

**ADRODDIAD PENNAETH CYNLLUNIO,  
CYFARWYDDIAETH YR  
AMGYLCHEDD**

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

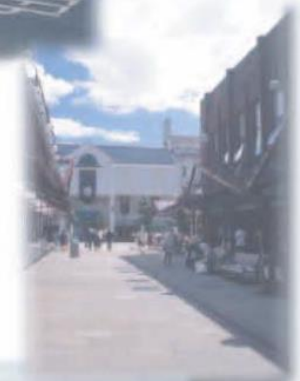
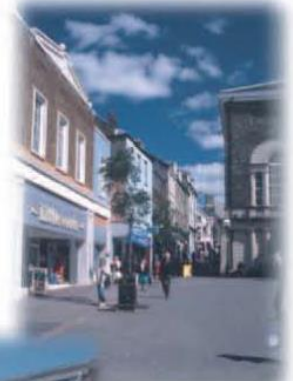
**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

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

**AR 17 HYDREF 2019  
ON 17 OCTOBER 2019**

**I'W BENDERFYNU  
FOR DECISION**

***Ardal  
Dwyrain/  
Area East***





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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>17 OCTOBER 2019</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>E/39168</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CHANGE OF USE AND EXTENSION OF EXISTING BUILDING TO FORM AN A3 HOT FOOD PREMISES INCLUDING BOTH DELIVERY AND COLLECTION OF HOT DINNERS, AND THE RETENTION OF PREVIOUSLY APPROVED (TEMPORARY) A1 RETAIL USE FOR THE SALE OF GUNS AND AMMUNITION AT 2 FFORDD Y GLOWYR, BETWS, AMMANFORD, SA18 2FG

<b>Applicant(s)</b>	MR EDWARD LEE, 2 FFORDD Y GLOWYR, BETWS, AMMANFORD, SA18 2FG
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Betws
<b>Date of validation</b>	19/07/2019

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties

## Site

The application site is the former show home and sales office at the entrance to a modern estate known as Ffordd y Glowyr, Betws. Being the former sales office, the garage has a car park to the North West which is already present. The site is adjacent to the Maesquarre play area which is situated to the South and West of the site. Beyond the play area is the C2214 (Maesquarre Road) with houses on the opposite side to the South West at a distance of at least 50m to the closest property.

The site fronts onto the estate road which also serves commercial premises to the East, the area is therefore a mix of residential and employment being the redevelopment of the former Betws colliery. There are residential properties to the North behind a boundary fence which forms part of a separate estate and residential premises further up the estate road to the East which form part of a residential estate that wraps around to the South East.

The former show house is in general residential use, however the former sales office had a temporary (Four Years) change of use to a gun shop in 2013. The applicant currently runs the shop on an appointment only basis so the traffic and operation is strictly controlled.

## Proposal

The application seeks full planning permission for the change of use of the garage / former sales office to a commercial kitchen to primarily provide dinners for people in their own homes, with a smaller element of pick up from the premises. The application also seeks the use of an attached building (recently constructed) as an armoury so that the current gun business can relocate within the site.

The applicant has submitted a management plan which sets out how the businesses are proposed to operate based on experience of this type of business which they used to operate elsewhere but which closed due the availability of the premises ceasing.

The site has sufficient car parking to cater for the applicant's private vehicles, a commercial vehicle and customers picking up meals. It is noted that they propose a staggered collection by appointment only so that there is no influx of customers. It is also noted that food is proposed to be cooked to order so that there is no waste and there is no general take away service for the public without an appointment.

## Planning Site History

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

E/28523	Part garage to be used for firearm storage and low level sales of guns, knives and reloading equipment. Most sales are air rifles. Remaining part to stay as garage Full planning permission	10 October 2013
E/14701	Residential development (Reserved Matters to Outline Planning Permission E/09584 approved 15.05.2006) Reserved Matters granted	24 October 2007
E/09584	Redevelopment of the former Betws Colliery for mixed use purposes comprising of employment and residential Outline planning permission S106 signed Commuted Sum	15 May 2006
E/09324	Discharge restoration conditions (nos 2 & 3) attached to planning application E/06373 approved 13.05.2004 including formation of new tip A2, earthworks and creation of development plateaux Full planning permission	15 September 2005
E/06373	Variation of Conditions 2, 3, 4 on Planning Permission C6/301; and Conditions 1, 2, 3, 4 on Planning Permission C6/302 to allow additional 12 months for submissions of Restoration Programme and Master Plan Approved	13 May 2004
P6/11510	Drift mine Approved	11 April 1974
U1/1260	New mine	

## Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1	Sustainable Places and Spaces
SP2	Climate Change
SP3	Sustainable Distribution- Settlement Framework
GP1	Sustainability and High Quality Design
GP2	Development Limits
EMP2	New Employment Proposals
TR3	Highways in Developments- Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – Had initial queries, however a final response is awaited.

**Head of Public Protection** – Has no adverse comments however they need to ensure that odour is minimised. This is a statutory nuisance so the Council has power to control if a nuisance occurs.

**Betws Community Council** – Has the following concerns:-

It is my understanding that when the estate was built that 50% was to be residential and the other 50% for business use whilst the applicants business idea has merit in that it helps the vulnerable/elderly residents in the area, Betws Community Council have concerns regarding the food waste from the kitchen (quantity, storage) and believe that it may encourage vermin to the area. This in turn causes concern as Maesquarre children's play area is nearby.

The other concerns would be regarding the times and frequency of deliveries for the business, increased traffic/noise to/at the property with members of the public queuing for their food. It is my understanding that local residents have previously requested traffic calming methods nearby due to the increase in traffic flow to the local businesses further up the road (LBS and TRJ).

**Local Member** - Councillor Betsan Jones has not commented to date.

All representations can be viewed in full on our [website](#).



## Summary of Public Representations

The application was the subject of notification by way of site notice.

6No. representations were received, 5No. objecting and 1No. in support, and the matters raised are summarised as follows:-

- Location - residential area;
- Traffic generation;
- Traffic calming needed;
- Other businesses cause traffic and disruption;
- Residential amenity;
- Devaluation of property;
- Excellent service for the elderly.

All representations can be viewed in full on our [website](#).

## Appraisal

### Location - Residential Area

The site is part of a residential estate, however it is on the edge, being the first property adjacent to the play area. The former sales office is not close to residential properties, so is unlikely to have a direct impact. The use is proposed to serve elderly and vulnerable people primarily with a “meals on wheels” type delivery service and others by appointment only, so a town centre location would not be sustainable as it is not a general A3 take away where you would walk in off the street.

### Traffic Generation

The applicant has produced a management plan which sets out the proposed business operations. Provided this is implemented, there would be limited traffic generation on the site. The primary business is to provide a home delivery service similar to the former “meals on wheels” which would provide hot dinners to people in their homes. This would only mean the parking and trip generation of one commercial vehicle. Additionally, the company proposes to offer a pick-up service which would be pre-ordered so people can pick up at specified times. Traffic generation is in addition to the retention of the gun shop which currently operates a strict appointment only policy. The result of the two businesses would generate traffic, however it is proposed to be strictly controlled. The operating times are proposed to be limited, so it is unlikely that the traffic generated would cause general traffic problems in the locality.

### Traffic Calming Needed

There is concern that calming is needed generally and that the use would exacerbate a pre-existing problem. Traffic calming would require a Traffic Regulation Order and has not been sought by Highways. If calming is considered necessary along this stretch or road, the community could seek this through the Highways process. It is noted that the former sales office car park is still present, and there is parking and turning for \_\_\_ cars. The site visibility is good from the driveway so it is considered that traffic calming is not reasonable or necessary to serve the proposal in and of itself.

## **Other Businesses Cause Traffic and Disruption**

As stated above, the site is part of a mixed use redevelopment of the former Betws Colliery with employment to the East. The applicant has produced a management plan that proposes to strictly control the traffic generated from the two businesses. There is adequate parking and turning on site, so the traffic is not likely to have an unacceptable adverse impact on highway safety.

## **Residential Amenity**

As stated above, the site has a play area to the South and West so there is a separation from the proposal to the neighbouring properties. The nearest properties are beyond the site road and boundary fence with the nearest having a blank un-fenestrated gable and garage overlooking the site so there is unlikely to be a nuisance from comings and goings. Further to the North West, there are private garden areas beyond the fence so there is a greater separation distance. Whilst there is local concern, on balance there is not likely to be an unacceptable loss of residential amenity.

Devaluation of Property is not a material planning consideration.

One letter of support has been received stating that there would be an excellent service for the elderly.

## **Planning Obligations**

Not applicable

## **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance that the site is part of the former Betws Colliery which has been redeveloped for a mix of housing and employment. The building is a former sales office for the residential estate and therefore comes with a car park associated with it so highway safety is not therefore likely to be unacceptable. The site has previously been approved for a temporary A1 retail unit as a gun shop, however this has now lapsed. The building is not currently used as parking and works successfully as a specialist shop on an appointment only basis. The food business is proposed to be run on the same appointment only basis as the current retail business.

This application also seeks to retain the A1 use in a smaller outbuilding which has been built as an extension to the former garage accessed separately from the front. Given the same ownership the two uses can be managed to coexist without conflict.

The proposal would offer a service for those who are housebound as well as a limited pick up service by appointment. Given the business model and management plan submitted, it is considered that the change of use is not likely to have an unacceptable adverse impact on highway safety or residential amenity.

## **Recommendation – Approval**

### **Conditions**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - 1:100 & 1:500 scale Existing and Proposed Floor Plans, elevations and Site Plan dated 15 July 2019;
  - 1:500 scale Block Plan dated 27 September 2019.
- 3 The premises shall be used as a retail use as a gun shop as defined as Class A1 of the Town and Country Planning Use Classes Order 1987 as amended and as a commercial kitchen with take away as defined as Class A3 of the Town and Country Planning Use Classes Order 1987 as amended.
- 4 The use of the A3 unit shall not be carried out outside the hours of 06:00 to 19:30 Monday to Friday, at no time on Saturdays and 10.00 to 15:30 on Sundays.
- 5 Customers to the A3 unit are not permitted to visit the site outside the hours of 07:00 to 10:00, 12:00 to 14:30 and 16:00 to 19:00 Monday to Friday, at no time on Saturday and 12:00 to 15:00 on Sundays. Customers shall arrive on a pre-booked appointment only basis and the premises shall not be open to the general public for passing trade.
- 6 Customers for the A1 retail unit shall visit the site on an appointment only basis with no more than one customer at any time.
- 7 The uses hereby approved shall be carried out only by Mr Edward & Mrs Jayne Lee.
- 8 Prior to beneficial use of the premises, full details of the equipment to control the emission of fumes and odour from the premises shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with approved details. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.
- 9 The premises shall be operated in accordance with the submitted management plan dated 27 September 2019.



## Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity in accordance with Policy GP1 of the Local Development Plan.
- 3-9 To protect the amenities of third parties in accordance with Policy GP1 of the Local Development Plan.

## Notes/Informatives

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

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

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

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

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