdings; it is easily carried on walking boots when footpaths cross from one farm to another; it is spread onto the road on farm vehicle tyres and dropping off machinery; it could also be carried on the feet of wild animals travelling across, between or through farms. However the Report highlights that the distances between cattle crossings along this scheme are considerable as such, there would be very little potential for measurable quantities of faeces to be picked up on boots or tyres at one crossing point and carried in quantity to the next crossing point and then to fall off the tyre or boot at that crossing point. It would then be necessary for that faeces to be carrying a viral infection that could be contracted by another farm animal and it would then be necessary for the farm animal at the next holding to make sufficiently lengthy contact with its nose to the faecal matter on the cycleway surface at the crossing point to be able to contract the virus.

The Bio-security page on the TB Hub lists five actions to protect from TB; the headings of these are: restrict contact between cattle and badgers; manage cattle feed and water; stop infected cattle entering the herd; reduce risk from neighbouring herds; minimise infection from cattle manure. Advice is given to avoid sharing machinery between farms, but no guidance is given on ways to avoid or reduce possible spread by walkers or cyclists. There is no indication that this is considered to be a measurable risk.

The Report concludes that in theory there is potential for this proposal to be a way to increase the risk of bTB, however the Report deems the risk factor is very small. The Report highlights that the risk already exists because wildlife and existing rights of way or road users could spread the problem, for example, cars using lanes that cattle have crossed; it should not however prevent the cycleway because the risk factor is so small. In terms of mitigating risks the author of the Report has advised on this issue in connection with road schemes where land is being taken from farms for construction; and advises that contractors during construction follow the best practice guidance, such as that provided to utility operators who need access across farmland.

## Flooding

A number of third parties have cited flooding as a reason for concern and for that purpose have quoted parts of the submitted Flood Consequences Assessment; in particular the reference that "*the majority of the cycleway under consideration is located within flood risk Zone C2*". This they claim conflicts with TAN15 guidance which states "6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B". The third parties have highlighted that over the years they have experienced the extensive, regular and unpredictable flooding from the River Towy. And for that purpose are concerned with the potential danger of the unpredictable water levels poses to the public using the proposed cycleway. Third parties also highlight that the creation of the path, will act as a barrier for flood water to run back into the Towy, and create additional and sustained flooding; resulting in property damage and financial loss to land tenants and other landowners in the area.

Owing to its proximity to the River Towy, flooding has indeed been considered by the Authority and for that purpose a Flood Consequence Assessment (FCA) has been commissioned on behalf of the Council. It states that the FCA has reviewed the Development Advice Maps (DAM's) and confirms that the majority of the cycleway under consideration is located within flood risk Zone C2, designated as 'areas of the floodplain without significant flood defence infrastructure. The remaining cycleway route outside of this zone is located close to the A40 and is within flood risk zones A and B, which are considered to be at little or no risk of fluvial or coastal / tidal flooding (Zone A) or within an area known to have been flooded in the past (Zone B). Flood Zone C is based on Environment Agency's Extreme Flood Outline of a flood with a 0.1% chance of happening in any year (sometimes called a 1:1000 year or 0.1% annual probability event (River, Tidal or Coastal). According to Section 5 of TAN 15, transport infrastructure is considered to be less vulnerable development (Figure 2 of TAN 15). Figure 1 of TAN 15 indicates that only less vulnerable development should be considered in Zone C2 subject to application of justification test, including acceptability of consequences

The FCA acknowledges that surface water flooding can occur as a result of rainfall being unable to permeate into the ground; this may be due to the nature of the local ground materials (if the ground has low or no permeability) or antecedent hydrological conditions (e.g. permeable ground already being saturated), but is often associated with built development and the increase of impermeable surfaces within a catchment (i.e. buildings, roads, pavements, etc.). The NRW Flood Map indicates that the portion of the route which is on raised railway embankment / river bank is generally not at risk from surface water flooding. However, the Flood Map indicates that the western route which traverses areas to the south of White Mill Farm and Fronun Farm are designated as low to high risk of flooding from surface water.

As noted above, the close proximity of the River Towy and the relatively low lying position of the cycle/walkway within the flood-plain will pose a potential flooding at:

- High-tide;
- Heavy rain causing runoff from the surrounding agricultural land;
- Heavy rain within the upstream catchment of the River Towy causing additional runoff and raised river levels;
- Global warming;
- Any combination of the above points.

The FCA acknowledges that the path will comprise non permeable tarmac surfacing material that will be broadly at surrounding ground levels; it deems the shallow construction will not affect the movement of groundwater. Development can often increase the extent of impermeable areas at a site, which in turn can translate to a larger proportion of rainfall into runoff from the site compared to predevelopment conditions. This can increase the chance of flooding occurring not just at the development, but at neighbouring localities. As such, the NRW have emphasised the importance of not increasing surface water runoff by incorporating Sustainable Drainage Systems (SuDS) if appropriate.

Due to the nature of the development and the focus of the scheme design toward the principals of minimal ecological impact, the design of the cycleway/footpath will incorporate minimum revisions of existing ground levels. The construction depth of the path will be approximately 220mm and will require a degree of excavation prior to installation. The installed path will therefore represent only nominal alteration on the existing ground levels. Excavated material from the path will be removed from the site and flood risk area. Due to the minimum impact of the cycle/walkway with respect to land levels and its effect on rainfall / fluvial flows, it is not considered that the proposed development represents any contribution/detriment to the hydraulics of the location. Therefore the status quo with respect to flood risk would be expected to be unchanged.

The FCA clearly recognises that the majority of the proposed cycle/walkway is in Flood Zone C2 and consequently there will be times when these areas become submerged due to very high flows in the River Tywi. Along the former railway line and existing public right of way, the path is generally higher than surrounding areas of the flood plain and therefore will maximise the level of protection that can be achieved. It is anticipated that when flooding does occur, water levels will rise over the flood plain slowly and not present an immediate danger to members of the public (i.e. becoming trapped in a flash flood event).

The NRW provides a flood warning service throughout Carmarthenshire in areas at risk of flooding from rivers or the sea. Using the latest available technology, rainfall, river levels and sea conditions are monitored 24 hours a day; this information is then used to forecast the possibility of flooding. If flooding is forecasted, warnings are issued using a set of three different warning types i.e. flood alert, flood warning and severe flood warning. The flood alert and warning map produced by the NRW indicates that the route of path is within their coverage area and as such regular users of the cycle/walkway can register with 'Floodline Warning Direct'. The NRW website which provides flood forecast and warnings will be monitored by the Council. Council trained staff will respond appropriately to any forecast or warning which may result in the cycle/walkway having to be temporarily closed in order to protect the safety of its users. Appropriate signage will be used to warn users that the route is temporarily closed due to surface water flooding. Permanent Signage will be erected along the cycle/walkway at strategic locations to warn all users of the potential of the path to flood during extreme weather conditions.

In terms of the concerns raised by third parties in relation to flooding, as per the FCA conclusions the Authority acknowledges that the majority of the proposed cycleway is located within a Flood Zone C2 which is designated as an area without significant flood defence infrastructure. However members are advised that as part of a scoping study carried out by Capita in November 2013, initial consultation with the NRW indicated that the proposed cycle route would be allowed in Flood Zone C2, and flood risk could be managed through appropriate signage along the cycle way. It is considered where the cycle/walkway is to be located on raised embankment/ public right of way, the risk of groundwater flooding is considered to be low. Due to the nature of this development, the risk of flooding is

generally considered to be of low-priority as it would represent little or no potential for damage to the cycle/walkway or its associated structures. Taking into account the mitigation measures described above, the proposed cycle/walkway is not expected to have an adverse impact on the watercourse or flood plain area. Suitable conditions will be imposed as a matter of course to ensure the required signage and other precautionary measures are implemented.

## **Proposed Route**

One third party representative has objected to this application citing concerns that the proposed path deviates from the route as shown on the LDP Proposals Map, hence it is claimed the proposal is out of accord with the relevant LDP policy and represents a departure from the Local Plan.

In response to this objection, Members are advised that the route as shown on the LDP proposals maps was the known route at the time leading up to the formal adoption of the LDP; the said Local Plan being formally adopted in December 2014. This route, which indeed followed the former railway line, was subsequently identified on the proposals map on that basis. The Plan, in defining the route, sought to integrate with other strategies in terms of transport provision and reflect the Plan's sustainability objectives. From an LDP perspective the endorsement of the principle of the cycleway is clear though its inclusion within the Plan which is provided added weight through the policy TR4. The said policy makes clear reference to the route however this is within the context of safeguarding; the policy clearly states that *"land required to facilitate the following improvements to the cycle network will be safeguarded"*; specific reference is made within the said policy to the proposed route through the Towy Valley between Llandeilo and Carmarthen. The principle of the proposed cycleway is therefore accepted in the LDP. Looking at the issue of the route as shown on the proposals map, it is clear in its identification, however, the deviation or variation is reflective of changes in circumstances post LDP production and as such could not be reflected in the Plan.

It is acknowledged that the route identified in the LDP is a strategic one and follows initial studies and project development by Sustrans a number of years ago. Following that and the obligations of the County Council under the Active Travel (Wales) Act further option appraisals were carried out by Consultants on behalf of the Council using the so called WelTAG process which is a Welsh Government recognised tool for assessing options for Transport projects.

These studies considered various route options, including the use of existing Trunk Road and concluded that the most appropriate route was that along the disused railway line. An initial Business Case was also prepared based on this recommended route and a public consultation event was also held outlining the proposed route. This event was part of a much wider Consultation process that include widespread publicity in various media outlets, further localised non manned consultation events as well as an 'open' consultation on the Council's website. The route is also specifically referred to in the Joint Local Transport Plan for South West Wales which has been subject to consultation.

Prior to the submission of the current planning application for the western section of the route, further design development was undertaken in conjunction with lengthy and detailed discussions with the adjoining landowners to consider the technical aspects of the proposed route and the impact it would have on the agricultural holdings adjacent to the proposed route some of which would be severed by the proposal. After a number of iterations of the

route especially immediately west of Nantgaredig the route has been amended to its current alignment mainly as a result of the following factors:-

- Significant lengths of the former railway embankment immediately west of Nantgaredig have been removed;
- The ground levels in this area are such that it is estimated that the route would be flooded for a considerable number of days in a typical year significantly more than the surrounding lengths of the route;
- The alternative route adjacent to the river bank follows an existing Public Right of Way;
- Severance of land holdings along this alternative route are avoided this reducing the issues that need to be addressed with the landowners;
- The section of 'riverside' route is considered to be more attractive in terms of visual amenity and ecological interest thus increasing the overall benefits of the project.

A number of reports have been submitted to Executive Board and other committees and reference has always been made to the route as being 'predominately along the route of the disused railway line', however in terms of its actual implementation, it was always expected that there would be some local deviations away from the route as indicated in the LDP. It is also worth noting, that the route is also specifically referred to in the Joint Local Transport Plan for South West Wales which has been subject to consultation. Prior to the submission of the current planning application for the western section of the route, further design development was undertaken in conjunction with lengthy and detailed discussions with the adjoining landowners to consider the technical aspects of the proposed route and the impact it would have on the agricultural holdings adjacent to the proposed route some of which would be severed by the proposal.

The question therefore relates to the nature of the circumstances leading to the changes in the proposed route to that shown in the LDP; it would seem in this respect that the route as it stands has emerged through non-development plan strategies and as such their weight as material considerations is relevant. The Authority does not subscribe to the view that the deviation to the proposed route reflects a departure to LDP policy, given that the said policy, TR4, relates primarily to safeguarding.

In terms of this specific objection, whilst it is acknowledged that sections of the proposed path do deviate from the proposed indicative route as shown on the LDP Proposals Map, there are justifiable reasons for the required deviations. In an ideal scenario the path would indeed follow the precise route of the former railway line, however this has not proven to be attainable hence the need to deviate particularly for the last section forming part of this application (W4). The authority considers that the majority of the proposed path broadly follows the route as indicated on the proposals map; and where it does deviate, it is not to an extent that takes the proposal outside of the relevant policy context, hence does not conflict with the general thrust of Policy TR4 of the LDP which seeks to safeguard land to facilitate improvements to the cycle network in the plan area.



## **Archaeology**

Cadw has highlighted that the proposed development is located within the vicinity of the scheduled monument known as Round Barrow 200m SSW of Felin-Wen-Isaf (CM228). The application area includes part of scheduled monument although the proposed path is just outside the designated area. Cadw initially raised concern that the application contained inadequate information as to how construction work will avoid damage to the scheduled monument, hence, could not determine whether or not Scheduled Monument Consent would be required for the development or recommend suitable conditions in order to protect the monument. Consequently, Cadw recommended the submission of a further site plan similar showing the boundary of the designated area in relation to the proposed path and also an outline of proposed measures that will be implemented to ensure that construction works and associated machinery will not have any impact on the designated monument. The said plan has now been produced and appropriate conditions will be imposed accordingly.

Dyfed Archaeology initially recommended that an archaeological desk-based assessment should be submitted prior to determination and noted that there are several recorded heritage assets in close proximity to the proposed route, including round barrows and a standing stone dating to the Bronze Age, as well as the potential for further, currently unrecorded archaeological features/deposits to be preserved in the vicinity. Following further deliberation between the authority and Dyfed Archaeology, it was agreed that, in the circumstances, the archaeological concerns could be addressed through the imposition of a suitable condition; the said condition would entail a series of trial excavations in advance of ground works and/or an archaeological watching brief during a topsoil strip of previously undisturbed ground.

The archaeological condition will be imposed, in line with Section 23 Welsh Office Circular 60/96 'Planning and the Historic Environment: Archaeology'.

## **Validity of Cost Benefit Analysis**

Whilst not strictly a material consideration, one individual has raised a concern with regard to cost benefit analysis. Members will be mindful that this scheme forms an integral part of a wider project, the costs for which have been publicly cited as £5-8m; therefore an economic appraisal has been completed for the whole route. This assessment has been developed using established transport economics principles and utilising figures extrapolated from previous detailed appraisals of the benefits associated with infrastructure/attractions of this type. Whilst this application is for 'phase 1' it has been clearly stated that this forms an integral part of a much wider project and as such, whilst it has significant stand-alone benefit it must also be considered as an essential element of the wider Towy Valley Path project; this is reflected in the Economic Analysis referenced earlier which is wholly appropriate in this context. Further it is worth noting that the Council has fully committed to delivering the entire scheme, reflected in future funding commitments in the Capital Programme and a resolution to pursue a CPO should it be required.

## **Relocation of the N & A James Yard**

Another area of concern raised by one individual is why the Council have not considered relocating the N&A James' yard in Nantgaredig, which would allow them to utilise the former railway line at this part of the route. Members will be aware that N & A James have an established haulage and crane business operation at this location; the said operation having been run from this location for a number of years. Hence the request to relocate the

operation is irrelevant to this application. The whole purpose of this scheme is to provide a safe, attractive and accessible walking and cycling route; funding for this scheme cannot not be utilised to address the concerns a resident may have with the location of an existing development.

On balance, it is considered the proposal adheres to the relevant LDP policy, namely TR4; the provision of a new route to accommodate cycling and walking forms an important part of an Integrated Transport Strategy as well as meeting the sustainability objectives of the Local Development Plan. This is geared towards reducing reliance on the car and the promotion of greater accessibility and healthier lifestyles. The proposal makes a positive contribution towards the Council's policy to maximise the role of cycling as a means of transport; and this will be achieved in through the continuing development of a convenient, safe and attractive cycle network.

There is a growing emphasis by the Council to promote cycle routes, and ensuring cycling is fully integrated with public transport. Cycling and walking have a significant role in achieving the delivery of sustainable transportation and this will be achieved through such measures as safe and convenient cycle routes and footpaths and providing new and improved routes. The Cycling Strategy for Carmarthenshire dates back to 2001 and identifies the Abergwili to Llandeilo schemes as a potential route.

The proposal accords with Policy TR6 of the LDP which seeks to ensure the re-use of redundant rail corridors for potential recreational purposes. In addition accords with the Strategic Objectives of the LDP.

The development does not conflict with relevant local plan policy and in the absence of sustainable material objections to this proposal the application is put forward with a favourable recommendation.

## **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 approved development relates to the following plans and documents and works should be carried out strictly in accordance with them unless amended by any conditions above:
  - Location Plan – 1:2500 scale
  - Proposed Route of Towy Valley Cycleway – 1:5000 scale
  - Section W3 – Drawing 1 of 2 Location Plan, Fencing Detail, Cattle Grid Detail, Cross Section Detail – 1:1250, 1:50, 1:200 scale
  - Section W3 – Drawing 2 of 2 Location Plan, Fencing Detail, Cattle Grid Detail, Cross Section Detail – 1:1250, 1:50, 1:200 scale
  - Section W4 – Drawing 1 of 4 Location Plan, Fencing Detail, Cattle Grid Detail, Cross Section Detail – 1:1250, 1:50, 1:200 scale
  - Section W4 – Drawing 2 of 4 Location Plan, Fencing Detail, Cattle Grid Detail, Cross Section Detail – 1:1250, 1:50, 1:200 scale
  - Section W4 – Drawing 3 of 4 Location Plan, Fencing Detail, Cattle Grid Detail, Footpath, Cross Section Detail – 1:1250, 1:50, 1:200 scale

- Section W4 – Drawing 4 of 4 Location Plan, Fencing Detail, Cattle Grid Detail, Cross Section Detail – 1:1250, 1:50, 1:200 scale
- Section W3 & W4 Scheme Overview – 1:2500 scale
- Proposed Footbridge Visual Impact Design – 1:5000 scale  
Received on 16<sup>th</sup> July 2016

- 3 The entire cycle track shall be hard surfaced and the hard surfacing shall be fully carried out prior to any part of the development hereby approved being brought into use.
- 4 Prior to commencement of the development a ecological management plan must be supplied detailing habitat mitigation, protected species mitigation, habitat management, habitat enhancement and suitable monitoring and ongoing management measures for the lifetime of the development, delivering the ecological recommendations listed within sections 5.3.4, 5.3.6, 5.3.7, 5.3.10 5.4.2, 5.4.6, 5.4.8, 5.4.11, 5.4.18, 5.4.20, 5.4.21 and 5.5.1 of the submitted phase 1 habitat survey – V2 by WSP Parsons Brinckerhoff dated January 2017 and the ecological recommendations listed within sections 5.2.3 – 5.2.6 of the submitted otter survey – V2 by WSP Parsons Brinckerhoff dated January 2017. The plan must be submitted to and approved in writing by the Local Planning Authority. The plan shall then be implemented as approved
- 5 No development or site clearance shall take place until an appropriate and comprehensive Detailed Landscape 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 and shall be in compliance with relevant guidance as provided by the Local Planning Authority.
- 6 The Detailed Landscape Design Scheme as submitted to discharge condition 4 shall be fully implemented prior to the beneficial use of the cycleway. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within a period of 5 years from the completion of the development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.
- 7 No development or site clearance shall take place until a method statement for the translocation of the existing hedge/ hedgerow[s] has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include an implementation programme and shall be in compliance with relevant guidance as provided by the Local Planning Authority.
- 8 Prior to the commencement of any works associated with the development [including site vegetation clearance, demolition of existing structures, excavation, heavy machinery entering site or the on-site storage of materials] a Tree Protection Plan [TPP] shall be undertaken in compliance with the recommendations of BS5837 and submitted and agreed in writing by the Local Planning Authority. The TPP shall provide details of protective measures, operations and construction exclusion zones for all trees, large shrubs and hedges identified for retention. The approved TPP shall

be fully implemented and inspected on site by a representative of the Local Planning Authority, and approved in writing, prior to the commencement of any works associated with the development, and thereafter, shall be maintained in its entirety throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

- 9 No development shall take place 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 by the applicant and approved in writing by the local planning authority.

## **REASONS**

- 1 To comply with Section 73 A of the Town and Country Planning Act (as amended)
- 2-3 In the interests of highway safety [Policy TR3 of the Carmarthenshire LDP]
- 4 In the interest of visual amenity and to retain on site and protect features of biodiversity and landscape importance and to preserve a satisfactory standard of local environment. (Policy EQ4 of the Carmarthenshire LDP)
- 5-7 To ensure that the development respects, reflects, and enhances local character, distinctiveness; and gives due consideration to features which contribute to local distinctiveness and the landscape; thus delivering the objectives of CLDP policies: - SP1 d]; SP14 e]; GP1 a], b], f] and i]; and EQ5;
- 8 To ensure that existing trees and landscape elements of suitable quality and condition are retained and effectively accommodated and protected as part of approved development Hence, ensuring that the development retains, incorporates, and makes provision for the appropriate management of, existing landscape and important local features which contribute to local qualities and distinctiveness: thus delivering the objectives of CLDP policies: - SP1 d] and i]; SP14 e]; GP1 a], b], f] and i]; and EQ5.
- 9 To protect historic environment interests whilst enabling development

## **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

- 2 Any works undertaken or forming part of the highway shall meet with the requirement of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government.
- 3 This development affects registered Public Footpath 41/1-2/27 as shown on the attached plan. It is not permissible to obstruct the public footpath, to interfere with the surface or install additional furniture along the public footpath without prior consent from the relevant Highway Authority.

<b>Application No</b>	<b>W/35161</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSERVATION, RENOVATION AND IMPROVEMENT OF CARMARTHEN PARK VELODROME, INCLUDING, REPAIR, RE-SETTING AND RENEWAL OF DAMAGED AND MISSING BRICKS TO THE PERIMETER EDGING OF THE VELODROME TRACK. REPAIR AND RE-SETTING OF THE ORIGINAL PERIMETER RAILING AND CONCRETE POSTS. CONCRETE REPAIRS TO THE VELODROME STEPS ON THE NORTH SIDE OF THE TRACK. REPAIR OF THE EXISTING CONCRETE VELODROME SURFACE. EXTENSION OF THE INNER EDGE OF THE VELODROME SURFACE TO CREATE A SAFETY "BLUE ZONE". INSTALLATION OF A NEW SAFETY FENCE TO THE PERIMETER OF THE TRACK AT CARMARTHEN PARK VELODROME, MORFA LANE, CARMARTHEN, SA31 3AX

<b>Applicant(s)</b>	CARL MORGAN BUILDING SURVEYOR - MR CARL MORGAN, JADE HOUSE, MANORDEILO, LLANDEILO, CARMARTHENSHIRE, SA19 7BR
<b>Agent</b>	CARL MORGAN BUILDING SURVEYOR - MR CARL MORGAN, JADE HOUSE, MANORDEILO, LLANDEILO, CARMARTHENSHIRE , SA19 7BR
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	22/02/2017

## CONSULTATIONS

**Carmarthen Town Council** – Has not commented to date

**Local Members** – Cllr Jeff Thomas has not responded to date and Cllr A Lenny is the Chair of the Planning Committee and has also not made any prior comment.

**Neighbours/Public** - The application has been publicised by the posting of a site notice and at press with no responses having been received to date

## RELEVANT PLANNING HISTORY

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

W/35162	Conservation, renovation and improvement of Carmarthen Park Velodrome Full planning permission pending	
W/35169	Conservation, renovation and improvement of Carmarthen Park Velodrome including replacement of track Full planning permission pending	
W/35162	Conservation, renovation and improvement of Carmarthen Park Velodrome Listed Building Consent pending	
W/26625	Installation of solar pv panels on roof area of grandstands Full planning permission	11 July 2012
W/26414	Repair and replacement of defective, inappropriate and damaged building fabric, including roofing and ironwork elements Listed building consent	28 May 2012
W/19862	Provision of two new blocks of covered seating to be located either side of the existing spectator stand. Existing grandstand to two new emergency exits. Changes will also be made to the existing public toilet to allow for disabled access. New access into the park will also be constructed. Refurbishment of existing changing rooms Full planning permission	27 November 2008
W/19066	Proposed removal of existing 6 no floodlights and replace with 8 no floodlighting columns to existing rugby pitch Full planning permission	30 July 2008
W/16086	Renovation of spectators stand. Renovation of changing facilities with inclusion of medical facilities, all complying with DDA Full planning permission	13 March 2008
W/03904	Installation of security shutters to front elevation Full planning permission	2 March 2001
D4/21689	Construction of a gazebo/shelter Full planning permission	22 October 1991

D4/18928	Construction of a public convenience Full planning permission	5 December 1989
D4/10313	Floodlighting playing area Approved with conditions	23 December 1982

## **APPRAISAL**

**The application is presented to the Planning Committee as the Authority has an interest in the site as landowners.**

## **THE SITE**

The application site is within Carmarthen Park which is a purpose built Victorian Park. The site is located within the development limits of Carmarthen as delineated by the Carmarthenshire Local Development Plan (LDP). The site is located within the Picton Park/Penllwyn Park Conservation Area. There are no Public Rights of Way at the application site however there is a Public Right of Way along the southern boundary of the park atop the retaining wall to the nearby Tesco store. The site is within a public park and is therefore open to public use. The site is located within an area of land designated as Recreation Open Space in the LDP.

The park and gates are independently listed along with other features, and the curtilage of these includes the whole of the park, including the cycle track.

The bandstand is also independently listed, and the steps leading from the bandstand into the cycle track, and the cycle track itself are again listed structures. The individual listed structures are all listed as part of a "complete park of 1900".

There is an associated listed building consent also presented to the Planning Committee for the same proposal. There is also a separate listed building consent and a further full planning application before Planning Committee for a similar proposal with alternative works required.

## **THE PROPOSAL**

The applicant proposes repairs to the cycle track and the introduction of a new surface finish. In addition, alterations to the design of track and the installation of a new safety fence are proposed.

It is also proposed to undertake repairs to the existing concrete post fence and to the concrete steps which lead to the cycle track.

## **PLANNING POLICY**

In the context of the current development control policy framework the site lies within the development limits of the LDP.

Policy SP1 Sustainable Places and Spaces

This policy states that proposals for development will be supported where they reflect sustainable development and design subject to a number of criteria. These include distributing development to sustainable locations in accordance with the settlement



framework, promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling and Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness

#### Policy SP9 Transportation

This policy states that provision is made to contribute to the delivery of an efficient, effective, safe and sustainable integrated transport system in a number of ways including the following, reducing the need to travel, particularly by private motor car; supporting and where applicable enhancing alternatives to the motor car, such as public transport (including park and ride facilities and encourage the adoption of travel plans), and active transport through cycling and walking; re-enforcing the function and role of settlements in accordance with the settlement framework; promoting the efficient use of the transport network;

#### Policy GP1 Sustainability and High Quality Design

This states that development proposals will be permitted where they accord with a number of criteria including the following, 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, utilises materials appropriate to the area within which it is located; 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; 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;

#### Policy TR3 Highways in Developments - Design Considerations

This policy 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; provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run off from the highway.

It goes on to state that proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

## Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

The policy states that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment. This includes listed buildings, conservation areas and archaeology.

## SP13 Protection and Enhancement of the Built and Historic Environment

The policy indicates that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- a) Sites and features of recognised Historical and Cultural Importance;
- b) Listed buildings and their setting;
- c) Conservation Areas and their setting;
- d) Scheduled Ancient Monuments and other sites of recognised archaeological importance.

The policy goes on to state that proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

## Policy GP2 Development Limits

The policy states that development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework. It goes on to say proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

## SP15 Tourism and the Visitor Economy

This policy states that proposals for tourism related developments and for appropriate extensions to existing facilities will be supported where they are in accordance with the locational hierarchy set out in i, ii & iii below and are acceptable in terms of scale, type of development, siting and general impact:

- i. Within the development limits of Growth Areas and Service Centres - major tourism proposals, including high level traffic generators;
- ii. Within the development limits of Local Service Centres and Sustainable Communities – smaller scale proposals which reflect the character of the area which are appropriate in terms of size, scale and impact;
- iii. Open Countryside – small scale location specific developments that must satisfy policy TSM3, except where they are subject to the provisions of TSM2 and/or TSM5.

Extensions to existing facilities should be subordinate in scale and function to the existing facility and proposals that constitute substantive extensions should be construed as new development.

### SP16 Community Facilities

The policy states that the LDP will support the provision of new facilities, along with the protection and enhancement of existing facilities, in accordance with the settlement framework and based upon evidence of need. Proposals for new education and training related developments will be supported where it supports the settlement framework and accords with the policies of this Plan.

Any proposals that will result in the loss of an existing facility will be permitted where it can be clearly demonstrated that the facility is no longer viable and that a suitable alternative is accessible within the settlement or sustainable community (where applicable).

In order to mitigate the impacts of particular developments, and to facilitate the delivery of the Plan's strategic objectives, community contributions may be sought through planning obligations as and where appropriate.

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

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

Paragraph 6.1.1 of the Welsh Government's policy document 'Planning Policy Wales' (January 2016) sets out the Government's objective of ensuring that the character of the historic building is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest.

Paragraph 69 of Welsh Office Circular 61/96 states that applicants will need to show why works which affect the character are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 94 of Welsh Office Circular 61/96 states that in judging the effect of any alteration it is essential to have assessed the elements that make up the special interest of the building.

Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses.

Paragraph 2 of Annex to Welsh Office Circular 61/96 states that the foremost principle which should guide works to historic buildings is conserve as found, and that successful conservation lies in the maintenance and like for like repair of the fabric.

Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which are usually related to its original or former function, and these should be respected when proposals for alterations or change of use are put forward.

Paragraph 6 Of Appendix D to Welsh Office Circular 61/96 states that alterations should be based on a proper understanding of the structure.

### **THIRD PARTY REPRESENTATIONS**

There have been no adverse representations received to date. It is not felt that there would be any significant adverse impacts from the proposed development. The proposal would provide an added attraction to the park. The site is located in the centre of Carmarthen in a sustainable location. The works would not give rise to any significant impacts in terms of amenity or on the appearance of the area. The proposal would provide overall benefits.

Comments have been received from the Conservation Officer in relation to the proposal which recommend approval of the proposal. The Officer made the following comments:

*“The use of the Velodrome forms part of its special interest and this interest has been harmed as the cycle track has been condemned due to Health & Safety issues i.e. poor condition of the track and dangerous concrete post fence.*

*Therefore, works are proposed by the applicant to meet their aspirations to ensure that the Velodrome opens again for training and competitions.*

*The proposed works to the Velodrome have been subject to extensive pre-application consultation between the Agent and the Officer and a number of proposals have been discounted. The application proposals have been agreed ‘in principle’ as the best way forward.*

*The proposed works consist of repairs and alterations. With regards to the cycle track this has been subject to ad-hoc repairs and the Agent estimates that only approximately half of the original slabs remain. However, when further works of repair are undertaken this estimate is likely to be much fewer. The repairs proposed are to be undertaken using matching or sympathetic materials which is acceptable.*

*The alterations proposed include a new surface finish to the cycle track, slight alterations to the track (safety zone) and also the installation of a new boundary safety fence. The replacement and alterations would cause harm to the historic character and setting of the Velodrome and Park. However, the proposals are deemed necessary by the Agent to allow the Velodrome to be used again.*

*To minimise the impact of the proposals the surface finish is to be an acceptable colour and the safety fence is to be painted a ‘Carmarthen Green’ and where the fence obscures important architectural features i.e. the steps. The fence is to be removed when the cycle track is not in use.*

*Other proposals include repairs and reinstatement to the concrete steps and the concrete post fence using matching or sympathetic materials.*

*Despite the harm caused overall the proposals are seen as conservation gains in improving the condition and appearance of the Velodrome. In addition, the proposals should ensure that the cycle track is in use again which is welcomed.*

*Despite minimal harm being caused to the character and setting of the Velodrome and Carmarthen Park. The proposals overall are seen as conservation gains and are welcomed.*

## **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.

## **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 in accordance with the following approved plans and documents received on 15<sup>th</sup> February 2017:-
  - 1:500 scale Topographical Plan of Velodrome ref 007;
  - 1:1250, 1:50 and 1:10 scale Section Through Track ref 001;
  - 1:20 and 1:10 scale Safety Fence Details ref 002;
  - 1:20 scale Proposed Blue Safety Zone Alterations ref 005;
  - 1:10 and 1:5 scale Velodrome Fencing Details 1 ref 010;
  - Fencing Details 2 ref 011;
  - 1:10 and 1:5 scale Velodrome Fencing Details 3 ref 012;
  - 1:20 and 1:5 scale Fence Gate to Grandstand Steps ref 012;
  - 1:500 and 1:20 scale Concrete Post Replacement Repairs and Details ref 04;
  - 1:20 scale Repair Works to Concrete Steps ref 005;
  - 1:1250 and 1:200 scale Location and Site Plans ref 009.

### **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.

- It is considered that the proposed development complies with Policy SP1, SP9, SP16, SP15, GP1, GP2, SP13, TR3 and EQ1 in that the site is located in a sustainable location and provides additional recreation and tourism facilities in an existing park. The proposal would not harm the character or appurtenance of the area or historic features near/at the site. The proposal also integrates with the character of the area and is accessible by foot and cycling. There are not considered to be any significant adverse impacts on amenity from the development.
- In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, as required by the statutory duty under section 16 (2) & 66 (1) & 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority finds that despite minimal harm being caused the proposals overall are seen as conservation gains in improving the condition and appearance of the Velodrome and Carmarthen Park. In addition, allowing the Velodrome to be used for its intended purpose which is welcomed.

## 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.

- 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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>W/35162</b>
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<b>Application Type</b>	Listed Building
<b>Proposal &amp; Location</b>	CONSERVATION, RENOVATION AND IMPROVEMENT OF CARMARTHEN PARK VELODROME, INCLUDING, REPAIR, RESETTING AND RENEWAL OF DAMAGED AND MISSING BRICKS TO THE PERIMETER EDGING OF THE VELODROME TRACK. REPAIR AND RE-SETTING OF THE ORIGINAL PERIMETER RAILING AND CONCRETE POSTS. CONCRETE REPAIRS TO THE VELODROME STEPS ON THE NORTH SIDE OF THE TRACK. REPAIR OF THE EXISTING CONCRETE VELODROME SURFACE. EXTENSION OF THE INNER EDGE OF THE VELODROME SURFACE TO CREATE A SAFETY "BLUE ZONE". INSTALLATION OF A NEW SAFETY FENCE TO THE PERIMETER OF THE TRACK AT CARMARTHEN PARK VELODROME, MORFA LANE, CARMARTHEN, SA31 3AX

<b>Applicant(s)</b>	CARL MORGAN BUILDING SURVEYOR - MR CARL MORGAN, JADE HOUSE, MANORDEILO, LLANDEILO, CARMARTHENSHIRE, SA19 7BR
<b>Agent</b>	CARL MORGAN BUILDING SURVEYOR - MR CARL MORGAN, JADE HOUSE, MANORDEILO, LLANDEILO, CARMARTHENSHIRE , SA19 7BR
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	22/02/2017

## CONSULTATIONS

**Carmarthen Town Council** – Has not commented to date

**Local Members** – Cllr Jeff Thomas has not responded to date and Cllr A Lenny is the Chair of the Planning Committee and has also not made any prior comment.

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## RELEVANT PLANNING HISTORY

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

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## **APPRAISAL**

**The application is presented to the Planning Committee as the Authority has an interest on the site as landowners**

## **THE SITE**

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It is also proposed to undertake repairs to the existing concrete post fence and to the concrete steps which lead to the cycle track.

## **STATUTORY DUTIES, GOVERNMENT POLICIES & ADVICE, COUNTY COUNCIL POLICIES**

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

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Paragraph 6.1.1 of the Welsh Government's policy document 'Planning Policy Wales' (January 2016) sets out the Government's objective of ensuring that the character of the historic building is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest.

Paragraph 69 of Welsh Office Circular 61/96 states that applicants will need to show why works which affect the character are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 94 of Welsh Office Circular 61/96 states that in judging the effect of any alteration it is essential to have assessed the elements that make up the special interest of the building.

Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses.

Paragraph 2 of Annex to Welsh Office Circular 61/96 states that the foremost principle which should guide works to historic buildings is conserve as found, and that successful conservation lies in the maintenance and like for like repair of the fabric.

Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which are usually related to its original or former function, and these should be respected when proposals for alterations or change of use are put forward.

Paragraph 6 Of Appendix D to Welsh Office Circular 61/96 states that alterations should be based on a proper understanding of the structure.

### **THIRD PARTY REPRESENTATIONS**

There have been no adverse representations received to date.

Comments have been received from the Conservation Officer in relation to the proposal which recommend approval of the proposal. The Officer made the following comments  
*"The use of the Velodrome forms part of its special interest and this interest has been harmed as the cycle track has been condemned due to Health & Safety issues i.e. poor condition of the track and dangerous concrete post fence.*

*Therefore, works are proposed by the applicant to meet their aspirations to ensure that the Velodrome opens again for training and competitions.*

*The proposed works to the Velodrome have been subject to extensive pre-application consultation between the Agent and the Officer and a number of proposals have been discounted. The application proposals have been agreed 'in principle' as the best way forward.*

*The proposed works consist of repairs and alterations. With regards to the cycle track this has been subject to ad-hoc repairs and the Agent estimates that only approximately half of the original slabs remain. However, when further works of repair are undertaken this estimate is likely to be much fewer. The repairs proposed are to be undertaken using matching or sympathetic materials which is acceptable.*

*The alterations proposed include a new surface finish to the cycle track, slight alterations to the track (safety zone) and also the installation of a new boundary safety fence. The replacement and alterations would cause harm to the historic character and setting of the Velodrome and Park. However, the proposals are deemed necessary by the Agent to allow the Velodrome to be used again.*

*To minimise the impact of the proposals the surface finish is to be an acceptable colour and the safety fence is to be painted a 'Carmarthen Green' and where the fence obscures important architectural features i.e. the steps. The fence is to be removed when the cycle track is not in use.*

*Other proposals include repairs and reinstatement to the concrete steps and the concrete post fence using matching or sympathetic materials.*

*Despite the harm caused overall the proposals are seen as conservation gains in improving the condition and appearance of the Velodrome. In addition, the proposals should ensure that the cycle track is in use again which is welcomed.*

*Despite minimal harm being caused to the character and setting of the Velodrome and Carmarthen Park. The proposals overall are seen as conservation gains and are welcomed.*

## **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.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents received on 15<sup>th</sup> February 2017:-
  - 1:500 scale Topographical Plan of Velodrome ref 007;
  - 1:1250, 1:50 and 1:10 scale Section Through Track ref 001;
  - 1:20 and 1:10 scale Safety Fence Details ref 002;
  - 1:20 scale Proposed Blue Safety Zone Alterations ref 005;
  - 1:10 and 1:5 scale Velodrome Fencing Details 1 ref 010;
  - Fencing Details 2 ref 011;
  - 1:10 and 1:5 scale Velodrome Fencing Details 3 ref 012;

- 1:20 and 1:5 scale Fence Gate to Grandstand Steps ref 012;
- 1:500 and 1:20 scale Concrete Post Replacement Repairs and Details ref 04;
- 1:20 scale Repair Works to Concrete Steps ref 005;
- 1:1250 and 1:200 scale Location and Site Plans ref 009.

- 3 Where it is proposed to install the removable safety fence in front of the concrete steps. The safety fence shall be removed from this location when the cycle track is not in use.
- 4 The proposed colour for the safety fence shall be a 'Carmarthen Green' or a close match as possible to replicate the colour of the existing railings.

## **REASONS**

- 1 To comply with Section 18 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3-4 To have special regard to the desirability of preserving the building in respect of Section 16 (2) & 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

## **REASONS FOR GRANTING PLANNING PERMISSION**

In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, as required by the statutory duty under section 16 (2) & 66 (1) & 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority finds that despite minimal harm being caused the proposals overall are seen as conservation gains in improving the condition and appearance of the Velodrome and Carmarthen Park. In addition, allowing the Velodrome to be used for its intended purpose which is welcomed.

## **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.

- 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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>W/35169</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	<p>CONSERVATION, RENOVATION AND IMPROVEMENT OF CARMARTHEN PARK VELODROME, INCLUDING: REPAIR, RE-SETTING AND RENEWAL OF DAMAGED AND MISSING BRICKS TO THE PERIMETER EDGING OF THE VELODROME TRACK. REPAIR AND RE-SETTING OF THE ORIGINAL PERIMETER RAILING AND CONCRETE POSTS. PREPARATION AND RE-DECORATION OF THE ORIGINAL PERIMETER RAILING AND CONCRETE POSTS. CONCRETE REPAIRS AND THE REINSTATEMENT OF MISSING OR INAPPROPRIATE ELEMENTS TO THE VELODROME STEPS ON THE NORTH SIDE OF THE TRACK. REPLACEMENT OF THE EXISTING CONCRETE VELODROME SURFACE WITH A NEW CONCRETE SURFACE. EXTENSION OF THE INNER EDGE OF THE VELODROME SURFACE TO CREATE A SAFETY "BLUE ZONE". INSTALLATION OF A NEW SAFETY FENCE TO THE PERIMETER OF THE TRACK. THE TREATMENT OF THE CONCRETE SURFACE OF THE VELODROME TO ALLOW THE SURFACE OF THE TRACK TO MEET THE PERFORMANCE CRITERIA REQUIRED BY BRITISH CYCLING AT CARMARTHEN PARK VELODROME, MORFA LANE, CARMARTHEN, SA31 3AX</p>

<b>Applicant(s)</b>	CARL MORGAN BUILDING SURVEYOR, JADE HOUSE, MANORDEILO, LLANDEILO, SA19 7BR
<b>Agent</b>	CARL MORGAN BUILDING SURVEYOR, JADE HOUSE, MANORDEILO, LLANDEILO, SA19 7BR
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	23/02/2017

## CONSULTATIONS

**Carmarthen Town Council** – Has stated they support the application

**Local Members** – County Councillor Jeff Thomas has not responded to date and County Councillor A Lenny is the Chair of the Planning Committee and has also not made any prior comment.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and at press with no responses having been received to date.

## RELEVANT PLANNING HISTORY

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

W/35161	Conservation, renovation and improvement of Carmarthen Park Velodrome Full planning permission pending	
W/35170	Conservation, renovation and improvement of Carmarthen Park Velodrome including replacement of track Listed planning consent pending	
W/35162	Conservation, renovation and improvement of Carmarthen Park Velodrome Listed Building Consent pending	
W/26625	Installation of solar pv panels on roof area of grandstands Full planning permission	11 July 2012
W/26414	Repair and replacement of defective, inappropriate and damaged building fabric, including roofing and ironwork elements Listed building consent	28 May 2012
W/19862	Provision of two new blocks of covered seating to be located either side of the existing spectator stand. Existing grandstand to two new emergency exits. Changes will also be made to the existing public toilet to allow for disabled access. New access into the park will also be constructed. Refurbishment of existing changing rooms Full planning permission	27 November 2008
W/19066	Proposed removal of existing 6 no floodlights and replace with 8 no floodlighting columns to existing rugby pitch Full planning permission	30 July 2008
W/16086	Renovation of spectators stand. Renovation of changing facilities with inclusion of medical facilities, all complying with DDA Full planning permission	13 March 2008
W/03904	Installation of security shutters to front elevation Full planning permission	2 March 2001

D4/21689	Construction of a gazebo/shelter Full planning permission	22 October 1991
D4/18928	Construction of a public convenience Full planning permission	5 December 1989
D4/10313	Floodlighting playing area Approved with conditions	23 December 1982

## **APPRAISAL**

**The application is presented to the Planning Committee as the Authority has an interest on the site as landowners**

## **THE SITE**

The application site is within Carmarthen Park which is a purpose built Victorian Park. . The site is located within the development limits of Carmarthen as delineated by the Carmarthenshire Local Development Plan (LDP). The site is located within the Picton Park/Penllwyn Park Conservation Area. There are no Public Rights of Way at the application site however there is a Public Right of Way along the southern boundary of the park atop the retaining wall to the nearby Tesco store. The site is within a public park and is therefore open to public use. The site is located within an area of land designated as Recreation Open Space in the LDP.

The park and gates are independently listed along with other features, and the curtilage of these includes the whole of the park, including the cycle track.

The bandstand is also independently listed, and the steps leading from the bandstand into the cycle track, and the cycle track itself are again listed structures. The individual listed structures are all listed as part of a "complete park of 1900".

There is an associated listed building consent also presented to the Planning Committee for the same proposal. There is also a separate listed building consent and a further full planning application before Planning Committee for a similar proposal with alternative works required.

## **THE PROPOSAL**

The applicant proposes to replace the concrete cycle track. In addition, alterations to the design of the track and the installation of a new boundary safety fence are proposed.

It is also proposed to undertake repairs to the existing concrete post fence and to the concrete steps which lead to the cycle track.

## **PLANNING POLICY**

In the context of the current development control policy framework the site lies within the development limits of the LDP.



## Policy SP1 Sustainable Places and Spaces

This policy states that proposals for development will be supported where they reflect sustainable development and design subject to a number of criteria. These include distributing development to sustainable locations in accordance with the settlement framework, promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling and Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness

## Policy SP9 Transportation

This policy states that provision is made to contribute to the delivery of an efficient, effective, safe and sustainable integrated transport system in a number of ways including the following, reducing the need to travel, particularly by private motor car; supporting and where applicable enhancing alternatives to the motor car, such as public transport (including park and ride facilities and encourage the adoption of travel plans), and active transport through cycling and walking; re-enforcing the function and role of settlements in accordance with the settlement framework; promoting the efficient use of the transport network;

## Policy GP1 Sustainability and High Quality Design

This states that development proposals will be permitted where they accord with a number of criteria including the following, 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, utilises materials appropriate to the area within which it is located; 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; 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;

## Policy TR3 Highways in Developments - Design Considerations

This policy 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; provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run off from the highway.

It goes on to state that proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

## Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

The policy states that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment. This includes listed buildings, conservation areas and archaeology.

## SP13 Protection and Enhancement of the Built and Historic Environment

The policy indicates that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- a) Sites and features of recognised Historical and Cultural Importance;
- b) Listed buildings and their setting;
- c) Conservation Areas and their setting;
- d) Scheduled Ancient Monuments and other sites of recognised archaeological importance.

The policy goes on to state that proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

## Policy GP2 Development Limits

The policy states that development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework. It goes on to say proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

## SP15 Tourism and the Visitor Economy

This policy states that proposals for tourism related developments and for appropriate extensions to existing facilities will be supported where they are in accordance with the locational hierarchy set out in i, ii & iii below and are acceptable in terms of scale, type of development, siting and general impact:

- i. Within the development limits of Growth Areas and Service Centres - major tourism proposals, including high level traffic generators;
- ii. Within the development limits of Local Service Centres and Sustainable Communities – smaller scale proposals which reflect the character of the area which are appropriate in terms of size, scale and impact;
- iii. Open Countryside – small scale location specific developments that must satisfy policy TSM3, except where they are subject to the provisions of TSM2 and/or TSM5.

Extensions to existing facilities should be subordinate in scale and function to the existing facility and proposals that constitute substantive extensions should be construed as new development.

## SP16 Community Facilities

The policy states that the LDP will support the provision of new facilities, along with the protection and enhancement of existing facilities, in accordance with the settlement framework and based upon evidence of need. Proposals for new education and training related developments will be supported where it supports the settlement framework and accords with the policies of this Plan.

Any proposals that will result in the loss of an existing facility will be permitted where it can be clearly demonstrated that the facility is no longer viable and that a suitable alternative is accessible within the settlement or sustainable community (where applicable).

In order to mitigate the impacts of particular developments, and to facilitate the delivery of the Plan's strategic objectives, community contributions may be sought through planning obligations as and where appropriate.

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

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

Paragraph 6.1.1 of the Welsh Government's policy document 'Planning Policy Wales' (January 2016) sets out the Government's objective of ensuring that the character of the historic building is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest.

Paragraph 69 of Welsh Office Circular 61/96 states that applicants will need to show why works which affect the character are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 94 of Welsh Office Circular 61/96 states that in judging the effect of any alteration it is essential to have assessed the elements that make up the special interest of the building.

Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses.

Paragraph 2 of Annex to Welsh Office Circular 61/96 states that the foremost principle which should guide works to historic buildings is conserve as found, and that successful conservation lies in the maintenance and like for like repair of the fabric.

Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which are usually related to its original or former

function, and these should be respected when proposals for alterations or change of use are put forward.

Paragraph 6 Of Appendix D to Welsh Office Circular 61/96 states that alterations should be based on a proper understanding of the structure.

### **THIRD PARTY REPRESENTATIONS**

There have been no adverse representations received to date. It is not felt that there would be any significant adverse impacts from the proposed development. The proposal would provide an added attraction to the park. The site is located in the centre of Carmarthen in a sustainable location. The works would not give rise to any significant impacts in terms of amenity or on the appearance of the area. The proposal would provide overall benefits.

Comments have been received from the Conservation Officer in relation to the proposal which recommend approval of the proposal. The Officer made the following comments:

*“The use of the Velodrome forms part of its special interest and this interest has been harmed as the cycle track has been condemned due to Health & Safety issues i.e. poor condition of the track and dangerous concrete post fence.*

*Therefore, works are proposed by the applicant to meet their aspirations to ensure that the Velodrome opens again for training and competitions.*

*The proposed works to the Velodrome have been subject to extensive pre-application consultation between the Agent and the Officer and a number of proposals have been discounted. The application proposals have been agreed ‘in principle’ as the best way forward.*

*The proposals include replacement and alteration. With regards to the cycle track this has been subject to ad-hoc repairs and the Agent estimates that only approximately half of the original slabs remain. However, when further works of repair are undertaken this estimate is likely to be much fewer. The proposal is to replace the concrete slabs to match the existing which in this instance is acceptable.*

*The alterations proposed include slight alterations to the track (safety zone) and also the installation of a new boundary safety fence. The replacement and alterations would cause harm to the historic character and setting of the Velodrome and Park. However, the proposals are deemed necessary by the Agent to allow the Velodrome to be used again.*

*To minimise the impact of the proposals the safety fence is to be painted a Carmarthen Green and where the fence obscures important architectural features i.e. the steps. The fence is to be removed when the cycle track is not in use.*

*Other proposals include repairs and reinstatement to the concrete steps and the concrete post fence using sympathetic or matching materials.*

*Despite the harm caused overall the proposals are seen as conservation gains in improving the condition and appearance of the Velodrome. In addition, the proposals should ensure that the cycle track is in use again which is welcomed.*

*Despite minimal harm being caused to the character and setting of the Velodrome and Carmarthen Park. The proposals overall are seen as conservation gains and are welcomed by the Conservation Officer.”*

## **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.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents received 18<sup>th</sup> February 2017:-
  - 1:500 scale General Plan of Velodrome ref 014;
  - 1:1250, 1:50 and 1:10 scale Section Through Track ref 001;
  - 1:20 and 1:10 scale Safety Fence Details ref 002;
  - 1:20 scale Proposed blue safety zone alterations ref 005;
  - 1:10 and 1:5 scale Velodrome Fencing Details 1 ref 010;
  - Velodrome Fencing Details 2 ref 011;
  - 1:5 scale Velodrome Fencing Details 3 ref 012;
  - 1:20, 1:5 and 1:2 scale Fence Gate to Grandstand Steps ref 012;
  - 1:500 and 1:20 scale Site Plan, Terracing Option to North Side ref 004;
  - 1:20 scale Blue Safety Zone Alteration Repair Works to Concrete Steps ref 005;
  - 1:2500 and 1:1250 scale Location and Site Plans ref 009.

### **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.

- It is considered that the proposed development complies with Policy SP1, SP9, SP16, SP15, GP1, GP2, SP13, TR3 and EQ1 in that the site is located in a sustainable location and provides additional recreation and tourism facilities in an existing park. The proposal would not harm the character or appurtenance of the area or historic features near/at the

site. The proposal also integrates with the character of the area and is accessible by foot and cycling. There are not considered to be any significant adverse impacts on amenity from the development.

- In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of the area as required by the statutory duty under section 16 (2) & 66 (1) & 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority finds that despite that despite minimal harm being caused the proposals overall are seen as conservation gains in improving the condition and appearance of the Velodrome and Carmarthen Park. In addition, allowing the Velodrome to be used for its intended purpose which is welcomed.

## 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.

- 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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>W/35170</b>
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<b>Application Type</b>	Listed Building
<b>Proposal &amp; Location</b>	<p>CONSERVATION, RENOVATION AND IMPROVEMENT OF CARMARTHEN PARK VELODROME, INCLUDING, REPAIR, RE-SETTING AND RENEWAL OF DAMAGED AND MISSING BRICKS TO THE PERIMETER EDGING OF THE VELODROME TRACK. REPAIR AND RE-SETTING OF THE ORIGINAL PERIMETER RAILING AND CONCRETE POSTS. PREPARATION AND RE-DECORATION OF THE ORIGINAL PERIMETER RAILING AND CONCRETE POSTS. CONCRETE REPAIRS AND THE REINSTATEMENT OF MISSING OR INAPPROPRIATE ELEMENTS TO THE VELODROME STEPS ON THE NORTH SIDE OF THE TRACK. REPLACEMENT OF THE EXISTING CONCRETE VELODROME SURFACE WITH A NEW CONCRETE SURFACE. EXTENSION OF THE INNER EDGE OF THE VELODROME SURFACE TO CREATE A SAFETY "BLUE ZONE". INSTALLATION OF A NEW SAFETY FENCE TO THE PERIMETER OF THE TRACK. THE TREATMENT OF THE CONCRETE SURFACE OF THE VELODROME TO ALLOW THE SURFACE OF THE TRACK TO MEET THE PERFORMANCE CRITERIA REQUIRED BY BRITISH CYCLING AT CARMARTHEN PARK VELODROME, MORFA LANE, CARMARTHEN, SA31 3AX</p>

<b>Applicant(s)</b>	CARL MORGAN BUILDING SURVEYOR, JADE HOUSE, MANORDEILO, LLANDEILO, SA19 7BR
<b>Agent</b>	CARL MORGAN BUILDING SURVEYOR, JADE HOUSE, MANORDEILO, LLANDEILO, SA19 7BR
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	23/02/2017

## CONSULTATIONS

**Carmarthen Town Council** – Has not commented to date

**Local Members** – Cllr Jeff Thomas has not responded to date and Cllr A Lenny is the Chair of the Planning Committee and has also not made any prior comment

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and at press with no responses having been received to date

## **RELEVANT PLANNING HISTORY**

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

W/35161	Conservation, renovation and improvement of Carmarthen Park Velodrome Full planning permission pending	
W/35169	Conservation, renovation and improvement of Carmarthen Park Velodrome including replacement of track Full planning permission pending	
W/35162	Conservation, renovation and improvement of Carmarthen Park Velodrome Listed Building Consent pending	
W/26625	Installation of solar pv panels on roof area of grandstands Full planning permission	11 July 2012
W/26414	Repair and replacement of defective, inappropriate and damaged building fabric, including roofing and ironwork elements Listed building consent	28 May 2012
W/19862	Provision of two new blocks of covered seating to be located either side of the existing spectator stand. Existing grandstand to two new emergency exits. Changes will also be made to the existing public toilet to allow for disabled access. New access into the park will also be constructed. Refurbishment of existing changing rooms Full planning permission	27 November 2008
W/19066	Proposed removal of existing 6 no floodlights and replace with 8 no floodlighting columns to existing rugby pitch Full planning permission	30 July 2008
W/16086	Renovation of spectators stand. Renovation of changing facilities with inclusion of medical facilities, all complying with DDA Full planning permission	13 March 2008
W/03904	Installation of security shutters to front elevation Full planning permission	2 March 2001



D4/21689	Construction of a gazebo/shelter Full planning permission	22 October 1991
D4/18928	Construction of a public convenience Full planning permission	5 December 1989
D4/10313	Floodlighting playing area Approved with conditions	23 December 1982

## **APPRAISAL**

**The application is presented to the Planning Committee as the Authority has an interest on the site as landowners**

## **THE SITE**

The application site is within Carmarthen Park which is a purpose built Victorian Park. The site is located within the development limits of Carmarthen as delineated by the Carmarthenshire Local Development Plan (LDP). The site is located within the Picton Park/Penllwyn Park Conservation Area. There are no Public Rights of Way at the application site however there is a Public Right of Way along the southern boundary of the park atop the retaining wall to the nearby Tesco store. The site is within a public park and is therefore open to public use. The site is located within an area of land designated as Recreation Open Space in the LDP.

The park and gates are independently listed along with other features, and the curtilage of these includes the whole of the park, including the cycle track.

The bandstand is also independently listed, and the steps leading from the bandstand into the cycle track, and the cycle track itself are again listed structures. The individual listed structures are all listed as part of a "complete park of 1900".

There is an associated full planning application also presented to the Planning Committee for the same proposal. There is also a separate listed building consent and a further full planning application before Planning Committee for a similar proposal with alternative works required.

## **THE PROPOSAL**

The applicant proposes to replace the concrete cycle track. In addition, alterations to the design of the track and the installation of a new boundary safety fence are proposed.

It is also proposed to undertake repairs to the existing concrete post fence and to the concrete steps which lead to the cycle track.

## **STATUTORY DUTIES, GOVERNMENT POLICIES & ADVICE, COUNTY COUNCIL POLICIES**

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a listed building means the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has since before the 1<sup>st</sup> July 1948 is listed.

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

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

Paragraph 6.1.1 of the Welsh Government's policy document 'Planning Policy Wales' (January 2016) sets out the Government's objective of ensuring that the character of the historic building is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest.

Paragraph 69 of Welsh Office Circular 61/96 states that applicants will need to show why works which affect the character are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 94 of Welsh Office Circular 61/96 states that in judging the effect of any alteration it is essential to have assessed the elements that make up the special interest of the building.

Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses.

Paragraph 2 of Annex to Welsh Office Circular 61/96 states that the foremost principle which should guide works to historic buildings is conserve as found, and that successful conservation lies in the maintenance and like for like repair of the fabric.

Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which are usually related to its original or former function, and these should be respected when proposals for alterations or change of use are put forward.

Paragraph 6 Of Appendix D to Welsh Office Circular 61/96 states that alterations should be based on a proper understanding of the structure.

### **THIRD PARTY REPRESENTATIONS**

There have been no adverse representations received to date.

Comments have been received from the Conservation Officer in relation to the proposal which recommend approval of the proposal. The Officer made the following comments:

*"The use of the Velodrome forms part of its special interest and this interest has been harmed as the cycle track has been condemned due to Health & Safety issues i.e. poor condition of the track and dangerous concrete post fence.*

*Therefore, works are proposed by the applicant to meet their aspirations to ensure that the Velodrome opens again for training and competitions.*

*The proposed works to the Velodrome have been subject to extensive pre-application consultation between the Agent and the Officer and a number of proposals have been discounted. The application proposals have been agreed 'in principle' as the best way forward.*

*The proposals include replacement and alteration. With regards to the cycle track this has been subject to ad-hoc repairs and the Agent estimates that only approximately half of the original slabs remain. However, when further works of repair are undertaken this estimate is likely to be much fewer. The proposal is to replace the concrete slabs to match the existing which in this instance is acceptable.*

*The alterations proposed include slight alterations to the track (safety zone) and also the installation of a new boundary safety fence. The replacement and alterations would cause harm to the historic character and setting of the Velodrome and Park. However, the proposals are deemed necessary by the Agent to allow the Velodrome to be used again.*

*To minimise the impact of the proposals the safety fence is to be painted a Carmarthen Green and where the fence obscures important architectural features i.e. the steps. The fence is to be removed when the cycle track is not in use.*

*Other proposals include repairs and reinstatement to the concrete steps and the concrete post fence using sympathetic or matching materials.*

*Despite the harm caused overall the proposals are seen as conservation gains in improving the condition and appearance of the Velodrome. In addition, the proposals should ensure that cycle track is in use again which is welcomed.*

*Despite minimal harm being caused to the character and setting of the Velodrome and Carmarthen Park. The proposals overall are seen as conservation gains and are welcomed by the Conservation Officer."*

## **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.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents received on 18<sup>th</sup> February 2017:-
  - 1:500 scale General Plan of Velodrome ref 014;
  - 1:1250, 1:50 and 1:10 scale Section Through Track ref 001;
  - 1:20 and 1:10 scale Safety Fence Details ref 002;

- 1:20 scale Proposed blue safety zone alterations ref 005;
- 1:10 and 1:5 scale Velodrome Fencing Details 1 ref 010;
- Velodrome Fencing Details 2 ref 011;
- 1:5 scale Velodrome Fencing Details 3 ref 012;
- 1:20, 1:5 and 1:2 scale Fence Gate to Grandstand Steps ref 012;
- 1:500 and 1:20 scale Site Plan, Terracing Option to North Side ref 004;
- 1:20 scale Blue Safety Zone Alteration Repair Works to Concrete Steps ref 005;
- 1:2500 and 1:1250 scale Location and Site Plans ref 009.

- 3 Where it is proposed to install the removable safety fence to the front of the concrete steps. The safety fence shall be removed from this location when the cycle track is not in use.
- 4 The proposed colour for the safety fence shall be a 'Carmarthen Green' or a close match as possible to replicate the colour of the existing railings.

## **REASONS**

- 1 To comply with Section 18 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3-4 To have special regard to the desirability of preserving the building in respect of Section 16 (2) & 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

## **REASONS FOR GRANTING PLANNING PERMISSION**

In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of the area as required by the statutory duty under section 16 (2) & 66 (1) & 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority finds that despite that despite minimal harm being caused the proposals overall are seen as conservation gains in improving the condition and appearance of the Velodrome and Carmarthen Park. In addition, allowing the Velodrome to be used for it intended purpose which is welcomed.

## **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.

- 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](http://www.carmarthenshire.gov.uk)).

**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>W/34901</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	DETACHED DWELLING HOUSE AT LAND AT MOUNTHILL, MOUNT PLEASANT, PENSARN, CARMARTHEN, SA31 2LJ

<b>Applicant(s)</b>	MR & MRS M GRIFFITHS, MOUNT HILL, MOUNT PLEASANT, LLANGUNNOR, CARMARTHEN, SA31 2LJ
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Llangunnor
<b>Date of validation</b>	29/12/2016

## CONSULTATIONS

**Head of Transport** – Has recommended conditions with any approval.

**Llangunnor Community Council** – Has no objections subject to the usual neighbour consultation and that details covered in Part 6.2 of the application being strictly enforced.

**Local Member** - County Councillor D E Williams has requested the application be presented to the Planning Committee if it were to be recommended for refusal. The following reasons were given:

- I know the original house is listed. But such is situated a significant distance back from the adjoining highway, leaving sufficient room for this new build, without much affecting the existing dwelling.
- The few trees that would need to be removed, are as I understand in a relative poor condition, and might have to be felled in any case.
- Highways, have no objections on access, to or from.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and at press with 1 response having been received to date on the associated full planning application:

- Healthy trees have already been chopped down prior to the application and more would be cut down unnecessarily.
- Loss of privacy as the property would be built at a higher elevation and would be looking down and into our rear bedrooms, lounge and kitchen.
- Approximately 200 properties have been built within a quarter of a mile of the proposed site already over the last few years and so there is no need for additional properties in this area.

## RELEVANT PLANNING HISTORY

The following previous application have been received on the application site.

W/34901	Detached dwelling house Full planning – before committee also - pending	
D4/18394	Change of Use from coach house to residential accommodation Full planning permission	12 September 1989

## APPRAISAL

### THE SITE

The application site forms part of the curtilage of a listed building known as Mounthill, Llangunnor. The site fronts a C class road linking Llangunnor with Cwmffrwd. The land is relatively flat and is located forward of the existing dwelling on the site. There is a stone wall along the boundary with the road and also several mature trees. There is an existing access to the northern part of the frontage leading to the existing dwelling. There is a further access adjacent to the site on its southern side leading to a separate dwelling, again set back from the frontage. The surrounding area is primarily residential with recent housing estates having been constructed to the west and opposite the site. The site is within development limits as delineated in the Carmarthenshire LDP. An outline application was submitted last year however it was not registered due to additional information being required. Comments on the merits of the application were also made where it was indicated a recommendation of refusal would be likely.

There is an associated listed building application. The dwelling is set within its own landscaped grounds, and significantly set back from the highway frontage by a series of level gardens, with mature trees along the road frontage, set behind a natural stone wall, and entrance pillars to an access drive. The building is a late Georgian villa roughly square in plan with U-shaped roof line to a central valley, of rendered walls and hipped slate roof. Left hand ridge are 2 bricks stacks, on the right hand ridge is a stack with paired round shafts. The 4 bay front has pointed windows with small pane sashes incorporating Gothic glazing bars. The entrance is left of centre, in added gabled porch on posts. The door has blind Gothic panels and is beneath pointed overlight with Y-tracery. The right side wall has pointed sash windows similar to front, and a square headed fixed pane window. The rear elevation to the L-hand gable end is two storey, incorporating service rooms, the r-hand gable set back.



Mount Hill is set within its own grounds which has a boundary stone wall with railings and gates.

## **THE PROPOSAL**

For the construction of a detached dwelling at the site. The proposal is for a bungalow style dwelling with rooms in the roof. The dwelling would have 4 bedrooms and an integral garage. There would be 2 dormer windows proposed in the rear elevation of the dwelling. There is an access adjacent to an existing one at the southern end of the site for a separate property (Dan-y-Coed). The access and visibility splays would require works to the listed boundary wall at the road frontage of the property. It would also involve the removal of the existing trees. Amended plans were submitted following comments from the Arboriculture Officer.

There is an associated listed building consent to create an opening in the stone boundary wall. The purpose is to create an access for a proposed residential development within the curtilage of the listed building.

A heritage statement was provided which refers to the property having been listed in 2004. The statement refers to the area of garden to be developed as having *“been covered with a small copse of mature trees, but which had been prone to disease, decay and weather damage, and thus had to be felled for safety reasons. The three specimens that remain are unfortunately also suffering from fungal decay, and as the accompanying Tree Survey concludes should be removed to avoid damaging the listed building, adjacent highway, or even the new properties off the opposite flank of the highway.”*

Comments in relation to the design and character of the area and the building as part of the submission are made. The proposed roof pitch of the new dwelling is set at 40 degrees, and of hipped roof shape, with finishing natural slate aiming to match the existing listed property. Window openings will be symmetrically aligned, and with a vertical emphasis and Gothic in form to the front elevation aiming to complement the style and finish of Mounthill. Elevations will be painted render providing a clean and subtle finish, with colouring to match Mounthill.

## **PLANNING POLICY**

In the context of the current development control policy framework the site lies within the development limits of the LDP.

### **Policy SP1 Sustainable Places and Spaces**

This policy states that proposals for development will be supported where they reflect sustainable development and design subject to a number of criteria. These include distributing development to sustainable locations in accordance with the settlement framework, promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling and Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness

## Policy SP9 Transportation

This policy states that provision is made to contribute to the delivery of an efficient, effective, safe and sustainable integrated transport system in a number of ways including the following, reducing the need to travel, particularly by private motor car; supporting and where applicable enhancing alternatives to the motor car, such as public transport (including park and ride facilities and encourage the adoption of travel plans), and active transport through cycling and walking; re-enforcing the function and role of settlements in accordance with the settlement framework; promoting the efficient use of the transport network;

## Policy GP1 Sustainability and High Quality Design

This states that development proposals will be permitted where they accord with a number of criteria including the following, 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, utilises materials appropriate to the area within which it is located; 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; 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;

## Policy TR3 Highways in Developments - Design Considerations

This policy 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; provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run off from the highway.

It goes on to state that proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

## Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

The policy states that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment. This includes listed buildings, conservation areas and archaeology.

## SP13 Protection and Enhancement of the Built and Historic Environment

The policy indicates that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- a) Sites and features of recognised Historical and Cultural Importance;
- b) Listed buildings and their setting;
- c) Conservation Areas and their setting;
- d) Scheduled Ancient Monuments and other sites of recognised archaeological importance.

The policy goes on to state that proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

### Policy GP2 Development Limits

The policy states that development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework. It goes on to say proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

### Policy GP3 Planning Obligations

This states the Council will, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new developments. Where applicable, contributions will also be sought towards the future and ongoing maintenance of such provision either in the form of initial support or in perpetuity. In implementing this policy schemes will be assessed on a case-by-case basis.

### Policy GP4 Infrastructure and New Development

This 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 (or an appropriate contribution is provided by) the developer. Planning obligations and conditions will be used (where appropriate) to ensure that new or improved facilities are provided to serve the new development.

## Policy H2 Housing within Development Limits

In relation to development in this location the policy states that proposals for housing developments on unallocated sites within the development limits of a defined settlement (Policy SP3) will, where they are not subject to the provisions of Part B of the policy be permitted, provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

## Policy AH1 Affordable Housing

For developments of this scale the policy states that a contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford / Cross Hands sub-market areas. Where viability at the target levels cannot be achieved, variation may be agreed on a case-by-case basis.

## On Site Contributions

The affordable housing will be required to be provided on proposals of 5 or more dwellings in all settlements. Where adjacent and related residential proposals result in combined numbers meeting or exceeding the above threshold, the Council will seek an element of affordable housing based on the affordable housing target percentages set out above. Proposals will be required to ensure that the dwelling remains affordable for all subsequent occupants in perpetuity.

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that a listed building means the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has done since before the 1<sup>st</sup> July 1948 is listed.

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 6.1.1 of the Welsh Assembly Government's policy document 'Planning Policy Wales' (January 2016) sets out the Government's objective of ensuring that the character of the historic building is safeguarded from alterations, extensions or demolition that would compromise a building special architectural and historic interest.

Paragraph 11 of Welsh Office Circular 61/96 that Section 16 & 66 of the Act requires authorities considering application for planning permission and listed building consent for works which affect a listed building to have special regard to the desirability of preserving the setting of the building. The setting is often an essential part of a buildings character especially if a park, garden or grounds have been laid out to complement its design and function. Also, the economic viability as well as the character of a historic building may suffer and they can be robbed of much of their interest and contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other developments.

Paragraph 46 of Welsh Office Circular 61/96 states that the purpose of listing is to ensure that a building's special architectural or historic interest is fully recognised and that any

works for the alteration or extension in any way which would affect its character as a listed building, are brought within statutory control.

Paragraph 66 of Welsh Office Circular states once a building has been listed under Section 1 of the Act, Section 7 provides that consent is normally required for its demolition, in whole part, and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent.

Paragraph 68 of the Circular states that while the listing of a building should not be seen as a bar to all future change, the starting point of the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Paragraph 69 of the Welsh Office Circular 61/96 states that applicants for listed building consent must be able to justify their proposals. They will need to show why works which affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 71 of Welsh Office Circular 61/96 states the grading of a building in the statutory lists is clearly a material consideration for the exercise of listed building control. But it must be emphasised that the statutory controls apply equally to all listed buildings irrespective of what grade; and since Grade II includes some 90% of all listed buildings, representing a major element in the historic quality of towns, villages, and country side, failure to give careful scrutiny to proposals for alteration or demolition could lead widespread damage to the historic environment.

Paragraph 80 of Welsh Office Circular 61/96 states that owners of listed buildings should be encouraged to seek expert advice on the best way to carry out works to their listed buildings.

Paragraph 94 of Welsh Office Circular 61/96 states in judging the effect of any alteration it is essential to have assessed the elements that make up the special interest of the building. They may comprise of obvious visual features and the archaeological or technological interest of the surviving structure and surfaces.

Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses. Nevertheless, listed buildings do vary greatly in the extent to which they can accommodate change without loss of special interest.

Paragraph 96 of Welsh Office Circular 61/96 states that listing is a material consideration, but not a reliable guide to the sensitivity of a building to alteration or extension.

Paragraph 2 of Annex D to Welsh Office Circular 61/96 states the foremost principle which should guide works to historic buildings is conserve as found.

Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which is usually related to its original or former function, and these, should be respected for alterations or change of use.

Paragraph 6 of Annex D to Welsh Office Circular 61/96 states alterations should be based on a proper understanding of the structure.

Appendix to Annex D Paragraph (a) 1 to Welsh Office Circular 61/96 states alterations to wall surfaces are usually the most damaging that happen to the overall appearance of an historic building. Alteration or repairs should respect the existing fabric.

### **THIRD PARTY REPRESENTATIONS**

There has not been any objection to the Listed Building Consent submission however there was an objection received on the full application.

The Listed Building Consent and full application are before the Planning Committee at the request of the Local Member. He has referred to trees being removed as they were in a poor condition. Information has been provided and revised regarding the loss of the trees and proposed compensatory planting. The objector raised concern with the loss of the trees at the site and also the loss of trees prior to the submission.

The Arboricultural Officer raised concern over the location of the proposed replanted trees as they were between the turning area and the stone wall. This is a relatively small space and it was felt that the trees may come under significant pressure as they seek to grow at this location. Parking spaces close to them may also result in problems that may eventually lead to the owner seeking the removal of this tree. The trees that will be removed are considered relatively substantial and it is felt that they contribute to the amenity value of the area. Replacements were sought of a species that are likely to grow equal in height to those that are being lost. An alternative planting scheme was requested and it was also suggested that there may be space to plant two lime trees on the southern side of the site between the hedgerow that is to be retained and the porous paving area. Amended plans were provided and comments are awaited from the Landscape and Arboriculture Officer in relation to these.

A lack of highways concerns is also referred to. The Head of Transport has responded with no objections and recommended conditions with any approval.

A loss of privacy has been referred to due to the site being on higher ground than the objector's property. The objector's property is located to the south of the application site. There is a vehicular access between the site and the objectors' curtilage for a separate property and there are no first floor windows on the elevation facing the objector. The windows on the ground floor facing the other property are for a utility room and garage. It is therefore not felt that overlooking would be to a degree to raise significant concerns or to warrant refusal.

The other issue raised was in relation to the number of dwellings built in the area in recent years. There have been large scale residential developments in the area however the LDP notes that allocated sites would not provide all of the housing required. Smaller developments would also be required to ensure appropriate housing is provided.

The proposal includes a draft Unilateral Undertaking in order to provide a contribution towards affordable housing. No details have been provided to indicate that the required level is being disputed.

In terms of the relevant listed building consent matters the Local Member comments that he feels the application site is situated a significant distance back from the adjoining highway, leaving sufficient room for this new build, without much affecting the existing dwelling. Comments have been made by the Conservation Officer. The recommendation is for refusal and the following comments have been made:

*“The boundary wall, railings and gates form part of the listing of Mount Hill as a consequence of Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:*

*‘A listed building means that the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has done since before the 1<sup>st</sup> July 1948 is listed’.*

*Therefore, the proposals to create a new opening in the boundary wall to facilitate the new development would be subject to listed building consent and planning permission.*

*To make a full assessment of applications Paragraph 69 of Welsh Office Circular 61/96 states that:*

*‘Applicants for listed building consent must be able to justify their proposals. They will need to show why works which affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or its historic interest of the building and on its setting’.*

*From the outset it has been difficult to make a full assessment as the application lacks somewhat in detailed information namely:*

- No statement of justification has been provided for the proposals.*
- The Design/Heritage Statement is not adequate as it fails to make a thorough assessment of the architectural and historic character of the building or its setting, the statutory and non-statutory frameworks for the historic built environment. The statement fails to explain why the proposals are the most suitable taking into account those contexts.*
- There is a lack of detailed drawings i.e. elevation, section drawings highlighting construction, materials and finish to make an assessment of the existing and proposed.*

*Therefore, the application falls short of the requirements expected by the Welsh Government and form part of the reasons for refusal.*

*Where it is possible to make an assessment Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition, Welsh Government Circular 61/96, Welsh Government and the Local Planning Authority’s own planning policies relating to the historic built environment would apply.*

*In light of the above the Officer observations are that Mount Hill is situated in its own grounds and the site consists of the building and ancillary structures to its rear. In addition, the site*

*consists of lawned areas and trees and there is a stone boundary wall with railings and two entry points with stone piers and gates.*

*The Officer is of the opinion that evidence i.e. historical maps and on-site analysis suggests that the site today has not been subject to any significant alteration or little addition. Therefore, the site including structures, grounds are an important part of the historic character and setting of the listed building and in terms of conservation the site is sensitive.*

*The proposed works would not preserve the character and setting of the listed buildings and would have a detrimental effect.*

*With regards to the wall and railings this would affect the architectural design, construction of the listed building which is not acceptable.*

*With regards to the proposed house this would entail the dividing up of the gardens which have been laid out to complement the design and function of Mount Hill. The design proposed is such that it closely follows the design and character of the building, to the extent it would visually compete for attention with Mount Hill and distort the authenticity and reading of their individual characters.*

*In light of the above, the Officer is of the opinion that the proposals are contrary to the Statutory and Non-Statutory Framework for this historic built environment and the applications are refused as a consequence of the detrimental harm caused.*

*Therefore, the application is recommended in part for a lack of detailed information.*

*Where it is possible to make an assessment the proposals would not preserve the character or setting of the listed buildings and would have a detrimental effect. Therefore, the proposals are contrary the statutory and non-statutory frameworks for the historic environment and the application is recommended for refusal.”*

## **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 not acceptable.

As such the application is put forward with a recommendation of refusal.

## **RECOMMENDATION – REFUSAL**



## REASONS

- 1 The proposal is contrary to Policy GP1 “Sustainability and High Quality Design” of the Carmarthenshire Local Development Plan:-

### **Policy GP1 Sustainability and High Quality Design**

**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 7 and TAN12: Design (2014)).**

In that the development fails to conform with or enhance the character and appearance of the site. The proposed development would adversely affect features of historic importance and would fail to preserve or enhance the built and historic environment. The proposed works to the wall and railings and proposed house would fail to preserve the architectural and historic character of the listed buildings and their settings and are considered to have detrimental effect on the character and setting of the listed buildings.

- 2 The proposal is contrary to Policy EQ1 “Protection of Buildings, Landscapes and Features of Historic Importance” of the Carmarthenshire Local Development Plan:-

**Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance**

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

In that the proposed development would adversely affect features of historic importance and would fail to preserve or enhance the built and historic environment. The proposed works to the wall and railings and proposed house would fail to preserve the architectural and historic character of the listed buildings and their settings and are considered to have detrimental effect on the character and setting of the listed buildings.

- 3 The proposal is contrary to SP1 “Sustainable Places and Spaces” of the Carmarthenshire Local Development Plan:-

**Policy SP1 Sustainable Places and Spaces**

**Proposals for development will be supported where they reflect sustainable development and design principles by:**

- a. Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;
- b. Promoting, where appropriate, the efficient use of land including previously developed sites;

- c. **Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;**
- d. **Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;**
- e. **Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;**
- f. **Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;**
- g. **Utilising sustainable construction methods where feasible;**
- h. **Improving social and economic wellbeing;**
- i. **Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.**

In that the proposal fails to respect, reflect or enhancing local character and distinctiveness. The proposed works to the wall and railings and proposed house would fail to preserve the architectural and historic character of the listed buildings and their settings and are considered to have detrimental effect on the character and setting of the listed buildings.

- 4 The proposal is contrary to SP13 Protection and Enhancement of the Built and Historic Environment of the Carmarthenshire Local Development Plan:-

#### **SP13 Protection and Enhancement of the Built and Historic Environment**

**Development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.**

- a. **Sites and features of recognised Historical and Cultural Importance;**
- b. **Listed buildings and their setting;**
- c. **Conservation Areas and their setting;**
- d. **Scheduled Ancient Monuments and other sites of recognised archaeological importance.**

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

In that the proposed works to the wall and railings and proposed house would fail to preserve or enhance the architectural and historic character of the listed buildings and their settings and are considered to have detrimental effect on the character and setting of the listed buildings.

<b>Application No</b>	<b>W/34931</b>
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<b>Application Type</b>	Listed Building
<b>Proposal &amp; Location</b>	ALTERATIONS TO FRONT BOUNDARY STONE WALL TO FACILITATE A VEHICULAR ACCESS AT LAND AT MOUNTHILL, MOUNT PLEASANT, PENSARN, CARMARTHEN, SA31 2LJ

<b>Applicant(s)</b>	MR AND MRS M GRIFFITHS, MOUNT HILL, MOUNT PLEASANT, LLANGUNNOR, CARMARTHEN, SA31 2LJ
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Llangunnor
<b>Date of validation</b>	06/01/2017

## CONSULTATIONS

**Llangunnor Community Council** – Has no objections subject to the usual neighbour consultation and that details covered in Part 6.2 of the application being strictly enforced.

**Local Member** - County Councillor D E Williams has requested the application be presented to the Planning Committee if it were to be recommended for refusal. The following reasons were given:

- I know the original house is listed. But such is situated a significant distance back from the adjoining highway, leaving sufficient room for this new build, without much affecting the existing dwelling.
- The few trees that would need to be removed, are as I understand in a relative poor condition, and might have to be felled in any case.
- Highways, have no objections on access, to or from.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and at press with 1 response having been received to date on the associated full planning application:

- Healthy trees have already been chopped down prior to the application and more would be cut down unnecessarily.

- Loss of privacy as the property would be built at a higher elevation and would be looking down and into our rear bedrooms, lounge and kitchen.
- Approximately 200 properties have been built within a quarter of a mile of the proposed site already over the last few years and so there is no need for additional properties in this area.

## RELEVANT PLANNING HISTORY

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

W/34901	Detached dwelling house Full planning – before committee also - pending	
D4/18394	Change of Use from coach house to residential accommodation full planning permission	12 September 1989

## APPRAISAL

### THE SITE

The application site forms part of the curtilage of a listed building known as Mounthill, Llangunnor. The site fronts a C class road linking Llangunnor with Cwmffrwd. The land is relatively flat and is located forward of the existing dwelling on the site. There is a stone wall along the boundary with the road and also several mature trees. There is an existing access to the northern part of the frontage leading to the existing dwelling. There is a further access adjacent to the site on its southern side leading to a separate dwelling, again set back from the frontage. The surrounding area is primarily residential with recent housing estates having been constructed to the west and opposite the site. The site is within development limits as delineated in the Carmarthenshire LDP. An outline application was submitted last year however it was not registered due to additional information being required. Comments on the merits of the application were also made where it was indicated a recommendation of refusal would be likely.

There is an associated full planning application. The dwelling is set within its own landscaped grounds, and significantly set back from the highway frontage by a series of level gardens, with mature trees along the road frontage, set behind a natural stone wall, and entrance pillars to an access drive. The building is a late Georgian villa roughly square in plan with U-shaped roof line to a central valley, of rendered walls and hipped slate roof. Left hand ridge are 2 bricks stacks, on the right hand ridge is a stack with paired round shafts. The 4 bay front has pointed windows with small pane sashes incorporating Gothic glazing bars. The entrance is left of centre, in added gabled porch on posts. The door has blind Gothic panels and is beneath pointed over light with Y-tracery. The right side wall has pointed sash windows similar to front, and a square headed fixed pane window. The rear elevation to the L-hand gable end is two storey, incorporating service rooms, the r-hand gable set back.

Mount Hill is set within its own grounds which has a boundary stone wall with railings and gates.

## THE PROPOSAL

The applicant proposes to create an opening in the stone boundary wall. The purpose is to create an access for a proposed residential development within the curtilage of the listed building.

There is an associated full planning application for the construction of a detached dwelling at the site. The proposal is for a bungalow style dwelling with rooms in the roof. The dwelling would have 4 bedrooms and an integral garage. There would be 2 dormer windows proposed in the rear elevation of the dwelling. There is an access adjacent to an existing one at the southern end of the site for a separate property (Dan-y-Coed). The access and visibility splays would require works to the listed boundary wall at the road frontage of the property. It would also involve the removal of the existing trees. Amended plans were submitted following comments from the Arboriculture Officer.

A heritage statement was provided which refers to the property having been listed in 2004. The statement refers to the area of garden to be developed as having *“been covered with a small copse of mature trees, but which had been prone to disease, decay and weather damage, and thus had to be felled for safety reasons. The three specimens that remain are unfortunately also suffering from fungal decay, and as the accompanying Tree Survey concludes should be removed to avoid damaging the listed building, adjacent highway, or even the new properties off the opposite flank of the highway.”*

## STATUTORY DUTIES, GOVERNMENT POLICIES & ADVICE, COUNTY COUNCIL POLICIES

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that a listed building means the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has done since before the 1<sup>st</sup> July 1948 is listed.

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 6.1.1 of the Welsh Assembly Government’s policy document ‘Planning Policy Wales’ (January 2016) sets out the Government’s objective of ensuring that the character of the historic building is safeguarded from alterations, extensions or demolition that would compromise a building special architectural and historic interest.

Paragraph 11 of Welsh Office Circular 61/96 that Section 16 & 66 of the Act requires authorities considering application for planning permission and listed building consent for works which affect a listed building to have special regard to the desirability of preserving the setting of the building. The setting is often an essential part of a buildings character especially if a park, garden or grounds have been laid out to complement its design and function. Also, the economic viability as well as the character of a historic building may suffer and they can be robbed of much of their interest and contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other developments.

Paragraph 46 of Welsh Office Circular 61/96 states that the purpose of listing is to ensure that a building's special architectural or historic interest is fully recognised and that any works for the alteration or extension in any way which would affect its character as a listed building, are brought within statutory control.

Paragraph 66 of Welsh Office Circular states once a building has been listed under Section 1 of the Act, Section 7 provides that consent is normally required for its demolition, in whole part, and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent.

Paragraph 68 of the Circular states that while the listing of a building should not be seen as a bar to all future change, the starting point of the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Paragraph 69 of the Welsh Office Circular 61/96 states that applicants for listed building consent must be able to justify their proposals. They will need to show why works which affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 71 of Welsh Office Circular 61/96 states the grading of a building in the statutory lists is clearly a material consideration for the exercise of listed building control. But it must be emphasised that the statutory controls apply equally to all listed buildings irrespective of what grade; and since Grade II includes some 90% of all listed buildings, representing a major element in the historic quality of towns, villages, and country side, failure to give careful scrutiny to proposals for alteration or demolition could lead widespread damage to the historic environment.

Paragraph 80 of Welsh Office Circular 61/96 states that owners of listed buildings should be encouraged to seek expert advice on the best way to carry out works to their listed buildings.

Paragraph 94 of Welsh Office Circular 61/96 states in judging the effect of any alteration it is essential to have assessed the elements that make up the special interest of the building. They may comprise of obvious visual features and the archaeological or technological interest of the surviving structure and surfaces.

Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses. Nevertheless, listed buildings do vary greatly in the extent to which they can accommodate change without loss of special interest.

Paragraph 96 of Welsh Office Circular 61/96 states that listing is a material consideration, but not a reliable guide to the sensitivity of a building to alteration or extension.

Paragraph 2 of Annex D to Welsh Office Circular 61/96 states the foremost principle which should guide works to historic buildings is conserve as found.



Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which is usually related to its original or former function, and these, should be respected for alterations or change of use.

Paragraph 6 of Annex D to Welsh Office Circular 61/96 states alterations should be based on a proper understanding of the structure.

Appendix to Annex D Paragraph (a) 1 to Welsh Office Circular 61/96 states alterations to wall surfaces are usually the most damaging that happen to the overall appearance of an historic building. Alteration or repairs should respect the existing fabric.

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

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

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

### **THIRD PARTY REPRESENTATIONS**

There has not been any objection to the Listed Building Consent submission however there was an objection received on the full application.

The Listed Building Consent and full application are before the Planning Committee at the request of the Local Member. The reasons were relating to access and trees which are not matters concerning the listed building consent. In terms of the relevant listed building consent matters the Local Member comments that he feels the application site is situated a significant distance back from the adjoining highway, leaving sufficient room for this new build, without much affecting the existing dwelling.

Comments have been made by the Conservation Officer. The recommendation is for refusal and the following comments have been made:

*“The boundary wall, railings and gates form part of the listing of Mount Hill as a consequence of Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:*

*‘A listed building means that the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has done since before the 1<sup>st</sup> July 1948 is listed’.*

*Therefore, the proposals to create a new opening in the boundary wall to facilitate the new development would be subject to listed building consent and planning permission.*

*To make a full assessment of applications Paragraph 69 of Welsh Office Circular 61/96 states that:*

*'Applicants for listed building consent must be able to justify their proposals. They will need to show why works which affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or its historic interest of the building and on its setting'.*

*From the outset it has been difficult to make a full assessment as the application lacks somewhat in detailed information namely:*

- No statement of justification has been provided for the proposals.*
- The Design/Heritage Statement is not adequate as it fails to make a thorough assessment of the architectural and historic character of the building or its setting, the statutory and non-statutory frameworks for the historic built environment. The statement fails to explain why the proposals are the most suitable taking into account those contexts.*
- There is a lack of detailed drawings i.e. elevation, section drawings highlighting construction, materials and finish to make an assessment of the existing and proposed.*

*Therefore, the application falls short of the requirements expected by the Welsh Government and form part of the reasons for refusal.*

*Where it is possible to make an assessment Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition, Welsh Government Circular 61/96, Welsh Government and the Local Planning Authority's own planning policies relating to the historic built environment would apply.*

*In light of the above the Officer observations are that Mount Hill is situated in its own grounds and the site consists of the building and ancillary structures to its rear. In addition, the site consists of lawned areas and trees and there is a stone boundary wall with railings and two entry points with stone piers and gates.*

*The Officer is of the opinion that evidence i.e. historical maps and on-site analysis suggests that the site today has not been subject to any significant alteration or little addition. Therefore, the site including structures, grounds are an important part of the historic character and setting of the listed building and in terms of conservation the site is sensitive.*

*The proposed works would not preserve the character and setting of the listed buildings and would have a detrimental effect.*

*With regards to the wall and railings this would affect the architectural design, construction of the listed building which is not acceptable.*

*With regards to the proposed house this would entail the dividing up of the gardens which have been laid out to complement the design and function of Mount Hill. The design proposed is such that it closely follows the design and character of the building, to the extent it would visually compete for attention with Mount Hill and distort the authenticity and reading of their individual characters.*

*In light of the above, the Officer is of the opinion that the proposals are contrary to the Statutory and Non-Statutory Framework for this historic built environment and the applications are refused as a consequence of the detrimental harm caused.*

*Therefore, the application is recommended in part for a lack of detailed information.*

*Where it is possible to make an assessment the proposals would not preserve the character or setting of the listed buildings and would have a detrimental effect. Therefore, the proposals are contrary the statutory and non-statutory frameworks for the historic environment and the application is recommended for refusal.”*

## **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 not acceptable.

As such the application is put forward with a recommendation of refusal.

## **RECOMMENDATION – REFUSAL**

### **REASONS FOR REFUSAL**

- 1 In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses, as required by Section 16(2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the County Council finds that the proposed works to the wall and railings and proposed house would have a detrimental effect on the character and setting of the listed buildings.
- 2 The proposed extension is not in keeping with the Welsh Assembly Government’s objective in paragraph 6.1.1 of its policy document ‘Planning Policy Wales’ (January 2016) of ensuring ‘that the character of historic buildings is safeguarded from alterations that would compromise a building’s special architectural and historic interest’ that the proposals would fail to preserve the architectural and historic character of the listed buildings and their settings.
- 3 The proposed works are not in-keeping with the requirements of paragraph 69 of Welsh Officer which states that applicants for listed building consent must be able to justify their proposals. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and its setting. The application lacks detailed information namely; (a) No justification has been provided. (b) The Design and Heritage statement fails to make a thorough assessment of the architectural and historic character and setting of the building and the statutory and non-statutory frameworks for the historic built environment and explain why proposals are the most suitable taking into account those contexts. (c) There is a lack of detailed drawings to make an assessment.
- 4 Paragraph 94 of the Circular states that in judging the effect of any alteration on a listed building it is essential to have assessed the elements that make up the special interest of the building. The harm caused by the proposals shows that there has been

a lack of proper assessment of the elements that make up the listed buildings character and setting.

- 5 Paragraph 95 of the Circular states many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses. Listed buildings do vary greatly in the extent which they can accommodate change without loss of special interest. The proposals are not sensitive and would be detrimental to the character and setting of the listed buildings.
- 6 Paragraph 2 of Annex D to Welsh Office Circular 61/96 states that the foremost principle which guide works to historic building 'conserve as found'. The proposed works do not adhere to the foremost principle and would have a detrimental effect on the character and setting of the listed buildings.
- 7 Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which is usually related to its original or former function, and these, should be respected for alterations or change of use. The proposals do not respect elements which relate to the character and setting of the listed buildings.
- 8 Paragraph 6 of Annex D of the Circular states alterations should be based on a proper understanding of the structure. The proposals which would be detrimental to the character and setting of the listed buildings which illustrates that there is a lack of understanding of the building.
- 9 Appendix to Annex D Paragraph (a) 1 to Welsh Office Circular 61/96 states alterations to wall surfaces are usually the most damaging that happen to the overall appearance of an historic building. Alteration or repairs should respect the existing fabric. The proposed alterations to the wall and railings do not respect the architectural and historic character of the wall or its setting.
- 10 SP13 of the Local Development Plan of the Built and Historic Environment states proposals should preserve or enhance the built and historic environment of the County, it's cultural, townscape and landscape assets and where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.
  - Sites and features of recognised Historical and Cultural Importance;
  - Listed Buildings and their setting;
  - Scheduled Ancient Monuments and other sites of recognised archaeological importance

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

The County Council finds that the proposed works to the wall and railings and the proposed house would have a detrimental effect on the character and setting of the listed buildings.

## **SUMMARY FOR REASONS FOR REFUSAL**

In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses required by the statutory duty under section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority finds that the proposed works to the wall and railings and proposed house would have a detrimental effect on the character and setting of the listed buildings.

**ADDITIONAL ITEM FOR DECISION**

<b>Application No</b>	<b>W/35171</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	ERECTION OF A LOG CABIN ADJACENT TO EXISTING BUILDINGS. FURTHER 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, CARMARTHENSHIRE, SA33 5AY

<b>Applicant(s)</b>	MR DAVID VICKRIDGE, CREIGIAU BACH, LLANGAIN, CARMARTHEN, SA335AY
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Llansteffan
<b>Date of validation</b>	23/02/2017

## APPRAISAL

The application was presented to the Planning Committee on 21st March 2017 where members resolved to approve the application against the recommendation of the Planning Officer. The application is being presented back for Members to confirm the reasons for approval and 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 in accordance with the following approved plans and documents:-
  - 1:1250 scale Location Plan received on 19<sup>th</sup> February 2017;
  - 1:500 scale Block Plan received on 19<sup>th</sup> February 2017;
  - 1:100 scale Proposed Elevations received on 19<sup>th</sup> February 2017;
  - 1:100 scale Proposed Floor Plan and Section A-A received on 23<sup>rd</sup> February 2017.

- 3 The cabin hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
- 4 The parking spaces shall be provided in accordance with the 1:500 scale block plan received on 19th February 2017 prior to the beneficial use of the development. 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.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3 To prevent the unjustified residential development in the open countryside.
- 4 In the interest of highway safety.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- The proposed development complies with SP1 of the adopted Local Development Plan (2014) and TAN23 in that the proposal would provide economic and employment benefits.

## **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.

- 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](http://www.carmarthenshire.gov.uk)).

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Thursday, 9 March 2017

**PRESENT:** Councillor A. Lenny (Chair)

**Councillors:**

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

**The following Officers were in attendance:**

J. Edwards, Development Management Manager;  
 H. Towns, Regional Minerals & Waste Manager;  
 S. Murphy, Senior Solicitor;  
 K. James, Assistant Engineer Planning Liaison;  
 C. Davies, Development Management Officer;  
 R. Davies, Development Management Officer (South);  
 S. Willis, Development Management Officer;  
 M.S. Davies, Democratic Services Officer.

**Chamber, - County Hall - 10.00 am - 12.20 pm**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D.A.B. Davies, T. Davies and M.K. Thomas.

**2. DECLARATIONS OF PERSONAL INTERESTS**

There were no declarations of personal interest.

**3. AREA EAST - DETERMINATION OF PLANNING APPLICATIONS**

**RESOLVED** that consideration of the following planning applications be deferred to enable the Committee to undertake site visits:-

<b>E/33595</b>	<p><b>Conversion of a water storage tank and the plant shed to a holiday let at land at Bryngioallt, Felingwm, Carmarthen, SA32 7PX;</b></p> <p><b>REASON: To enable the Committee to view the site in relation to neighbouring properties.</b></p>
<b>E/34720</b>	<p><b>8 no. semi detached houses within an existing site at land at Maespiode, Llandybie, Ammanford, SA18 3YS.</b></p> <p><b>REASON: To enable the Committee to view the site in relation to the green space and the former, soon to be reopened, care home.</b></p>

**4. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS**

**4.1 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/34486	Change of use of land to form customer vehicular parking area at land off Andrew Street, Llanelli, SA15 3YW;
S/34872	Proposed construction of replacement shower, toilet block and car port at Caravan Site, Llwynifan Farm, Trosserch Road, Llangennech, Llanelli, SA14 8AX;
S/34972	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;
S/35069	Proposed detached dwelling at plot adjoining 1 Penygraig Road, Llwynhendy, Llanelli, Carmarthenshire, SA14 9PA.

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

S/34900	<p>Remove existing flat roof and replace with pitched roof; alteration and renovation of ground floor from three bedroom to two bedroom. New first floor to include two bedrooms, en-suite, bathroom and study at New Lodge, Y Llan, Felinfoel, Llanelli, SA14 8DY;</p> <p><b>REASON:</b> To enable the Committee to view the site in relation to adjacent properties.</p> <p>A representation was received objecting to the proposed development, which re-iterated the points detailed within the Head of Planning's written report, and included the following:-</p> <ul style="list-style-type: none"> <li>• Loss of privacy;</li> <li>• The unacceptable dominance of the structure particularly on the southern elevation.</li> </ul> <p>A representation in response to the issues raised was received on behalf of the applicant. The Development Management Officer also responded further.</p> <p>Following the above representations it was proposed and seconded that the Committee undertake a site visit.</p>
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## **5. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS**

**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:-

W/21986	<p><b>Application for the determination of conditions on an interim development order permission at Maesdulais Quarry, Porthyrhyd, Carmarthenshire;</b></p> <p>[Condition 10(b) to be amended from 0800 hours start to 0730 hours start on weekdays]</p>
W/35024	<p><b>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;</b></p>
W/35078	<p><b>Change of use of existing ground floor front room to beauty treatment room (retrospective) at 43 Heol Rudd, Carmarthen, SA31 1ST.</b></p> <p>[Additional condition related to visibility splays at the access.]</p>

**6. MINUTES**

**RESOLVED** that the minutes of the meetings of the Committee held on the 24<sup>th</sup> January 2017 and 9<sup>th</sup> February 2017 be signed as correct records.

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CHAIR

\_\_\_\_\_  
DATE

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