

Application No	S/35542
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Application Type	Full Planning
Proposal & Location	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

Applicant(s)	HEAD OF PROPERTY - JONATHAN FEARN, ENVIRONMENT DEPARTMENT, CARMARTHENSHIRE COUNTY COUNCIL, PARC DEWI SANT, CARMARTHEN,
Agent	ENGINEERING DESIGN SECTION - ADRIAN HARRIES, ENVIRONMENT DEPARTMENT, CARMARTHENSHIRE COUNTY COUNCIL, CARMARTHEN, SA31 1HQ
Case Officer	Robert Davies
Ward	Lliedi
Date of validation	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 nine 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, is visually dominant and will result in overdevelopment. 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. Public money would be better spent on maintaining current provision within the park, and there is a lack of justification for the current proposal.
- 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 applications 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 corocord 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 re-instated.

It is considered that the proposed development by its location and nature will not have an adverse effect on the registered historic park and garden, or the setting of the park or listed buildings contained within it. In this respect as already mentioned above 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 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.

- 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.