

**ADRODDIAD PENNAETH  
CYNLLUNIO, CYFARWYDDIAETH  
YR AMGYLCHEDD**

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

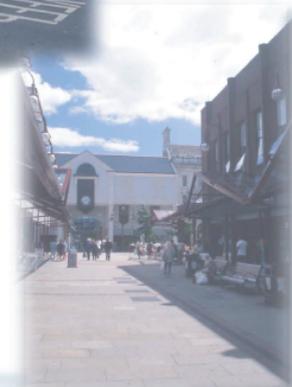
**AR GYFER PWYLLGOR  
CYNLLUNIO CYNGOR SIR  
CAERFYRDDIN**

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

**AR 08 CHWEFROR 2018**

**ON 08 FEBRUARY 2018**

*Ardal  
Gorllewin/  
Area West*



**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>08 FEBRUARY 2018</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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<b>W/36320</b>	<b>Residential development - 2 detached units at land off Heol Yr Ysgol, Cefneithin, SA14 7EA</b>
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**APPLICATIONS RECOMMENDED FOR APPROVAL**

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

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

## CONSULTATIONS

### INITIAL CONSULTATION RESPONSES

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

**Public Rights of Way Officer** – No observations received.

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

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

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

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

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

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

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

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

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

## **FURTHER REPRESENTATIONS UPON REVISED DETAILS RECEIVED SEPTEMBER 2017**

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

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

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

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

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

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

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

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

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

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

## **RELEVANT PLANNING HISTORY**

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

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

## **INTRODUCTION**

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

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

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

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

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

## **THE SITE**

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

## **THE PROPOSAL**

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

The application is accompanied by a Design and Access Statement.

## **PLANNING POLICY**

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

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

Policy TR3 is the overarching highway policy that covers the highway considerations of development. This policy requires that the local highway network is sufficient to serve the development without detriment to the safety of road users and pedestrians, whilst access provision is of an appropriate standard. The policy supports development that does not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents.

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

## **APPRAISAL**

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

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

### *Impact upon the local highway network*

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

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

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

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

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

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

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

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

### *Landscape and visual impact*

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

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

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

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

### *Slurry capacity*

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

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

Following this request, the applicant has confirmed that the total farm complex comprise 284 ha with present dairy stocking consisting of 450 milking cows and 100 followers with other beef cattle and calves at Caeremlyn Farm also forming part of the wider holding. The applicants have advised that the re-development of the site was essential to provide modern buildings appropriate to their Holstein cattle herd. The applicants state that the current slurry store has a capacity of 19000m<sup>3</sup> which they deem is sufficient storage for the current herd, with a further above ground storage tank that has a capacity of 1364m<sup>3</sup> at their disposal. Whilst this information has provided some additional detail to address earlier matters and concerns raised, it is acknowledged that the historical nature has the potential to require amendment should the current/future position, with regard to the farming operations, change. This has been reflected in the NRW comments received although, as indicated, they have now confirmed that provided a condition is imposed to ensure that full details of the storage capacity at the farm is provided within a set period of time that they would have no objection to the proposal. Should the storage not meet with current requirements, this would be dealt with under separate legislation under the responsibility of NRW.

## **CONCLUSION**

After careful consideration of the application, it is considered that the previous reasons for refusal of the application have now been adequately addressed and can be appropriately mitigated through the imposition of appropriate conditions. As such the application is recommended for approval subject to the below conditions.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 7 August 2009.
- 2 The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
  - 1:2500 scale Site Location Plan received 23 March 2010;
  - 1:1000 scale Site Layout Showing Planting Details received 14 September 2017;
  - 1:500 scale Site Layout, Floor and Elevation Plans received 14 September 2017;
  - 1:200 scale Elevations and Cross Sections received 14 September 2017;
  - Proposed Hedgerow and Slurry Lagoon Bank Planting details received 25 August 2010.
- 3 Within 3 months of the date of this permission 3no. passing places, giving a carriageway width of 5.5 metres over 15.0 metres linear length of the road, shall be provided for the U6208 county road at locations to be first agreed with the Local Planning Authority. Thereafter they shall be retained, unobstructed, in perpetuity.

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

## **REASONS**

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

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

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

## CONSULTATIONS

**Head of Transport** – No formal response received to date.

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

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

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

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

## **RELEVANT PLANNING HISTORY**

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

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

### **THE SITE**

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

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

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

### **THE PROPOSAL**

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

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

## **PLANNING POLICY**

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

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that “it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing” and “it protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment”.

Paragraph 2.2 of Technical Advice Note 12 Design (2014) states:

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

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

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

Policy SP1 Sustainable Places and Spaces refer to distributing development to sustainable location in accordance with the settlement framework and promotes the efficient use of land. Integrating with the character and amenity of the area is also referred to.

Policy SP3 Sustainable Distribution – Settlement Framework outlines the growth areas for the County of which Cefneithin is within the CrossHands/Ammanford growth area. Provision for growth and development will be at sustainable locations in accordance with the following Settlement Framework.

Policy SP5 Housing outlines the targets for housing provision and indicates this will be through allocated site but indicates this will not all be achieved through housing allocations.

Policy GP3 Planning Obligations states that the Council will, where necessary seek developers to enter into Planning Obligations to secure contributions to fund improvements to various community benefits.

Policy H2 Housing within Development Limits states that proposals for housing developments on unallocated sites within the development limits of a defined settlement will, where they are not subject to the provisions be permitted, provided they are in accordance with the principles of the Plan’s strategy and its policies and proposals.

Policy AH1 Affordable Housing indicates that a contribution to affordable housing will be required on all housing sites and below the thresholds, a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas as set out above. Commuted sum charges will be based on floor space (cost per sq.m.).

Policy TR3 Highways in Developments - Design Considerations outlines a number of matters to be considered included suitable access and parking and to ensure highway safety is not adversely affected for users of the roads/streets.

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

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

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

## **ASSESSMENT**

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

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

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

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

### **THIRD PARTY REPRESENTATIONS**

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

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

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

### **CONCLUSION**

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

### **RECOMMENDATION – APPROVAL**

#### **CONDITIONS**

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

- 2 The permission hereby granted relates to the land defined by the Proposed Sections and Scale Parameters [01] 1:100, 1:500, 1:1250 @A1; Proposed Elevations and Floor Plans [02] 1:100 @ A1; Site Plan [03] 1:250 @A3 received 22<sup>nd</sup> September 2017. Amended Site Block and Location Plans 1:500, 1:1250 @A3 [LP01]; Proposed Visibility Splay 1:200 @A3 [05] received on 22<sup>nd</sup> November 2017.
- 3 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
  - a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 Development shall not commence until detailed plans of access; appearance; landscaping; layout; and scale of each building stated in the application have been submitted and received the written approval of the Local Planning Authority.
- 5 Cross sections taken through the site detailing the finished floor levels of the proposed dwellings in relation to the existing ground levels of the site and adjacent properties shall be submitted as part of any reserved matters application.
- 6 Prior to the commencement of development a hedgerow translocation method statement shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme during the first planting season following the commencement of development.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt as to the extent of this permission.
- 3 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 4 In the interest of visual and general amenity and highway safety.
- 5 In the interests of residential amenity.
- 6 In the interest of amenity and biodiversity.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- It is considered that the proposed development complies with Policy H2, GP1, GP3, AH1, SP14, EQ4 and EQ7 of the adopted Local Development Plan in that the development is within the settlement limits, the design, layout and scale of the development does not give rise to significant detrimental impacts in terms of amenity, privacy, character and appearance, landscape or utility concerns subject to the conditions recommended. Sufficient provision towards affordable housing and butterfly conservation has been committed to subject to a legal agreement.

## **NOTE(S)**

- 1 The applicant is advised that this planning permission is subject to the applicant/developer first entering in to a Section 106 Agreement/Unilateral Undertaking for the provision of a financial contribution towards affordable housing and the Caeau Mynydd Mawr Special Area of Conservation.
- 2 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

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

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

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

## CONSULTATIONS

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

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

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

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

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

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

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

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

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

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

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

### **THE SITE**

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

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

## THE PROPOSAL

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

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

## PLANNING POLICY

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

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

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

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

It also states that proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted.

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

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

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

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

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

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

### **THIRD PARTY REPRESENTATIONS**

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

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

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

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

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

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

- Sui generis - larger HMO still

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

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

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

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

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

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

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

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

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

## **CONCLUSION**

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

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

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents received on 12th November 2017, unless otherwise stipulated by conditions:-
  - 1:1250 and 1:100 scale Location Plan, Existing Floor Plans, Elevations and Section (TAB.EX).

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

## **REASONS**

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

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

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

## **NOTE(S)**

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

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

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

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