

# Document Pack



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**WEDNESDAY, 21<sup>ST</sup> JUNE, 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 A.M. ON THURSDAY, 29TH JUNE, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Kevin Thomas</b>
<b>Telephone (direct line):</b>	<b>(01267) 224027</b>
<b>E-Mail:</b>	<b>Democraticservices@carmarthenshire.gov.uk</b>
<b>Ref:</b>	<b>AD016-001</b>

# PLANNING COMMITTEE

## 20 MEMBERS

### PLAID CYMRU GROUP - 10 MEMBERS

1. Councillor Liam Bowen
2. Councillor Mansel Charles Member of Llanegwad Community Council
3. Councillor Tyssul. Evans Member of Llangyndeyrn Community Council
4. Councillor Jeanette Gilasbey Member of Kidwelly Town Council
5. Councillor Ken Howell
6. Councillor Carys Jones
7. Councillor Alun. Lenny (Chair) Member of Carmarthen Town Council
8. Councillor Jean. Lewis
9. Councillor Gareth Thomas.
10. Councillor Eirwyn Williams

### LABOUR GROUP - 6 MEMBERS

1. Councillor Penny Edwards
2. Councillor John James Member of Pembrey & Burry Port Community Council
3. Councillor Dot Jones Member of Llannon Community Council
4. Councillor Ken LLoyd Member of Carmarthen Town Council
5. Councillor Kevin. Madge Member of Cwmamman Town Council
6. Councillor Louvain Roberts

### INDEPENDENT GROUP - 4 MEMBERS

1. Councillor Sue Allen Member of Whitland Town Council
2. Councillor Ieuan Davies
3. Councillor Joseph Davies
4. Councillor Irfon Jones (Vice-Chair) Member of Bronwydd Community Council

NO SUBSTITUTES ARE ALLOWED AT MEETINGS OF THIS COMMITTEE

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2. DECLARATIONS OF PERSONAL INTERESTS.
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5. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS. 113 - 126
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7. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 1ST JUNE, 2017. 135 - 136
8. THE REPORT RELATING TO THE FOLLOWING ITEM IS NOT FOR PUBLICATION AS IT CONTAINS EXEMPT INFORMATION AS DEFINED IN PARAGRAPHS 12, 13, 17 AND 18 OF PART 1 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) (WALES) ORDER 2007. IF FOLLOWING THE APPLICATION OF THE PUBLIC INTEREST TEST THE COMMITTEE RESOLVES PURSUANT TO THE ACT TO CONSIDER THIS ITEM IN PRIVATE, THE PUBLIC WILL BE EXCLUDED FROM THE MEETING DURING SUCH CONSIDERATION.
9. PLANNING ENFORCEMENT AND MONITORING ENFORCEMENT CASES. 137 - 220

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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 29/06/2017  
ON 29/06/2017**

**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>29 JUNE 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/34887</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	RUN OF RIVER HYDRO ELECTRIC STATION COMPRISING OF AN INTAKE, BURIED PIPELINE, POWER HOUSE BUILDING AND OUTFALL AT YSTRADFFIN HYDROPOWER PROJECT, RHANDIRMWYN, LLANDOVERY

<b>Applicant(s)</b>	HYDRO ELECTRIC DEVELOPMENT LTD, EWAN CAMPBELL-LENDRUM, WELLINGTON HOUSE, 273-275 HIGH STREET, LONDON COLNEY, HERTFORDSHIRE, AL2 1HA
<b>Agent</b>	ELLERGREEN HYDRO LTD - ADAM CROPPER, POD 3, AVON HOUSE, 19 STANWELL ROAD, PENARTH, GLAMORGAN, CF64 2EZ
<b>Case Officer</b>	Kevin Phillips
<b>Ward</b>	Llandovery
<b>Date of validation</b>	21/12/2016

## CONSULTATIONS

**Local Member** - The previous County Councillor I Jackson did not comment on the application.

**Llanfair Ar y Bryn Community Council** - No comments received to date.

**Dwr Cymru/Welsh Water** - The proposal lies within a drinking water catchment which has a major abstraction point downstream of the proposed development. The application as it presently stands contains no evaluation of the proposal's likely impact upon the quality of water abstracted. DCWW is concerned that there could be significant effects during the construction phase and subsequent operation and maintenance of the turbines and their associated structures. DCWW is also mindful of the objectives of the European Water Framework Directive Article 7 which promotes a prevention lead approach to deliver compliant potable water and can see no evidence that the proposal takes account of this aspect of the directive.

Unless it can be demonstrated that any risks to the maintenance of the existing water quality have been assessed, and measures for any necessary mitigation identified can be implemented, DCWW raise objection to the proposal.

DCWW further notes that the location for the abstraction of water to power turbines and its subsequent discharge to the river lie upstream and downstream of their river gauging station. The proposal would therefore adversely affect their ability to record and accurately regulate the river's flows. Consequentially there would be a risk to our ability to maintain compliance with the requirements of our abstraction licences and the Section 20 operating agreement for the Tywi.

**Dyfed Archaeological Trust** - A Desk-based Assessment of the historic environment has been prepared by AMEC and included as Appendix 7 of the Environment Statement (October 2015) undertaken by Ellergreen Hydro, on behalf of Hydro Electric Development Ltd. DAT are satisfied that this adequately assesses the potential impact of the development proposals on the historic environment and concur with the recommended mitigation.

**Public Rights of Way Officer** - No observations to make on the application.

**Streetworks and Highways Adoptions Manager** - The applicant will be required to apply for a section 50 licence to lay apparatus in or across the highway.

**Head of Public Protection** - Any approval shall be subject of 3 conditions in relation to the control of noise at the site.

**Head of Transport** - No observations. Advice is given in relation to the requirement to apply for a Section 278 Agreement of the Highways Act 1980 for any amendments or alterations of an existing public highway in connection with a new development.

**Flood Defence Manager** - No comments received to date.

**Ceredigion County Council** - No comments received to date.

**Neighbours/Public** - A Site Notice has been posted and a Press Notice and 4 letters of support and 15 letters of objection have been received to date drawing attention to the following concerns:

- Concern regarding the impact of the proposal on the fish and fishing in the river Towy
- The benefit derived from the proposal is far out-weighed by the damage to the river
- The proposal will be visually harmful to the landscape.
- The proposal will be unacceptable harmful to the biodiversity of the locality
- The proposal will not result in any significant employment benefit.
- The diversion of water into the intake will be harmful to the beauty of the cascade at junction pool.
- The proposal will have a negative impact upon the Special Area of Conservation (SAC) or Site of Special Scientific Interest (SSSSI), especially bryophyte flora
- There is concern regarding noise impacting upon the living condition of local residents

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history.

## **APPRAISAL**

### **THE SITE**

The application site is an area of the upper reaches of the river Tywi, above Gwernffrwd Dinas RSPB nature reserve where the water intake for the scheme is proposed with the 2.3 kilometres of the pipe carrying the water running across in a south easterly direction towards the unclassified 4174 road, approximately 440 metres away. The pipe then runs in a south westerly direction along the length of the highway within Ystradffin farm land for approximately 1.6 kilometres, where the pipe then crosses the highway at a narrow section of the road and drops into an area of land adjacent to the river where the powerhouse and turbine will be located. The outfall from the powerhouse then discharges the water to enter the river.

The site is within the Tywi Valley Special Landscape Area and the upper section of the scheme which includes the intake weir and the Syphon Pump Chamber, and approximately 130 metres of the pipe is within the Elenydd-Mallaen Special Protection Area (SPA) and Cwm Doethie-Mynydd Mallaen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

### **THE PROPOSAL**

The proposal is to construct a hydroelectric scheme on the river Tywi watercourse near Rhandirmwyn, Llandovery. The proposed scheme will be run-of-river and will be designed with an approximate installed capacity of 1800kW. It will feature the following infrastructure:

- An intake structure on the river Tywi
- A powerhouse containing the turbine, generator and associated equipment.
- A buried pipeline (1.8 metres-2.2 metres diameter, buried between 2.7 and 6.1 meters in depth below existing ground level) connecting the intake to the powerhouse.
- An open tailrace channel and screened discharge structure.
- Access track to the powerhouse
- Buried power line linking the powerhouse to the local electricity distribution network

During the course of construction work, the proposal involves the creation of a materials compound (80 metres x 80 metres) in an agricultural field approximately 150 metres to the north-west above the car park at the Gwernffrwd Dinas RSPB nature reserve. In addition, soil and excavated materials will be stored at an area of land 100 metres x 35 metres adjacent to Ystradffin farm, Rhandirmwyn.

A scoping study was undertaken to identify key issues associated with the proposed hydro scheme to define the scope of this Environmental Statement (ES) and the parameters that would require further investigation. A scoping report was produced and the exercise identified the reports that shall support the ES. The planning application has received the following reports in support of the ES:

- Public Consultation
- Landscape Amenity
- Scoping Reports

- Tywi Fish Report
- Tree Report
- Historic Environment Report
- Assessment of Effects on Tywi Valley Historic Landscape
- Habitat Report
- Woodland National Vegetation Classification Survey
- Vegetation Survey and Bryophyte Assessment
- Breeding Bird Survey and Raptor Habitat Suitability survey
- Badger Survey
- Water Framework Directive Assessment
- Assessment of Potential Effects on Fish
- Bat Survey
- Hydropower Project- Intake Location Rationale and Photomontage
- Revised Bryophyte Survey
- Newton - Bryophytes and the potential HEP scheme on the Afon Tywi
- Amec - Assessment on the relationship between flow and relative humidity
- Amec - Assessment of Potential Impact of HEP on Bryophytes in Upper Tywi
- Design, Access and Construction Method Statement
- Habitat Management Plan
- Revised Flood Risk Assessment
- Otter Mitigation Strategy
- Ystradffin Hydro Intake Photomontage

The above reports have been the principal instruments to communicate the detail of the application and for environment information to be relayed in the consultation exercise to enable the Local Planning Authority to determine the proposed development.

## **PLANNING POLICIES**

In the context of the current development control policy framework the site is located within a rural location the following policies of Carmarthenshire Local Development Plan (December 2014) are of relevance to the proposal.

Policy SP1 is a strategic policy that promotes support for development that reflects sustainable development and design principles.

Policy SP2 is a strategic policy that supports development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change.

Policy SP11 is a strategic policy that promotes the support for proposals which incorporate energy efficiency measures and renewable energy production technologies and will not cause demonstrable harm to residential amenity and will be acceptable within the landscape

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 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 RE3 requires that proposals for large scale schemes located outside of defined development limits may be permitted in exceptional circumstances, where there is an overriding need for the scheme which can be satisfactorily justified, and the development will not cause demonstrable harm to the landscape. Proposals that would cause demonstrable harm to the landscape, visual impact, noise, ecology, or ground and surface water as a result of the cumulative effect of renewable energy installations will not be permitted.

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.

Planning Policy Wales (Edition 9) (PPW) is relevant as it describes the planning system in Wales and its principal procedures, sets out the main policy objectives and principles which underpin the remaining chapters which deal with particular subjects, a statement of the Welsh Government's objectives for that subject and these chapters also contain sections on how the subject should be treated in development plans and for development management purposes.

Welsh Government Technical Advice Notes are also to be read along with the PPW guidance, specifically TAN 5 - Nature Conservation and Planning, TAN8 - Renewable Energy, TAN12 - Design, TAN15 - Development and Flood risk, TAN23 – Economic Development.

Welsh Government published a Practice Guidance Note: Planning Implications of renewable and Low Carbon Energy (February 2011)

The Welsh Office Circular 11/99: Environmental Impact Assessment (Welsh Office, 1999) provides guidance for development in environmentally sensitive locations. The Circular defines that SSSI and international conservation sites are likely to result in significant impacts and is likely to be a primary reason for full Environmental Impact Assessment (EIA) under The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). The EIA submitted is an iterative process which requires a full understanding of environmental effects arising from the development to inform the significance of potential effects as well as prescription of measures that avoid, mitigate and compensate for these effects.

### **THIRD PARTY REPRESENTATIONS**

Fifteen letters of objection have been received from neighbouring properties drawing attention to various issues. The issues are addressed herewith:

#### **Concern regarding the impact of the proposal on the fish and fishing in the river Towy**

This site has been the subject of an artificial flow regime for over 30 years and the developer are proposing and are now mandated by the abstraction licence to maintain the operative aspects of the flows, including during the spawning, post spawning and smolt periods. The application has received a detailed consideration by NRW, in which a favourable response to the application and the EIA Reports was received.

#### **The damage to the river is far out-weighed by benefit derived from the proposal**

Following detailed consultation of statutory bodies and internal experts, the scheme has not received any objection. Support has been given subject to the application of appropriate conditions, which when adhered to will result in a hydroelectric scheme that will produce green energy to the benefit of all concerned.

#### **The proposal will be visually harmful to the landscape**

The scheme has been designed to ensure the end result will not have any significant harm to the visual amenity of the locality with only the intake weir and powerhouse being visible, however it is considered that they have been designed to blend into the landscape appropriately.

#### **The proposal will be unacceptable harmful to the biodiversity of the locality**

The proposal has received a favourable response to consultation from the Authority's planning ecologist and NRW and it is considered that the scheme will not have unacceptable harm to the biodiversity of the locality subject to the appropriate adherence to approved plans and planning conditions.

**The proposal will not result in any significant employment benefit.**

The scheme initial significant employment input in terms of the construction aspects, but has limited employment benefits following its completion. However the main thrust of the project is to provide green energy for many years and this is supported.

**The diversion of water into the intake will be harmful to the beauty of the cascade at junction pool.**

The impact of the water intake has been assessed by NRW and the water taken from the river has not been determined to be significant enough to detriment the cascade of the junction pool.

**The proposal will have a negative impact upon the Special Area of Conservation (SAC) or Site of Special Scientific Interest (SSSI), especially bryophyte flora**

The Authority's Planning Ecologist and NRW have conveyed that they are supportive of the proposed scheme, subject to the application of conditions. There has been detailed discussion between NRW and the RSPB regarding the impact of the proposed scheme on the bryophytes in the site of the intake weir. NRW remains of their opinion that the bryophyte survey that they relied upon to be sufficiently informative to allow them to base their decision to support the scheme. NRW are satisfied that their decisions in relation to the above proposal has been based upon the best available evidence, informed by the experience of their non-vascular Plant Ecologist.

**There is concern regarding noise impacting upon the living condition of local residents**

The nearest noise sensitive property is a farm dwelling at Gallt-y-Bere which is approximately 330 metres to the north-west from the powerhouse, with the campsite at an equal distance to the west, across the river Towy. The Head of Public Protection has been consulted and the response to consultation conveys that any permission shall include conditions that require a scheme for the control of noise to be submitted and approved for the site.

**CONCLUSION**

The application is a major renewable energy scheme along the upper reaches of the river Towy approximately 1.3 kilometres below Llyn Brienne in an attractive area of the Welsh countryside. The proposal has required an Environmental Impact Assessment, with detailed reports submitted to inform in detail the substance of the scheme. The initial submission of the HEP scheme resulted in an objection raised by NRW because the ponded area above the Intake weir impacted upon the ancient woodland up stream for approximately 200 metres and as a result in a revised scheme which utilises an alternative syphon chamber intake method resulted in the ponded area up stream being reduced to 35 metres which is now supported by NRW.

The application resulted in consultation with numerous external consultees whose responses are relayed above in the consultation sections and below in terms of internal consultees.

The Authority's Arboriculture Officer has conveyed following the assessment of the submitted tree report that the site Arborist is required to submit the Arboricultural Site Monitoring Report when the protective fencing has been installed and provide photographic evidence. A condition will be attached to ensure that this is undertaken.

The Forward Planning Manager conveys the relevant policies and Welsh Government guidance to consider in the determination of the application.

The Authority's Conservation Officer has been consulted on the application and no objections have been received in relation to the proposal.

The Authority's Minerals Officer as a result of consultation, requested further information in relation to the access track, soil management, engineering works, surplus material, restoration and dust management. Following the receipt of additional information, the response answered some of the concerns, however further information and clarification on the proposal is required. Information on soil management is required, how will soils on site be stripped, managed and stored and the subsequent restoration of soils; how the access track and compounds will be stripped of soils, constructed, managed and restored. Further clarification is required on the disposal of the additional gravel used on the access track, and clarification of dust management is required. Therefore, it is proposed to apply conditions to any permission that the required information is provided and approved prior to the commencement of the work on the site.

Dwr Cymru/Welsh Water raise concern regarding water extraction from the river Tywi which is conveyed in the Consultations section above. The Abstraction Licence obtained conditions the measuring of water flows specifically to ensure no risk to all parties including NRW and Welsh Water to the accuracy of the gauging station and to the data of flows in the watercourse. The Abstraction Licence also conditions that the water quality passing downstream of the abstraction will remain unchanged at all times and also extensive evaluation examining water quality has been done during the NRW licencing work.

The in river works consents further covers the issue of preventing any risk to water quality. This consent has to be applied for and achieved before any works commence at the watercourse. These consents are always done after projects have obtained planning permission and the developer will be starting the work with a civils contractor on these consents once the planning permission is in place.

The proposed development has received significant consultation input, which during the pre-registration stage resulted in objections from NRW as the proposal would have significant harm to the ancient woodland and riparian ecosystem upstream from the weir. However, with the revised syphon scheme, the responses to consultation have been favourable and the principal consultee, NRW are satisfied with the proposal, subject to the scheme's adherence to the approved plans and conditions applied. There has been a number of objections from fishery associations and other members of public which have been addressed above, and again it is reiterated that following an expansive consultation period from November 2015 until the present, NRW are supportive of this scheme and commit that it shall not harm the existing ecological value of the river Tywi.

It is appreciated that the scheme will involve significant excavation and construction work in order to provide the HEP scheme, however it is considered that the appropriate



application and management of the project will result in a significant project that will enhance the aim of renewable energy supply for the country.

In light of the above appraisal, it is considered that on balance the proposed development accords with the relevant policies as contained in the LDP, and as such the proposal 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 in accordance with them unless amended by any conditions below;
  - Key Plans x 2 - 1:5000 scale, received 13 September 2016
  - Layout Plans - 1:1000 scale (Rev F)(F-080916-AJF), received 7 November 2016
  - Amended Syphon Chamber Elevations and Sections 1:1000 scale, received 13 September 2016
  - Intake Plans and Sections (D-250716-ARC) 1:500 Scale @ A3 (1 of 3), received 7 November 2016
  - Intake Plans and Sections (D-250716-ARC) 1:200 Scale @ A3 (2 of 3), received 7 November 2016
  - Intake Plans and Sections (D-250716-ARC) 1:200 Scale @ A3 (3 of 3), received 7 November 2016
  - Powerhouse Elevations (13) 1:100 scale, received 28 November 2015
  - 1:500 scale spoil storage plans and 1:100 scale pipe excavation plans, received 14 June 2017
- 3 Notwithstanding the details approved in Condition 2 above, the requirements as set out in Sections 3.2.1, 3.2.2 and 3.3.1 of the Otter Mitigation Strategy (March 2017) shall be adhered to and any additional survey reports submitted to the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
- 4 Notwithstanding the details approved in Condition 2 above, the works shall be implemented in accordance with Section 3.3.2, Section 3.3.3 and Section 3.4 (Otter Holt Construction), along with Sections 3.5, 3.6 and 3.8 of the Otter Mitigation Strategy (March 2017), unless otherwise amended by Condition 3 above.
- 5 Notwithstanding the details approved in Condition 2 above, all Habitat Management Measures, Good Practice Working Measures and Long Term Monitoring Plans are implemented and delivered as set out in the; '*Ystradffin Hydro Scheme: Habitat Management Plan (Version No. 3)*' document, by Environment Systems Ltd(March 2017).

- 6 Notwithstanding the details approved in Condition 2 above, the dust suppression recommendations and dust management plan specified within paragraph 8.5.11 of the Environmental Statement shall be implemented whilst construction works are taking place.
- 7 The rating level of the noise emitted from the proposed development as a whole shall not exceed the existing 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 Methods for rating and assessing industrial and commercial sound.
- 8 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 7 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 7 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in Condition 7. The development shall then be undertaken in accordance with the approved details.
- 9 Prior to the commencement of the development, a scheme for the control of noise shall be submitted to and approved by the Local Planning Authority. The scheme shall comply with the guidance found in the BS5228: Noise Vibration and Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.
- 10 No development shall commence until a scheme and programme of measures for the stripping, handling, storage and restoration of soils have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11 No development shall commence until a scheme and programme of measures for the suppression of dust, have been submitted to and approved by the Local Planning Authority. The scheme shall include inter alia:
  - The suppression of dust caused by the moving and storage of soil, stone and other materials within the site;
  - Dust suppression on haul roads, including speed limits;
  - Provision for monitoring and review of the scheme.
  - The development shall be carried out in accordance with the approved details.
- 12 Prior to the commencement of the development hereby approved, an Arboricultural Site Monitoring Report which indicates the protective fencing for trees identified in the Rob March Woodland Services Report, dated 6 September 2016 shall be submitted to and approved by the Local Planning Authority. The works shall be undertaken in accordance with the subsequent recommendations.

- 13 Notwithstanding the details approved above, the development shall be carried out strictly in accordance with part 10 of the application form.

## **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 In the interest of protecting wildlife.
- 6-9 In the interest of protecting the amenities of the locality.
- 10 To prevent loss or damage of soil or mixing of topsoil with subsoil, or mixing of dissimilar soil types, highway safety and the visual amenity of the locality.
- 11 In the interest of protecting the amenities of the locality.
- 12 In the interest of protecting the local biodiversity.
- 13 In the interest of protecting 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 RE3 of the Carmarthenshire Local Development Plan as it does not cause demonstrable harm to the surrounding landscape, visual impact, noise, ecology, or ground and surface water, and it has been justified as that the need for the renewable energy scheme is appropriate at this particular location.
- The proposed development adheres to the requirements of policy SP1 of the Carmarthenshire Local Development Plan which promotes support for development that reflects sustainable development and design principles.
- The proposed development adheres to the requirements of policy SP2 of the Carmarthenshire Local Development Plan which supports development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change.
- The proposed development adheres to the requirements of policy SP11 of the Carmarthenshire Local Development Plan that promotes the support for proposals which incorporate energy efficiency measures and renewable energy production technologies and will not cause demonstrable harm to residential amenity and will be acceptable within the landscape

- The proposed development adheres to the requirements of policy SP14 of the Carmarthenshire Local Development Plan in that the development reflects the need to protect and wherever possible enhance the County's natural environment and has been considered in accordance with national guidance/legislation and the policies and proposals of this plan
- The proposed development adheres to the requirements of policy GP1 of the Carmarthenshire Local Development Plan 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
- The proposed development adheres to the requirements of policy EQ4 of the Carmarthenshire Local Development Plan in that the proposal will not 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. It has been 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 in that the proposed development through its design, appearance and landscape schemes, within the Special Landscape Areas has ensured that the design of the scheme is sensitive enough to ensure that the scheme makes a positive contribution to the landscape. The proposal has shown that it will not have an unacceptable impact on their specific distinctive features or characteristics of the SLA.
- The proposed development adheres to the requirements of policy EP1 of the Carmarthenshire Local Development Plan in that it does 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 in that it seeks 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.

## 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 It is advised that the applicant applies for and is in receipt of a European Protected species licence from Natural Resources Wales under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010, before any works on site commence that may impact upon otter.
- 3 The applicant/agent's attention is drawn to the content of Natural Resources Wales' comments in their response to consultation dated 22 March 2017 attached to this permission.
- 4 The applicant/agent's attention is drawn to the requirement to apply for a S50 Licence to lay apparatus in or across the highway and the development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement and the developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical work on site, shall be met by him.
- 5 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.

<b>Application No</b>	<b>E/35019</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CAMPING SITE & PARKING, ACCESS & FACILITIES BLOCK AT TIRBACH, HOREB TO BRECHFA, BRECHFA, CARMARTHEN, SA32 7RA

<b>Applicant(s)</b>	STEVENSON, TIRBACH, BRECHFA, CARMARTHEN, SA32 7RA
<b>Agent</b>	DAVIES RICHARDS DESIGN LTD - GARETH RICHARDS, 42 RHOSMAEN STREET, LLANDEILO, CARMS, SA19 6HD
<b>Case Officer</b>	Ceri Davies
<b>Ward</b>	Llanegwad
<b>Date of validation</b>	25/01/2017

## CONSULTATIONS

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

**Llanegwad Community Council** – Supports the application subject to the extending of the 30mph speed limit to the west of the new entrance.

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

**Neighbours/Public** - The application has been publicised by the posting of a Site Notice; thirteen objections have been received to date. The issues of objection raised are as follows;

- Access/Visibility Splays/Highway safety
- Traffic generation
- Inadequate pedestrian route
- Detrimental impact on the village
- Noise pollution
- Loss of view
- Precedent for expansion and/or similar developments
- Proposed shop

## RELEVANT PLANNING HISTORY

There is no relevant site history.

## **APPRAISAL**

The application site consists of two field enclosures forming part of a small holding known as Tirbach, which lies 300m south-west of the village of Brechfa. The said fields lie on the northern flank of the B4310 road and immediately adjacent to the small complex of buildings associated with Tirbach. The river Pib lies to the north of the application site, whilst there is a small cluster of dwellings, to the south of the B4310. Tirbach is currently accessed by a drive that emerges onto the B4310.

## **THE PROPOSAL**

Full planning permission is sought for the proposed use of the agricultural field to a camping site with associated parking, access and facilities block. The proposal will involve the introduction of 8 glamping tents onto the site; as part of the proposal, a new access from the B4310 will be formed. The glamping tents will consist of 2 different variations, referred to as Safari tents and Tipis. The facilities block will be of timber construction, measuring 14.4 metres x 4.0 metres and will consist of an information & reception area, toilets, shower and wash rooms; along with a bike storage facility.

As part of the proposal, owing to the limitations and restrictive nature of the existing drive serving Tirbach, it is intended to form a new vehicular access to serve the proposed campsite and Tirbach itself; the existing access will be permanently stopped up. A Transport Statement, prepared by Acstro Ltd, has been submitted in support of this application.

## **PLANNING POLICIES**

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

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

This policy states that proposals for development will be supported where they reflect sustainable development and design principles and refers to a number of examples including distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements; respecting, reflecting and, wherever possible, enhancing local character and distinctiveness; creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice; promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling; utilising sustainable construction methods where feasible; improving social and economic wellbeing; and 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.**

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**

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

Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

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

## **Policy TSM2 Touring Caravan and Tent Sites**

This states that proposals for new touring caravan and/or tent sites, and for extensions/improvements to an existing site, will be permitted where it is directly related to an identified Growth Area, Service Centre, Local Service Centre or a Sustainable Community which exhibit appropriate services and facilities, it will not have an unacceptable adverse effect upon (and where appropriate enhances) the surrounding landscape and townscape, it will provide (where appropriate) for the significant improvement of the overall quality, appearance and setting of the site and the site will not result in an over concentration of sites within the area.

It goes on to state that proposals which include a need for ancillary structures should demonstrate that a sequential approach has been considered commencing with the re-use of existing buildings, followed by the need to construct new buildings. New buildings will only be permitted where they are appropriate in terms of their siting, need and scale.



Proposals for the conversion of an existing touring caravan and/or tent site to a static caravan and/or chalet site will not be permitted unless it accords with Policy TSM1

### **Policy TSM3 Small Scale Tourism Development in the Open Countryside**

This states that proposals for small scale attractions/facilities in the open countryside; including appropriate extensions to existing facilities, will be approved where there is no suitable site available within the Development Limits of any nearby defined settlement, the site is directly related to a defined settlement, the countryside location is essential and the proposal is highly dependent on the attributes of the site, the proposal includes a supporting statement demonstrating a clear and justifiable need for the development to be located at that given location, where appropriate, the development will increase the vitality, sustainability and environmental quality of the site and there will be no adverse effects on the surrounding landscape/townscape or the setting and integrity of the historic environment.

Proposals which include a need for ancillary structures should demonstrate that a sequential approach has been considered commencing with the re-use of existing buildings, followed by the need to construct new buildings. New buildings will only be permitted where they are appropriate in terms of their siting, need and scale.

### **THIRD PARTY REPRESENTATIONS**

Thirteen letters of objection have been received from local residents and the material issues of objection are as follows:-

- Access/Visibility Splays/Highway safety
- Traffic generation
- Inadequate pedestrian route
- Detrimental impact on the village
- Noise pollution

The objections listed below are not deemed material planning considerations for the purposes of this application:-

- Loss of view
- Precedent for expansion and/or similar developments
- Proposed shop

Of the material objections received from local residents, the issues of objection shall be addressed herewith:

#### **Detrimental impact on the village of Brechfa**

It is considered that the proposal will not lead to any adverse impact on the village of Brechfa. Initial concerns regarding a proposed shop being created as part of the development are not sustainable as there is no retail element associated with this proposal.

Whilst the application site is in close proximity and within easy walking distance of the village of Brechfa, it will not be readily visible from the village itself by virtue of its distance and the presence of mature trees/hedgerows which act as a natural screen. It is

considered the proposal will not have an unacceptable adverse effect upon the surrounding landscape and will have little impact on the village itself as it's a low-key form of development and the associated ancillary structures lie immediately adjacent to the existing complex of buildings associated with Tirbach. If anything, the development will lead to a potential increase in trade and business for the public house/restaurant and local shop in the village, hence is considered will make a positive contribution to the village of Brechfa.

### **Concern regarding potential noise pollution**

It is not perceived that the provision of a campsite at this location will lead to any unacceptable noise nuisance for any nearby residents; although any issues relating to the potential noise nuisance shall be a matter for the Head of Public Protection, as one of the respondents raises the potential for noise disturbance it has subsequently been considered prudent to formally consult with the Head of Public protection whose response is awaited.

### **Pedestrian/Highway safety concerns**

The most contentious issue has been the concerns raised by local residents in relation to fears over highway and pedestrian safety. Residents cite the lack of a pedestrian footpath into the village to be a major highway safety concern; furthermore they deem the proposed access to be unacceptable owing to the speed of vehicles travelling along the B4310, coupled with the perceived lack of visibility splays associated with the proposed new access.

With regard to the initial submission, the Head of Transport advised that there was no objection to the proposal in principle, however concerns were expressed with regard to the safety of pedestrians walking to/from the campsite into the village. The Head of Transport acknowledged that the Transport Statement highlights how the proposed development is within walking distance of the centre of the village, Brechfa, despite the lack of safe pedestrian facilities along the B4310.

The Head of Transport however did express concern at the 155m stretch of highway from the proposed new access to the 30mph zone to the East and advised that given that this particular stretch of highway is within a national 60mph zone that includes a blind bend, approaching 'Brechfa House', a safe pedestrian access into the centre of Brechfa village would be required to serve the proposed development. Whilst the Head of Transport advised that considerations and proposals for going to the village centre are welcomed, without this pedestrian provision, the proposal was considered unacceptable in terms of satisfying Policy TR3 of the LDP. For that purpose the Authority advised the agent/applicant that consideration should be given to the provision of a footpath from the site to the eastern field gate, which in turn would have to be stopped up to vehicular access and re-allocated as a pedestrian access.

In view of the Head of Transport's initial observations, the Highway consultant acting on behalf of the agent/applicant has since amended the original plans to incorporate a pedestrian footpath within the site that will allow walkers to access to and from the highway at the eastern gate. In addressing the concerns raised by the Head of Transport, the said consultant has advised that the pedestrian link will allow walkers to access/exit the site at its eastern corner, pedestrians walking from the site to the village would emerge onto the highway some 90m from the 30mph speed limit signs and from this point to the village centre there is street lighting. The walk to the centre of the village is approximately

450m along the highway (equivalent to a 5 minute walk). The consultant acknowledges that there are no segregated footways along this section of road as is common in many rural villages. Despite the limited provision of segregated footways in the village the consultant highlights the fact that there is no history of there being pedestrians injured along this stretch in at least the last 5 years.

The consultant deems that with a development of this scale it's clearly not feasible to deliver segregated footways along this entire section of highway and it would not be justifiable to expect the applicant to do so. However, in addressing the concerns of the Head of Transport it has been suggested, as part of the development, '*Pedestrians in the Road Ahead*' (Dia 544.1) signs are erected to the south of the site to warn drivers of the possible presence of pedestrians in the carriageway. This, the consultant considers is a reasonable and appropriate mitigation measure for the scale of the development.

The Head of Transport acknowledges that the amended plan shows safe pedestrian facilities within the site and to the boundary with the public highway. With regard to provision of a safe pedestrian route from the site to the village of Brechfa and beyond the Head of Transport has recommended that a Traffic Regulation Order and measures necessary to extend the 30mph speed limit approximately 370m west of its current location is implemented at this 60mph statutory speed limited location.

With regard to the concerns raised in relation to pedestrian and highways safety, Members are advised that the proposed pedestrian route, new vehicular access point and associated visibility splays have been subject of considerable scrutiny by the Head of Transport who, it is acknowledged, expressed concerns at the initial proposal forming part of this submission. The Head of Transport has now provided formal confirmation that the initial concerns have been adequately addressed and the proposal is now acceptable from a highway safety perspective subject to the imposition of suitable conditions ensuring the aforementioned mitigation measures are implemented. It is accepted that the development by its very nature will lead to an increase in both pedestrian and vehicular movements at this location however on balance it is considered that the adjacent highway along with the proposed new access and pedestrian provision can accommodate the additional pedestrian/vehicular traffic growth.

The initial concerns over highway safety have been addressed, hence it is considered the highway objection from third parties cannot be sustained in this instance.

## **CONCLUSION**

The proposed camping use at this location is deemed acceptable; whilst not immediately adjacent to the village settlement, the site will be sited in close proximity and as already highlighted easy walking distance to the village.

The Local Development Plan (LDP) is based on a sustainable settlement basis where the aim is to locate development in accordance with this sustainable framework distributing development to sustainable locations. This proposal fits with this principle, as a tourism scheme in close proximity to the settlement of Brechfa.

There is a need to balance the economic benefits of development against any harm it may cause. Planning Policy Wales and various Technical Advice Notes make reference to such considerations. However as stated above this is not an unique form of development and it is one that could be repeated elsewhere. However, the repetition of such proposals may

lead to excessive sporadic developments where the LDP aims to follow a sustainable framework. It is considered that the business would bring benefits to the locality and there is a need to consider whether these outweigh the harm.

Whilst the campsite will be visible from the adjacent public highway as you travel northwards along the B4310, the site is largely screened when viewed from the village centre due to mature vegetation along the perimeter of the field enclosures associated with Tirbach. When the trees and hedgerows along the boundaries of the site are in leaf, the site is well screened and will not be as conspicuous, hence it is considered the proposal will not be harmful to the visual amenity of the wider area.

The Authority is satisfied that the proposal for a new tent site at this location accords with the relevant local plan policy in that the site is directly related to a Sustainable Community which exhibits appropriate services and facilities; it will not have an unacceptable adverse effect upon the surrounding landscape and townscape; it will not result in an over concentration of sites within the area. The new ancillary building proposed has been carefully sited to avoid any visual discord at this location and is deemed acceptable in terms of need and scale.

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 and accords with policy. In light of the above, this application is put forward with a recommendation for approval.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The above approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below:
  - Proposed Location Plan [Ref:1467-03] - 1:1250 scale, received on 2 December 2016
  - Proposed Site Plan [Ref:1467-01] – 1:500 scale, received on 2 December 2016
  - Proposed Facilities Block Floor Plans & Elevations [Ref:1467-02R] – 1:25 and 1:50 scale, received on 8 March 2017
  - Proposed Access Plan [Ref:1009-002B] – 1:250 and 1:500 scale, received on 8 March 2017
- 3 The tents hereby permitted shall be used as holiday units and for no other purpose (including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

- 4 No person shall occupy the tents hereby permitted for a continuous period of more than 28 days in any calendar year and they shall not be re-occupied by the same person(s) within 28 days following the end of that period. An up to date register of the names of all occupiers, including their main home addresses shall be maintained and the information made available upon request for inspection by the Local Planning Authority.
- 5 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with at least 10.0 metre kerbed radii at the junction with the B4310 road.
- 6 Any access gates shall be set back a minimum distance of 12.0 metres behind the edge of the carriageway, and shall open inwards into the site only.
- 7 The existing means of vehicular access into the site off the B4310 road 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.
- 8 There shall at no time be any other means of vehicular access to the development from the B4310 Road.
- 9 There shall at no time be any other means of pedestrian access to the development from the B4310 Road.
- 10 The gradient of the vehicular access serving the development shall not exceed 1 in 20 for the first 15.0 metres from the edge of the carriageway.
- 11 **To the north-east side of the vehicular access:**  
Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 43 metres shall be formed and thereafter retained in perpetuity, to the north-east side of the centre line of the access road in relation to the nearer edge of carriageway.
- 12 **To the south-west side of the vehicular access:**  
Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 53 metres shall be formed and thereafter retained in perpetuity, to the south-west side of the centre line of the access road in relation to the nearer edge of carriageway.
- 13 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.
- 14 The new vehicular access shall be hard surfaced for a minimum distance of 12.0 metres behind the near edge of highway, in materials which shall be subject to the

prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.

- 15 Prior to occupation of any part of the development herewith approved, the footpath link shall be provided to the B4310 Road, to the written approval of the Local Planning Authority.
- 16 No development shall take place until a detailed Traffic Management Plan to extend the 30mph statutory speed limit west of the proposed vehicular access is submitted for the written approval of the Local Planning Authority and the specification of the Local Highway Authority and thereafter implemented in full and as agreed.
- 17 There shall be no more than eight (8) tent pitches, which shall be available between the months of April to October inclusive in any calendar year.
- 18 The existing hedge/hedgerow(s) and associated hedge line trees within the boundaries of the application site shall be retained in perpetuity. The existing hedge/hedgerow(s) shall be maintained at a minimum height of 2.5 metres. A method statement detailing any proposals for laying or coppicing the defined hedge/hedgerow(s) shall be approved in writing by the local planning authority prior to implementation. Hedge line trees shall be managed as individual specimens to maturity.
- 19 Any existing hedge/hedgerow(s), or part thereof, which 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 existing hedge/hedgerow(s) in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification, unless otherwise agreed 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 In the interest of visual amenity.
- 3-4 To ensure the proposed development adheres to the requirements of Policy TRS3 of the Carmarthenshire Unitary Development Plan in relation to holiday use.
- 5-16 In the interest of highway safety.
- 17-19 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 complies with Policy GP1 of the Carmarthenshire LDP in that it is an appropriate form of development that is acceptable to the character of the area.
- The proposed development complies with Policy TSM2 of the Carmarthenshire LDP in that the tourist tents adhere to the general criteria specified in relation to scale, impact upon the surrounding landscape, the traffic would not increase significantly, there would be no significant amenity concerns as a result and there would not be a significant negative impact upon the environmental quality, landscape character, ecological value and biodiversity.

## 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 No further development should be allowed at the site until improved pedestrian facilities between the site and the village of Brechfa have been provided.
- 3 Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement and the developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical works on site, shall be met by him.
- 4 It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.
- 5 Developers shall take positive measures to prevent surface water ingress to this site from the adjacent highway.
- 6 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



<b>Application No</b>	<b>E/35434</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	SECOND STOREY EXTENSION ABOVE EXISTING GROUND FLOOR REAR EXTENSION AT 3 CAEFFYNNON, LLANDYBIE, AMMANFORD, SA18 2TH

<b>Applicant(s)</b>	ENGLAND & MAINWARING, 3 CAEFFYNNON, LLANDYBIE, AMMANFORD, SA18 2TH
<b>Agent</b>	DAVIES RICHARDS DESIGN LTD - GARETH RICHARDS, 42 RHOSMAEN STREET, LLANDEILO, SA19 6HD
<b>Case Officer</b>	Andrew Francis
<b>Ward</b>	Llandybie
<b>Date of validation</b>	24/04/2017

## **CONSULTATIONS**

**Llandybie Community Council** – No objections to the proposal but make the following observations:

- The design of the proposed first floor extension should be amended so that the new window serving the new landing (opposite the new bathroom) and overlooking the rear garden area serving No 5 Caeffynnon should be either reduced in dimensions or omitted and a sun pipe installed in the ceiling of the landing in lieu,
- All new windows serving the first floor extension to the side elevations overlooking dwelling Nos 1 and 5 should be glazed with obscure glass

**Local Member** - County Councillor W R A Davies and County Councillor D Nicholas have not commented formally on the proposals. Former County Councillor A W Jones raised concerns that the size of the originally proposed extension would have an adverse impact on the neighbouring properties. As a result he asked that the property be considered by the Planning Committee.

**Neighbours/Public** – Three neighbour consultation letters were sent out to advertise the application. One letter of objection has been received as a result. The points of objection are summarised as follows:

- The proposal will be built on top of the existing single storey extension (double length) with a high pitch roof. This will prevent natural sunlight from entering the neighbouring properties. As well as blocking light to the windows of the houses, it will block light to the gardens causing the lawns to die and moss to grow. The darker houses may cause damp in the houses which is damaging to health. The single storey extension affects light already.
- The extension will have two windows overlooking a neighbouring property at right angles. One will be adjacent to a bedroom window and could potentially look in.
- As the proposed extension would be directly onto a boundary, how would work be carried out? Work was allowed from the adjacent property for the single storey extension, which wasn't built to spec, what if the new one isn't?
- The access to the rear of the adjacent house is adjacent to the side next to the proposed extension. This would tower over it.
- What happens if the roof cannot cope with the water that falls onto it and it overflows onto the neighbouring properties?

## **RELEVANT PLANNING HISTORY**

E/16440	Demolish Outbuilding and Garage; Erect New Garage, Rear Extension and Convert Roof Space Full Permission Granted	25 July 2007
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## **APPRAISAL**

### **THE SITE**

The application site is addressed 3 Caeffynnon, Llandybie. This is a fairly large traditional gable fronted detached dwelling situated in a residential area on the eastern flank of the Caeffynnon site road. The dwelling occupies a flat broadly rectangular plot. The plot has near neighbours to both sides and to the rear. The application dwelling has a fairly recently built single storey rear extension

### **THE PROPOSAL**

The originally proposed two-storey rear extension extended some 6.7 metres off the original rear wall of the dwelling with a full gable roof, built above the existing single storey extension. However, following concerns raised by the former Local Member and following a site visit by the case officer, amended plans were sought to reduce the overall length of the proposal elevation of the dwelling to a maximum two storey length of 6 metres and to provide a hipped roof to reduce the height and mass of the proposal as much as possible.

The proposal seeks to provide a new bedroom and bathroom on the first floor. Externally, the finish of the proposed extension is to match that of the existing dwelling.

## **PLANNING POLICY**

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development Plan (LDP) adopted in December 2014.

Policy GP6 is relevant and in this instance requires that any extension should be subordinate and compatible to the size, type and character of the existing dwelling; the materials should complement that of the existing dwelling; should not lead to inadequate parking, utility, amenity or vehicle turning areas and the local environment; the use of the proposed extension is compatible with the existing dwelling and the amenities of the occupiers of neighbouring buildings should not be adversely affected.

## **THIRD PARTY REPRESENTATIONS**

Three neighbour consultation letters were sent out to advertise the application. One letter of objection has been received as a result. The points of objection are summarised and discussed as follows:

- The proposal will be built on top of the existing single storey extension (double length) with a high pitch roof. This will prevent natural sunlight from entering the neighbouring properties. As well as blocking light to the windows of the houses, it will block light to the gardens causing the lawns to die and moss to grow. The darker houses may cause damp in the houses which is damaging to health. The single storey extension affects light already.

Following the submission of amended plans, the proposed extension has been reduced as far as possible in length and the roof has been hipped in order to reduce the height of part of the proposed extension. Even so, given the layout of the dwellings in this area, there will inevitably be some affect upon the current levels of light enjoyed by the neighbours, particularly, those in 5 Caeffynnon. In order to consider this issue further, the LPA must first consider the fall-back position of permitted development which the applicants could build without requiring a planning application. In this instance, they could build a two storey extension with a maximum rear projection of 3 metres. In this case, such a rear extension would also negatively affect the windows on the side of the existing dwelling in the same way as the proposed extension.

With regard to the rear courtyard and rear facing bay window of No. 5, there would again potentially be some affect, particularly dependent upon the time of day and the seasons, being worse in the afternoons in the autumn to spring months. The proposed extension would work to affect the rear bay window earlier in the day and into the summer months also.

With regard to the above, the question then becomes does this issue become so detrimental to the neighbour's amenity, in order to refuse the application? For cases where issues of light are involved, there are specific guidelines referring to daylight and sunlight.

With regards to daylight and in particular shadowing, there is a 45 degree rule for developments that are sited perpendicular to existing developments and windows in particular. This rule seeks to quantify the effect of a shadow by seeing if a potentially affected window would be affected by the development at a 45 degree line drawn down from the highest point of the proposed development at the midpoint of the window at a

height of 1.5 metres. In this instance, the 45 degree line is just below the 1.5 metre point and as such, is just below the point of significance.

With regards to the issue of sunlight, the proposed 6 metre rear extension would begin to affect the sunlight from approximately 11:30am – 12pm, with the hipped roof allowing an extra 30-45 minutes of sunlight. As mentioned above, in the middle of summer, as when this test was carried out, the sun is so high in the sky that it would rise above the proposed extension. However, in the autumn, winter and spring months the sun would be lower and the light from the sun would be more easily lost to this window.

With further consideration of the above point, the applicants could, with some minor changes, build a 3 metre long two storey rear extension onto the rear of their property with the benefit of Permitted Development. In this instance, the Permitted Development extension would begin to affect the sunlight at around 3pm casting a shadow for the bay window. With regard to this, the consideration is therefore ultimately can a refusal be defended when the proposal would lose approximately 3 hours of sunlight over the permitted development fall back position, whilst the daylight calculations show that the shadowing is not significant enough at the midpoint of the window to fail that specific test.

As such, taking the above into account, the issues of loss of light aren't considered to be significant enough in this instance to warrant refusal of this application.

- The extension will have two windows overlooking a neighbouring property at right angles. One will be adjacent to a bedroom window and could potentially look in.

With regard to this comment, the window shown in this location is a bathroom window and is to be obscure glazed.

- As the proposed extension would be directly onto a boundary, how would work be carried out? Work was allowed from the adjacent property for the single storey extension, which wasn't built to spec, what if the new one is not?

This is a fairly typical concern that isn't dealt with under planning law, rather by the Party Wall Act etc. 1996. It is up to the two neighbours to agree terms that are satisfactory to allow the work to progress. With regard to the issue of the proposal being built to spec, the Authority will have the opportunity to monitor the extension. If it does not comply with any approved plans, the applicants face potential enforcement action.

- The access to the rear of the adjacent house is adjacent to the side next to the proposed extension. This would tower over it.

Similar to the first point above, the size of the proposed extension is fairly typical of two storey rear extensions, with the amended plans seeking to reduce its mass as much as possible. It is now considered to be an acceptable size.

- What happens if the roof cannot cope with the water that falls onto it and it overflows onto the neighbouring properties?

The design of the modern roof would take into account the surface water needs and would provide adequate guttering to serve the extension. If in the future there was a fault, it would be up to each party to resolve the matter.

## **CONCLUSION**

Further to the above discussion, in considering the plans submitted, the amended design is acceptable, the finish matching that of the existing dwelling. The plot is large enough to accommodate the size of the proposed extension. The scale and design are subordinate and fits acceptably with the character of the existing dwelling.

As discussed above, whilst the proposal may have some affect upon the residential amenity of the neighbouring dwellings, it is not considered that this would be significant enough to warrant that this application should be refused. The proposal would not harm the general residential amenity of the area nor significantly harm the amenity or privacy of the occupiers of the neighbouring dwellings, whilst the application site is large enough to accommodate the proposed extension without losing significant amounts of amenity space and utility space.

Given the above, on balance it is considered that the proposed development is acceptable in terms of the requirements of the above-mentioned policies and is recommended for approval.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved amended plans received on 19 May 2017:
  - The 1:50, 1:100, 1:500 and 1:1250 scale Existing and Proposed Floor Plans and Elevations, Block and Location Plans (1485-01 A)

### **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.

### **SUMMARY REASONS FOR APPROVAL**

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

- The proposed development accords with Policy GP6 of the LDP in that the extension represents an acceptable form of development which is appropriate to the character and appearance of the host building and surrounding area and will not have an unacceptable impact upon the residential amenity of nearby properties.

## NOTES

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

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

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

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

**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>E/35128</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONVERSION AND USE OF AN EXISTING BARN TO A MIX OF TOURISM ACCOMMODATION AND AGRICULTURAL USE AT STABLE BARN, 5 CEFNGORNOETH FARM, LLANGADOG, SA19 9AN

<b>Applicant(s)</b>	DR V MOHAMED ALI, THE STABLE BARN, LLANGADOG, SA19 9AN
<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>	Llangadog
<b>Date of validation</b>	17/02/2017

## CONSULTATIONS

**Llangadog Community Council** - No comments received to date.

**Local Members** - County Councillor A James has requested that the application be determined by the planning committee because:

- Farm and rural diversification (policy EMP 4 of Carmarthenshire Local Development Plan (LDP))
- Economic Development (TAN 23)
- Visitor Accommodation (TSM 4 of the LDP)

**Head of Public Protection** - Should planning consent be granted then Environmental Health and Licensing recommend that suitably worded conditions are imposed in relation to the noise.

The Public Health Services section have no adverse comments to make in relation to the application.

**Head of Transport** - Any permission is required to be subject to the application of 2 conditions in relation to parking requirements.



**Neighbours/Public** - A site notice has been posted and 2 local residents consulted and no letters of objection have been received as a result.

## **THE SITE**

The property is a modern agricultural building adjacent to a converted traditional barn to a dwelling within a complex of similar stone barns and the original farm house at Cefngornoeth, Llanagadog, which is approximately 1 km outside of Llangadog along the A4069 to Llandovery. Access to the site is from a rough track that leads from the main road and rises to the north east to allow access for a bungalow, Blaengornoeth, dwelling Cefngornoeth, 3 converted barns and the application site.

## **THE PROPOSAL**

This is an application to convert the existing agricultural building, made of concrete shuttered and blockwork walls, steel portal frame, with a mix of cladding types including clear Perspex, asbestos-cement fibre sheets and Yorkshire boarding into a holiday unit and commercial cheese and honey producing unit. The building is 23 metres x 17 metres, 5-7 metres to the ridge and is approximately 8 metres from the applicant's dwelling and is in front of the said dwelling to the southeast.

The proposal is to convert the modern agricultural building with timber cladding added to the external façade of the building and grey imitation slate tiles to the roof, large glazed window openings for first and second floor of the south east elevation and vertically emphasised window openings in the south west elevation.

The proposal will include a holiday unit which will be approximately 127 sq m at ground floor and 120 sq m at first floor, with the remaining agricultural area approximately 327 sq m, which will be used for the butchery of lamb, honey processing and cheese processing and a lambing and feed storage area.

The holiday unit will be the south corner of the building which will include at ground floor, a dining room/living room and kitchen, toilet and disabled toilet, bike store and bedroom. The first floor will include 3 bedrooms, 3 toilets and a laundry room and storage. The entrance into the building will be from the south east elevation into the living room with the 3 parking spaces adjacent to the south west elevation.

## **PLANNING POLICY**

The application falls to be considered against Policies within the Carmarthenshire Local Development plan (LDP). The relevant policies for the conversion of the building to a holiday unit is:

### **Policy TSM4 Visitor Accommodation**

**Proposals for new build serviced or self catering holiday accommodation will be permitted within the development limits of defined settlements (Policy SP3) where it accords with the relevant criterion under Policy SP15.**

**Outside the development limits of defined settlements (Policy SP3) proposals for permanent serviced or self catering visitor accommodation will be permitted where**

it consists of the re-use and adaptation (including conversion) of existing buildings and complies with criteria d) and e) set out in Policy H5.

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

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

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

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

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

In terms of the butchery, honey making and goat cheese processing the following policy is relevant:

#### **Policy EMP4 Farm Diversification**

Proposals for farm diversification projects will be permitted where:

- a. It is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm;
- b. It is of a scale and nature appropriate to the existing farm operation;
- c. The scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements;
- d. 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);
- e. 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.**

## **CONCLUSION**

The proposed development involves the diversification of a small holding in a rural location 1 kilometre East of the village of Llangadog. Whilst the principles of farm diversification is promoted by guidance within Planning Policy Wales (PPW) in order to attain “ *a thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside*”, the diversification for the meat processing, honey making and cheese production would receive policy support, however the conversion of the modern agricultural farm building into a holiday unit conflicts with Local Plan policy

As a result of the consultation of the Forward Planning section pre-registration, an objection was raised in relation to the tourism related aspect of the proposal in terms of the conversion of the modern agricultural building to a holiday unit. Policies TSM4 and H5, and also Supplementary Policy Guidance Note ‘Adaptation and Re-Use of Rural Buildings for Residential Use’ support the conversion of buildings which are of an appropriate architectural quality and which are of traditional materials. It further states that ‘*Proposals for buildings of a modern, utilitarian construction such as portal framed units, temporary structures or those which utilise materials such as concrete block work, metal or other sheet cladding finishes will not generally be considered appropriate for conversion*’. However, the Forward Planning section in the formal consultation within this application raised that as this is a mixed proposal with the butchery of lamb, honey processing and cheese processing and a lambing and feed storage area and conversion to a holiday use, the proposal should be looked at as a whole proposal; “*we should look at the whole proposal and the fact that the tourist accommodation is only a portion of the building. The other parts will be a new business venture and the use of a sizeable portion as a continued agricultural use*”.

The Local Planning Authority appreciates that the proposal allows for the diversification of the smallholding, however a recent unsuccessful appeal decision in February 2017 on the conversion of a modern agricultural building instructs the Local Planning Authority to determine that although this is a mixed proposal, it remains that the proposed conversion of a modern agricultural building which is not of an appropriate architectural quality and does not incorporate traditional materials, to a holiday unit is also contrary to LDP policy.

Therefore, the application is recommended for refusal on the grounds conveyed below.

## **RECOMMENDATION – REFUSAL**

## REASONS FOR REFUSAL

- 1 The proposal, if approved would be contrary to Policy H5 of the Carmarthenshire Local Development Plan, which states:-

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

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

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

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

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

In that the proposed development does not accord with criteria e) of the policy, in that the existing building is not of an appropriate architectural quality which incorporates traditional materials.

Furthermore, supplementing Policy H5, Paragraph 6.2.30 specifies that: "*Proposals for buildings of a modern, utilitarian construction such as portal framed units, temporary structures or those which utilise materials such as concrete block work, metal or other sheet cladding finishes will not generally be considered appropriate for conversion*".

<b>Application No</b>	<b>E/35395</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	RETROSPECTIVE PERMISSION FOR ALREADY CONSTRUCTED BREWERY SHED IN SITU ON LAND AT EVAN EVANS BREWERY AT 1 RHOSMAEN STREET, LLANDEILO, SA19 6LU

<b>Applicant(s)</b>	EVAN-EVANS - JAMES BUCKLEY, 1, RHOSMAEN STREET, LLANDEILO, SA19 6LU
<b>Agent</b>	CDN PLANNING - CHRISTIAN ROHMAN, CDN PLANNING (WALES) LTD, NORTH HILL, 7 ST JAMES CRESCENT, SWANSEA, SA1 6DP
<b>Case Officer</b>	Graham Noakes
<b>Ward</b>	Llandeilo
<b>Date of validation</b>	12/04/2017

## **CONSULTATIONS**

**Head of Public Protection** – Offers no objection in terms of air quality or public health; recommends the imposition of seven noise related conditions on any permission which may be granted

**Llandeilo Town Council** – Having initially sought clarification, *‘The Town Council believes the original application was for a temporary building? If so, should the temporary building be removed and a new full planning application be made? Can an application be changed from temporary status to Full planning status retrospectively?’* that was provided by confirming that this application seeks planning permission in retrospect to retain the white ‘temporary’ building that is already in place and that the building is meant to be permanently retained; no further observations have been received from the Town Council

**Local Members** – Having initially conveyed his concern regarding the *‘temporary structure on the site’*, Cllr E Thomas has now offered the following observations:

- “The local Town Council have queried that this building is classed as a ‘temporary building’ but it seems to me it is a permanent building with a likely lifespan of more than 10 years. So I cannot understand why it is classified as ‘temporary’”
- While it is regrettable that the building has already been erected prior to planning permission being obtained, it is located in a commercial area of the town

- There have been no objections from nearby neighbours
- Residents along Heol Bethlehem, across the valley, have expressed concern with regard to the size of the building, disruption to their view and light pollution
- This retrospective application is for a different type of building to the more traditional design that was granted planning permission under reference E/27895
- The application should not be an officer decision 'in view of the past history with the local office'. No clarification has been provided with regard to the purported 'past history'
- It is requested that the Committee undertakes their own inspection of the development from both the application site and Heol Bethlehem.

The reasoning for the site inspection is so that the Committee can understand the objectors' concerns from their point of view and also to see the building within the context of the brewery site itself

**South Wales Trunk Toads Agency** - No response received to date.

**National Resources Wales** – Having sought additional information from the applicant with regard to the former use of the site as a Council depot and potential land contamination, no further formal response has been received to date.

**Neighbours/Public** - The application was publicised by means of a site notice with two letters of objection received in response from residents along Bethlehem Road at the opposite side of the Tywi valley, one of which enclosed a 16 signature petition. The grounds of objection refer to one or more of the following:

- The building is a visually obtrusive white, highly contrasting large block structure, that does not blend into surrounding sensitive rural landscape
- The building does not respect 'the environment and beautiful landscape'
- The building is clearly visible when the trees are not in leaf
- The building resembles a marquee
- Light pollution arising from external lights recently erected at the application site

## RELEVANT PLANNING HISTORY

The following previous application(s) has/have been received on the application site:

E/34347	Discharge of Conditions 8, 9 and 10a on E/27895 (risk assessment, remediation strategy, pollution method statement)	Pending
E/27896	Storage Shed	Full Planning Permission

		1 May 2013
E/27895	Bottling Plant	Full Planning Permission 1 May 2013
E/25987	Extension for barrel, bottling and storage	Full Planning Refused 13 March 2012
E/09432	Resubmission of E/07834	Full Planning Permission 6 October 2005
E/07834	Coaching Inn and Residential Accommodation	Withdrawn 20 October 2004
TG/04164	Conversion to Brewery	Full Planning Permission 17 July 2003
P6/14996/88	Office Accommodation (Dyfed CC)	Full Planning Permission 23 February 1989
P6/9962/84	Extension to Office (Dyfed CC)	Full Planning Permission 22 September 1984
P6/7815/81	Office Accommodation (Dyfed CC)	Full Planning Permission 7 April 1982
P6/6921/82	Area Surveyor's Office (Dyfed CC)	Full Planning Permission 4 February 1982

## **APPRAISAL**

**This application results from an investigation by the Planning Enforcement team**

### **THE SITE**

The application site is a broadly triangular area of land and buildings at the northern fringe of Llandeilo, bounded by the A483 Trunk road, Rhosmaen Street to the front (west), the Nant Gurrey Fach to the north-east and the industrial/commercial properties along Station Road to the south. There is a linear group of residential properties opposite the vehicular entrance to the site off Rhosmaen Street, with the open land adjacent to the north and west of those houses being allocated for residential development, in respect of which a development brief, the Northern Residential Quarter Development Framework has been prepared. The application site lies at a lower level to the road that frontage along which is delineated by a stone wall, above which is a timber fence and hoarding have been erected without the benefit of planning permission.

Prior to the present use of the site as a brewery the land and buildings were formally a Council highways depot with associated offices from which a range of vehicles were operated.

Although the application site is located outside of the town conservation area, it occupies a key gateway location along the northern approach to Llandeilo, in close proximity to the roundabout on the A40 by-pass.

## **THE PROPOSAL**

Full planning permission is sought to retain a building that has been constructed for use as a bottling plant in association with the brewery business. The new building is at the northern corner of the site, orientated parallel to and in close proximity to the road frontage. The building measures 30m x 15m, has an eaves height of 5m, a ridge height of 8.03m, with the floor set approximately 400mm below the level of the pavement.

The light colour of the external materials results in the building being somewhat distinctive with the application describing the external finish as 'Light grey hard UPVC, high gloss, weather grade exterior walling with a 'Double layered inflated white PVC roof'.

The building has been erected as a low cost alternative to the more traditional form of bottling plant building granted planning permission under reference E/27895 that was to have rendered elevations with a grey, metal sheet clad roof. Aside from a modest lean-to annex at the southern end to accommodate a laboratory and staff amenity rooms, the principal element of that building measured 30.9m x 12.67m with an eaves height of 4.4m and a ridge height of 5.5m.

Aside from the change in the materials, the present building is broadly of the same length as that previously approved, 2.3m wider and 2.5m higher to the ridge. Where the permitted building featured ten pairs of roof windows to allow natural lighting, the building erected has no windows or glazed doors. A degree of natural light does however penetrate through the uPVC/polyester roof membrane.

Two commercial scale doorways and one standard door in the front (north-east) elevation, facing inwards within the site, afford access.

## **PLANNING POLICIES**

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development (LDP) adopted in December 2014.

In a local planning policy context the application site is located within both the settlement limits for Llandeilo and the Existing Employment Area designation that includes the industrial and commercial properties along the northern flank of Station Road. The land between the rear boundary of the application site across to the objectors' properties to the east is designated as the Tywi Valley Special Landscape Area.

Having due regard to the earlier grant of planning permission that has established that the principle of a building at the site is acceptable, the following LDP policies are considered to be of particular relevance in the determination of the application:-

GP1 Sustainability and High Quality Design – conveys that Development proposals will be permitted where they accord with fourteen qualifying criteria which include the need to consider whether the proposed 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’, ‘utilises materials appropriate to the area within which it is located’ and ‘it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community’.*

The amplification text to the policy comments that *‘The Plan aspires to design-led regeneration through high quality, sustainable construction which protects and modernises local distinctiveness, raises energy efficiency, minimises waste and protects the natural environment’.*

GP2 Development Limits - proposals within defined Development Limits will be permitted, subject to policies and proposals of the Plan, national policies and other material planning considerations.

EMP3 Employment - Extensions and Intensification - presumes in favour of the extension and/or intensification of existing employment enterprises provided that the development is not likely to cause environmental damage or prejudice other redevelopment proposals; the proposal does not extend and/or intensify a use or activity that might result in adverse amenity issues, or may not be compatible, with neighbouring uses; and that the proposals is of an appropriate scale and form compatible with its location.

EQ6 Special Landscape Areas - development proposals 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.

National planning guidance is provided in Planning Policy Wales (PPW), Edition 9, November 2016 and supplementary Technical Advice Notes (TANs) published by the Welsh Assembly Government.

PPW sets out the Welsh Government’s land use planning policy in respect of ‘Promoting sustainability through good design’ and ‘Planning for sustainable buildings’, which includes the role of local planning authorities in delivering good sustainable design.

PPW defines design as *“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”* emphasising that *“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..”*

In terms of economic development, PPW conveys that local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- the numbers and types of jobs expected to be created or retained on the site;

- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

TAN12 Design (2016) advises that *'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'* with one of the many aspects of design that can affect the environmental sustainability of buildings is the fenestration. The proposed layout of windows, doors and roof lights is a fundamental element of the overall design e.g. to provide larger windows to areas to the south and smaller to the north in residential developments and to provide natural lighting for employment use whilst considering the possibility of overheating in the summer months.

TAN23 Economic Development (2014) advises that in weighing the economic benefit of proposals *'It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.*

*Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority's priorities'.*

### **THIRD PARTY REPRESENTATION**

As noted in the summary of consultations two third party representations have been received as a result of the public site notice, with the grounds of objection referring to one or more of the following:

- The building is a visually obtrusive white, highly contrasting large block structure, that does not blend into surrounding sensitive rural landscape
- The building does not respect 'the environment and beautiful landscape'
- The building is clearly visible when the trees are not in leaf
- The building resembles a marquee
- Light pollution arising from external lights recently erected at the application site

Other issues raised that are not material considerations in the determination of the planning application are:

- The impact of the building upon the view

- The manner of the applicant's father when approached in an attempt to resolve concerns

## **CONCLUSION**

The central issues in the determination of the application are considered to be the visual impact of the building and the potential economic benefit arising from the development.

In terms of the visual impact, while it is acknowledged that the application site is located within an established industrial site, which in turn is located within an area that is characterised by a mixture of industrial, retail, residential, and educational uses, the building occupies a prominent position at the A40 road frontage. The combination of materials, light grey, hard, high gloss UPVC walls/sides with a soft, 'double layered inflated white PVC roof' offer an appearance of a temporary building or, as suggested by the third party representation, a marquee.

Although the applicant has informed the authority that the roof has a life span of 30 years, signage on the building states 'Aganto Temporary Building Solutions', with their website referring to one of the key features of the 'temporary warehouse' being the 'Strong and durable aluminum frame with a 10 year guarantee'.

The overall size of the building in combination with its appearance, that is more akin to a temporary building or a marquee, at a prominent location at one of the gateways to the town results in a visually dominant structure both within the site itself and the street-scene, rather than a complementary, additional building within the existing complex of brewery buildings.

It is considered that the degree of harm to the visual amenity of the area is such that the development does not comply with the requirements of LDP policy GP1 or the national policy in terms of good design.

While the objectors have raised concerns regarding the impact of the structure on the wider area, more particularly the Tywi Valley Special Landscape Area, it is not considered that the building has a significant detrimental impact upon the SLA. The concerns raised with regard to light pollution refers to external lights recently erected without planning permission at the application site that do not form part of this application and shall have to be considered separately.

As noted above, PPW conveys that local planning authorities should adopt a positive and constructive approach to applications for economic development and when determining applications for economic development three key factors should be assessed. In assessing these key considerations, the application form indicates that there are 6 'proposed employees' with no differentiation between the present number of staff and any new workers that have been employed since the erection of the building. Having regard to the considerations with regard to how the development will address economic disadvantage or support growth or regeneration, the LPA has recognised the need for a building in the earlier planning permission E/27895. The concerns of the LPA relate only to the design and appearance of the building that is the subject of this application.

Again as noted above, the development has already been undertaken to the effect that permission is now being sought in retrospect. In considering retrospective applications, the Council has to consider the proposal on the basis as if the development had not

already taken place and in determining the application should not be swayed in either way by the fact that the development has already taken place. The application should only be considered on its planning merits against adopted planning policies and other material planning considerations. Planning permission should not be refused just because the development is in its present state, unauthorised and permission should not be granted just because the development is already there and it would be too onerous or expensive for the applicant to remove or alter it.

While the need for a Bottling Plant building in association with the brewery business is acknowledged in the grant of planning permission E/27895 for a building of an acceptable design, the degree of harm to the visual amenity of the local area by the building the subject of this application is considered to outweigh the economic development benefit of the development.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination must be in accordance with the relevant development plan (UDP) unless material considerations indicate otherwise.

The development is considered not to accord with the requirements of criteria (a), (c) and (d) of policy GP1 that require the subject building to conform and enhance the character and appearance of the site or area; use materials appropriate to the area; and to not have a significant impact on the community, and similarly to not accord with the requirement within policy EMP3 that the extension of an existing employment enterprises must be of an appropriate scale and form compatible with its location and should not result in adverse amenity issues.

Having due regard to material considerations which may indicate otherwise, it is considered that the economic benefit in this instance does not outweigh the degree of harm to the local amenity and that there are no other material considerations which may outweigh the planning policy objection.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposed development is contrary to Policy GP1 - Sustainability and High Quality Design of the Carmarthenshire Local Development Plan, which 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 7 and TAN12: Design (2014)).**

In that the application building does not conform with or enhance the character and appearance of the site, in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing; utilises materials which are inappropriate to the area within which it is located; and has a resultant adverse impact upon the amenity of the area.

The overall size of the building in combination with its appearance, that is more akin to a temporary building or a marquee, at a prominent location at one of the gateways to the town results in a visually dominant structure both within the application site itself and the street-scene, rather than a complementary, additional building within the existing complex of brewery buildings

- 2 The proposed development is contrary to EMP3 Employment - Extensions and Intensification of the Carmarthenshire Local Development Plan, which states:-

**Proposals for extensions and/or intensification of existing employment enterprises will be permitted provided that:**

- a. **The development proposals are not likely to cause environmental damage or prejudice other redevelopment proposals;**
- b. **The proposal does not extend and/or intensify a use or activity that might result in adverse amenity issues, or may not be compatible, with neighbouring uses;**
- c. **The development proposals are of an appropriate scale and form compatible with its location;**

**Proposals for the expansion of existing rural enterprises will be supported subject to the above provisions and the policies and proposals of this Plan.**

In that the application building is not of an appropriate scale and form compatible with its location.

The overall size of the application building in combination with its appearance, that is more akin to a temporary building or a marquee, at a prominent location at one of the gateways to the town results in an adverse impact upon the amenity of the area, appearing as a visually dominant structure both within the application site itself and the street-scene, rather than a complementary, additional building within the existing complex of brewery buildings

*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 29 MEHEFIN 2017  
ON 29 JUNE 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>29 JUNE 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/33342</b>
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<b>Application Type</b>	Reserved Matters
<b>Proposal &amp; Location</b>	CONSTRUCTION OF 240 DWELLINGS TOGETHER WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESSES, CAR PARKING AND LANDSCAPING (RESERVED MATTERS TO OUTLINE S/15702) AT LAND AT GENWEN FARM, BYNEA, LLANELLI, SA14 9PH

<b>Applicant(s)</b>	PERSIMMON HOMES WEST WALES - LUKE DAVIES, DRAGON HOUSE, PARC Y DDRAIG, PENLLERGAER BUSINESS PARK, PENLLERGAER, SWANSEA, SA4 9HJ
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Bynea
<b>Date of validation</b>	10/02/2016

## CONSULTATIONS

**Head of Transport and Engineering** - Has raised no objection to the application subject to the imposition of a suitable condition on any permission granted requiring the provision of the new access roads and footways prior to the occupation of the dwelling houses.

**Head of Street Scene (Highway Adoptions)** – Has not commented on the application to date.

**Head of Waste and Environmental Services (Land Drainage)** – Has confirmed his acceptance of the surface water drainage scheme proposed.

**Public Rights of Way Officer** – Has confirmed that there is a public footpath currently crossing the site which will be affected by the proposal in that it is to be diverted to follow the route of new footways proposed within the development. The officer has further advised that the proposed alteration to the route of the footpath will require a diversion application under Section 257 of the Town and Country Planning Act.

### Head of Public Protection and Housing

- **Air Quality** - Has confirmed his acceptance of the findings of the Air Quality Assessment which concludes that the likely traffic impact of the development upon local air quality will be negligible.

- Ground Contamination – Has confirmed his acceptance of the findings of the Site Investigation Report and raised no objection to the development subject to the conditional requirement that the applicant submits, for the approval of the Local Planning Authority, a detailed site investigation scheme of the site and, where necessary, a remediation strategy for the removal of any identified contamination.
- Dust – Has raised no objection to the dust mitigation scheme submitted.
- Foul Drainage – Has raised no objection to the detailed scheme.
- Noise – Has raised no objection to the Noise Management Plan contained in the Construction Environmental Management Plan (CEMP) submitted with the application.

**Dyfed Archaeological Trust** – Has not commented on the application to date.

**Dwr Cymru Welsh Water** – Have examined the drainage proposals submitted with the application and confirmed that they have no objection to the application subject to the imposition of suitable conditions on any permission granted.

They advise that they are satisfied that the proposal to increase the amount of sewage storage available within the development meets the requirements of the Hydraulic Modelling Assessment of the public sewerage system undertaken in respect of the development and the requirements of condition no. 19 of the outline planning permission.

Furthermore, they confirm that the scheme will ensure that no detriment is caused to the performance of the existing sewerage system in Bynea or elsewhere on the network downstream. In doing so, they advise that they have undertaken a hydraulic assessment of the wider network to ensure that there is downstream capacity to accommodate the development and to satisfy themselves that there will be no detrimental impact upon existing residents, the sewer network and the Loughour Estuary.

In addition, Welsh Water have confirmed that they are satisfied that the surface water removal scheme is in compliance with the requirements and objectives of the Memorandum of Understanding (MOU) between Carmarthenshire County Council, the City and County of Swansea, Natural Resources Wales and Welsh Water in respect of safeguarding the environment of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet and, Burry Inlet Special Protected Area (SPA) and Burry Inlet Ramsar, collectively known as the Carmarthen Bay and Estuaries European Marine Site (CBEEMS).

**Natural Resources Wales** - Have confirmed that they have no objection to the development subject to compliance with the planning conditions imposed upon the original outline planning.

**Llanelli Rural Council** - Has objected to the application on the following basis:

- The development will be detrimental to the village of Bynea by way of increased risk of flooding and risk to public health because of the excessive demand placed on the public sewer.

- The methods of surface water disposal will have a detrimental impact upon Welsh Water's infrastructure and increase the risk of flooding to the lower parts of Bynea particularly when combined with periods of heavy rainfall.
- The development should not be permitted until Welsh Water can give assurance that sewerage infrastructure works in and around Bynea have been completed and that the sewerage system will be able to accommodate the additional demand.
- Highway safety concerns regarding the suitability of the surrounding road infrastructure to cater for the large volume of vehicular traffic that will be generated by the development and the impact upon local residents.
- The local area lacks general civic amenities including access to shops and recreational facilities as well as inadequate school place provision to cater for the additional service demand.

**Llangennech Community Council** – Have objected to the application on the grounds that the development will have a direct effect on traffic flow and congestion on roads within their neighbouring Community Council area as well as the whole area generally. They also opine that there will be an unacceptable increase in traffic flow and congestion along Heol y Mynydd and its junction with Penllwyngwyn Road.

**Local Member** - County Councillor Deryk Cundy has objected to the application on the following grounds:

- The inadequacy of the local highway network to accommodate the additional traffic and the impact upon highway safety. Particular reference is made to the highway and safety impacts along Genwen Road and Penygraig as well as Pendderi Road and Station Road.
- Proximity of the development to the properties of Llys Pendderi and the impact in terms of loss of privacy and the obstruction of existing views of the estuary.
- The lack of amenities in the area will result in the development being a car based community.
- Inadequate parking measures within the development.
- The need for a community hall within the development.
- The development will detract from the area bringing extra pressure on the local infrastructure rather than enhancing the area.
- The health and safety impacts of the sewage to be stored in the underground tank and its associated pumping station.
- The current waste water infrastructure cannot support the waste water produced by the site in heavy rain conditions and has not been guaranteed by Welsh Water.
- Impact of the volume of water being stored in the attenuation tanks upon the underlying water table.

- The number of road exits from the estate will create a hazardous highway.
- No public transport access to the site.
- There is no capacity in local English medium schools.
- The transport assessments submitted in support of the outline planning application are out of date.
- The development proposed is not the same as agreed by the Planning Committee when they granted outline planning permission.
- The two and a half storey dwellings are not in keeping with the area and overlook existing neighbouring properties.
- The development does not meet the standards set out in the recent Well Being of Future Generations (Wales) Act 2015 which the County Council must abide by in that the safety of road users cannot be guaranteed and there is no solution to the extra traffic generated either in terms of safety or increased pollution (noise, traffic, air, dirt, flooding).
- Devaluation of neighbouring property prices.
- The sewage pumping stations will create noise for local residents.

County Councillor G Thomas who represents the neighbouring Llangennech Ward has also objected to the application. Councillor Thomas opines that the present road infrastructure cannot cope with the additional volume of traffic that will be generated by the development. She suggests that the high volume of traffic travelling through the village of Llangennech at present is causing concern to local residents and the additional traffic from the development would exacerbate the situation. Concerns are also raised regarding the impact upon congestion on the M4 motorway and Councillor Thomas suggests that a new up to date transport assessment should be undertaken.

Councillor Thomas also shares concerns that the present sewerage system is at full capacity and unable to cope with any new housing development until improvements have been completed, and that the proposal will result in the overdevelopment of the land and be out of keeping with the area.

County Councillors S Davies and F Akhtar who both represent the neighbouring Llwynhendy Ward have also objected to the application. Councillor Davies refers to the highway and safety impacts of the development as well as the potential health impacts of storing sewage in tanks under the site. She also draws reference to the drainage impact of the development in terms of raising the water table and the lack of infrastructure in the area such as health care, education and public transport. Concerns regarding the density of the development as well as the visual and amenity impact upon neighbouring properties are also raised in her response to the application.

County Councillor Akhtar objects to the application on the basis that the sewerage system is inadequate and will not cope with the additional houses and result in the flooding of existing properties in Llwynhendy.

**Neighbours/Public** - The original application was publicised by the posting of site notices within the vicinity of the site and the publication of a notice in the local press. Subsequent amendments to the development as part of the application process and the submission of additional supporting information by the applicant also required two further re-consultation exercises whereby further site notices were posted in the area and notices published in the local newspaper.

As a result of these publicity exercises, a significant number of third party letters of representation have been received from neighbouring residents and interested parties all of whom object to the application. The Member of Parliament and Assembly Member for Llanelli have also raised concerns on behalf of their constituents. The issues raised by the respondents are summarised below:

- The existing highway network is inadequate and won't safely accommodate the additional volume of traffic that will be generated by the development. Specific reference is made to Genwen Road, Heol y Mynydd, Pendderi Road, Station Road, Heol Tabor, Gelli and Pemberton Road and Penygraig as well as the wider areas of Bynea, Llangennech, Bryn, Pemberton and Llwynhendy.
- Increased traffic congestion and speeding on the road network.
- Increased traffic through existing housing estates and the impact upon the safety of children playing in these estates.
- The additional traffic will reduce the amenity of residents living along the roads affected by the development.
- Lack of public transport facilities to serve the development.
- Previous traffic surveys undertaken in respect of the development were out of date, skewed and not accurate.
- Concerns regarding the number of new accesses from the development onto Pendderi Road and Genwen Road and the safety of some of the new junctions given their proximity to corners and bends in the roadway.
- Noise and dust pollution from construction traffic.
- The lack of parking spaces.
- Lack of width and pedestrian facilities along Genwen Road which is used by residents and school children.
- Increased traffic from the recent Bryn Emrallt housing development close to the site.
- The development will result in on street parking and be to the detriment of the amenity of residents living in the area.
- Increased surface water run-off and flooding downslope of the site.

- The applicant does not have permission to discharge surface water from the development into an existing outfall in the southern part of the site.
- Impact upon the privacy and level of light enjoyed by neighbouring residents.
- Loss of existing views of the Loughor Estuary.
- Disruption to neighbouring residents.
- Exacerbate current flooding of properties in the area with sewage and surface water.
- More pressure on land drainage and sewage system above areas that have a flooding history.
- The attenuation ponds will fill up quickly and flood the properties below.
- The development will be detrimental to the health and wellbeing of those living close to the sewage storage tank.
- Lack of capacity in the public sewerage system to accommodate the development and increased risk of flooding existing properties with sewage.
- No betterment or improvement to the sewerage system will be achieved.
- The proposal to store sewage in storage tanks within the development until it can be released into the system will result in seepage and impacts upon the wider environment.
- Escape of methane and odours from the sewage storage tanks.
- The proposal to use storage tanks to cope with sewage is at odds with Planning Policy Wales in that it requires that developments in sewered areas must be connected to the main sewer.
- The amount of sewage being discharged into the Loughor Estuary has exceeded its limits and impacted upon the environment of the Estuary.
- The Estuary is over-polluted from the Llanelli Waste Water Treatment Works, Combined Sewer Overflows and pumping stations in the area.
- The European Court of Justice has recently ruled that the UK is in breach of EU laws over the amount of sewage and waste water discharged into the Burry Inlet which is a special conservation area.
- Requirement for a new EIA.
- Impact upon the wildlife of the area including bats and birds.
- Loss of hedgerows and trees.
- Loss of biodiversity and habitats – flora and fauna.



- Bats and barn owl habitats in the derelict farmhouse will be destroyed.
- Destroying a green area.
- The two and two and a half storey dwellings will be out of keeping with existing properties.
- Crammed development and the density will destroy the character of the area.
- Loss of rural aspect and visual impact.
- The development will overpower and destroy the community.
- Object to the size of the affordable houses.
- The development will turn into a commuter village.
- Subsidence and damage to local properties due to earth movements in former mining area.
- A previous application for a smaller development at Gwndwn Mawr has been refused on the basis of its unacceptable traffic and utility service impacts and this application should be refused on the same basis.
- Lack of consultation with neighbouring residents.
- The development is outside the parameters of the outline permission granted.
- The planning process has been conducted contrary to EIA regulations and the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order, 2012 have been ignored.
- Lack of capacity in local schools and no park to be provided.
- Impact upon local surgeries and hospital.
- Impact upon existing infrastructure and utility services crossing the site such as gas pipes, water main and electricity cables.
- Air pollution from extra cars.
- Detrimental impact upon capacity of utility services including sewers, electricity, water supply, gas and telecommunications.
- Devaluation of property prices.
- Unsustainable location – dependence on the private car.
- Impact upon the Welsh language.

- Bynea has already reached its quota of housing development in the development plan.
- Limited amenities and facilities in the area.
- Danger of a landslide within the site.

## **RELEVANT PLANNING HISTORY**

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

S/15702	Outline application for residential development (outline) Outline planning permission	22 December 2015
D5/16060	Residential development Outline planning permission	03 February 1994
D5/13281	Residential development (outline) Outline planning permission	12 November 1990
D5/9784	Residential (outline) Outline planning permission	18 May 1987
D5/9487	Residential development (outline) Outline planning refused	26 November 1986

## **APPRAISAL**

**This application is subject to a Section 106 Agreement.**

**This Reserved Matters application relates to an outline planning permission (S/15702) that was the subject of an Environmental Impact Assessment.**

**This is an application in which Carmarthenshire County Council has an interest in terms of land ownership of the highway upon which improvement works and traffic management measures are proposed.**

## **THE SITE**

The application site consists of a large irregular shaped parcel of land located off the western side of Pendderi Road in Bynea. The site flanks the northern and southern sides of Genwen Road and consists of five field enclosures which extend to an area of approximately 8.1 hectares. Four of the enclosures flank the northern side of Genwen Road while the largest is located immediately to the south of the same. Genwen Road provides a link between Pendderi Road in the east and the residential areas and large housing estates located off Penygraig Road to the west of the site. The road is predominantly of a single lane width and is bounded by established hedgerows and trees.

The overall site consists of semi improved grassland that is bordered by a mix of hedgerows, trees and post and wire fencing. The area to the north of Genwen Road is traversed by a number of hedgerows that form the boundaries of the field enclosures therein and slopes gently downward in a southerly direction. Its eastern boundary runs contiguous with Pendderi Road which is characterised by frontage development while the

neighbouring housing estates of Llys Penderi, Caegar and Clos y Berllan adjoin the northern boundaries of the site. To the west are the housing estates of Nantwen and Parc Richard as well as the properties located along Penygraig Road. This area of the site also contains the former Genwen Farm farmhouse and its associated outbuildings which are in a ruinous condition and are enclosed by hedgerows and tree.

The larger field enclosure to the south of Genwen Road slopes downwards in a southerly direction and is bordered to the west by residential properties that front onto Penygraig Road. The former Genwen Quarry is located immediately to the south west of the site while to the south is a single detached dwelling. Saron Road is located further to the south of the site. The land to the east consists of two smaller field enclosures which separate the site from Pendderi Road.

The majority of Genwen Road have been included within the application site for access purposes and to facilitate the implementation of highway improvements as part of the development.

The site is located in a primarily residential area that is characterised by a mix of dwelling types and densities. Llys Pendderi to the north is an estate consisting of large detached properties while the residential areas to the west are of a markedly higher density with their predominance of former local authority semi-detached housing.

## **THE PROPOSAL**

The application seeks approval of all the reserved matters for the proposed residential development granted outline planning permission under planning application reference S/15702 on 22 December 2015. These include details relating to the proposed means of access, appearance, landscaping, layout and scale of the development. The development will consist of 240 dwelling units which will be made up of a mix of two, three and four bedroom properties.

In addition to the reserved matters aspect of the proposal, the application also includes details pursuant to the full or partial discharge of a number of specific conditions attached to the outline planning permission. These include: condition nos. 5 - Highway Improvements; 7 – Ground Contamination; 8 Noise and Dust Mitigation 9 – Phasing; 11 – Landscaping; 12 – Finished Levels; 13 and 20 – Surface Water Drainage and Removal; 14 – Construction Management Plan; 15 Removal of suspended solids from surface water; 17 Site Waste Management Plan; 18 – Ecological Management Plan and 19 – Foul Drainage. Details of these elements of the proposal are outlined later in the report.

### **Background to Outline Planning Permission (S/15702) – Environmental Impact Assessment**

The outline planning permission granted in respect of the site permits the development of up to 240 residential units.

Prior to the granting of the outline permission, the application was the subject of an EIA Direction issued by the Welsh Assembly Government (WAG) back in June 2008. The Direction stemmed from a hypothesis, at the time, of potential links between new development and poor water quality in the CBEEMS which led to heightened concerns over the possible relationship between surface water drainage and combined sewer overflows (CSO's). Coupled with this was a suspected link between water quality and the

mass mortality of cockles in the shellfish beds off the Bury Inlet. At the time, the WAG also issued Directions in respect of a number of other applications for large housing schemes in Llanelli which were also subsequently granted permission and have since been built or are currently under construction.

Based upon the advice of the former Environment Agency and Countryside Council for Wales the EIA undertaken in respect of the development was tightly scoped focussing on the issue of water quality in the CBEEMS. The findings of the EIA were presented in an Environmental Statement (ES) submitted with the application with the intention of enabling the Local Planning Authority, as the competent authority, to make a judgement in the form of a Test of Likely Significant Effect (TLSE) (in accordance with the requirements of the Habitat Regulations) as to whether the proposed development would be likely to have a significant effect of the CBEEMS and the integrity of its protected sites.

The ES provides an assessment of water quality in the CBEEMS focussing on a number of key issues, namely water quality in the Loughor Estuary, Foul and Surface Water Disposal, Flood Risk, Ground Conditions and Cumulative Impacts. It assessed the whole of the catchments served by the Llanelli Waste Water Treatment Works (WwTW) located at Penclacwydd in Bynea as well as the Llangennech WwTW. Moreover, the assessment addressed not only the potential impacts of the proposed development in terms of both construction and post development effects, but also its cumulative impact with other committed and planned developments within the relevant catchments.

The ES assessed information relating to the historical monitoring of water quality and chemical determinants within the Loughor Estuary as well as the findings of a Welsh Government commissioned investigation of cockle mortalities in the Bury Inlet which found no connection between water quality and the decline of cockles in the Inlet. It also focusses on the effect of Welsh Water's Asset Management Plan programmes (AMP) in providing capacity for new development and implementing improvements in waste water treatments at the various WwTWs which discharge into the Burry Inlet and wider estuary.

The outline application was supported by a drainage strategy which detailed a series of drainage measures proposed to serve the development and mitigate against any unacceptable impacts upon the surrounding environment and CBEEMS. These are examined in detail within the ES while the document also sets out a series of mitigation measures that will serve to ensure that the water environment is adequately protected during the construction phase of the development. In terms of foul drainage, the measures include the provision of additional network storage to supplement the existing foul sewer network with this being in accordance with the recommendations of a hydraulic modelling assessment undertaken by Welsh Water in respect of the development.

From a surface water perspective, the basic premise of the measures is that no run-off from the development will enter the combined public sewer and will instead discharge into the wider surface water drainage network at a controlled rate via a series of attenuation ponds. The measures also include the implementation of a scheme of surface water removal from the combined public sewer that will provide betterment to the network by removing a volume of surface water from the system greater than that generated by the development itself. The latter is in compliance with the requirements and objectives of the Memorandum of Understanding (MOU) which sets out the partnership approach between Carmarthenshire County Council, the City and County of Swansea, Natural Resources Wales (NRW) and Welsh Water to improve and safeguard the environmental quality of the CBEEMS when taking decisions on development.

The ES provides a cogent assessment of water quality in the CBEEMS demonstrating that, with the implementation measures referred to above, the development alone or in combination with other developments will not cause any unacceptable detriment to water quality in the Loughor Estuary. The information contained in the ES informed the Authority's subsequent TLSE of the development upon the CBEEMS which concluded that there will be no likely significant effect on the features and objectives of the CBEEMS. NRW subsequently accepted the findings of the TLSE and the outline planning permission granted on 22 December 2015 was the subject of a number of conditional requirements which, amongst others, require the approval and implementation of the drainage and mitigation measures referred to above.

Finally, it is of note that in addition to the EIA Direction issued in June 2008, the Welsh Government (WG) issued an Article 18 Direction in respect of the outline application in July 2014 which, at the time, prevented the Authority from granting permission for the development. They advised that the Direction was issued in response to a request for the call-in of the application following the issue of a Reasoned Opinion by the European Commission which alleged that the United Kingdom was in breach of European Union standards on urban waste water treatment in Gowerton and Llanelli. They advised that the basis of the request was that the development proposed would extend the breach of the Directive and, as such, it raised issues of more than local importance which would need to be considered with full care and diligence.

Having subsequently considered the Head of Planning report presented to the Planning Committee in respect of the outline application, the WG subsequently confirmed that they were satisfied that officers had, with the assistance of Welsh Water and NRW, fully assessed issues raised by the development in respect of the disposal of foul sewage and surface water drainage. As such, they were satisfied that the concerns of the Reasoned Opinion in relation to the development had been addressed and that the issues raised were of no more than local importance. On this basis, they cancelled the Direction and, following the Planning Committee's resolution to approve the application at their meeting on 18 November 2014, the outline planning permissions was subsequently granted.

### **Procedural Requirements**

Although the original outline application was supported by an ES, the development proposed under the current reserved matters application is of a nature and scale that exceeds the thresholds for "Urban Development Projects" as qualified by schedule 2, paragraph 10(b) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (these regulations have since been superseded but comprised the EIA Regulations when the application was received in February 2016). As such, officers were required to consider the potential significance of the development upon the environment by reference to the selection criteria specified in paragraphs 1-3 of the Regulations to establish whether a further EIA was required. These being: the characteristics of the development; the location of the development; and the characteristics of the potential impact.

Based upon the information submitted in support of the application and the context of the conditional requirements of the outline planning permission requiring the implementation of the drainage and other mitigation measures contained in the original ES, officers have concluded that the development will not have a significant effect upon the environment and that a further EIA is not therefore required.

## **Design, Layout and Access**

The development will consist of 240 dwelling units which will equate to a development density of approximately 29 units per hectare. This is within the parameters of condition no. 21 of the outline permission which restricts the development to no more than 240 units.

The scheme consists of a predominance of two storey houses together with a small number (22 units) of two and a half storey houses which will incorporate additional loft space accommodation. It includes a mix of detached, semi-detached and terraced houses which are made up of 43 two bedroom properties, 147 three bedroom properties and 50 four bedroom properties. 48 of the dwellings (20%) will consist of affordable units as required under the completed Section 106 agreement of the outline permission.

The layout seeks to maximise the development potential of the site while at the same time having regard to the character of the area and the amenity of the occupiers of existing neighbouring properties. Vehicle access to the development is to be achieved via both Pendderi Road and Genwen Road with the latter being widened to a 5.5 metres carriageway with footways provided either side.

The area of the site to the north of Genwen Road is to have a main central access off Pendderi Road with the estate road traversing the development and linking up with a new access to be formed onto Genwen Road. Secondary roads lead off from the main estate road while some of the houses will also be served by shared private drives. The main access on Pendderi Road will be flanked by two further entrances leading to private drives either side that will serve the properties fronting onto Pendderi Road. Access to the southern parcel of the site will be via a new access onto Genwen Road in the eastern part of the site as well as a further access to the west which will again lead to private drives serving the properties fronting onto Genwen Road.

The houses will front onto the internal road network in a traditional perimeter block approach with private garden and amenity spaces to the rear. The scheme also has strong road frontages onto both Pendderi and Genwen Road in order to create interest and reinforce the existing street scenes. The northern parcel of the site has a large area of public open space incorporating a local area of play (LAP) which is centrally located next to the access onto Genwen Road. The surrounding houses all have frontages onto this area to create high levels of passive surveillance.

Pedestrian facilities are provided throughout the development while the existing public right of way crossing the site is to be retained, albeit on a diverted route that will follow the internal footways. The route will run contiguous with the new public open space and ensure permeability with surrounding residential areas. Parking within the scheme is provided via a mixture of parking solutions that include a mix of garaging facilities and side and front driveways.

The external finishes of the dwellings will include a mix of facing brick types in order to again create visual interest and variation in the street scene. The application has been accompanied by a detailed landscaping scheme which provides for the retention of existing landscape features along the site's perimeter as well as the implementation of new planting frameworks on the site's boundaries to Genwen and Pendderi Road. Robust planting treatments are also provided throughout the development while boundary treatment measures are to consist of a mix of face brick walling and fencing.

As highlighted above, the application includes details pursuant to the full or partial discharge of a number of conditions attached to the outline planning permission. These are summarised below.

## **Highways**

The original outline planning application was accompanied by a detailed Transport Assessment (TA) which examined the impact of the development on transport networks and movement patterns in the local area while also setting out proposals for the widening and improvement of Genwen Road and its junction with Pendderi Road. The TA concluded that the traffic generated by the development can be safely accommodated on the local highway network without any adverse effects in terms of traffic congestion and resulting queuing with the various accesses to the development and surrounding highway links forecast to operate well within capacity.

Condition no. 5 of the outline permission requires the submission and written approval of a detailed scheme for the widening and improvement of Genwen Road and its junction with Pendderi Road. It also provides guidance in terms of the dimensional requirements of the widened roadway, junction and new footways. The details submitted with this application meet the requirements of the condition in that they show Genwen Road being widened to 5.5 metres in width along the site's entire frontages. Moreover, provision is made for 1.8 metre footways/cycleways either side of the carriageway together with improvements to the junction.

The Head of Transport has confirmed his acceptance of the proposed improvements to Genwen Road and its junction with Pendderi Road and has raised no objections to the application from a highway or safety perspective.

## **Ground Contamination**

Condition no. 7 of the outline permission is a multi-stage process requiring the submission of a preliminary risk assessment of the site detailing previous land uses and potential contaminants followed by a detailed scheme for the investigation and recording of contamination. Where necessary, it also requires a remediation strategy for the removal of any identified contamination.

A Site Investigation Report has been submitted in support of the application together with supplementary contamination testing of the site. The report provides a review of ground conditions within the site which included an assessment of the stability, geology and hydrogeology of the site as well as any potential historic contamination. In terms of the latter, single elevated concentrations of lead and arsenic were recorded within the topsoil of the site and subsequent testing of the latter concluded a minimal risk to the occupiers of the development. Contamination testing of the area of the derelict farm buildings on the site is also recommended following their demolition.

The Head of Public Protection has confirmed that the report meets the requirements of the initial risk assessment of the condition and that the subsequent investigation and remediation elements will need to be addressed to fully discharge the condition prior to the commencement of the development.

## **Foul and Surface Water Drainage**

The ES accompanying the outline application focused on the potential effects of the construction and subsequent occupation of the development on the water environment and in particular the Loughor Estuary. It included a drainage strategy which set out detailed measures put forward as part of the outline application to mitigate the potential long term impacts of the development.

Turning firstly to surface water, the drainage strategy in the ES proposed the attenuation of surface water from the development into a series of ponds sited to make efficient use of the topography of the site and best mimic the current catchment hydrology. Water from the ponds is to discharge to the wider surface water drainage network at a controlled rate via flow control devices. The principle of the strategy was accepted in the granting of the outline permission and condition no. 13 of the same requires the submission of the detailed design of the scheme for approval.

The details now submitted with the current application follow the premise of the strategy contained in the ES with the development being served by a drainage scheme comprising two attenuation ponds, one in each of the parcels to the north and south of Genwen Road. Surface water from the development will be conveyed to the attenuation ponds via a traditional pipe and gully system. The ponds will effectively consist of dry attenuation basins which will form amenity and landscape features in the development. They have been designed to accommodate surface water from the development in a 1 in 100 rainfall event with a climate change allowance of 30%. Run off from the majority of the development parcels either side of Genwen Road will discharge to the larger of the two ponds proposed in the southern periphery of the site from where it will discharge to an existing watercourse in the south eastern corner of the site at an attenuated rate of 19.5 litres per second. The north western part of the northern parcel will discharge to a smaller pond in the north western periphery of the site which will drain to an existing surface water culvert on the site's perimeter at a restricted rate of 9.7 litres per second. The piped system leading to the ponds will be offered for adoption to Welsh Water whilst the ponds themselves will be adopted by the Authority.

In addition to implementing the above scheme, it is of note that the applicant will also make a financial contribution of £50,000 towards culvert improvements to be undertaken by the Authority in the village of Bynea downstream of the application site with this being a requirement of the Section 106 agreement.

NRW have raised no objection to the surface water drainage scheme proposed while the Authority's own drainage engineers have also confirmed their acceptance of the proposals.

In addition to the details submitted with the application, the applicant is required to provide a scheme to manage surface water within the development during the construction phase of the development. This scheme will need to be submitted pursuant to the full discharge of condition no. 13 prior to the commencement of any works on the site.

With regard to foul drainage, the drainage strategy in the ES included a Hydraulic Modelling Assessment (HMA) Report of the foul sewerage network serving the site which was undertaken by Welsh Water. The assessment highlights that the existing sewer network is generally in a good condition with capacity in the gravity sewers to convey flows in dry conditions. However, it goes on to state that the sewer system surcharges causing flooding during 1 in 30 year rainfall events and that adding development to the system will



further increase the volume and occurrence of flooding. With this in mind, the report concludes that to enable the development to proceed, localised network improvements will be necessary to avoid any detriment to the network's performance. To this end, the report presents two solutions to mitigate the impacts of the development in terms of flooding that will allow the scheme to proceed.

- 1 The first relates to the disconnection of surface water flows into the sewer network from impermeable areas within the vicinity of the site. The report advocates that a greater amount of surface water be removed from the system in advance of the development and provides details of impermeable areas within the vicinity of the site – these consist mainly of roofs of surrounding properties that drain to the foul sewer. In total, it recommends that a combined area of 3440 square metres be diverted from the network to allow for the development to proceed.
- 2 The second option relates to the provision of additional network storage within the development scheme to supplement the existing foul sewer network. In essence, this will involve the construction of storage unit(s) within the development to effectively add capacity to the existing combined sewer network. The report recommends that a storage capacity of 270 cubic metres be provided for the development of the entire site, of which 84 cubic metres would be required for the southern parcel.

The report recommends that the final solution could comprise a combination of both of the above options whereby the developer could potentially choose to remove a portion of impermeable area in order to reduce the on-site storage requirements.

The drainage strategy within the ES follows the recommendations of the HMA in incorporating a combination of both of the above options. It shows the provision of storage units within the development while the removal of surface water is achieved via two “betterment” schemes which were identified following discussions with Welsh Water, NRW and the Authority's land drainage officers. The surface water removal schemes differ from those suggested in the modelling assessment albeit they are located within the same Bynea catchment of the sewer network. Moreover, they will secure the removal of a greater amount of surface water amounting to an impermeable area of 4,162 square metres.

Within the context of the above, condition no. 19 of the outline permission requires improvements to the public sewer network in accordance with the recommendations of the HMA, while condition no. 20 seeks to secure the implementation of a scheme of surface water removal based upon the parameters contained in the drainage strategy within the ES. The applicant has submitted details pursuant to the discharge of both of these conditions as part of the current application.

The foul drainage scheme has been designed to meet Welsh Water's requirements and the objectives of option no. 2 of the HMA. Foul flows from both parcels of the site will drain directly to the existing sewer network at a point located in Genwen Road between both parcels. The northern parcel will drain via both gravity feed and an adoptable pumping station which is to be located in the north western periphery of the site adjacent to the attenuation pond. The levels of the southern parcel dictate that the entire part of this development will be served by an adoptable pumping station to drain the flows up to Genwen Road.

The design includes the provision of a 270 cubic metre storage tank which will be located below a shared private drive and landscaped area within the development close to Genwen Road. The tank will be of a precast concrete construction and connect directly to the existing network at a separate point further to the west of the site along Genwen Road where Welsh Water have identified there are localised flooding problems during periods of heavy rainfall.

Allied to the above, the surface water removal scheme is based upon the strategy contained in the ES and relates to two sites. The first centres around Bryndulais Avenue in the Llanerch area of Llanelli and will remove surface water run-off from an impermeable area of 3,202 square metre from the combined public sewer. The areas to be removed consist of public highway along Bryndulais Avenue, Cae Cotton, and Heol Goffa and the run-off will be discharged directly into the River Lliedi via a new outfall at an attenuated rate.

The second site is located off Heol y Dinbych in the Penyfan area of Llanelli and secures the removal of run-off from 960 square metres of impermeable area from the combined sewer. The scheme relates to an existing car park and diverts flows into an existing Welsh Water surface water sewer.

Both schemes will result in the removal of surface water runoff from a combined impermeable area of 4,162 square which will provide substantial “betterment” to the combined sewer network in accordance with the objectives of the MOU.

Welsh Water have raised no objection to the drainage proposals and are satisfied that they meet the requirements of the HMA and the conditional requirements of the outline permission. Furthermore, they’ve confirmed their acceptance of the surface water removal schemes insofar as they meet the requirements and objectives of the MOU.

## **Ecology**

The application is accompanied by an Ecological Management Plan and detailed landscape proposals in the form of a Landscape Specification and Management Plan. These have been provided pursuant to the discharge of conditions 18 and 11 of the outline permission respectively and are supplemented by a Bat Assessment of the ruinous Genwen Farm buildings as well as a Tree Survey and Arboricultural Method Statement.

The Ecological Management Plan is based upon the findings of the Ecological Appraisal submitted in support of the original application. The appraisal concluded that whilst the site is generally of limited ecological value, it does contain some locally notable habitats such as trees and hedgerows and the potential of protected species such as birds and reptiles. The Management Plan presents a series of management solutions to mitigate the impacts of the development upon these more sensitive areas and habitats. At the same time, it provides a series of ecological enhancement measures alongside the new landscaping proposals including bat enhancements and bird boxes which will assist in enhancing the foraging, feeding and nesting opportunities within the site.

It is of note that the bat assessment submitted with application found no evidence of bat activity in the existing buildings within the site.

The Authority's Planning Ecologist and Landscape Officer have raised no objection to the application from an ecological perspective. Similarly, NRW have raised no concerns in this respect.

### **Other Matters**

The applicant has submitted a phasing scheme to meet the requirements of condition no. 9 of the outline permission which shows the development being implemented in 4 phases. The first three phases will be in the northern parcel of the site with the final phase in the area to the south of Genwen Road.

Details of the finished levels of the development in the form of slab and ground levels and cross sectional details have been submitted to meet the requirements of condition no. 12 of the outline permission. The details show the finished levels of the development being generally comparable with existing ground levels of the site with the exception of localised areas such as the attenuation ponds where some re-profiling works will be required.

A CEMP detailing a series of mitigation and pollution prevention measures to be implemented during the construction phase of the development has been submitted pursuant to condition nos. 14 of the outline permission. It also includes a Noise Management Plan and Site Waste Management Plan pursuant to the discharge of condition nos. 8 and 17 while a separate Dust Mitigation Scheme has also been received in respect of condition no. 8. The CEMP provides detail on, amongst others, the measures proposed to prevent the pollution of the watercourse and the wider water environment which include, for example, a silt management plan. NRW and the Head of Public Protection have confirmed their acceptance of these measures.

Finally, the application is supported by an air quality assessment of the development upon the recommendation of the Authority's Head of Public Protection. The Assessment concludes that the air quality impacts of the scheme will be negligible and the Head of Public Protection has confirmed his acceptance of these findings.

### **Community Benefits**

The Section 106 Agreement completed in respect of the outline planning permission secures the following community benefits which will be provided as part of the development:

- 1 Affordable Housing – 20% of the units which equates to 48 houses are to be 'affordable'. They will consist of 26 two bedroom houses and 22 three bedroom houses located in both the northern and southern parcels of the site and will be provided on a low cost home ownership basis.
- 2 Open Space - A financial contribution of £250,000 towards the provision and maintenance of a local area of play area and area of open space within the development as well as the improvement and enhancement of open space and play facilities in the local area.
- 3 Education Facilities – A financial contribution of £204,000 towards the provision/improvement of educational facilities within the school catchment of the site.

- 4 Highway Improvements – A financial contribution of £295,900 towards the improvement of existing highway and public transport infrastructure within the local area. The improvements are to include traffic management and road safety measures on the local highway network, the upgrade of existing footpaths for shared pedestrian and cycle use and the provision of public transport facilities and safe routes in the community.
- 5 Surface Water Drainage – A financial contribution of £50,000 towards culvert improvements in the wider surface water drainage network.

## **PLANNING POLICY**

### **Local Development Plan (LDP)**

In the context of the Authority's current Development Plan the application site is located within the development limits of Llanelli and allocated for housing purposes under Policy H1 of the Plan.

The site forms part of housing allocations GA2/45 and GA2/46 as referenced in the Plan. The southern parcel falls within allocation GA2/45 which also incorporates the two small field enclosures that adjoin the site and Pendderi Road. It is identified in the Plan as being capable of accommodating 150 units. It is of note that the application proposes the construction of 67 units within this allocation.

The northern parcel falls within housing allocation GA2/46 which also incorporates a separate field enclosure located at the end of the neighbouring Cae Gar estate. The overall allocation is identified in the Plan as being suitable to accommodate 200 units and the application proposes the construction 173 units within the northern parcel of the site that falls within the allocation.

Reference is drawn to the following policies of the Plan:

In terms of the Plan's strategic policy context, Policy SP1 promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

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

Policy SP3 identifies Llanelli as being one of three Growth Areas within the Plan's Settlement Framework for the County which reflects their high population levels and the availability of an extensive range of services and facilities in the strategic context. The settlements are well served by facilities that are vital to support sustainability being on sustainable transport routes and are therefore capable of accommodating a proportionally higher level of growth and development.

Policy SP5 allocates sufficient land for 15,778 new dwellings within the Plan area in accordance with the Settlement Framework with a high proportion (8,333) of these dwellings being directed towards the Growth Areas.

Policy SP9 promotes the provision of an efficient, effective, safe and sustainable integrated transport system.

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

Policy SP17 states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy GP1 is a general policy which, amongst others, 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. Developments should also not have a significant impact upon the amenity of adjacent land uses and properties, be served by appropriate access provision and have regard to the safe and efficient use of the transport network. Proposals are also required to have regard to the generation, treatment and disposal of waste.

Policy GP2 requires that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP3 states that the Council will, where necessary seek developers to enter into planning obligations or to contribute via the Community Infrastructure Levy to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites. It goes on to state that the Council will seek a level of affordable housing of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub market areas. The application site falls within the 20% viability area.

Policy GP4 states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy TR2 requires that developments which have the potential for significant trip generation should be located in a manner consistent with the Plan's objectives and in locations which are well served by public transport and are accessible by cycling and walking.

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. Reference is also made to the need to meet required access and parking standards as well as promoting the interests of pedestrians, cyclists and public transport as part of proposals.

Policy EQ4 relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Similarly, Policy EP1 requires that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. The reasoned justification to the policy draws specific reference to the conservation of the CBEEMS and the obligations of the Authority under the EU Habitats Directive to ensure no new developments adversely affect the site. In this regard, reference is made to the partnership approach to safeguarding and improving the environmental quality of the CBEEMS through the MOU and Welsh Water's commitment to undertake improvements in waste water treatment capacities, treatment levels and discharge quality through their AMP programmes.

Policy EP2 states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate that they 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. Furthermore, Policy EP6 states that in areas where land instability is known, proposals must be accompanied by a scoping report to ascertain the nature of the instability.

Policy REC2 requires that all new development of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards.

### **National Planning Policy**

Planning Policy Wales (PPW) (Edition 9, November 2016) provides a national overview of planning policy on a wide range of issues relevant to the proposed development. The Welsh Government supports the vision for good quality, mixed housing accessible to all which conforms to sustainability principles which underpin all planning policy guidance.

The document refers to the Welsh Government's approach, as set out in its National Housing Strategy, to provide more housing of the right type and to offer more choice while ensuring that new housing and residential environments are well designed and make a significant contribution to promoting community regeneration and improving the quality of life. Further emphasis is placed on the requirement to ensure that new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

Para 9.1.2 of PPW goes on to highlight that local planning authorities should, amongst others, promote sustainable residential environments that are easily accessible by public transport, walking and cycling, have good access to employment, retail and other services and make the most efficient use of land.

PPW is supplemented by a continually updated series of Technical Advice Notes (TANs). The following TANs are relevant in the consideration of this application:

TAN 2 (Planning and Affordable Housing) provides guidance on the role of the planning system in delivering affordable housing.

TAN 5 (Nature Conservation and Planning) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

TAN 12 (Design) seeks to promote sustainability principles through good design and identifies how local planning authorities can facilitate this process through the planning system.

TAN 15 (Development and Flood Risk) aims to direct new development away from those areas that are at high risk of flooding and defines what is considered to be vulnerable development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.

TAN 18 (Transport) endeavours to ensure Wales develops an efficient and sustainable transport system to meet the needs of a modern, prosperous and inclusive society.

TAN 20 (The Welsh Language) provides guidance on how the planning system considers the implications of the Welsh language when LDPs are prepared. In essence, the TAN advises that planning applications should not be subject to Welsh language impact assessment as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

### **THIRD PARTY REPRESENTATIONS**

The application has attracted a significant number of objections. A large number were received in response to the initial application submission while many have reiterated the same reasons together with the addition of further objections in respect of the re-consultations undertaken in respect of additional and amended information submitted by the applicant. The issues raised are addressed in the following appraisal.

#### **Highway Impacts**

A common ground of concern amongst the respondents is that the local highway network within the surrounding and wider area is inadequate to accommodate the additional traffic generated by the development and the resulting impact upon highway safety. Many are of the perception that the traffic surveys undertaken in respect of the outline application were not accurate and need to be updated while concerns have also been raised regarding the number and safety of the new accesses proposed to the development. The lack of parking within the development has also been raised while a number have referred to the refusal of an application for a smaller development in Bynea on, amongst others, traffic grounds.

Matters relating to the adequacy of the wider road network to accommodate a development of the scale proposed were considered in detail as part of the outline application. The application was accompanied by a Transport Assessment which assessed the key impacts of the development on the transport networks and movement patterns in the local area. Following an operational analysis, the TA concluded that the likely additional traffic can be safely accommodated on the local highway network without any adverse effects in terms of traffic congestion and resulting queuing.

Having considered the findings of the TA as part of the outline application, the Head of Transport was satisfied that it provided a cogent and accurate analysis of the potential impact on the surrounding highway network. On this basis, he offered no objection subject to the improvement and widening of Genwen Road as part of the development. Furthermore, he sought the payment of a financial contribution of £295,900 towards the implementation of improvements and traffic calming measures on the surrounding road network in order to mitigate any highway impacts of the development. These are to include traffic management and safety measures on a number of roadways within the local area as well as the upgrade of pedestrian footways and cycleways and the improvement of public transport facilities.

The current scheme proposes the widening of Genwen Road and the provision of new footways in accordance with the requirements of the outline permission while the financial contribution has also been secured via the completed Section 106 agreement. The latter is to be paid by the applicant prior to the commencement of the development thereby enabling the early implementation of the improvements proposed.

The Head of Transport has confirmed his acceptance of the proposals for Genwen Road as well as the overall development layout and access points leading thereto. Moreover, he is satisfied that there has been no significant change in the volume of traffic since the granting of the outline permission that would warrant the submission of a new TA as part of the current application.

The respondents' reference to the previous refusal of a development in Bynea on highway grounds is not material in the consideration of the current application; the application site has the benefit of the outline planning permission for a development of up to 240 units whereby the principle of the development has already been established.

The proposal is therefore considered to be in compliance with Policies SP9, GP1, and TR3 of the LDP in terms of the highway impacts of the development.

### **Surface Water Drainage**

A large proportion of respondents suggest that the method of surface water disposal will increase the risks of flooding to neighbouring properties particularly those downslope of the site in Bynea. It is also suggested that the water in the attenuation ponds will affect the underlying water table and that the applicant does not have permission to discharge to the watercourse in the southern part of the site.

The application has been accompanied by a comprehensive surface water drainage scheme which is based upon the strategy contained in the outline application and accompanying ES. Run-off from the development will be discharged to an existing watercourse and surface water sewer on the perimeter of the site at controlled greenfield rates via two attenuation ponds. The scheme will provide a sustainable means of disposal



ensuring that no surface water enters the combined sewer system and no detriment is caused to existing residents. The piped surface water system is to be adopted and maintained by Welsh Water while the attenuation ponds will be adopted and maintained by the Authority. Furthermore, the development will include the implementation of a series of pollution prevention measures that will safeguard against any detriment to the surrounding water environment during both the construction and operational phases of the development. The applicant will also make a financial contribution towards culvert improvements in the wider drainage network downstream of the site as part of the development.

The Authority's drainage engineers and NRW have raised no objection to the scheme nor have they raised any concerns regarding its impact upon the underlying water table. The suggestion that the applicant is not permitted to discharge surface water to the existing watercourse is unfounded in that the point of discharge is located within the application site and under the control of the applicant.

The proposal is therefore considered to be in accord with the objectives of policies EP2 and EP3 of the LDP in that it will dispose of surface water in an acceptable and sustainable manner without causing unacceptable harm to neighbouring properties or the wider water environment.

### **Foul Water Drainage**

A further common ground of objection is the issue of foul drainage, sewer capacity and the potential effect of the development upon the Loughor Estuary. A number of the respondents refer to the recent ruling of the European Court of Justice that the UK is in breach of EU laws concerning the amount of waste water discharged to the Burry Inlet. Concerns have also been raised regarding the health and environmental impacts of the storage tanks within the development as well as the noise impacts of the pumping stations.

The foul drainage scheme again reflects the strategy contained in the ES accompanying the outline application and has been designed to meet Welsh Water's requirements and those of the HMA undertaken in respect of the development. The basic premise of the scheme is to provide additional network storage with the development while at the same time providing "betterment" with the removal of surface water runoff from the network.

Foul flows from the development will drain directly into the existing sewer network in Genwen Road while the additional network storage in the form of an underground precast concrete tank will ensure adequate capacity exists in the system to accommodate the development. The combined system currently experiences localised flooding along Genwen Road to the west of the site during periods of heavy rainfall and the storage tank will provide additional network storage in this area thereby alleviating existing flooding problems whilst ensuring the development will cause no detriment to the existing system or surrounding environment.

Allied to the above, the two surface water "betterment" schemes will remove surface water run-off from an impermeable area of 4,162 within the same catchment of the sewer network which is equivalent to the foul flows from 462 dwellings. This will equate to almost twice the volume of foul flows from the development being removed from the system which will provide substantial betterment to the combined sewer network in terms of its hydraulic capacity in accordance with the objectives of the MOU. The volume of foul flows and capacity generated by the compensatory measures will be recorded in the Authority's

surface water register which is a further requisite of the MoU being undertaken in terms of the monitoring of the impact of developments.

Welsh Water and NRW have offered no objection to the foul drainage strategy proposed as part of the development. The former have confirmed that the scheme meets the requirements of the HMA and that no detriment will be caused to the performance of the existing sewerage system or elsewhere on the system downstream of the site. Furthermore, they've confirmed their acceptance of the betterment proposals in that they comply with the requirements and objectives of the MOU.

Turning to the respondents' concerns regarding the impact of the development upon the Loughor Estuary, this matter was covered in great detail in the ES supporting the outline application. The ES represents a cogent investigation of water quality in the CBEEMS and the relationship with new developments within the catchment of the Llanelli WwTWS. It demonstrates that there will be no adverse impact upon the water environment of the CBEEMS as a result of the development subject to the implementation of the drainage strategy and pollution prevention measures put forward in the outline application and improvements proposed by Welsh Water to the public sewerage system. The latter relate to the implementation of Welsh Water's AMP 4 programme to increase storage capacity and UV treatment within the system at Northumberland Pumping Station coupled with the installation of a new phosphate stripping plant at Llannant WwTW. These improvements have been implemented by Welsh Water who are now progressing their subsequent AMP 5 programme for the period 2015-2020.

The TLSE of the development undertaken by the Authority in determining the outline application agreed with the findings of the ES in that, with the mitigation measures proposed, the development will have no significant effect on the features and objectives of the CBEEMS either alone or in combination with other development projects. NRW endorsed the findings of the TLSE. The current drainage proposals and mitigation measures contained in the CEMP comply with the requirements of the outline permission and given that Welsh Water have completed the necessary improvements to the public sewerage system set out in the ES, the Authority is satisfied that the development will have no significant effect upon the CBEEMS.

Turning to the perceived health impacts of the storage tank proposed, the overall foul drainage scheme will need to conform to the Welsh Minister's standards for foul sewers and will be adopted and maintained by Welsh Water. This will safeguard against any unacceptable amenity impacts. Moreover, the Head of Public Protection has raised no objection to this aspect of the scheme from either a health or odour perspective. With regard to the pumping stations, these are often found in housing developments where the levels don't allow for a gravity feed system and it is not envisaged that they will result in any unacceptable amenity impacts to existing residents or those of the development.

The development is therefore considered to be in accord with the objectives of Policies SP14, SP17, GP4, EP1 and EP2 in terms of infrastructure capacity and the likely impact upon the integrity of a European protected site.

### **Sustainability and Impact upon the Character and Amenity**

A further common ground of objection is the impact of the development upon the surrounding area with many citing concerns regarding the scale and urbanising effect of the development. Certain of the respondents have opined that the design of the dwellings

will be out of keeping with existing developments in the area while others have questioned the sustainability of the development.

The application site was allocated for residential development in the Authority's former adopted Unitary Development Plan and has been carried forward to the current adopted LDP. The suitability of the site for residential development has been considered by the various Planning Inspectors presiding over the public inquiries of both of these Development Plans who concluded that it scores well in terms of the sustainability criteria contained in Planning Policy Wales for the allocation of housing sites. The scale and density of the development falls within the parameters of the allocation in the adopted LDP with the principle of the development having been reaffirmed with the granting of the outline permission.

The general scale, design and spatial layout of the scheme are considered to be acceptable within the context of the surrounding pattern of development which consists of a mix of dwelling types and densities. The design of the scheme with its mix of hard and soft landscaping proposals and generous area of public open space will respond well to the site's setting in the wider area. The strong frontages to Pendderi and Genwen Road will complement these existing street scenes while the permeability of the site in terms of vehicular and pedestrian links and mix of parking solutions will reinforce the attractiveness of the scheme. Although the proposal will inevitably result in a change in the urban form of the area, this will take place over a period of time given the intended phased approach of the development.

Whilst a number of respondents have remonstrated that the two and a half storey dwellings will be out of keeping with the area, their design is such that they will utilise the roof space for accommodation purposes with their overall height not being discordant with those of existing two storey properties in the area. Concerns have also been raised regarding the size of the affordable units within the scheme, however, the reasons for the same are not qualified in the responses. The affordable units will consist of a mix of two and three bedroom properties whose design is not at variance with those of other units proposed in the scheme.

The issue of the impact of the development upon the amenity levels of surrounding residential properties in terms of loss of privacy, light and general disturbance has been carefully examined as part of officers' assessment of the application. The separating distances between the new houses and existing properties adjoining the site safeguard against any unacceptable impacts by way of overlooking and loss of light and the existing boundary trees and hedgerows will assist in safeguarding existing privacy levels. Moreover, the scale of the development is not considered to be of such a level so as to cause adverse impacts in terms of traffic noise and disturbance.

Whilst it is acknowledged there will inevitably be an element of noise and general disturbance to neighbouring residents during the construction phase of the development, these will be minimised with the implementation of the pollution prevention measures contained in the CEMP and other associated documents submitted with the application such as the Dust Management Scheme. It is of note that the Head of Public Protection has raised no objection to the development in this regard, however, should the need arise he does have powers to control such matters under separate legislation.

The development will provide a wide range and choice of housing types and sizes, including a significant number of affordable units that will be well related to the built form of Llanelli and its associated services, facilities and employment areas. The houses will benefit from good levels of accessibility to public transport being close to a number of bus services in the local area while the train station in Bynea is located some 800-900 metres distant of the southern part of the site. Moreover, as noted earlier in the report the contribution provided towards highway improvements as part of the development will also enable the improvement of public transport facilities in the local area.

The development therefore accords with policies SP1, SP2, SP3, GP1, EP2, TR2 and TR3 in terms of its sustainability and impact upon the surrounding area.

### **Impact upon Local Services and Facilities**

A number of respondents have highlighted the perceived lack of services and facilities in the local area of the site while also suggesting that services such as schools, surgeries and hospitals don't have sufficient capacity to accommodate the development.

As noted previously, the application site is well related to the wide range of services and facilities available in Llanelli as well as nearby public transport facilities. In terms of the impact upon local schools, this matter was considered as part of the outline application whereby there is capacity in the relevant catchment schools with future investment and improvements planned in a number of these as part of the Authority's Modernising Education Programme. The community benefits provided as part of the development will include a commuted payment of £204,000 towards the implementation of this programme. A further contribution of £250,000 will provide a large area of open space and play within the development that will be accessible from the local area while also assisting in improving existing recreational facilities.

### **Other Matters**

In terms of the concerns raised regarding the impact upon the ecology of the site, the ecological appraisal submitted in support of the outline application confirms that the site is of low ecological value. Notwithstanding this, the Ecological Management Plan includes a series of mitigation measures designed to mitigate the impacts of the development upon a number of existing habitats within the site while at the same time providing ecological enhancement measures alongside the new planting proposals proposed. These will safeguard against any unacceptable ecological impacts in accordance with the requirements of Policy EQ4 of the LDP. The Authority's Planning Ecologist and NRW have raised no objection to the approach set out in the application.

Matters raised regarding the stability of the site were considered as part of the outline application wherein the Coal Authority confirmed that the site can be safely developed and that detailed consideration of such matters can be addressed as part of any subsequent building regulation application. With regard to the presence of any existing services crossing the site, it will be the responsibility of the applicant to ensure that these are protected or diverted in accordance with the advice of the relevant utility provider.

The concerns raised regarding the manner in which the application has been processed are unfounded in that officers' are satisfied that the application been considered in accordance with the relevant statutory requirements.

The impact of the development upon the Welsh language was considered as part of the outline application whereby it was concluded that a development of the scale proposed would not undermine the long term viability of the language and culture given its location in Llanelli being the largest urban centre in the County. The provision of a significant number of affordable units within the development will make a positive contribution towards retaining young potentially Welsh speaking residents in the local area while the financial contribution towards improving education facilities in local catchment schools, including the Welsh medium schools, will again assist in promoting the long term viability of the language.

With regard to the concern that the development will be at odds with the standards set out in the Well Being of Future Generations (Wales) Act 2015 in terms of its highway and pollution impacts, as noted above officers are satisfied that, with the mitigation measures proposed, the development will have no adverse impacts in these regards that would unacceptably challenge the objectives of the Act.

Finally, the matters raised regarding loss of existing views of the estuary and depreciation in neighbouring property prices are not material in the determination of the application.

## **CONCLUSION**

The application seeks reserved matters approval in accordance with the provisions of the outline planning permission granted under application S/15702. It forms part of a multi stage process in securing detailed planning permission, with the principle of the residential development of the site having already been established.

After careful examination of the site, together with the representations received to date, the detailed proposals submitted in respect of the reserved matters of the development are considered to be acceptable and in compliance with the key policy and sustainability objectives of the Authority's adopted LDP as well as those of National Planning Policy. Furthermore, the details submitted pursuant to the full and partial discharge of the relevant conditions of the outline permission are also considered to be acceptable within this policy context.

The general scale, design and layout of the scheme will be in keeping with the character and appearance of the surrounding area and the development will provide a range and choice of housing types and sizes that will be well related to the existing services and facilities in the wider Llanelli area. Moreover, they will have access to a range of sustainable modes of transport. The development will also secure a range of community benefits in the local area which will include the provision of a significant number of affordable dwellings as well as improvements to the existing road network and both education and recreational facilities.

The development complies with the parameters and objectives of the outline permission and supporting ES in that it will deliver a sustainable drainage strategy and series of pollution prevention measures that will safeguard against any significant effect upon the features of the CBEEMS both during the construction and operational phases of the development. In this regard, the development also satisfies the objectives of the Habitat Regulations in terms of safeguarding the conservation status of the European Site.

Furthermore, and as outlined in the appraisal above, there are no highway, amenity, ecological or utility service objections to the development.

Accordingly, the application is put forward with a favourable recommendation.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development shall begin either before the expiration of five years from the date of the outline permission to which this development relates or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2 The development shall be carried out in accordance with the following approved plans and documents:-
  - Chedworth (village) floor plans and elevations (CD-WD10-REV N) received on 24 December 2016;
  - Roseberry (village) floor plans and elevations (RS-WD16-REV S) received on 24 December 2016;
  - Clayton corner (village) floor plans and elevations (CCA-WD16-REV G) received on 24 December 2016;
  - Clayton (village) floor plans and elevations (CA-WD16-REV D) received on 24 December 2016;
  - Hatfield (village) floor plans and elevations (HT-WD16-REV R) received on 24 December 2016;
  - Souter (village) floor plans and elevations (SU-WD-16-REV S) received on 24 December 2016;
  - Rufford (village) floor plans and elevations (RF-WD16-REV R) received on 24 December 2016;
  - Hanbury (village) floor plans and elevations (HB-WD16-REV P) received on 24 December 2016;
  - Morden (village) floor plans and elevations (MR-WD16 REV K) received on 24 December 2016;
  - Chedworth corner special (village) floor plans and elevations GDC-WD06) received on 24 December 2016;
  - WHQS floor plans and elevations (WD01) received on 29 March 2017;
  - WHQS floor plans and elevations (WD04) received on 29 March 2017;
  - Garage floor plans and elevations (SGD-10) received on 24 December 2016;
  - Phasing plan (PP01 REV A) received on 20 June 2017;
  - Site sections (SS-01 REV A) received on 9 February 2016;
  - Drawing Area Network Plan (BY23) received on 24 March 2016;
  - Drainage betterment works – option 2 (10082-200-Rev D) received on 24 March 2017;
  - Detailed soft landscape proposals plan (TDA.2183.01C) received on 20 June 2017;
  - Pumping station compound (10082-202) received on 19 May 2017;
  - Northern pumping station compound (10082-203) received on 16 June 2017;
  - Management and maintenance plan (MMP-01 Rev. B) received 20 June 2017;
  - 1:400 and 1:1600 scale tree constraints plans received 18 January 2016;
  - Engineering Layout Plan (10082-102 REV I) received on 19 May 2017;
  - Engineering Layout Plan (10082-100 REV E) received on 30 March 2017;

- Engineering Layout Plan (10082-101 REF F) received on 30 March 2017;
  - Location Plan (LP-01-REV D) received on 7 March 2017;
  - Planning Layout (PL-01-REV H) received on 29 March 2017;
  - Site Investigation Report 11583/JJ/15/SI and Supplementary Letter Report received on 31 March 2016;
  - Landscape Specification and Management Plan (Rev A – updated March 2017) received on 19 May 2017;
  - Ecological Management Plan (March 2016) received on 1 April 2016;
  - Drainage Strategy Report (March 2017 – Rev C) received on 7 March 2017;
  - Construction Environmental Management Plan (June 2017) received on 20 June 2017;
  - Dust Emission Control Plan (June 2017) received on 20 June 2017;
  - Arboricultural Method Statement (March 2017) received on 7 March 2017.
- 3 No works shall commence on Phases 2, 3 and 4 of the development hereby approved, as shown on the Phasing Plan (PP01 REV A) received on 9 June 2017, without the prior written approval of the Local Planning Authority. This excludes foul and surface water drainage works located within phases 2, 3 and 4 that are required to enable the development and occupation of the dwellings located in phase no. 1.
- 4 The parking spaces and layout shown on the plans herewith approved shall be provided in accordance with the details shown prior to the beneficial occupation of the dwellings. Thereafter, they shall be retained, unobstructed, for the purpose of parking only.
- 5 Notwithstanding the provisions of the Town and Country Planning, Wales (General Permitted Development) (Amendment) (Wales) Order 2013 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, E and F shall be carried out within the curtilages of the dwelling houses on plot nos. 7, 8, 28-36, 39, 49, 50, 52-61, 78-93, 174, 177, 179-181 and 228-230, as shown on the Planning Layout drawing (PL-01-REV H) received on 29 March 2017, (other than those expressly authorised by this permission) without the prior written consent of the Local Planning Authority.
- 6 The detailed landscaping design scheme comprised in each phase of the development, as detailed in the following schedule of plans and documents, shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of each respective phase of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- Phasing Plan (PP01 REV A) received on 20 June 2017;
  - Detailed Soft Landscape Proposals Plan (TDA.2183.01C) received on 20 June 2017;
  - Management and Maintenance Plan (MMP-01 REV B) received on 20 June 2017;
  - Landscape Specification and Management Plan (Rev A – updated March 2017) received on 19 May 2017;
  - Ecological Management Plan (March 2016) received on 1 April 2016;

- Arboricultural Method Statement (March 2017) received on 7 March 2017.

## REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3 To ensure the appropriate phasing of the development.
- 4 In the interests of highway safety.
- 5 To ensure that adverse impacts to existing trees and landscape elements identified for retention are effectively addressed within proposals for any future development.
- 6 In the interest of visual amenity.

## NOTE(S)

- 1 The applicant/developers attention is drawn to the conditional requirements of the outline planning permission (S/15702) to which this development relates. The following conditions of the outline planning permission are hereby fully/partially discharged:

**Condition no. 5** – Scheme of Widening and Improvement of Genwen Road - **PARTIALLY DISCHARGED.**

This discharge of condition relates to the following schedule of plans:

- Engineering Layout Plan (10082-102 REV I) received on 19 May 2017;
- Engineering Layout Plan (10082-100 REV E) received on 30 March 2017;
- Engineering Layout Plan (10082-101 REF F) received on 30 March 2017;
- Planning Layout (PL-01-REV H) received on 29 March 2017.

**Condition no. 7** – Ground Contamination – **PARTIALLY DISCHARGED**

This partial discharge of condition relates to Site Investigation Report 11583/JJ/15/SI and Supplementary Letter Report received on 31 March 2016.

**Condition no. 8** – Noise Management Plan and Dust Mitigation Plan – **FULLY DISCHARGED**

This discharge of condition relates to the Construction Environmental Management Plan (June 2017) and Dust Emission Control Plan (June 2017) received on 20 June 2017.

**Condition no. 9** – Phasing – **PARTIALLY DISCHARGED**

This partial discharge of condition relates to the Phasing plan (PP01 REV A) received on 20 June 2017.



### **Condition no. 11 – Landscaping – FULLY DISCHARGED**

This discharge of condition relates to the following schedule of plans and documents:

- Detailed Soft Landscape Proposals Plan (TDA.2183.01C) received on 20 June 2017;
- Management and Maintenance Plan (MMP-01 Rev. B) received 20 June 2017;
- Landscape Specification and Management Plan (Rev A – updated March 2017) received on 19 May 2017;
- Ecological Management Plan (March 2016) received on 1 April 2016;
- Arboricultural Method Statement (March 2017) received on 7 March 2017;
- 1:400 and 1:1600 scale tree constraints plans received 18 January 2016.

### **Condition no. 12 – Finished Levels – FULLY DISCHARGED**

This discharge of condition relates to the following schedule of plans:

- Engineering Layout Plan (10082-102 REV I) received on 19 May 2017;
- Engineering Layout Plan (10082-100 REV E) received on 30 March 2017;
- Engineering Layout Plan (10082-101 REF F) received on 30 March 2017;
- Site sections (SS-01 REV A) received on 9 February 2016.

### **Condition no. 13 – Surface Water – PARTIALLY DISCHARGED**

This discharge of condition relates to the following schedule of plans and documents:

- Engineering Layout Plan (10082-102 REV I) received on 19 May 2017;
- Engineering Layout Plan (10082-100 REV E) received on 30 March 2017;
- Engineering Layout Plan (10082-101 REF F) received on 30 March 2017;
- Drainage Strategy Report (March 2017 – Rev C) received on 7 March 2017.

### **Condition no. 14 – Construction Management Plan – FULLY DISCHARGED**

This discharge of condition relates to the Construction Environmental Management Plan (June 2017) received on 20 June 2017.

### **Condition no. 15 – Removal of Suspended Solids from Surface Water – FULLY DISCHARGED**

This discharge of condition relates to the Construction Environmental Management Plan (June 2017) received on 20 June 2017.

### **Condition no. 17 – Site Waste Management Plan - FULLY DISCHARGED**

This discharge of condition relates to the Construction Environmental Management Plan (June 2017) received on 15 June 2017.

### **Condition no. 18 – Ecological Management Plan - FULLY DISCHARGED**

This discharge of condition relates to the following schedule of plans and documents:

- Detailed Soft Landscape Proposals Plan (TDA.2183.01C) received on 20 June 2017;
- Management and Maintenance Plan (MMP-01 Rev. B) received 20 June 2017;
- Landscape Specification and Management Plan (Rev A – updated March 2017) received on 19 May 2017;
- Ecological Management Plan (March 2016) received on 1 April 2016;
- Arboricultural Method Statement (March 2017) received on 7 March 2017;
- 1:400 and 1:1600 scale tree constraints plans received 18 January 2016.

### **Condition no. 19 – Foul Drainage - PARTIALLY DISCHARGED**

This discharge of condition relates to the following schedule of plans and documents:

- Engineering Layout Plan (10082-102 REV I) received on 19 May 2017;
- Engineering Layout Plan (10082-100 REV E) received on 30 March 2017;
- Engineering Layout Plan (10082-101 REF F) received on 30 March 2017;
- Drainage Strategy Report (March 2017 – Rev C) received on 7 March 2017.

### **Condition no. 20 – Surface Water Removal - PARTIALLY DISCHARGED**

This discharge of condition relates to the following schedule of plans and documents:

- Drawing Area Network Plan (BY23) received on 24 March 2016;
- Drainage betterment works – option 2 (10082-200-Rev D) received on 24 March 2017;
- Drainage Strategy Report (March 2017 – Rev C) received on 7 March 2017.

- 2 The applicant/developer is advised that the outline application relating to this development is the subject of a Section 106 Agreement requiring an element of affordable housing within the development and the payment of commuted sums to the Council in respect of improvements to educational and recreational facilities in the locality and improvements to the local highway and surface water drainage networks.
- 3 Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.
- 4 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

<b>Application No</b>	<b>S/35029</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CHANGE OF USE OF AN OUTBUILDING TO 12 KENNELS AT DURCLAWDD FACH, LLANNON, LLANELLI, SA14 8JW

<b>Applicant(s)</b>	MR NEIL BUCKLEY, DURCLAWDD FACH, LLANNON, LLANELLI, SA14 8JW
<b>Agent</b>	MR CRAIG MASTERS, 80 GLYN ROAD, BRYNAMMAN, AMMANFORD, SA18 1ST
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Llannon
<b>Date of validation</b>	26/01/2017

## CONSULTATIONS

**Head of Transport** – Has no objection subject to the imposition of an appropriate condition on parking.

**Head of Public Protection** – Has no objection to the proposal subject to the imposition of appropriate conditions.

**Llannon Community Council** – Has not commented to date.

**Local Member** – County Councillor E Dole has requested that the application be reported to Planning Committee as there is potential noise pollution. County Councillor D Jones is a Member of Planning Committee and has not made prior comment. Former County Councillor Thomas was also a member of Planning Committee and did not make any observations.

**Neighbours/Public** – The application has been advertised by the posting of three site notices with one reply received to date raising the following matters:-

- The base map incorrectly identifies the neighbouring property's name.
- There has been no consultation with neighbours as stated on the forms.
- Neighbours have had no individual consultation letters.
- Rural area with little background noise.
- Kennels will generate noise only 85m from neighbouring property.

## **RELEVANT PLANNING HISTORY**

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

D5/13498     Glasshouse  
                 Permitted Development

07 February 1991

## **APPRAISAL**

### **THE SITE**

The site is an existing agricultural building which forms part of a small holding approximately 1.5km East of Llannon. The site is accessed via a single track road with passing places which serves several dwellings and a farm in addition to the applicant's property. There is a farmhouse and converted barn to the West, however it is noted that the barn is in third party ownership. There is a third party property to the South which is relatively close at 90m but accessed via a long private drive from the C2130.

The site is elevated compared with the access road, however it is not prominent in the landscape overall given the limited scale and surrounding vegetation. The building is not actively used for agriculture presently and is used for ad-hoc storage for the holding.

The barn is of agricultural portal frame construction with concrete block lower walls and corrugated sheeting above. The ground levels are such that the barn is split level following the contour of the site as reflected on the plans.

### **THE PROPOSAL**

The application seeks full planning permission for a change of use of the existing split level agricultural building to form a commercial boarding kennel. The double barn is proposed to be subdivided into twelve kennels with an internal exercise area. Three of the kennels are proposed as a quarantine unit.

The barn is proposed to be finished with vertical soft wood cladding above the existing block work. The roof is proposed to be corrugated fibre cement sheets as existing.

No new buildings are proposed, however there would be external parking within the curtilage of the site. It should however be noted that the applicant has stated that there will be a pick up and drop off service to avoid customers visiting the site, so the site has been assessed on this basis.

### **PLANNING POLICY**

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

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 7 and TAN12: Design (2014)).

Policy TR2 Location of Development – Transport Considerations states:

Proposals which have a potential for significant trip generation will be permitted where:

- a) It is located in a manner consistent with the plans strategic objectives, its settlement framework and its policies and proposals;
- b) It is accessible to non-car modes of transport including public transport, cycling and walking;
- c) Provision is made for the non-car modes of transport and for those with mobility difficulties in the design of the proposal and the provision of on site facilities;
- d) Travel Plans have been considered and where appropriate incorporated.

Policy TR3 Highways in Developments - Design Considerations states:

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.

Section 7.3 of Planning Policy Wales Edition 9 – November 2016 and paragraphs 3.2.1 to 3.2.4 of Technical Advice Note 6 encourage the re-use of rural buildings as follows:-

### 7.3 Promoting diversification in the rural economy

7.3.1 Many commercial and light manufacturing activities can be located in rural areas without causing unacceptable disturbance or other adverse effects<sup>5</sup>. Small-scale enterprises have a vital role in promoting healthy economic activity in rural areas, which can contribute to both local and national competitiveness. New businesses in rural areas are essential to sustain and improve rural communities, but developments which only offer short-term economic gain may not be appropriate. Local authorities should encourage the growth of self-employment and micro businesses in rural areas by adopting a supportive and flexible approach to home working. Information communications technology, in particular broadband, is vital to communities and business in rural areas. Improvements to information communications infrastructure networks should be supported throughout rural Wales.

7.3.2 While some employment can be created in rural locations by the re-use of existing buildings<sup>7</sup>, new development will be required in many areas. New development sites are likely to be small and, with the exception of farm diversification and agricultural development to which separate criteria apply<sup>8</sup>, should generally be located within or adjacent to defined settlement boundaries, preferably where public transport provision is established. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating appropriate small-scale rural enterprises in or adjoining small rural settlements. The expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts on local amenity.



Paragraphs 3.2.1 and 3.2.3 and 3.3.4 of TAN 6 Planning for Sustainable Rural Communities (July 2010) states:

- 3.2.1 When assessing planning applications for the re-use or adaptation of a rural building, the primary consideration should be whether the nature and extent of the new use proposed for the building is acceptable in planning terms. It should not normally be necessary to consider whether a building is no longer needed for its present agricultural or other purposes (although in the case of a tenanted agricultural building, the value in planning terms of the existing use should be taken into consideration). In circumstances where planning authorities have reasonable cause to believe that an applicant has attempted to abuse the system by constructing a new farm building with the benefit of permitted development rights, with the intention of early conversion to another use, it will be appropriate to investigate the history of the building to establish whether it was ever used for the purpose for which it was claimed to have been built.
- 3.2.3 Conversion proposals should respect the landscape and local building styles and materials. If a planning application is submitted for the re-use of a building which the planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.
- 3.2.4 Planning authorities should consider setting out in development plans their approach to proposals for the re-use of complexes of buildings with a large aggregate floor area, and of individual buildings which are especially large. The economic and social needs of the area and environmental considerations may be particularly relevant to such proposals.

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

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

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

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

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

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

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

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

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

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

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

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

Paragraphs 3.1.1 and 3.1.2 of TAN 6 Planning for Sustainable Rural Communities (July 2010) states:

3.1.1 Strong rural economies are essential to support sustainable and vibrant rural communities. A strong rural economy can also help to promote social inclusion and provide the financial resources necessary to support local services and maintain attractive and diverse natural environments and landscapes.

3.1.2 Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment<sup>7</sup>. The development plan should facilitate diversification of the rural economy by accommodating the needs of both traditional rural industries and new enterprises, whilst minimising impacts on the local community and the environment.

### **THIRD PARTY REPRESENTATIONS**

The base map has errors in terms of the name of the neighbouring property, however it is clearly shown and the impact on third parties has been considered as part of the planning process.

The form suggests that neighbours have been consulted prior to submission, however the objector states he wasn't. The application was advertised by way of site notices rather than individual letters. This is in accordance with the General Development Procedures Order which requires either letters or notices. In this case, in order to consult an area wider than just properties which are contiguous with the site, notices were displayed.

The site is in a rural area with little background noise, therefore a noise report was sought and received to set out how the proposal would affect noise. A management plan has also been submitted to ensure that noise is controlled and third parties would not be affected. The proximity of third party properties is noted, with the objector's property some 90m to the South-South East of the site but accessed separately from the South rather than the farm access. Given the separation distance and small scale of the operation, it is not considered likely that there would be unacceptable noise impacts.

The objector draws reference to the 400m threshold used when considering whether an agricultural shed is permitted development and states that dogs would be noisier than agricultural animals. This is not material as full planning permission is being sought for the change of use of the building and the merits of the case are being assessed.

### **CONCLUSION**

After careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date, it is considered that the site has an existing agricultural building which is proposed to be re-purposed for boarding kennels to provide a service to dog owners and employment and an income for the small holding.

The principle of re-using the barn for a rural enterprise is supported by local and national policy in order to create jobs and diversify the rural economy. However this needs to be balanced by the concerns of the local community in respect of potential noise pollution.

The case has been carefully examined by the public protection service in terms of potential noise pollution and is not considered likely to have an unacceptable adverse impact on third parties. The case has been examined by the Head of Transport and given the "pick up and drop off" service proposed, is not likely to have highway safety implications and 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:-
  - 1:1250 & 1:200 scale Location & Site Plans. Drawing No. 01-0117A received 26<sup>th</sup> January 2017;
  - 1:50 scale Existing and Proposed Floor Plans. Drawing No. 01-0217 Rev A received 27<sup>th</sup> February 2017;
  - 1:50 scale Proposed Elevations. Drawing No. 01-0417A received 18<sup>th</sup> January 2017.
- 3 Prior to any use of the development herewith permitted, 3 no. car parking spaces (each measuring 2.6m x 4.8 m, hard surfaced and surface delineated), shall be made available, and thereafter maintained at all times, within the curtilage of the site.
- 4 The proposed development is to be constructed in accordance with the detail provided in the Durclawdd Fach Dog Kennels, Llannon Planning Noise Assessment Acoustic Report A1140 R01A.
- 5 Dog drop off, pick up and visiting times shall be appointment only and between the times of 08:00am – 16:00pm.
- 6 Feeding of the dogs shall only take place between the times of 08:00am – 08:30am and 17:00pm – 17:30pm. Feeding should take place within the building envelope.
- 7 The rating level of sound emitted from 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.
- 8 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 7. The assessment shall be undertaken under the supervision of the Local Authority.
- 9 In the event that Condition 7 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in condition 7. These measures will then be implemented forthwith.

## REASONS

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

- 2 In the interests of visual amenity.
- 3 In the interests of highway safety.
- 4-9 To protect the amenities of surrounding residents.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- It is considered that the proposal complies with Policy GP1 and EMP2 of the LDP in that the change of use of the agricultural building is considered to be an acceptable employment opportunity in the open countryside which is appropriate in terms of scale and design, and will not cause unacceptable loss of amenity to neighbouring uses.
- The proposed development complies with Policies TR2 and TR3 in that the proposal is not likely to be detrimental to highway safety.

## **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)).

<b>Application No</b>	<b>S/35542</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	TO PROVIDE A FLAT PUBLIC PLAY AREA INCLUDING A CLIMBING STRUCTURE WEST OF THE GORSEDD CIRCLE IN PARC HOWARD AT PLAY AREA, PARC HOWARD, LLANELLI, SA15 3LQ

<b>Applicant(s)</b>	HEAD OF PROPERTY - JONATHAN FEARN, ENVIRONMENT DEPARTMENT, CARMARTHENSHIRE COUNTY COUNCIL, PARC DEWI SANT, CARMARTHEN,
<b>Agent</b>	ENGINEERING DESIGN SECTION - ADRIAN HARRIES, ENVIRONMENT DEPARTMENT, CARMARTHENSHIRE COUNTY COUNCIL, CARMARTHEN, SA31 1HQ
<b>Case Officer</b>	Robert Davies
<b>Ward</b>	Lliedi
<b>Date of validation</b>	17/05/2017

## CONSULTATIONS

**Llanelli Town Council** – Objects to the application on the following grounds:-

- Coal mining risk assessments not available for viewing;
- Cadw feedback is not available;
- No justification for proposals;
- Incongruous appearance at odds with other park features.

**Local Members** – County Councillor R James has requested that the application is presented to the Planning Committee for consideration. He objects to the application on the grounds that it would be an unacceptable over-development of a heritage site and the negative impact the development would have on the character of the site.

He also questions the need for this development as other facilities located in close proximity to the development have been abandoned and are now scars on the landscape.

County Councillor S Najmi has not responded to date.

**Dwr Cymru/Welsh Water** – No objection.

**Dyfed Archaeological Trust** – No objection. Has advised that the proposed development will impact directly on the Grade II registered park and garden on Parc Howard. As stated in Cadw's document (May 2017) Managing Change to registered Historic Parks and Gardens in Wales: "Historic parks and gardens are a fragile and finite resource that can be easily damaged or lost. It is important to raise awareness of their significance and to encourage those involved in their management to treat them as valuable and distinctive places. This includes owners, agents, local planning authorities and the Welsh Government".

The Cultural Assessment report submitted with the application assesses that, although the playground will have an impact on the open character of this area of the park, the superstructure will comprise netting and will therefore not entirely obscure views into and from the site. Furthermore, it is concluded that the installation of a playground is in keeping with the function of the area as a public park and will encourage its use by youngsters.

Planning Policy Wales (2016, section 6.5.26) states that local planning authorities should protect parks and gardens and their settings included in the register of historic parks and gardens in Wales. Cadw must be consulted on all planning applications where development is likely to affect the site of a registered historic park or garden or its setting. Dyfed Archaeological Trust note that Cadw has already responded but recommend that the Garden History Society should also be consulted.

In terms of archaeology, Dyfed Archaeological Trust considers that the potential for direct impact on buried archaeology is low.

**Cadw** – No objection. Has advised that historically this area, in the north of the park, was laid out with winding paths with some tree planting as depicted on the historic Ordnance Survey map (1916). There is also a Gorsedd Stone Circle in this area, which according to the Cultural Heritage Desk Based Assessment by Rubicon Heritage, was erected for the 1930 Eisteddfod and used again for the Eisteddfod in 1962. The open nature of this site is likely to have contributed to the choice of location for the Gorsedd Circle. As noted in the assessment by Rubicon Heritage, there have been incremental changes in the north area of the park during the course of the twentieth century, including the construction of a paddling pool and a double zip wire. Cadw are in agreement with Rubicon's assessment that the proposed play area will impact on the open character of this area of the park and that the scale and location will impact on the adjacent Gorsedd Stone Circle. However, as Rubicon state, the net structure can be seen through rather than completely obscuring views and the structure is in keeping with the recreational functions of a public park and will encourage increased use of this area of the park. Furthermore, the retention of the open area to the east of the Gorsedd circle means that the stone circle is not 'hemmed in' by play equipment and therefore the choice of location to the west seems preferable.

It is not clear from the supporting documents to the application whether the grass area will be reinstated in the area of works already undertaken to the east of the stone circle and Cadw seek clarification on this.

**The Coal Authority** – No objection. Has reviewed the proposals and confirms that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals.

The Coal Authority's information indicates that the application site is likely to have been subject to past coal mining activities, which would include probable shallow coal mining beneath and surrounding the site within two thick coal seams that outcrop at or close to the surface of the application site.

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering the nature of this particular development proposal, the structure will not require substantial foundations or earthworks, and consequential loading placed on the ground by this structure will be less than for other forms of development. The proposed building will not be occupied and is to be used purely for a public play area and climbing structure. Therefore the Coal Authority considers that requiring a Coal Mining Risk Assessment would not be proportionate to the scale and nature of development proposed in this particular case and do not object to this planning application.

In the interest of public safety, however, the Coal Authority would recommend that should planning permission be granted, a standard informative note should be imposed on the decision notice.

**The Garden History Society** – No response received to date.

**Neighbours/Public** – The application was advertised by virtue of both press and site notices. To date four responses have been received raising the following concerns and objections towards the proposed development:-

- The structure is not sympathetic for the area of the park. The vista of this area of the park which includes the historic Gorsedd Stones will be destroyed. The slope which is used for tobogganing when it snows will be lost.
- The views of the local people of Llanelli have not been taken into consideration. More sympathetic play areas should be included in the park which could encompass the history and ambience of the park. The space net is not required by the local community and is a waste of money.
- The area to the east of the Gorsedd Stones has already been destroyed by the Council fast tracking the building of this 'space net' originally without planning permission. There is already destruction on this site with no proposal made to return it to its former terrain.
- Health and safety concerns – will the structure be manned; will a trained first aider be on site.
- Will there be public liability insurance cover.
- Has a full geotechnical and mining survey been undertaken, and if so why did these not accompany the planning application.



## RELEVANT PLANNING HISTORY

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

S/19109	Disabled access improvements - emergency escape (additional to application ref. S/15694) Withdrawn	20 August 2009
S/19108	(a) Modifications to rear entrances to enable emergency escape and/or access for disabled visitors (b) Modifications to existing stone paving at the rear of the building and reinstatement where paving is missing Withdrawn	20 August 2009
S/15694	Disabled access improvements - ramped access Full planning permission	11 April 2008
S/15662	(a) Ramped access (b) Platform lift installation (c) Enlargement of accessible wc cubicle (d) Possible tactile signage Listed Building Granted	18 March 2008

## APPRAISAL

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

## THE SITE

The application site consists of an area of sloping land to the northern part of Parc Howard in Llanelli. The site is located to the immediate west of the Gorsedd Stones, and is currently partly occupied by a broken and disused double zip wire play structure.

## THE PROPOSAL

This application seeks full planning permission for the construction of a flat public play area including a climbing structure west of the Gorsedd Circle. This will replace the existing double zip wire structure currently in existence on part of the application site.

The proposal is located within the registered historic park and garden at Parc Howard. The proposed climbing structure consists of a green netting canopy on four circular steel poles 5.8m in height. The ground is to be prepared and surfaced with artificial grass on top of a rubber shock pads layer.

It was originally proposed to construct this play structure to the immediate east of the Gorsedd Stones and in fact work commenced on changing levels and creating a plateau in this location to facilitate such a development without the benefit of planning permission. Following advice from the Local Planning Authority, work ceased on site and the applicant intended to submit a planning application to regularise matters. Subsequently the applicant made the decision to locate the proposed structure to the west of the Gorsedd

Stones, approximately 70 metres away from its original proposed location in order to allay concerns of local residents at Carrick Avenue and Park Howard Avenue to the east.

In addition to detailed drawings, the application has been accompanied by a Cultural Heritage Desk Based Assessment produced by Rubicon Heritage. This report identified four designated assets within Parc Howard itself which comprise the Grade II Registered Park and Garden of Parc Howard and three Grade II Listed Buildings. The listing buildings are Parc Howard Mansion, which is now a museum and gallery, a bandstand to the west of the mansion, and the gate piers and railings bounding the park.

The Heritage Report concludes that the proposed playground area in the north of the park will have a direct impact on the Registered Park and Garden as it will affect the character of the open grassy area. The report opines that the character of this area has been incrementally altered since the establishment of the public park in 1912 with the loss of the network of paths and addition of the Gorsedd Circle, paddling pool and zip line and the maturing of the trees and vegetation at the south extent of the open area. The superstructure of the playground will comprise net and will therefore not entirely obscure views into and from the site. The development will encourage the use of this part of the public park by children and youths.

## **PLANNING POLICY**

The application site is located within the defined settlement limits of Llanelli as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014, and is in fact designated for recreational use. The application site is within the registered historic park and garden at Parc Howard.

In respect of the applications policy context reference is drawn to the following Local Development Plan Policies:-

Policy SP13 of the LDP states that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets, and, where appropriate, their setting in accordance with national guidance and legislation.

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

Policy SP16 of the LDP supports the provision of new community facilities, along with the protection and enhancement of existing facilities.

Policy GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

Policy GP2 of the LDP states that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy EQ1 of the LDP states that proposals affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ4 of the LDP relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EP6 of the LDP relates to unstable land and states that where land instability is known, any development proposal must be accompanied by a scoping report to ascertain the nature of instability.

Policy REC1 of the LDP seeks to protect and wherever possible enhance accessibility to open space.

Paragraph 6.5.26 of Planning Policy Wales (Edition 9, November 2016) states that Local planning authorities should protect and conserve parks and gardens and their settings included in the register of historic parks and gardens in Wales. Cadw must be consulted on all planning applications where development is likely to affect the site of a registered historic park or garden or its setting. The effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Paragraph 7.2 of Technical Advice Note 24 'The Historic Environment (2017)' states that Planning Policy Wales identifies that local planning authorities should protect and conserve parks and gardens, and their settings, included in the register of historic parks and gardens in Wales. Whilst inclusion in the register does not introduce any new consent regimes, registered historic parks and gardens, and their settings, may be protected through the planning system.

Paragraph 7.3 goes on to state that the Welsh Ministers must be consulted, through Cadw, on planning applications that are likely to affect the site of a registered historic park and garden or its setting which should be a material consideration in the determination of the proposal. Local planning authorities may also consult the Welsh Historic Gardens Trust.

Paragraph 7.4 advises that it is for the applicant to show that they understand the significance of the registered park or garden and the impact that the proposal is likely to have on it. It is for the local planning authority to consider if the impact is likely to be unacceptably damaging. It is recommended that applicants hold pre-application discussions with the local planning authority about the proposed works that require planning permission and Cadw can be invited to attend any meetings to give their advice to the applicant.

### **THIRD PARTY REPRESENTATIONS**

The application was advertised by virtue of both site and press notices. To date one of the Ward County Councillors, Llanelli Town Council and four members of the public have objected to the application. The material reasons for objection raised will now be

addressed individually as part of this appraisal, however matters raised in terms of health and safety and public liability insurance are not considered material to the determination of the planning application. Such corocord play equipment are now commonplace on playgrounds and will have to adhere to relevant health and safety standards.

The objectors opine that the proposed play structure is not sympathetic to the park and is unjustified. As aforementioned, a Heritage Report was submitted with the application which noted that there have been incremental changes in the north area of the park during the course of the twentieth century, including the construction of a paddling pool and a double zip wire. The latter is to be replaced by the proposed corocord play structure. Cadw are in agreement with the Heritage Report's assessment that the proposed play area will impact on the open character of this area of the park and that the scale and location will impact on the adjacent Gorsedd Stone Circle. However, Cadw agree with the authors of the report that the net structure can be seen through rather than completely obscuring views and the structure is in keeping with the recreational functions of a public park and will encourage increased use of this area of the park. Furthermore, the retention of the open area to the east of the Gorsedd Circle means that the stone circle is not 'hemmed in' by play equipment and therefore the choice of location to the west seems preferable.

It is worth noting that the heritage report was produced at the time when it was proposed to locate the play area to the east of the Gorsedd Stones. Whilst the heritage report has not been amended to reflect this change in position the plans submitted clearly show the new location for the proposed play area. The conclusions of the report remain valid, and as aforementioned, Cadw prefer that the proposed structure is located to the west of the Gorsedd Stones.

The Local Planning Authority has also consulted the Garden History Society on the application, however no response has been received to date.

With regards to the concerns raised over lack of public consultation and the view that a more sympathetic play area should be proposed, the Local Planning Authority understands that there has been discussion between the applicant and a range of groups representing Parc Howard, including the Parc Howard Association, Friends of Llanelli Museum and Llanelli Town Council. The Local Planning Authority also understands that the Authority's Head of Property has also met with individuals in this regard.

The County Council has recently replaced and improved the play equipment at the toddler's and young children play area located to the west of the mansion house. The corocord play structure now proposed will provide older children with a facility to use and replace the broken zip wire facility.

The objector's opine that the area to the east of the Gorsedd Stones has already been destroyed without the benefit of planning permission, with no proposals put forward to re-instate this area of land to its former condition. In this respect, as part of the consideration of the current application the Local Planning Authority has sought clarification on what is proposed with regards to the unauthorised plateau. The Authority's Head of Property has confirmed that the unauthorised plateau is to be removed, and the ground re-profiled and re-instated to its previous form. For clarity the Local Planning Authority asked for this to be annotated on an amended set of drawings, and these have now been received. Therefore a condition to this effect can be imposed on any planning permission granted requiring the works to be completed within six calendar months. The material previously brought onto

site to create the unauthorised plateau is proposed to be re-used in the new location if planning permission is granted.

The final issue of concern raised relates to the lack of coal mining risk assessment and geotechnical surveys considering the historic mining activity in the area. In this respect reference is drawn to the consultation response received from the Coal Authority. Whilst they acknowledge the mining history relating to the area they have stated that when considering the nature of this particular development proposal, the structure will not require substantial foundations or earthworks, and consequential loading placed on the ground by this structure will be less than for other forms of development. The proposed building will not be occupied and is to be used purely for a public play area and climbing structure. Therefore the Coal Authority considers that requiring a Coal Mining Risk Assessment would not be proportionate to the scale and nature of development proposed in this particular case and do not object to this planning application. In the interest of public safety, however, the Coal Authority would recommend that should planning permission be granted, a standard informative note should be imposed on the decision notice. This note is included below.

## **CONCLUSION**

The application site is located within the defined settlement limits of Llanelli as delineated within the LDP, and forms part of the registered historic park and garden at Parc Howard which is used for recreation purposes.

The installation of the proposed playground will replace an existing facility and is in keeping with the function of the area as a public park and will encourage its use by youngsters. The proposed location to the west of the Gorsedd Stones is preferred to the east, and the unauthorised works previously undertaken will be rectified and the land reinstated.

It is considered that the proposed development by its nature will not have an adverse effect on the registered historic park and garden, whilst relevant statutory consultees have not raised any objections towards the proposed development.

The proposed development will not result in any adverse residential amenity implications, whilst no objections have been received to date in this respect. The proposed development is located approximately 70 metres further west from its original proposed position, and is thus further away from residential properties at Carrick Avenue and Park Howard Avenue to the east.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal fully accords with the Local Development Plan and relevant national planning policies.

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

## **RECOMMENDATION – APPROVAL**

## **CONDITIONS**

- 1 Within six calendar months of the date of this decision the development hereby approved shall be undertaken and completed strictly in accordance with the approved plans listed below and thereafter retained as such in perpetuity. The land to the east of the Gorsedd Stones should also be re-instated to its previous condition within six calendar months of the date of this decision.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - Location plan and proposed details of play area (PLA 001B) 1:2500; 1:100 @ A1 received 15th June, 2017.

## **REASONS**

1+2 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.

- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP16 of the LDP in that the proposed development will result in new and enhanced play facilities at Parc Howard.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will not detract from the character and appearance of the area.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the proposed development is located within the defined settlement limits of Llanelli.
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EP6 of the LDP in that the Coal Authority has confirmed that they have no objection to the application and that a Coal Mining Risk Assessment is not required.

- It is considered that the proposal complies with Policy REC1 of the LDP in that the proposed development will result in new and enhanced play facilities at Parc Howard.

## NOTES

- 1 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.
- 2 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority).

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

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

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

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



*Ardal  
Gorllewin/  
Area West*

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR AMGYLCHEDD**

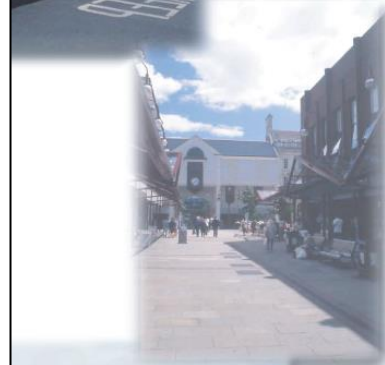
**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

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

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

**AR 29 MEHEFIN 2017  
ON 29 JUNE 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>29 JUNE 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA WEST**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE NOS</b>
<b>W/34603</b>	<b>Siting of 4 no. Detached dwelling houses at land adjacent to, Ynysdawl, Heol Cwmmawr, Drefach, Llanelli, SA14 7AE</b>	<b>117 - 125</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/34603</b>
-----------------------	----------------

<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	SITING OF 4 NO. DETACHED DWELLING HOUSES AT LAND ADJACENT TO, YNYSDAWEL, HEOL CWMMAWR, DREFACH, LLANELLI, SA14 7AE

<b>Applicant(s)</b>	EXECUTORS OF THE ESTATE OF THE LATE MRS A.M. THOMAS, C/O AGENTS,
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
<b>Case Officer</b>	Ceri Davies
<b>Ward</b>	Gorslas
<b>Date of validation</b>	27/10/2016

## CONSULTATIONS

**Head of Transport** – Has provided initial observations in relation to this application.

**Gorslas Community Council** – Has not commented on this application to date.

**Local Members** – The previous County Councillor Terry Davies was a member of the Planning Committee and made no prior comment; County Councillor Darren Price has not commented on this application to date.

**Natural Resources Wales** - Has no adverse comments.

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

**Neighbours/Public** – The application was advertised by means of site notice; three letters of representation have been received to date raising the following concerns:-

- Access/highway safety/lack of visibility
- Localised flooding
- Loss of greenfield site
- Over development
- Height of dwellings
- Siting

## **RELEVANT PLANNING HISTORY**

W/08829      Siting of a dwelling  
Outline planning refused

1<sup>st</sup> February 2005

## **APPRAISAL**

### **THE SITE**

The application site comprises part of the rear curtilage and adjoining field enclosure associated with a residential property known as Ynysdawela, off Heol Cwmmawr, in the village of Drefach. The site is primarily set off the northern flank of the B4310, Heol Cwmmawr, with the field enclosure also occupying the junction with Heol Cwmbach. The field enclosure is sloping in nature and its rear boundary backs onto the school playing fields of the former Gwendraeth Comprehensive School. The site measures approximately 0.3 hectares (0.75 acres) in area.

The field enclosure consists of rough pastureland; access to the enclosure can be gained directly off the B road. There are a number of residential dwellings in close proximity, along Heol Cwmbach and Heol Cwmmawr.

### **THE PROPOSAL**

This application seeks outline planning permission for four detached dwellings; all detailed matters, bar access and layout are reserved for future consideration; for that purpose site plans have been submitted as part of the application showing access, siting and layout. The layout shows four dwellings fronting onto the Heol Cwmmawr with a single access off Heol Cwmbach to serve all four dwellings.

### **POLICY CONTEXT**

In terms of the application's policy context, reference is made to the following Carmarthenshire Unitary Development Plan (LDP) policies and plans:-

The application site is located within the defined development limits for Drefach as delineated by Inset Map GA3 of the LDP; the site is not allocated nor designated for any particular use.

Policy SP1 (Sustainable Places & Spaces) states that proposals will be supported where they reflect sustainable development and design principles by supporting identified settlements, promoting the efficient use of land including previously developed sites, integrate with the local community taking account of character and amenity, reflecting and enhancing local character, creating safe, attractive and accessible environments, utilising sustainable construction methods and integrate conservation into the development.

Policy GP1 of the Local Development Plan provides development proposals which should be compatible with their surroundings in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing. In particular proposals must not adversely affect local amenity in terms of visual impact, loss of height or privacy, disturbance and traffic involvement.

Policy GP4 provides support to development where the infrastructure is adequate to meet the needs of the development.

Policy H2 provides that there is policy support for the development of unallocated sites within the defined development limits of settlements, provided the development is in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 provides that a contribution to affordable housing will be required on all housing allocations and windfall sites. The level of contribution is dependent upon the viability areas within which the application site falls.

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.

### **THIRD PARTY REPRESENTATIONS**

Turning to the adverse representations received to date; the main areas of concern are as follows:-

- Access/highway safety/lack of visibility
- Localised flooding
- Loss of greenfield site
- Over development
- Height of dwellings
- Siting

Other matters raised, including lack of consultation are not deemed material planning considerations for the purposes of this application. However, in terms of complaints over consultation, Members are advised that the application was publicised in accordance with Part 8(5)(a) of the Town & Country Planning (General Development Procedure) ) Order 1995 which requires that an application shall be publicised by giving requisite notice "*by site display in at least one place on or near the land to which the application relates for not less than 21 days*".

### **CONCLUSIONS**

Whilst this application seeks outline planning permission only for residential development at this juncture, as already mentioned, scaled site layout drawings and indicative cross-section drawings have been submitted as part of the application showing how the site could potentially accommodate four dwellings with associated access, parking and turning areas. The said plans allows the authority to gauge the potential impact of the development at this location.

The most contentious issue has been the concerns raised by local residents in relation to fears over highway safety. It is acknowledged that the B4310 is the main road through the village and the site is in close proximity to the B4310, Heol Cwmmawr/Heol Cwmbach Road junction. There are speed restrictions in place for this part of the village and the site fronts onto the road; furthermore there is a direct access from the B4310 road into the field enclosure at present via an established gated field access. The original proposal included a pair of shared accesses to serve the development with one shared access off Heol

Cwmmawr and one shared access off Heol Cwmbach; however the Head of Transport expressed concern with regard to the provision of a new access onto Heol Cwmmawr. The Head of Transport deemed the proposed shared access arrangement for the two plots at the northern half of the site to be unacceptable, as the said access would be on the junction within the giveaway markings. To overcome that objection, the Head of Transport suggested that a single access to serve the whole development off Heol Cwmbach would be deemed acceptable; the site layout plans have been amended accordingly. As such, the authority is satisfied that the revised access arrangement overcomes the concerns previously expressed by the Head of Transport; it is considered the proposal makes adequate provision for vehicular parking within the curtilage of the application site to serve each dwelling; hence on-street parking will not be an issue in this instance. It is accepted that the development by its very nature will lead to an increase in car users at this location however, on balance it is considered that the adjacent highway can accommodate the additional traffic growth. The initial concerns over lack of visibility splays have been addressed, hence it is considered the highway objection from third parties cannot be sustained in this instance.

The occupiers of the two adjacent properties, No.s 46 and 48 Heol Cwmmawr, have expressed concern over the scale/positioning of the dwellings; citing the fact that the proposed dwellings will be forward of the building line associated with No.48 Heol Cwmmawr; furthermore they deem the two storey dwellings to be inappropriate at this location. From a siting and scale perspective, the Authority deems the proposal to be in-keeping with the surrounding residential area and the overall proposal represents a sustainable form of development which can be easily incorporated as part of the village. Whilst it is acknowledged that No.48 is set back from the road, Members are advised that this is the anomaly as all other dwellings fronting onto Heol Cwmmawr are sited to the front of their respective plots, hence the proposed layout sits comfortably within the surrounding streetscape.

Whilst the cross-section plans are indicative only at this juncture, Members are reminded that the proposal makes specific reference to 'dwelling-houses' and the cross-section drawings clearly show two storey dwellings. On balance, it is considered that two storey dwellings will sit comfortably at this location; again No.48 represents the anomaly at this location as other properties in close proximity to the application site are two storey in nature; these include Brynderwen and Cwrt Gwendraeth to the west, Dan y Bont to the south along with No.46 to the east. Dwellings further east, along Heol Cwmmawr are a mixture of bungalows, dormer dwellings and two storey dwellings; the Authority contends therefore that two storey dwellings will not represent an inappropriate form of development at this part of the village. It is considered that there will be no issues regarding overlooking/loss of privacy for the properties adjacent.

With regard to concerns raised in relation to surface water flooding, neither Welsh Water/Dwr Cymru (DCWW) or Natural Resources Wales (NRW) have objected to this planning application; the Authority is satisfied therefore that there is adequate capacity within the existing public sewer to accommodate the increase usage associated with this development. Furthermore, DCWW and NRW have not provided any adverse comments in terms of infrastructure capacity to accommodate the additional surface water flows that will be derived from the site. The agent/applicant is aware that there is a land drain running through the centre of the site which allows surface water from the school playing fields to enter the Gwendraeth Fawr via a culvert underneath the road, and this is also shown on the submitted plan. On receipt of the reserved matters or detailed consent application, the authority will have further details pertaining to design, scale and siting; and



NRW has advised that the Authority's Drainage Engineers will need to be consulted at that juncture to ensure they are satisfied that there will be no flood risk to the development from this watercourse and an easement for the surface water drain can be maintained.

A concern was expressed at the loss of this green-field site; however it is clear from the site survey that the field enclosure is overgrown and has not been grazed for some time; it is acknowledged that the site is green-field, however from a wider perspective it represents an infill piece of land in that it sits within a built-up urban area, hence developing the site will not represent an obtrusive form of development in the open countryside.

The application was accompanied by a Phase 1 Habitat survey undertaken by Laurence Illecology; the Authority's Planning Ecologist has advised that the ecological survey makes enhancement recommendations within the report which must be integrated with landscape design for the site i.e. use of native species and shrubs within landscaping proposals, development of habitat linkages and hedgerow habitats. The enhancement recommendations must be secured as part of any reserved matters or detailed application and identified on relevant plans; these enhancements will be secured via the imposition of suitable conditions.

On balance, it is considered that the proposal for four dwellings at this location accords with the general development control policies of the LDP; the site is deemed to be of sufficient dimensions to adequately accommodate four modestly sized dwellings, shown on the submitted drawings, whilst providing sufficient private amenity space to serve each dwelling. The proposal does not represent a form of over-development and the overall site is of sufficient size to provide access/parking and turning area within the site curtilage, as such accords with the relevant policies of the LDP.

In conclusion, it is considered, the development is compatible with adjacent land uses and the character or amenity of the area will not be adversely affected. The overall development is of a density and plot ratio which sustains the local environment. In the absence of any sustainable transport, amenity, local planning or public service provision objections, the application is recommended for approval, subject to planning conditions and the successful completion of a Section 106 Agreement/Unilateral Undertaking.

## **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 received on 8 November 2016.
- 4 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 and Site Layout Plan [Ref 348a/003A] - 1:2500 and 1:1250 Scale  
Received on 8 November 2016
- 5 Development shall not commence until detailed plans of the landscaping, appearance and scale of the development, have been submitted, and received the written approval of the Local Planning Authority.
- 6 The development hereby permitted shall be constructed of materials, which reflect the architectural style and appearance of traditional local buildings with suitable proportioned openings in keeping with the traditional character and proportions of such buildings
- 7 The external walls of the proposed dwellings 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.
- 8 No development shall take place until details and plans showing the finished floor /roof levels of the dwellings 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.
- 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 vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.
- 11 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

- 12 Before any development hereby approved is commenced, details shall be submitted for all means of enclosure and boundary treatments along the rear and side boundaries of the application site, to the written approval of the Local Planning Authority
- 13 No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority
- 14 No development or site clearance shall take place until an appropriate and comprehensive Ecological Design Scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions. The scheme shall be in compliance with the principles of the landscape and ecological information submitted with the following approved application documents Sections 5.3 and 6.1 of the submitted ecological survey report by Llecology dated 13 January 2017 and relevant guidance as provided by the Local Planning Authority.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 The application is in outline form only.
- 3 For the avoidance of doubt as to the extent of the site.
- 4-8 In the interest of visual amenity. (Policy GP1 & H2 of the LDP)
- 9-11 In the interest of highway safety. (Policy TR3 of the LDP)
- 12 In the interest of residential amenity (Policy GP1 of the LDP)
- 13 To reduce the risk of increased flooding and achieve a satisfactory form of drainage.
- 14 In the interests of protecting wildlife and to ensure that the development does not adversely affect a European Protected Species. (Policy EQ5 of the LDP)

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- It is considered that the proposed development complies with Policy SP1 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that the siting of dwellings at this location will not detrimental to the character and appearance of the area and it is not considered there are any significant impacts in relation to amenity. Sufficient amenity space is provided for the proposed dwellings and appropriate parking and access can be provided.

- The proposed development accords with Policy GP1 of the LDP in that the proposed dwellings represent 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 H2 of the LDP in that the land is situated within the settlement limits for Drefach and the proposal does not conflict with other Policies within the plan; furthermore it will not lead to any highway, amenity or utility service provision objections.

## 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 Further advice and guidance from Natural Resources Wales and Dwr Cymru Welsh Water have been submitted in relation to this application.
- 3 It is the responsibility of the developer to contact the streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.
- 4 Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement and the developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical works on site, shall be met by him.

5 The planning permission hereby granted is subject to the Unilateral Undertaking between the landowner and Carmarthenshire County Council signed under the provisions of Section 106 of the Town and Country Planning Act 1990, to give effect to a commitment to the following:-

- A financial contribution, which equates to £40.48 per square metre of internal floor space, towards the provision of affordable housing in accordance with Policy AH1 of the Carmarthenshire LDP.

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## PLANNING COMMITTEE

29<sup>TH</sup> JUNE 2017

### PLANNING ENFORCEMENT AND MONITORING PERFORMANCE INDICATORS

#### RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That members examine the report and comments provided and satisfy themselves as to the progress being made.

#### REASONS:

Regular monitoring is required to ensure good levels of performance are being achieved.

Relevant Scrutiny Committee Consulted	NO
Exec Board Decision Required	NO
Council Decision Required	NO

<p><b>Directorate</b> Environment <b>Name of Head of Service:</b> Llinos Quelch <b>Report Author:</b> Julian D Edwards</p>	<p><b>Designations:</b> Head of Planning  Development Manager</p>	<p><b>Tel Nos.</b> 01267 228918 01267 228659 <b>E Mail Addresses:</b> <a href="mailto:L.Quelch@carmarthenshire.gov.uk">L.Quelch@carmarthenshire.gov.uk</a> <a href="mailto:JDEdwards@carmarthenshire.gov.uk">JDEdwards@carmarthenshire.gov.uk</a></p>
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**EXECUTIVE SUMMARY  
PLANNING COMMITTEE  
29<sup>TH</sup> JUNE 2017**

**PLANNING ENFORCEMENT AND MONITORING PERFORMANCE INDICATORS**

**1. BRIEF SUMMARY OF PURPOSE OF REPORT.**

The report presents Quarter 4 (January / February / March) data on Best Value National Planning Performance Indicator Targets for Enforcement Action.

The target figure currently identified is that 80% of enforcement matters should be 'resolved' within a 12-week period. The achieved percentage across the County is Quarter 4 60%

**DETAILED REPORT ATTACHED?**

**YES**

**INTEGRATION**

**I confirm that the Community Strategy Integration Tool has:**

Not been used to appraise the subject of this report as it is not appropriate to do so.

**Signed: Llinos Quelch**

**Head of Planning**



## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Llinos Quelch

Head of Planning

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Llinos Quelch

Head of Planning

**(Please specify the outcomes of consultations undertaken where they arise against the following headings)**

- 1. Local Member(s) Informed of all complaints being investigated**
- 2. Community / Town Council NOT APPLICABLE**
- 3. Relevant Partners Some complaints involve working with the Natural Resources Wales**
- 4. Staff Side Representatives and other Organisations NOT APPLICABLE**

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
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**REPORT OF HEAD OF PLANNING  
TO: PLANNING COMMITTEE  
DATE: 29<sup>th</sup> June 2017  
RE: PLANNING ENFORCEMENT AND POLICY STATEMENT**

**Background**

1. At its meeting on the 3rd December 2012, the Community Scrutiny Committee unanimously resolved that a task and finish group be established to review the planning enforcement policy and protocols. The start of the review was deferred until June 2013 to allow consideration of the draft Planning Bill Wales. The Objectives and Scope of the review included:
  - To review the current planning enforcement policy and protocols.
  - To identify and evaluate the current enforcement activities undertaken by the Planning Services Division.
  - To identify potential improvements and alternative delivery models for these enforcement services which are affordable and effective.
  - Complaints and advice in relation to nuisance high hedges (Part 8 of the Anti-Social Behaviour Act 2003).
  - To formulate recommendations for consideration by the Executive Board.
2. The scope included a range of enforcement activities undertaken by the Planning Services Division including:
  - Unauthorised erection of buildings or works
  - Unauthorised change of use, building or land
  - Unauthorised display of advertisements
  - Unauthorised works to protected trees and hedgerows
  - Unauthorised work to buildings listed as being of special architectural or historic interest
  - Unauthorised demolition of certain buildings in a Conservation Area
  - Planning permission is in place however the terms and condition of that permission or any legal agreement.
  - Land that is in a poor condition that adversely affects the amenity of the Area
  - Planning issues raised by the Licensing Act 2003
  - Advertisements
  - Breaches of Hedgerow Regulations 1997
  - Complaints and advice in relation to nuisance high hedges (Part 8 of the Anti-Social Behaviour Act 2003)
  - Minerals and Waste site monitoring
  - Wind turbine developments – noise monitoring

3. The recommendations of the Group were accepted by the Executive Board at their meeting on the 28<sup>th</sup> July 2014, planning enforcement cases are now assessed in accordance with this adopted protocol.
4. Enforcement timescales, as identified in paragraph 2 of the Protocol, are now:
  - Top priority cases Within 2 working days
  - High priority cases Within 5 working days
  - Medium priority cases Within 10 working days
  - Lower priority cases Within 15 working days
5. The National target of resolving a case within 12 weeks remains, and will be reported to Planning Committees as previous .Resolved is defined as:
  - i) No breach found
  - ii) Not expedient to take action
  - iii) Breach ceased
  - iv) Retrospective planning application received
  - v) Relevant notice served
6. It is the County Council's present policy to report Enforcement matters to the Planning Committee on a quarterly basis, and the County Council's performance in relation to these targets for Quarter 4 (January / February / March) are attached. Whilst a brief description of individual planning enforcement cases and progress to 31<sup>st</sup> March 2017 is contained in the following report.
7. The target figure currently identified is that 80% of enforcement matters should be 'resolved' within a 12 week period. The achieved percentage across the County is Quarter 4 60%
8. Members will note that the following report on individual enforcement cases contains information which could lead to the County Council taking legal action against third parties who have undertaken unauthorised developments which are considered unacceptable. For this reason, and in accord with paragraph .....12-13 & 17-18..... of part 4 of schedule 12(a) to the Local Government Act 1972, as amended by the Local Government (Access to Information (Variation))(Wales) Order 2007, this item contains exempt information and the public will be excluded from the meeting during such consideration.

## PLANNING ENFORCEMENT AND MONITORING

Performance in relation to Best Value National  
Planning Performance Indicator Targets

### Quarter 4 (January / February / March)

#### PERFORMANCE INDICATORS: PLANNING ENFORCEMENT

#### CASES RESOLVED WITHIN 12 WEEK DEADLINE

4<sup>th</sup> QUARTER 2016 / 2017 January - March

<b>TOTAL RESOLVED</b>	110
<b>RESOLVED WITHIN 12 WEEKS</b>	65

<b>PERCENTAGE RESOLVED WITHIN 12 WEEKS</b>	60%
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Thursday, 1 June 2017

**PRESENT:** Councillor A. Lenny (Chair)

**Councillors:**

L.R. Bowen, P.M. Edwards, S.J.G. Gilasbey, A.C.J. Jones, D. Jones, K. Lloyd, B.A.L. Roberts, G.B. Thomas, J.E. Williams, J.M. Charles, I.W. Davies, J.A. Davies, M.J.A. Lewis, K. Madge, W.T. Evans, J.K. Howell, H.I. Jones, S.M. Allen and J.D. James

**The following Officers were in attendance:**

L. Quelch, Head of Planning  
 J. Edwards, Development Management Manager  
 K. Byrne, Assistant Solicitor  
 J. Thomas, Senior Development Management Officer [South]  
 S.W. Thomas, Senior Development Management Officer [West]  
 K. Thomas, Democratic Services Officer

**Chamber, County Hall, Carmarthen - 10.00 - 10.25 am**

**1. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**2. DECLARATIONS OF PERSONAL INTERESTS**

Councillor	Minute Number	Nature of Interest
W.T. Evans	3 – Planning Application S/35086 – Alternative Scheme for one dwelling (resubmission of S/34809 – refused 06/01/2017) at plot adjacent 15 Heol Ddu, Peny Y Mynydd, Trimsaran, SA15 4RN	Previously a member of Trimsaran Community Council, but had not taken any part in that authority's consideration of the application.
W.T. Evans	4 – Planning Application W/35365 – Two storey rear extension at Tynewydd Farm, Pontantwn, Kidwelly, SA17 5HR	Member of Llangyndeyrne Community Council, but has taken no part in that authority's consideration of the application

**3. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS**

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

<b>S/35086</b>	<p><b>Alternative scheme for one dwelling (resubmission of S/34809 – refused on 06/01/2017) at plot adjacent 15 Heol Ddu, Peny y Mynydd, Trimsaran, SA15 4RN</b></p> <p><b>REASON:</b> To afford the new members appointed onto the Committee, following the local government elections, the same opportunity of viewing the site as the previous committee on the 19<sup>th</sup> April, 2017.</p> <p>(NOTE: Councillor W.T. Evans had earlier declared an interest in this application)</p>
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**4. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS**

**UNANIMOUSLY RESOLVED** that the following planning application be granted subject to the conditions detailed within the Head of Planning’s written report:-

<b>W/35365</b>	<p><b>Two storey rear extension at Tynewydd Farm, Pontantwn, Kidwelly, SA17 5HR</b></p> <p>(NOTE: Councillor W.T. Evans had earlier declared an interest in this application)</p>
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**5. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON THE FOLLOWING DATES:-**

**5.1. 21ST MARCH, 2017**

**RESOLVED** that the minutes of the meeting held on the 21<sup>st</sup> March, 2017 be signed as a correct record.

**5.2. 6TH APRIL, 2017,**

**RESOLVED** that the minutes of the meeting held on the 6<sup>th</sup> April, 2017 be signed as a correct record.

**5.3. 19TH APRIL, 2017**

**RESOLVED** that the minutes of the meeting held on the 19<sup>th</sup> April, 2017 be signed as a correct record.

\_\_\_\_\_  
**CHAIR**

\_\_\_\_\_  
**DATE**



# Agenda Item 9

By virtue of paragraph(s) 12, 13, 17, 18 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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By virtue of paragraph(s) 12, 13, 17, 18 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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By virtue of paragraph(s) 12, 13, 17, 18 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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