

# Document Pack



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**WEDNESDAY, 10 AUGUST 2022**

**TO: ALL MEMBERS OF THE PLANNING COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A **VIRTUAL MEETING** OF THE **PLANNING COMMITTEE** WHICH WILL BE HELD **AT 10.00 AM ON THURSDAY, 18TH AUGUST, 2022** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Wendy Walters*

**CHIEF EXECUTIVE**

<b>Democratic Officer:</b>	<b>Julie Owens</b>
<b>Telephone (direct line):</b>	<b>01267 224088</b>
<b>E-Mail:</b>	<b>Democratichservices@carmarthenshire.gov.uk</b>
The meeting can be viewed on the Authority's website via the following link:- <a href="https://carmarthenshire.public-i.tv/core/portal/home">https://carmarthenshire.public-i.tv/core/portal/home</a>	

Wendy Walters Prif Weithredwr, *Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
*County Hall, Carmarthen. SA31 1JP*

## **PLANNING COMMITTEE – 21 MEMBERS**

### **PLAID CYMRU GROUP - 11 Members**

Cllr. Tyssul Evans (Chair)  
Cllr. Mansel Charles  
Cllr. Terry Davies  
Cllr. Ken Howell  
Cllr. Carys Jones (Vice-Chair)  
Cllr. Jean Lewis  
Cllr. Denise Owen  
Cllr. Dorian Phillips  
Cllr. Russell Sparks  
Cllr. Gareth Thomas  
Cllr. Elwyn Williams

### **LABOUR GROUP - 6 Members**

Cllr. Peter Cooper  
Cllr. Michelle Donoghue  
Cllr. Nysia Evans  
Cllr. John James  
Cllr. Edward Skinner  
Cllr. Michael Thomas

### **INDEPENDENT GROUP - 2 Members**

Cllr. Sue Allen  
Vacancy

### **UNAFFILIATED – 2 Members**

Cllr. John Jenkins  
Vacancy

# **A G E N D A**

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF PERSONAL INTERESTS**
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**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO  
PLANNING COMMITTEE**

**Adroddiad Pennaeth Lle a  
Chynaliadwyedd  
Adran yr Amgylchedd**

**Report of the Head of Place  
and Sustainability  
Environment Department**

**18/08/2022**

**I'W BENDERFYNU  
FOR DECISION**

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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18/08/2022</b>
<b>REPORT OF:</b>	<b>HEAD OF PLACE AND SUSTAINABILITY</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE NOS</b>
<b>PL/00832</b>	<b>Housing development for up to 7 residential units at land to the rear of Garth, Rhydargaeau, Carmarthen, SA32 7HY</b>	<b>9-22</b>
<b>PL/02491</b>	<b>Change of use from Recreational/Open Space to D1 Classification for the proposed relocation of the History Shed Experience Community Interest Community to include the construction of an Exhibition Building and offices, four cottages, two pole barns and public toilets at land adjacent to Car Park off Bridge Street, (Land at Glan yr Afon, adjacent to Trinity Methodist Church), Kidwelly, SA17 4UU</b>	<b>23-36</b>
<b>PL/04147</b>	<b>Proposed detached dwelling at plot adjacent 1 Bay View, Pwll, Llanelli, SA15 4BE</b>	<b>37-46</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**



<b>Application No</b>	<b>PL/00832</b>
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<b>Application Type</b>	Outline planning consent - all matters reserved
<b>Proposal</b>	Housing development for up to 7 residential units
<b>Location</b>	Land to the rear of Garth, Rhydargaeau, Carmarthen, SA32 7HY

<b>Applicant(s)</b>	Eileen Evans
<b>Agent</b>	Mark Stephens Chartered Architect - Mr Mark Stephens
<b>Officer</b>	Helen Rice
<b>Ward</b>	Abergwili
<b>Date of validation</b>	22/12/2020

## 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 0.6ha site is located in the settlement of Rhydargaeau and comprises an existing agricultural field. The site has an existing frontage onto the A485 Carmarthen to Lampeter road and also takes its access from this road via an agricultural gate. Either side of the sites frontage on the A485 lie detached residential properties namely Plas Merlin and Dol Helyg. The remaining site forms the wider agricultural field with its southern boundary adjoining the rear garden boundaries of a series of residential properties which front onto an unclassified road to the south. A small section of the field also borders this unclassified road. The remaining boundary adjoining neighbouring agricultural field. The site generally slopes down north west to south east.

## Proposal

The proposal seeks outline permission, with all matters reserved for the erection of up to 7 dwellings. Whilst all matters are reserved, as required by legislation, the application is supported by indicative details including an indicative layout, scale parameters and

indicative access details. The indicative information illustrates a potential layout with a dedicated access from the A485 leading into the site with 6 detached residential properties located either side of the access road with a further one detached residential property located on the site's section that fronts onto the unclassified road that would take its access from that road. The following scale parameters are provided:

Frontage 10m – 12m

Depth 8m – 10m

Eaves Height 2m – 3m (bungalow) or 5m – 7m (house)

Ridge Height 5m – 6m (bungalow) or 7.5m – 8m (house)

Access to the site has been clarified during the course of the application and it has been confirmed that visibility splays of 2.4m by 90m can be achieved with the application site area extended to include the necessary splay extents. The visibility splay includes land within the highway as well as partially within the ownership of the neighbouring properties either side. During the course of the application, the relevant notices were served by the applicant on the neighbouring properties.

The application is supported by an ecological appraisal which concludes that the site consists of predominantly improved grassland and bare ground with a hedgerow along the north eastern boundary. No signs of European protected species were recorded on the site during the survey. The site is also crossed by a public sewer diagonally across the proposed access location and towards the rear garden area of the property known as Garth, a further watermain is located along the site's frontage with the A485.

## Planning Site History

D4/15057 - Siting of 4 no. dwellings - Reserved Matters Granted - 28/09/1987

D4/14112 - Siting of a housing development (4no. dwellings) - Outline Granted - 20/11/1986

D4/01155 - Siting of bungalow - 06/02/1975

## Planning Policy

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

SP1 Sustainable Places and Spaces

SP3 Sustainable Distribution- Settlement Framework

SP5 Housing

SP6 Affordable Housing

SP17 Infrastructure

SP18 The Welsh Language

GP1 Sustainability and High Quality Design

GP2 Development Limits

GP3 Planning Obligations

H1 Housing Allocations

H2 Housing within Development Limits

AH1 Affordable Housing

TR3 Highways in Developments- Design Considerations

EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – The application has been the subject of various discussions to achieve the required highway standards which have now been demonstrated as being capable of being delivered. The highway authority therefore do not raise objections to the development subject to the imposition of appropriate conditions to ensure that the required standards can be met the details of which will be determined at the reserved matters stage.

**Llanllawddog Community Council** – An email from the Clerk to the community council was received that attached the views of a community councillor who raised objection to the number of dwellings on the development, causing excess strain on local services such as the sewage system, water and electricity supply and the primary school at Peniel. The lack of local amenities was also raised particularly due to recent developments within the village. Highway safety concerns are also raised in relation to the proposed access onto the A485.

**Strategic Housing Delivery Manager** – The ward area of Abergwili is an area of high housing need that would be best met by providing affordable dwellings on the site of either a mix of 2 and 3 bed units for low cost home ownership or a mix of 2 bed and 4 bed units for affordable rent with all units to meet with the required development quality requirement (DQR) standards.

**Sustainable Drainage Approval Body** – No objections on grounds that the site is not within an area of flood risk and confirmation that a SAB approval will be required prior to any works commencing on the development.

**Local Member(s)** – Former County Councillor Dorian Williams, who was the County Councillor when the application was submitted, raised objections to the development on the following grounds:-

- 1 The proposed siting and density of the proposed development would overlook existing properties leading to a loss of privacy for existing residents.
- 2 The proposed siting and density of the proposed development may also result in the overshadowing of existing properties to the detriment of the living conditions of existing residents.
- 3 It is understood that the site is located outside of the LDP.
- 4 The A485 is a busy road and the proposed access location coincides with the location where the speed limit of 30mph is consistently broken by travellers and therefore it is considered that the proposal would lead to unacceptable highway safety concerns.
- 5 The development would place additional strain on the local sewerage network which is already failing.

6 The local primary school at Peniel has no capacity and therefore the proposal would place additional strain on primary education.

**Local Member(s)** - Councillor Neil Lewis has not commented to date.

**Dwr Cymru/Welsh Water** – Raise no objection subject to a condition requiring the submission of a drainage scheme including foul, surface and land water drainage to be submitted prior to any works commencing on the site. Furthermore, DCWW advise that the site is crossed by a public sewer and its presence must be formally identified on site with no development carried out 3m either side of the centreline of the identified sewer location.

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

## Summary of Public Representations

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

In total 14no. representations were received from 11 households. The matters raised are summarised as follows:-

- The application lacks detail.
- Loss of greenfield land and land for food production.
- Development will result in loss of privacy through overlooking and loss of light through overshadowing.
- Future landscaping could block out light and root systems could affect neighbouring properties.
- Development would have an adverse visual impact and would spoil the natural scenic beauty of the area.
- Impact upon existing health concerns of a local resident both during construction phase and once units built.
- Development will require streetlighting leading to light pollution.
- There are regular issues with the local sewerage pumping station which is operating at full capacity. Additional recent development has placed additional strain on the pumping station which this development would further exacerbate and overload system.
- Site currently acts as a natural drain and soakaway critical to take away heavy rainfall, insufficient details about water drainage to confirm that the development would not lead to additional surface water run off which could lead to flooding and subsidence issues of nearby homes. Recent development has created local surface water flooding. The issues don't arise until the units are built and its too late.
- Highway safety concerns on grounds that the site is on the brow of a hill on the very busy A485 and despite being within a 30mph zone, vehicles regularly exceed this restriction as witnessed by the speed indicator near the site.
- Accidents have occurred near the proposed access location.
- Limited visibility on the brow of the hill.
- Vehicles tend to naturally increase their speed as they leave Rhydargaeau.
- Additional access and traffic would exacerbate existing dangers and long delays experienced by existing residents accessing/existing from their properties and unclassified roads onto the A485.
- No facilities and services within Rhydargaeau to support additional development.

- Lack of information regarding the development's impact upon the Welsh Language, there is no phasing of developments taking place and the overdevelopment of the village will result in decline in Welsh speakers and existing Welsh speakers will consider leaving the village due to overdevelopment.
- Insufficient capacity in local primary school at Peniel and additional strain on education provision within the school.
- Developer/applicant has not consulted neighbours direct and has not discussed proposals with the neighbouring residents to secure the required visibility splays.
- Proposals will require substantial changes to vegetation within land on neighbouring properties to secure required visibility splays and this will not be agreed to by the owners of that vegetation.
- Whilst the site is located within the current LDP, it is intended to be removed from the next LDP as there are concerns in relation to its deliverability.
- Overly dense development.
- Rhydargaeau has witnessed sufficient development in recent years, no more development is required.
- Insufficient notification of application by way of a site notice only, no letters sent to neighbours and during a lockdown.
- Existing development underway at Cefn Farm/Dan y Dderwen is more than originally planned and therefore further development is not required as some remain unsold on the new development site.

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

## Appraisal

The main considerations of this case are whether the principle of the development is acceptable, its impact upon the character and appearance of the area and the living conditions of neighbouring residents, highway safety, biodiversity impacts, drainage and utility impacts, impact upon the Welsh language and wider community services and facilities. These are discussed in turn below.

### Principle of Development

The application site is allocated within the current LDP for residential development under Policy H1 as site SC14/H4 with an allocation of 11 dwellings. As such, development of the site for residential purposes is acceptable in principle based on current LDP policies. However, it is noted that a number of residents have raised objections to the need for this development given that the site is proposed to be removed from the revised LDP. Whilst the site is recommended for removal as an allocation within the revised deposit LDP, this document has no status and is itself subject of further review following fundamental national policy changes which further dilutes its status. All planning applications must be considered against the policies of the development plan unless material planning considerations indicate otherwise.

A number of objectors have questioned the need for additional development in Rhydargaeau given recent developments, however, it must be noted that the development that has occurred to date has also been in line with the LDP to include site allocations that were included in the LDP at the same time as this site's allocation. The development of the village has therefore followed the development plan to date.

On this basis, this proposal is in line with the current development plan for Carmarthenshire, particularly policies SP1, H1, H2, and GP2 of the LDP and is acceptable in principle subject to adherence with other policies and material planning considerations as discussed further below.

### Impacts on Neighbours

The application is in outline with all matters reserved and as such only the principle of the development is to be considered at this stage. However, as required, an indicative layout along with scale parameters have been submitted to illustrate how the proposal may develop and to assist with assessing whether the site is capable of accommodating the development proposed.

A number of objectors have raised concerns over the impact of the proposed dwellings on their privacy through overlooking and loss of light through overshadowing and landscaping. This in particular refers to the properties along the site's southern boundary and has been centred on the indicative layout. Whilst the concerns of the objectors are acknowledged, the distance between the existing properties and properties on the indicative layout ranges from between 19m to 24m rear wall to rear wall, with all proposed properties having 10m deep gardens. A distance of 21m wall to wall is generally considered acceptable in design terms to avoid unacceptable impacts by way of overlooking and overdominance/overshadowing. It is also considered that there is sufficient space within the site to increase the distance between the existing and proposed dwellings. This is especially given that the maximum number of dwellings proposed would be 7 (equal to a density of 11 dwellings per hectare) which is a reduction of 4 dwellings in comparison to its LDP allocation. This is also having regard to the intended heights of the properties, which refers to both bungalows and houses. Whilst it has not been specified which dwellings are to be bungalows or houses, the scale parameters mentioned are considered reasonable for each house type. Any reserved matters application would have to comply with these parameters. It is however acknowledged that parts of the site are higher than neighbouring properties and as such it would be necessary to ensure that the finished floor levels of properties are respectful so as not to over dominate existing properties and dilute the perception of distance. Such details would be submitted as part of any reserved matters application.

In general therefore, whilst the concerns of local residents are acknowledged, it is considered that the submitted details indicates that a development of up to 7 dwellings could be developed on the site providing adequate distances between properties to avoid unacceptable impacts in terms of loss of privacy and overshadowing. The site, as referred to above, has historically been granted planning permission for development as well as being allocated within the LDP and therefore there has been reasonable prospect of its development in the future which will inevitably change the existing outlook from neighbouring properties. However, it is considered, for the reasons outlined above, that the site is capable of accommodating 7 dwellings without having unacceptable impacts upon the living conditions of neighbouring residents in accordance with Policy GP1 of the LDP.

### Impact upon Character and Appearance of the Area

Rhydargaeau is a village that has expanded over the years to create a mixed character of dwellings ranging from small scale bungalows, dormer bungalows and two storey properties of varying age and design. In the immediate vicinity of the site, the predominant dwelling types are bungalows that face onto the A485 with the majority having been built in the mid to late 1980s, albeit further into the village there are two storey dwellings.

Due to the nature of the application being in outline there are no firm details to consider its impact on the character and appearance of the area. However, it is considered that the indicative layout to create a small cul-de-sac of 6 dwellings and the remaining unit to be located on a remaining plot facing the unclassified highway is generally a layout that corresponds with other similar developments within the village. In addition it is considered that this layout, overall density and the indicative plot layout reflects the existing character and appearance of the area. In general therefore, it is considered based on the indicative details that a development of up to 7 dwellings on the site would not have an unacceptable impact upon the character and appearance of the village and therefore complies with policy GP1 of the LDP.

### Highway Safety Impacts

Whilst access is a detail reserved for future approval, it is nevertheless necessary to establish at this stage whether an appropriate access that meets highway standards can be provided to serve the intended development.

The site is situated on the busy A485 that provides a strategic link between Carmarthen and up towards Lampeter and Aberystwyth beyond. As such, consideration of creating a new access onto this road has been carefully assessed, including consideration of the site's location on the brow of a hill, the presence of existing accesses and the speed limit and has been the subject of discussion with the Council's Highway Authority.

The main site has an agricultural gated access onto the A485 at present. However, evidently this would have to be upgraded to serve a residential development and given the number of dwellings proposed, designed to adoptable standards. Following discussions, the applicants have now included within the application site area the necessary land requirements to secure visibility splays of 2.4m by 90m. The majority of the visibility splay is within highway controlled land. However, to ensure that adequate vision is maintained within this splay it will require trimming and maintenance of vegetation and hedgerows of properties either side which front onto the A485.. Whilst some neighbouring residents have objected to this, this is a civil matter that relates to landownership that the applicant will need to agree with the relevant landowners. However, this would not require the wholesale removal of vegetation but rather their maintenance to avoid growth obstructing views. It is therefore considered in general that the proposal, having regard to the quantum of development proposed, meets with current highway standards. It is also considered that an adequate access could also be achieved to serve the single dwelling from the unclassified highway.

Therefore, having regard to the proposals before the Council, it is considered that a suitable access that meets standards to serve the intended development can be provided in accordance with policy TR3 of the LDP.

Full details in terms of the layout of the access, internal road, parking and turning areas will be required at the reserved matters stage.

### Drainage

Due to the nature of the application being in outline no details regarding how drainage would be dealt with has been provided. However, the application has been the subject of consultation with DCWW along with the Sustainable Approval Drainage body, both of which

do not raise objections in principle to the development. However, they both recognise that further details would be required at the reserved matters stage.

In terms of foul drainage, it is anticipated, and in line with Circular 08/18 that the scheme would be served by the main sewer. The village is served by the Llanpumsaint Waste Water Treatment Works with the foul being pumped to the WwTW by a pumping station to the south of the application site. A number of objectors have raised concerns regarding the capacity of this sewerage pumping station as existing let alone with additional development being considered. However, DCWW have not raised this as a specific concern and have rather requested full details of the foul, surface and land drainage to be submitted prior to the commencement of development or at the reserved matters stage. Therefore, based on DCWW's response there are no in principle objection to the site connecting to the foul sewer.

DCWW have however alerted the applicant to the fact that there is a main sewer and water main crossing the site and these must be taken into consideration when designing the detailed scheme.

Turning to surface water drainage, evidently this proposal would result in development of an existing field. It there has the potential to increase surface water run off. However, any development must be the subject of a separate Sustainable Drainage Approval Body (SAB) consent for the drainage arrangements prior to works commencing on site. Such a consent can only be provided for sustainable drainage arrangements and therefore no surface water would be diverted into the main sewer. No development can proceed without a SAB approval being in place. The SAB team have not raised any objections to this scheme based on the information available at present other than requesting the submission of a SAB application. The views of local residents are nevertheless noted and in addition to a SAB application, it is recommended that full details of the drainage proposals for the entire site are submitted at the reserved matters stage as well.

On this basis, given the nature of the application, it is considered that the imposition of conditions to require full drainage details to be submitted at the reserved matters stage along with reference to the presence of the sewer and watermain are sufficient to comply with policy EP3 of the LDP.

### Biodiversity

The submitted ecological appraisal report has been reviewed by the Council's Planning Ecologist who accepts the conclusion of the report which specifies that the site is predominantly improved grassland with the main ecological feature being a hedgerow along the north eastern boundary. Nevertheless, the report also identifies features to be maintained along with potential enhancement measures. These include retention of the north eastern hedgerow, provision of additional landscaping, incorporation of enhancement measures such as bat and swallow boxes/bricks/cups, careful consideration of lighting, appropriate site clearance strategy in the interests of replies and timing of works. All of these proposals are considered generally acceptable and various conditions are imposed to ensure that such measures are incorporated into the final design. In summary therefore the proposal is not considered to give rise to unacceptable impacts upon biodiversity and complies with policy SP14 and EQ4 and EQ5 of the LDP.



## Impact upon the Welsh Language

In line with Technical Advice Note 20: Planning and the Welsh Language, the impact of development on the language was assessed as part of the LDP preparation. It is the case that language impact assessments are not required for individual applications unless they are of a magnitude in an area defined as linguistically sensitive or significant. Rhydargaeau is not defined as linguistically sensitive and given the scale of the development and the fact that it is allocated within the LDP, a language impact assessment would not be required in this instance and would not have a detrimental impact upon the Welsh Language.

## Local Amenities

A number of objectors have raised concerns over the lack of local amenities and facilities within the village and wider area to support the existing village let along additional dwellings, and also raise concerns over capacity at the local primary school in Peniel. It is unfortunately the case that many rural villages no longer have local amenities within the village itself. However, it is not considered that the lack of amenities should prevent further growth, and in fact, potentially growth could encourage the return of local amenities to the area. Capacity at the local school in Peniel is also acknowledged. However, the proposal falls below the threshold for seeking education contributions in line with the Council's Planning Obligations Supplementary Planning Guidance.

## Other Matters

The majority of the concerns raised by objectors have been addressed above. In terms however of concerns over notification of the application, the application was the subject of consultation by way of a site notice in line with legislation. It is apparent, from the objections received that local residents have had the opportunity to comment. It is acknowledged that residents affected by the visibility splay requirements are aggrieved that the applicant chose not to discuss the proposals direct with the residents. Whilst it is preferable for discussions to take place, the applicant has complied with the legislation. In terms of concerns regarding detail, this is down to the outline nature of the application. Full details are reserved for future consideration.

## **Planning Obligations**

The proposal triggers Policy AH1 of the Local Development Plan which requires all developments that result in a net increase in dwellings to contribute towards affordable housing within the area. As this proposal is for a development of potentially more than 5 units, the affordable housing provision would be required to be provided on site. The affordable housing target for this area is 20% and this would be secured by way of a Section 106 legal agreement.

In the event that the required legal agreement is not signed within 12 months from the date of the Planning Committee resolution, delegated authority is given to the Head of Place & Sustainability to refuse the application.

## **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 WBFGE Act). The

decision takes into account the ways of working set out at section 5 of the WCFG 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 WCFG Act.

## Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that development of this site which is allocated for residential development in the current LDP is acceptable in principle and it is considered that the site is capable of accommodating up to 7 dwellings without having unacceptable impacts upon the character and appearance of the area, living conditions of neighbouring residents, highway safety, biodiversity and drainage. As such, the development is considered to comply with the above mentioned policies of the Carmarthenshire Local Development Plan and as such the application is recommended for approval subject to completion of a Section 106 legal agreement to secure affordable housing provision and the below conditions.

In the event that the required legal agreement is not completed within 12 months from the date of the Planning Committee resolution, delegated authority is given to the Head of Place & Sustainability to refuse the application.

## RECOMMENDATION - Approval

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### Conditions & Reasons

#### Condition 1

Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-

- a) the expiration of five years from the date of this outline planning permission;
- b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

*Reason:* Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

#### Condition 2

Development shall not commence until detailed plans of the layout, scale, appearance, access and landscaping (the reserved matters) of the development have been submitted to and been approved in writing by the Local Planning Authority.

*Reason:* In the interests of visual amenity.

#### Condition 3

The land subject to this permission is as identified on the Location Plan (Drawing OPA1) received 22 March 2022 and Visibility Splay Plan received on 4 March 2021.

*Reason:* For the avoidance of doubt.

#### **Condition 4**

The dwellings hereby approved shall be limited to the following scale parameters:

Frontage 10m – 12m

Depth 8m – 10m

Eaves Height 2m – 3m (bungalow) or 5m – 7m (house)

Ridge Height 5m – 6m (bungalow) or 7.5m – 8m (house)

*Reason:* For the avoidance of doubt or confusion as to the extent of the permission hereby granted and in the interests of visual amenity – Policies SP1 and GP1 of the adopted Carmarthenshire Local Development Plan

#### **Condition 5**

Any reserved matters application(s) in relation to this outline approval shall be accompanied by full cross sections through the site and including any neighbouring properties as appropriate, existing and proposed ground levels, finished floor levels and means of enclosure.

*Reason:* In the interests of the character and appearance of the area and visual amenity.

#### **Condition 6**

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

*Reason:* To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

#### **Condition 7**

The site is crossed by a public sewer. Any reserved matters application where access, layout, scale or landscaping is to be determined must have regard to the location of the public sewer. No development shall commence on the site until the position of the sewer is accurately located and marked out on site. No operational development shall be carried out within 3 meters either side of the centreline of the public sewer.

*Reason:* To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

### **Condition 8**

Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway, 1.8 metre footways, and 6.0 metre kerbed radii at the junction with the A485 road.

*Reason:* In the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 9**

Prior to any use of the access road by vehicular traffic, a visibility splay of 2.4 metres x 90 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. There shall at no time be any obstruction above 0.9 metres within this splay area.

*Reason:* In the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 10**

Details of the proposed parking and turning facilities within the site to serve the proposal shall be provided at the reserved matters stage where access, layout, scale and/or landscaping is to be considered. The approved scheme shall be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

*Reason:* In the interests of highway safety in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 11**

A comprehensive Landscape and Ecological Design Scheme (LEDS) shall be submitted at the reserved matters stage where access, layout, scale, landscaping or appearance is to be determined. The LEDS scheme shall deliver detailed design proposals which effectively integrate appropriate site-specific landscape, ecological and biodiversity objectives and function. The development shall be carried out in accordance with the approved details.

*Reason:* In the interests of biodiversity in accordance with policies SP14, EQ4 and EQ5 of the Carmarthenshire Local Development Plan 2014.

### **Condition 12**

A Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features for the development shall be submitted at the reserved matters stage where access, layout, scale, landscaping or appearance is to be determined. The LEMP shall include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site.
- Details of the desired conditions of features (present and to be created) at the site.

- Details of scheduling and timings of activities.
- Details of short and long-term management proposals, monitoring proposals and maintenance operations of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired landscape and ecological conditions and functions.
- Details of monitoring of landscape and ecological features and required post construction monitoring.
- Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within the lifetime of the development.
- Details of management and maintenance responsibilities.
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed between interested parties.
- Mechanisms to be used for reporting.

The LEMP must deliver all mitigation and enhancement requirements for the operational phase. The LEMP shall be carried out in accordance with the approved details.

*Reason:* In the interests of biodiversity in accordance with policies SP14, GP1, EQ4 and EQ5 of the Carmarthenshire Local Development Plan 2014.

### **Condition 13**

An external lighting scheme shall be submitted for the consideration and written approval of the local planning authority at the reserved matters stage where access, layout, appearance or scale is to be determined. The scheme shall account for the mitigation requirements detailed in the submitted Ecological Appraisal, Section 5.4.1. The scheme shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas. The scheme shall include:

- Technical details of all lighting solutions, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site and at the boundary of the site.
- An Environmental Lighting Impact Assessment against conservation requirements for protected species and wildlife corridors.

Once approved in writing, the lighting scheme shall be implemented and thereafter operated in accordance with the approved details.

*Reason:* In the interests of biodiversity in accordance with policies SP14, EQ4 and EQ5 of the Carmarthenshire Local Development Plan 2014.

### **Condition 14**

An appropriate sensitive clearance strategy for reptiles prepared by a competent ecologist must be submitted to the LPA prior to the commencement of any vegetation clearance works and the strategy thereafter implemented as approved.

*Reason:* In the interests of biodiversity in accordance with policies SP14 and EQ4 of the Carmarthenshire Local Development Plan 2014.

## **Condition 15**

Vegetation clearance must be undertaken in accordance with section 5.3.1 of the Ecological Appraisal Report by I&G Ecological Consulting dated July 2020.

*Reason:* In the interests of biodiversity in accordance with policies SP14, EQ4 and EQ5 of the Carmarthenshire Local Development Plan 2014.

## **Notes / Informatives**

### **Note 1**

This application is the subject of a legal agreement to secure affordable housing provision.

### **Note 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.

### **Note 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>PL/02491</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Change of use from Recreational/Open Space to D1 Classification for the proposed relocation of the History Shed Experience Community Interest Community to include the construction of an Exhibition Building and offices, four cottages, two pole barns and Public Toilets
<b>Location</b>	Land adjacent to Car Park off Bridge Street, (Land at Glan yr Afon, adjacent to Trinity Methodist Church), Kidwelly, SA17 4UU

<b>Applicant(s)</b>	Kidwelly Town Council - Virginia O'Reilly
<b>Officer</b>	Andrew Francis
<b>Ward</b>	Kidwelly and St Ishmael
<b>Date of validation</b>	18/08/2021

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of three or more objections from third parties.

## Site

The application site consists of an elevated grassed area of land, irregular in shape, measuring some 0.34 Ha, situated directly to the west of the existing car park that is accessed off Bridge Street, Kidwelly. The broadly trapezoid shaped parcel of land is gently sloping and maintained. It has an overall depth of approximately 74 metres, with a maximum plot width at its southern boundary of 62 metres and minimum plot width along its northern boundary of 28 metres.

The land is slightly elevated from the generally well used public car park to the east and would be accessed via the same entrance off the western flank of Bridge Street, in between Trinity Church and No. 24 Bridge Street.

A public footpath and cycleway runs to the south of the site leading from the car park, along the river's edge to where it meets the C2057 road leading to St Ishmael.

The application site is outside the development limits for Kidwelly, as defined by the Carmarthenshire Local Development Plan (LDP) 2014.

Although the site has no specific ecological designation, it is approximately 600m from the Pembrey Coast Site of Special Scientific Interest (SSSI), Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SP. As such, given the proximity and potential for impact from the proposed development upon the sensitive ecology receptors and that the Afon Gwendraeth Fach runs into the estuary approximately 50 metres south of the application site, this is a key consideration.

The site is entirely within a C2 Flood Zone, as defined in Technical Advice Note (TAN) 15 (2004) – Development and Flood Risk issued by the Welsh Government.

The site is not situated within Kidwelly's Conservation Area but it is adjacent, with the boundary approximately 70m metres away to the east, following the edge of the development limits.

## Proposal

This application proposes a change of use of the existing recreational/open space land to be used as a historical tourist/community facility under the D1 Use Class. The proposal is to be known as the History Shed Experience and is proposed to include new purpose built buildings to accommodate the attraction.

These buildings include:

A new main exhibition area finished with corrugated sheeting to the walls and roof and measuring 27.6 metres in length by 15.6 metres in width. This has a pitch roof and measures 5.56 metre to the pitch and 3.67 metres to the eaves.

An office, staff toilets and storage facilities (attached to the main exhibition area) constructed out of reclaimed red brick, with a green sedum lean to roof. This extends off the main building some 6.16 metres and has a length of 15.28 metres. This has an eaves height of 2.67 metres and a maximum height of 3.11 metres.

Two open pole barns, each measuring 12.2 metres by 9.15 metres. There have a sloping corrugated roof, with a maximum height of 3.6 metres, and a minimum height of 2.5 metres.

Two examples of traditional Welsh Cottages described as a temporary exhibition structure. An example of a small American cottage, again described as a temporary exhibition structure. An example of a Patagonia house, again described as a temporary exhibition structure. These buildings are all shown to measure the same – 7.2 metres in length by 5.6 metres in depth with an eaves height of approximately 2.4-2.7 metres and a pitch roof height of 4 – 4.3 metres. The American cottage has a veranda on the front adding an additional 1.6 metres in depth. The finishes of these structures will differ depending on the type of building they are meant to portray, but they are temporary exhibition light weight structures, constructed with timber prefabricated panels and having exterior textured facades.

The Public Toilets are incorporated into the ramped and stepped gated access structure and are proposed to have associated hard and soft landscaping. The toilet structure measures 6 metres in with and with a maximum depth of 4.84 metres and a minimum depth of 3.76 metres, the angle set by the rear site wall. It is proposed with rendered walls and a lean to green sedum roof, with an eaves height of 2.4 metres and a maximum height of 3.66 metres. The gated access structure measures 7.35 metres in length by 2.84 metres in with and with



a height of 2.65 metres at the level at the top of the steps and 4.2 metres at the level at the bottom of the steps.

A high security fence is to become the site boundary where areas of dense undergrowth do not abut the site boundaries. As such, this site will be completely closed off whilst it is not open.

The pedestrian access to the site, which includes the ramps, steps, gate and public toilets is sited on land that joins the application site with the public car park and is owned by Carmarthenshire County Council, for which, the specified Notice has been served. Vehicular access is shown to be from the south-eastern corner of the site off the existing footpath/cycleway.

The submitted plans show that the main building is to be sited at the northern end of the site, with the two pole barns sited to the south, and the four temporary cottage buildings set to the south of the barns. The main building is to be sited upon a self-binding gravel permeable path, whilst the pole barns and mock cottages are to be sited on an area of wildlife friendly lawn, with paths of self-binding permeable gravel.

Based on the submitted information, the proposal is an evolution of the 'Tin Shed Experience' that was based in Laugharne but had to close. At this site, the proposal is stated to provide a place of historical interest to locals, historians, tourists and students as well as catering for schools. It is intended that it should become a place for the community to learn, contribute and explore its own history through activities and to be able to showcase it to others. Based on the space available, it is also intended that it can be used as a platform for local talent and an exhibition space for local creatives and somewhere where music, art, photography and film making can occur.

The proposal advises that building links with the town is key, and it is stated that the applicants have very strong links with Kidwelly. It is also intended that an archive should be developed, where visitors are encouraged to investigate their history and bring material that will be kept at the site.

It is intended that community groups, projects and organisations are worked with and cross over projects with other facilities will create stronger community links. Allowing supervised activities in a safe environment for younger groups such as the Cubs and Scouts improves current facilities and the CCTV will provide extra security for the existing car park and riverside walk.

It is intended that the opening hours of the proposal would match those of Kidwelly Castle and require one full time and two part time jobs and potentially ten volunteers.

This would be the only undercover wet weather visitor attraction in Kidwelly. In addition, it is stated that there is a benefit to it being a ready-made film set available to TV/movie productions companies as the applicant's found at their previous location, resulting in several high end productions being filmed at the original Tin Shed.

## **Planning Site History**

Adjacent:

S/02356 To construct new 3M wide cyclepath and footpath along existing footway - Approved - 28/04/2000

Supplementary History:

PRE/00078 - Site allocation for re-housing the 'History Shed Experience' from Laugharne to Kidwelly - Pre-Application - Statutory - 6/11/2020

## Planning Policy

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

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution- Settlement Framework  
SP9 Transportation  
SP14 Protection and Enhancement of the Natural Environment  
SP15 Tourism and the Visitor Economy  
SP18 The Welsh Language  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
GP4 Infrastructure and New Development  
TR2 Location of Development- Transport Considerations  
TR3 Highways in Developments- Design Considerations  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ3 Regional and Local Designations  
EQ4 Biodiversity  
EQ5 Corridors, Networks and Features of Distinctiveness  
EP1 Water Quality and Resources  
EP2 Pollution  
EP3 Sustainable Drainage  
REC1 Protection of Open Space  
TSM3 Small Scale Tourism Development in the Open Countryside

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** - Offers no objection to the proposal, recommends conditions relating to a turning area.

**Public Rights of Way Officer** - No observations received to date.

**Head of Public Protection** – Offers no objections to the proposal, recommends conditions with regard to contaminated land.

**Kidwelly Town Council** – Are the applicants for this application and therefore cannot comment.

**Local Member(s)** - Councillor C Davies and Councillor L Davies have not commented to date.

**Natural Resources Wales (NRW)** – Advises that they have concerns with the application, as submitted, but are satisfied these concerns can be overcome by including contaminated land conditions on any permission that might be granted.

NRW also considers the submitted Flood Consequences Assessment which acknowledges the site does flood tidally during the 1 in 200 and 1 in 1000 year flood events, allowing for climate change, though the level of flooding complies with Section A1.15 of TAN15.

Advises that the site is approximately 600m from the Pembrey Coast Site of Special Scientific Interest (SSSI), Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and states that it is for the LPA to undertake an appropriate assessment of any plan or project that is likely to have significant effects.

**Dwr Cymru/Welsh Water** – Offers no objection to the proposal, recommends the imposition of planning conditions.

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

## Summary of Public Representations

- An important project for protecting future generations.
- The previous projects by this team protecting Welsh heritage have been done to a high standard.
- A coup for the village and a good draw for tourists which will be of benefit in terms of revenue to other small businesses.
- The facilities at the previous site were fantastic. The move to the new site will benefit the local community and schools and region as a whole.
- Will not impact surrounding wildlife areas.
- Kidwelly is in dire need of regeneration, and this will benefit locals and tourists alike and add to the local economy.
- Most exciting thing to happen to Kidwelly for a long time.
- As an accredited tourist guide for south Wales, this region needs more interesting attractions to draw visitors to the area. History is a major contributor to the visitor experience and each level of history sits well with each other.

### Non Material Objection Points

- HSE is a hobby with big ideas, they are not qualified museum curators and it offers no formal local employment.
- Ukrainian families arriving in Kidwelly do not want to be reminded of the horrors they have escaped from and is a snub to the WG's policy of complete solidarity with Ukraine.
- Kidwelly Town Council are using Council Tax money for the relocation of the HSE, even though the application has yet to be determined.
- Has Kidwelly Town Council approached the County Council in regard to permission and leasing the land for the required public toilets?

- What history is being presented? The display of armoured vehicles and other military things does not bode well and reeks of Britishness and jingoism.
- The Town Council's consultation process was poorly executed and the public's views were not noted formally for review. The Town Council had approved the proposal and informed the public at the public meeting. Also, the plans shown then were a lot smaller than those proposed now.
- The old Tinworks Museum at Mynydd y Garreg would be a much more opportune location for this.

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

## Appraisal

This application has garnered a significant amount of public interest, with a large number of supporting correspondence, many from far afield. It has also generated a smaller number of very strong opposition from local residents, raising many material planning objections to the proposal, as submitted. Before the overall principle of development can be considered, the individual aspects that go into making that consideration must be considered in turn.

### Protection of Public Open Space

With regard to the objections received, perhaps the main objection relates to the loss of designated recreational space, allocated in the LDP. The proposal is sited outside development limits and on land identified within the LDP as PDB34 falling under the consideration of policy REC1. Following a recent request, some justification has now been provided for the use of open space to site this development. Policy REC1 states:

#### **Policy REC1 Protection of Open Space**

**Provision will be made to protect and wherever possible enhance accessibility to open space.**

**Proposals which result in the loss of existing open space will only be permitted where:**

- It is demonstrated that there is provision of at least equivalent value available within the settlement, or where applicable the sustainable community, in an accessible location; and,**
- It is demonstrated that the need for the facility has ceased; and,**
- A deficiency of open space is not created through its loss; or,**
- The re-development of a small part of the site would allow for the retention and improvement of the facility.**

In addition to this, it has been raised that the proposal would be contrary to the Authority's Green and Blue Infrastructure (GBI 2021), which is a network of natural and semi-natural spaces and corridors that lies between our cities, towns and villages and threads through them, with Kidwelly being one of the eight Focus Towns in Carmarthenshire. The application site has been identified a 'Strength' and an 'Opportunity' as part of the scheme as well as having 'Room for Improvement'. It is argued that removing this site from the open network would be damaging to the new scheme and send the wrong impression. Another point is that the loss of the space would lead to even more pressure in reaching the County's Carbon Budget target by 2025, with less land and therefore opportunities to achieve the reduction.

## Ecology

In terms of Ecology, objectors are aware that the site is currently designated as a nature reserve in Carmarthenshire and have concerns that proposal will be extremely damaging to the ecology of the site and area, including a number of birds, badgers and even adders, which are protected species by virtue of the development and the disturbance the development would bring. Specifically, NRW advise that the site is approximately 600m from the Pembrey Coast Site of Special Scientific Interest (SSSI), Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and that due to this, it is for the Local Authority to comment on the specific matters and provide the details of the Tests of Likely Significant Effect (TSLE) upon the designated area. To date, this has yet to be carried out formally.

## Flood Risk

In terms of flood risk, NRW offer no objection based on the submitted information stating that they acknowledge the site does flood tidally during the 1 in 200 and 1 in 1000 year flood events, allowing for climate change, though the level of flooding complies with Section A1.15 of TAN15. In more detail, they advise that LiDAR shows ground levels ranging between 6.4m AOD and 6.8m AOD at the development site. In the 1 in 200-year plus climate change event the site floods to 200mm which complies with TAN15, section A1.15 tolerable conditions.

In the 1 in 1000-year event the site floods to 500mm which complies with TAN15, section A1.15 tolerable conditions.

The FCA states that to ensure the site remains flood free during a 1 in 200 year plus climate change event the land could be raised to a minimum of 6.65m AOD. This would also reduce the depth of flooding expected during the 1 in 1000-year event, to approximately 300mm AOD across the site, which NRW would welcome. This detail could be secured by a condition. Based on this information from Natural Resources Wales, this objection cannot be sustained.

## Noise and Public Protection

In considering the response offered by the Public Protection Team, it is considered that no objection is offered to the proposal, based on the information offered within the application. The application details includes the information regarding the use of the site for filming and music events. The ecological matters are being considered by Planning Ecology.

## Contaminated Land

One of the main points of objection received was that the site has been an open, unsupervised tip for the locality for many years, with industrial (from the optical), animal and domestic waste being deposited there. Due to public health issues it was covered over and allowed to become a green open space. Natural Resources Wales have also commented on this aspect of the proposal recommending the imposition of a number of conditions to ensure that any potential contamination doesn't impact upon the Afon Gwendraeth Fach. The Authority's Environmental Health Team have also assessed the information submitted. They offer no objection to the proposal, subject to the strict compliance of a pre-commencement planning condition, something which the Phase 1 Assessment of Land

Quality/Preliminary Risk Assessment Desk Study – January 2022 submitted by the Applicant, also requires. As such, it is considered that the issue of the contaminated land can be adequately dealt with via conditions.

### Built Heritage

The Authority's Built Heritage Officer offers no objection to the proposal, considering the proposal's setting in the town against the Scheduled Monuments, however has concerns over the choice of green as a roof colour based on its location and the roofscape of Kidwelly. It is recommended that a slate coloured roof such as 'Dark Blue Grey' (BS18B29) or similar be considered as it would recede into the landscape and provide a dark backdrop when viewed through the trees and be more appropriate. This detail can be conditioned.

Cadw have responded advising that the application is inadequately documented and that additional information is required to enable a balanced decision to be taken against PPW and TAN 24. They state that in the Pre-Application response they advised that it would be located within 1km of 4 Scheduled Monuments and whilst it will be outside the currently known area of medieval settlement of Kidwelly, it is likely to be visible in the significant view from the castle over the surviving town gate along the Gwendraeth Fach to its' confluence with the Gwendraeth Fawr and the estuary. As this was a strategic view from the castle, allowing approaching shipping to be identified, any development in this area could alter the way that the castle is experienced and understood and therefore have an impact on its' setting. Cadw therefore identified this as being a material consideration in the determination of any planning application for this development. In that initial response, Cadw stated that any application for the proposed development should include a report on the impact on the setting of the castle and the other designated historic assets inside 1 km of the proposed development, to be prepared by a competent and qualified historic environment expert in accordance with the methodology outlined in the Welsh Government's best-practice guidance Setting of Historic Assets in Wales (2017).

This report has been requested.

## **Planning Obligations**

There are no planning obligations relevant to this application.

## **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 that particularly with regard to tourism, the development would offer benefits to the local area. It is generally considered that the development can be acceptably accommodated at this location, with

acceptable highways and other transport links, subject to additional information relating to cycle parking and a formal on site turning area. The loss of open space has been adequately justified, in that it is a small amount of the Town Council's managed open space and it will allow improvements to other sites that can be enjoyed by the wider public.

The Authority's Built Heritage Officer has no objections to the scheme, subject to the main building's roof being changed in colour, which can be conditioned. However, Cadw have requested further details to allow assessment of the proposed scheme on the four scheduled monuments in close proximity to the scheme. No objection has been received, but the assessment is stated to be required.

As such, based on the above, on balance, the proposal is considered to provide an overall benefit to the town of Kidwelly and can be acceptably accommodated on the application site, subject to conditions. As such, this application is recommended for approval.

## **RECOMMENDATION - Approval**

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### **Conditions & Reasons**

#### **Condition 1**

The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.

*Reason:* Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

#### **Condition 2**

The development shall be carried out in accordance with the following approved plans and documents:-

- Location Plan and Photos of Proposed Site and Existing Car Park [PL-100 Rev A], received on 27 July 2022;
- Open Space Loss - Justification Document, received 20 July 2022;
- Assessment of Land Quality/ Preliminary Risk Assessment (Desk Study), received 26 January 2022;
- Flood Consequences Assessment Report,
- Construction Environmental Management Plan, received 24 January 2022;
- Entrance and Toilet Plan [PL-106] 1:100 @ A3,
- Proposed Foul Drain Connection [PL-166] 1:500 @ A3,
- Proposed Exhibition Roof [PL-104] 1:100 @ A3,
- Flood risk assessment,
- Proposed Pole Barn 1 & 2 Plan [PL-107] 1:100 @ A3,

- Landscaping Proposal 2 [PL-111] @ A3,
- Proposed Exhibition Elevations Plan [PL-105] 1:100 @ A3,
- Site Plan [PL-101] 1:500 @ A3,
- Landscaping Proposal 1 [PL-110] @ A3,
- Tree survey,
- Ecology Appraisal Report,
- Location Plan [PL-100] 1:1250 @ A3,
- Landscaping Key Plan [PL-109] 1:250 @ A3,
- Planning Statement,
- Habitat Regulations Screening Report,
- Proposed Site Plan [PL-102] 1:200 @ A3,
- Proposed Exhibition Plan [PL-03] 1:100 @ A3,
- Elevations and Roof Plan [PL-108] 1:100 @ A3,
- Proposed Site Birds Eye View @ A3,  
received on 16 August 2021.

*Reason:* For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policies GP1, REC1, TR2, REC1, TSM3, EQ4 and EQ1 of the Carmarthenshire Local Development Plan 2014.

### **Condition 3**

Prior to the beneficial use of the site hereby approved, details of a vehicular turning area is to be submitted to and approved in writing by the Local Planning Authority. The vehicular turning area shall be implemented and retained as approved.

*Reason:* In the interests of highway safety and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 4**

Prior to the beneficial use of the site hereby approved, full details of cycle parking spaces to serve the development to CSS Parking Standards 2014 are to be submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be implemented and retained as approved.

*Reason:* In the interests of highway safety and amenity and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 5**

No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

(a) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.



- (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- (c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

*Reason:* To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

#### **Condition 6**

Prior to the operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

*Reason:* To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **Condition 7**

Prior to the operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained as approved.

*Reason:* To ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development.

### **Condition 8**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

*Reason:* To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

### **Condition 9**

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

*Reason:* To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

### **Condition 10**

No development shall commence until a drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be carried out in accordance with the approved details.

*Reason:* A drainage scheme should be submitted to ensure necessary measures are approved prior to commencement of development or phase of development and implemented to prevent the deterioration of water quality within a sensitive site.

### **Condition 11**

No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

*Reason:* Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

### **Condition 12**

No development shall take place on the application site until the applicant has:

- Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.
- Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
- Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works. If, during development, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted to the Local Planning Authority.

If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy'.

Any soil imported must be suitable for use and any soil arising from elsewhere on the development site must be subject to same requirements as imported materials.

A copy of the certificate of analysis for the details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual. This information must be submitted to and approved in writing by the Local Authority prior to importation.

*Reason:* To ensure that former land uses are fully considered and remediated where necessary in the interests of health, safety and residential amenity and to accord with Policy EP2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 13**

Prior to the construction of the Exhibition Building hereby approved, details of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

*Reason:* In the interests of visual amenity and to accord with Policies GP1 and EQ1 of the Carmarthenshire Local Development Plan 2014.

## **Condition 14**

No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

*Reason:* To ensure the site is served by a suitable potable water supply.

## **Condition 15**

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

*Reason:* To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

## **Notes / Informatives**

### **Note 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.

### **Note 2**

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

<b>Application No</b>	<b>PL/04147</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Proposed Detached Dwelling
<b>Location</b>	Plot adjacent 1 Bay View, Pwll, Llanelli, SA15 4BE

<b>Applicant(s)</b>	Mr P D Melly
<b>Agent</b>	Prime Architecture Ltd - Cellan Jones
<b>Officer</b>	Zoe Baxter
<b>Ward</b>	Hengoed
<b>Date of validation</b>	10/06/2022

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of three or more objections from third parties.

## Site

The application site consists of a rectangular shaped parcel of land located at the corner of Elgin Road and Tyle Catherine in Pwll. It fronts onto Elgin Road with an existing vehicular access to the east side onto Tyle Catherine.

The site has a width of around 22.5m and depth of around 12 metres. The site slopes in a southerly direction as per Tyle Catherine. The site is bordered by existing walls to the east and west and a retaining wall along its boundary with Elgin Road to the north. To the west lies a two-storey dwelling known as Blenheim House that is separated from the site by high block walling. To the south lie existing garages and a close boarded timber fence separates the site from the rear gardens of properties no. 1 and 2 Bay View.

The site is located in a primarily residential area consisting of a mix of detached and semi-detached properties. The neighbouring properties of Elgin Road have long rear gardens while two semi-detached properties immediately to the south have standard sized gardens. To the south east two new properties have been built on the opposite side of Tyle Catherine

in recent years and a new dwelling directly to the south of no's 1 and 2 Bay View is under construction.

## Proposal

The application seeks full planning permission for a detached two storey dwelling at the site along with parking and amenity space. The Proposed Site Layout Plan shows the positioning of the dwelling fairly centrally within the site with vehicular access and parking to the east of the dwelling and small garden areas surrounding the dwelling. Access is proposed to be via the existing vehicular access to the east from Tyle Catherine. The front driveway is proposed to be concrete with the remainder of the site surrounding the dwelling grass.

The principal elevation of the property fronts Tyle Catherine. The floor plans show a two-bedroom property with bedrooms at ground floor alongside ensuite, wet room, utility room, gym and hallway. At first floor, the property consists of an open plan layout with a kitchen, dining, living and study area and a separate WC. Originally two balconies were proposed, one at the southwest corner and a second smaller balcony to the west. Following amended plans the balconies have been removed and a single Juliette balcony is proposed on the south western corner elevation.

The proposed dwelling comprises a mix of materials with white smooth render and vertical timber cladding for the walls alongside large feature glazing on the front elevation. Windows on the side elevation to the south are kept to a minimum with only a high-level window and velux windows at first floor. On the southwest corner, a Juliette balcony is proposed at first floor and glazed double doors at ground floor. To the north, windows are proposed at ground and first floor, windows are proposed to be anthracite grey uPVC and black PVC rainwater goods. The roof is proposed to be slate grey roof tiles.

## Planning Site History

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

PL/00020 - Proposed siting of a detached dwelling house - Outline Granted - 5/11/2020

PASAB/00029 - New detached dwelling - SAB Pre-application enquiry

S/40193 - Residential development of a 3 bedroom dwelling - Withdrawn - 06/07/2020

S/32316 - Detached dwellinghouse - Outline Granted - 05/04/2016

S/22648 - Siting of detached dwelling house - Outline Refusal 13/05/2010 - Appeal Upheld 23/09/2010

S/17781 - Residential development - Outline Refused - 08/01/2008

S/15917 - 1 no. detached house (3 bed) - Outline Refused - 27/04/2007

S/07996 - Single detached dwelling - Outline Refused - 28/10/2004

As detailed above, the application site has a fairly extensive history and was the subject of four previous applications for outline planning permission for the construction of a detached dwelling, all of which were refused by the Local Planning Authority up to 2010. Following the

refusal on 13 May 2010, the applicant appealed the decision under application reference S/22648, and notwithstanding the Authority's concerns the Inspector presiding over the appeal concluded that the development proposed was acceptable within the wider context and subsequently granted outline planning permission on 23 September 2010. This permission then lapsed and in 2016 the Authority granted permission (reference. S/32316) in line with the previous outline consent granted by the Inspector. Most recently in November 2020, outline planning permission was granted for a detached dwelling at the site (reference. PL/00020). This permission remains extant at present.

## Planning Policy

In the context of the Authority's current Development Plan the site is within the defined development limits of Llanelli as contained in the adopted Local Development Plan (LDP). It is not the subject of any designation or allocation in the Plan. Reference is drawn to the following policies of the Plan:-

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

- SP1 Sustainable Places and Spaces
- SP3 Sustainable Distribution- Settlement Framework
- GP1 Sustainability and High Quality Design
- GP2 Development Limits
- GP3 Planning Obligations
- GP4 Infrastructure and New Development
- H2 Housing within Development Limits
- AH1 Affordable Housing
- TR3 Highways in Developments
- EQ4 Biodiversity
- EP2 Pollution
- EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** - No objection subject to conditions.

**Sustainable Drainage Approval Body (SAB)** – Advise SAB approval is required for the proposed development.

**Llanelli Rural Council** – Object on basis of overdevelopment in the area, proposal will be overbearing and have a detrimental impact on amenity and privacy. Also highway safety concerns regarding access arrangements onto Tyle Catherine.

**Local Member(s)** - Councillor Martyn Palfreman has not commented to date.

**Local Member(s)** - Councillor Edward Skinner is a member of the Planning Committee and has made no prior comment.

**Dwr Cymru/Welsh Water** – No objection subject to condition.

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

## Summary of Public Representations

The application was the subject of notification by way of neighbouring letters.

Seven representations were received originally, all objecting, along with an additional neighbour objection following re-consultation on the latest revised plans, the matters raised are summarised as follows:-

- Dwelling will compromise structural integrity of retaining wall.
- Original idea was for small bungalow on site and not a large two storey property.
- Higher than other properties and not in keeping with surrounding properties.
- Loss of privacy for surrounding properties due to position of windows and balconies.
- Loss of light.
- Proposed plans are not in accordance with layout shown on outline plans.
- Size/scale of dwelling is not in accordance with outline planning permission.
- Overdevelopment, dwelling is too large for plot.
- Highway safety concerns with access so close to junction.
- Increase of cars to house ratio.
- Existing road network surrounding site is inadequate.
- Insufficient room for cars to turn within the site.
- Concern over proposed location for septic tank/soakaway and flooding matters.
- Not all neighbours have been consulted.
- Red line does not match boundary on site.
- Outline planning permission should never have been granted.
- Plans are misleading, proposal is for three bedroom property.
- Proposal is causing stress for neighbouring residents.
- Planning permission granted for three windows on east elevation of Blenheim House in 1970s will now be overlooked.

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

## Appraisal

### Principle of Development, Scale and Design

The principle of residential development at the site has previously been accepted through the granting of outline planning permission by an Inspector at appeal in 2010 and by the Local Planning Authority (LPA) in 2016 and 2020. The time period for submission of reserved matters in relation to the most recent outline permission is still live. The site is also located within the defined development limits whereby new residential development is typically supported subject to relevant policies within the LDP.

The current application seeks full planning permission for a detached dwelling at the site. Outline planning permission previously restricted the dwelling to a maximum width and depth of 9.2m and 7.2m respectively. The current application seeks permission for a dwelling of 9.2m by 7.5m for the rectangular element of the dwelling with the southwest corner protruding by an additional 0.75 metres. As such, the footprint of the proposed dwelling is



larger than that approved at the site previously. However, it is only marginally larger on the latest revised plans as a result of the southwestern corner element. The position and orientation of this part of the building has been specifically designed to take account of views to the south without impacting directly upon neighbouring properties. The increase in size to account for this element of the building is not considered to drastically change the scheme or increase the size of a dwelling which the Inspector initially considered would be acceptable at the site.

In terms of the height, the proposed dwelling is within the parameters approved at the site previously (7-7.3m) and at appeal, with a ridge height of approx. 7.1m. Furthermore, the ridge height of the proposed dwelling will be lower than that of neighbouring property Blenheim House. As such, the concerns regarding the dwelling being higher than properties in the area is erroneous. The height of the proposed dwelling will be lower than that previously accepted at the site by the Inspector and LPA.

It is also worth noting that the scale of the proposed dwelling has been cut back from the initial proposals submitted to the LPA as part of a pre-application enquiry earlier this year. In addition, further changes have been made during the current submission following review by the LPA including repositioning of the dwelling and removal of the two balconies.

#### Impact upon Character and Appearance of the Area

Concerns have been raised by the Rural Council and third parties in relation to the dwelling being out of character with the surrounding properties and for the area. The style and design of properties in the immediate vicinity vary with two storey semi-detached properties located to the north fronting Elgin Road and larger detached dwellings along Tyle Catherine. The scale of the proposed dwelling is not considered to be out of keeping with existing built development, particularly on Tyle Catherine, with many newer properties of similar scale and design. As such, the proposed dwelling is not considered to have a detrimental impact on the character and appearance of the area, as specified within Policy GP1.

The proposed materials comprise a mix of render and timber cladding and are contemporary and are considered acceptable for the site.

#### Privacy Impacts and Loss of Light

A key concern raised by neighbours is loss of privacy and overlooking. The proposed dwelling has been oriented and designed so as to minimise potential for overlooking. On the south elevation, there is only a single horizontal high-level window proposed for the study alongside rooflight velux windows. At first floor, the rear elevation has one high level window and double doors for the Juliette balcony on the south western corner. Given the position and orientation of the Juliette balcony this will not allow direct views to neighbouring properties. It is acknowledged that the dwelling will result in an element of mutual overlooking. However, this is already evident at the site with existing balconies from neighbouring properties and given the topography of the site.

At ground floor, it is considered that boundary treatment measures and landscaping can be used to prevent any loss of privacy. The site benefits from an existing block wall to the north and west and close boarded timber fence to the south. Two new trees are also proposed on the southern boundary. As such, the amenity space of future occupiers and neighbouring properties will not be adversely impacted by the position of any glazing at ground floor.

To the west the proposed dwelling is situated at similar level as the existing property and therefore will not result in an adverse impact by way of overbearance. To the south, the neighbouring properties are at a lower level. However, given the property is situated to the north it will not result in loss of light for no's 1-2 Bay View. There are also no main windows at first floor which would enable direct overlooking.

Whilst it is acknowledged that there may be a minor degree of overlooking of the garden areas of the existing properties, it will not be of such a level that would adversely affect current privacy levels, given the built-up nature of the area. The proposal is therefore considered that it will not adversely impact amenity of adjacent occupiers and complies with the requirements of Policy GP1.

## **Planning Obligations**

The applicant has confirmed that they will enter into a legal agreement to secure the required affordable housing contribution by completing the Heads of Terms. The Authority's legal team are instructed to complete the Unilateral Undertaking subject to a resolution being received from the Planning Committee to grant planning permission. As such, the application complies with the requirements of Policy AH1.

In the event that the required legal agreement is not signed within 12 months from the date of the Planning Committee resolution, delegated authority is given to the Head of Place & Sustainability to refuse the application.

## **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 based on the latest plans, alongside third-party comments and planning history, it is concluded on balance that the proposed dwelling is acceptable given the application site is located within the defined settlement limits as delineated within the Adopted LDP and therefore there is no in-principle objection to developing the site for residential use. Furthermore, residential development of the site has previously been accepted through the granting of outline planning permission for a detached property of similar scale at the site by an Inspector and the LPA.

The current proposal has been reviewed in detail and there has been no material change in circumstances in the intervening period since the granting of the previous permission that would justify withholding permission in respect of the current application. There are no overriding amenity, highway or public service objections to the development and the proposal complies with the policy objectives of the Authority's LDP.

The height, scale and design of the proposed dwelling are considered acceptable given the proposed siting and topography. Based on the revised plans, the proposal is not considered to have a significant impact on the amenity of adjacent properties or residents as stipulated by part d) of Policy GP1 beyond the existing situation where an element of mutual overlooking is experienced. The design and appearance are not considered to be out of keeping with the character and appearance of the site and wider area, as per part a) of Policy GP1. The concerns regarding the access issues are considered to be adequately dealt with under the proposed planning conditions required by the Highways Officer which ensure there is no detrimental impact to highway safety.

On balance, the proposal is considered to be in accordance with the above identified LDP policies.

The application is therefore put forward with a favourable recommendation subject to the applicant entering into a unilateral undertaking or Section 106 Agreement securing a commuted payment towards the provision of affordable housing in the locality in accordance with the requirements of Policy AH1 of the LDP.

In the event that the required legal agreement is not completed within 12 months from the date of the Planning Committee resolution, delegated authority is given to the Head of Place & Sustainability to refuse the application.

## **RECOMMENDATION - Approval**

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### **Conditions & Reasons**

#### **Condition 1**

The development hereby approved shall be commenced before the expiration of five years from the date of this permission.

*Reason:* Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

#### **Condition 2**

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-

- Site Location Plan and Site Block Plan drawing no. 971 04 Rev A,
- Proposed Site Plan drawing no. 971 03 Rev B,
- Existing and Proposed Cross Sections drawing no. 971 05 Rev A,
- Proposed Floor Plans and Elevations drawing no. 971 01 Rev A, received 2 August 2022.

*Reason:* For the avoidance of doubt as to the extent of this permission.

### **Condition 3**

Prior to commencement of any part of the development herewith approved details and calculations shall be submitted to the written approval of the Local Planning Authority establishing that the integrity of the existing highway-retaining wall is not negatively affected by the proposed construction works.

*Reason:* In the interest of highway safety.

### **Condition 4**

The new vehicular access shall be laid out and constructed strictly in accordance with Typical Layout No. 2 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

*Reason:* In the interest of highway safety.

### **Condition 5**

There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole Tyle Catherine Road (W5907) frontage within 2.0 metres of the near edge of the carriageway.

*Reason:* In the interest of highway safety.

### **Condition 6**

The access and visibility splays required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access or visibility splays, is to be obstructed by non-motorised vehicles.

*Reason:* In the interest of highway safety.

### **Condition 7**

The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

*Reason:* In the interest of highway safety.

### **Condition 8**

All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway or be disposed of, or connected into, existing highway surface water drains.

*Reason:* In the interest of highway safety.

### **Condition 9**

The access shall be hard surfaced in a bonded material for a minimum distance of 5.0 metres behind the highway boundary, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.

*Reason:* In the interest of highway safety.

### **Condition 10**

Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted and SAB approval has been granted for the scheme. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of the dwelling.

*Reason:* To ensure an adequate drainage scheme is designed and implemented at the site.

### **Condition 11**

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

*Reason:* To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

### **Condition 12**

Prior to the commencement of any works, a sensitive clearance strategy for reptiles should be prepared by a competent ecologist and submitted to the Local Planning Authority for consideration and approval in writing. Thereafter, the strategy must be implemented as approved.

*Reason:* In the interest of protected species.

### **Condition 13**

Any works affecting vegetation on site must be done outside the nesting season, which is recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected. Vegetation clearance shall be undertaken ensuring no adverse impact on reptiles.

*Reason:* To ensure the necessary protection of nesting birds and reptiles.

### **Condition 14**

Any external lighting installed at the site should be in line with Guidance Note 8 Bats and Artificial Lighting / Bat Conservation Trust and the Institution of Lighting Professionals, 2018 and the following: Low level lighting pointed towards the ground positioned no higher than 2 m above the ground; warm white light LED bulbs less than 2700 Kelvin; light shields and

hoods to direct light downwards and prevent vertical and horizontal light spill; use of passive infrared (PIR) motion sensors on timers so that lights only come on when necessary.

*Reason:* To ensure external lighting limits the impact on surrounding ecological features.

### **Condition 15**

Prior to first occupation of the dwelling hereby permitted, the biodiversity enhancements shown on the Proposed Site Plan shall be installed and retained thereafter.

*Reason:* In the interest of biodiversity.

## **Notes / Informatives**

### **Note 1**

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

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

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

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

### **Note 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).

- Please see the relevant responses from the Council's Sustainable Drainage Approval Body (SAB), Planning Ecology, Highway Authority and Dwr Cymru Welsh Water and refer to the recommendations and advice contained therein.



### 3. DETERMINATION OF PLANNING APPLICATIONS

**RESOLVED that**

**3.1 The planning applications below be granted subject to the conditions detailed within the Report/Addendum of the Head of Place and Sustainability and or reported at the meeting.**

**3.2 Delegated authority be given to officers in the Planning Department to amend condition 3 of PL/03743, if required, in accordance with the representation made by the Housing Authority in respect of the management and maintenance of the units, in perpetuity.**

<b>W/40669</b>	<b>Change of use of Agricultural Outbuilding to an on-farm micro abattoir at Land Part of Little Burrows Farm, Laugharne, Carmarthen, SA33 4RS.</b>
<b>PL/03743</b>	<b>Conversion of office space (Class B1) to 12no. self-contained residential flats with minor external upgrades and relocation of disabled parking bays at 5-8 Spilman Street, Carmarthen, SA31 1LE.</b>  Reference was made to a representation submitted by the Housing Authority following publication of the meeting documentation, which provided clarification on the management and maintenance of the units, in perpetuity.

### 4. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON:-

**4.1. 23RD JUNE, 2022**

**RESOLVED that the minutes of the meeting of the Committee held on the 23<sup>rd</sup> June 2022 be signed as a correct record.**

**4.2. 5TH JULY, 2022**

**RESOLVED that the minutes of the meeting of the Committee held on the 5<sup>th</sup> July 2022 be signed as a correct record.**

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

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