

**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**

**13/10/2022**

**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>13 OCTOBER 2022</b>
<b>REPORT OF:</b>	<b>HEAD OF PLACE AND SUSTAINABILITY</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
<b>PL/00296</b>	Construction of the western portion of a temporary access track required for a temporary period in connection with the implementation of the holiday lodge development as approved by outline planning permission W/24265 (as amended by W/28608 and W/33378) and reserved matters approvals W/30157, W/33838 and W/34546 at land at Maes Y Deri Farm, Laugharne, SA33 5JA
<b>W/40561</b>	Construction of the northern portion of a temporary access track required for a temporary period in connection with the implementation of the holiday lodge development as approved by outline planning permission W/24265 (as amended by W/28608 and W/33378) and reserved matters approvals W/30157, W/33838 and W/34546 at land at Laugharne Park Estate, Cliff Road, Laugharne, SA33 4QP
<b>W/40562</b>	Construction of the southern portion of a temporary access track required for a temporary period in connection with the implementation of the holiday lodge development as approved by outline planning permission W/24265 (as amended by W/28608 and W/33378) and reserved matters approvals W/30157, W/33838 AND W/34546 at land at Laugharne Park Estate, Cliff Road, Laugharne, SA33 4QP
<b>PL/03089</b>	Expansion of the associated car park, creation of new car parking area and essential repairs to wall and pedestrian access at Carmarthen Museum, High Street, Abergwili, Carmarthen, SA31 2JG
<b>PL/03374</b>	Residential development of 64 dwellings together with access, landscaping, drainage and associated works at land to the west of High Street, St Clears, Carmarthen

<b>PL/04337</b>	<b>Proposed replacement dwelling &amp; siting of caravan for temporary period during construction at Penybanc Farm, Llannon, Llanelli, SA14 8JN</b>
<b>PL/04555</b>	<b>Temporary change of use (24 months) of vacant retail unit (Class A1) to vehicle depot with offices and associated vehicle parking at 24A Heol Stanllyd, Cross Hands, Llanelli, SA14 6RB</b>

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
PL/04317	Local need dwelling at land adjacent to Pen Rhos, Llanelli, SA14 7HA

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>PL/00296</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Construction of the Western portion of a temporary access track required for a temporary period in connection with the implementation of the holiday lodge development as approved by Outline planning permission W/24265 (as amended by W/28608 and W/33378) and Reserved Matters approvals W/30157, W/33838 and W/34546
<b>Location</b>	Land at Maes y Deri Farm, Laugharne, SA33 5JA

<b>Applicant(s)</b>	Seasons Holidays PLC
<b>Agent</b>	Lichfields
<b>Officer</b>	Charlotte Greves
<b>Ward</b>	Laugharne Township (Historical)
<b>Date of validation</b>	24/09/2020

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties and was received prior to the recent changes in the scheme of delegation approved in February 2022.

## Site

The application relates to the western most section of an access track which has been constructed from the A4066 approximately 1km north of Laugharne, serving Maesyderi Farm. This section of track extends from Maesyderi to the crest of the hill that sits to the east of the farm where it then continues from the end of the existing hardstanding to the eastern corner of the hilltop field, where it turns 90 degrees, passes through a hedgerow and descends to the corner of the unclassified highway (the U6621) to the north east of the property known as Glenview.

Separate applications have been submitted covering the remaining sections of access track which are referred to as the northern section (planning application reference W/40561) and southern section (planning application reference W/40562).

## Proposal

Full planning permission is sought in retrospect for a section of access track which is required for a temporary period in order to facilitate the movement of HGV and construction related vehicles to gain access to the Dylan Coastal Resort development, and in particular for the delivery of lodges. These vehicles are required throughout the demolition and construction of the different phases of the development which have the benefit of existing planning permissions.

The lodges arrive pre-assembled and are not constructed on site and this section of track, together with two further sections of track which are the subject of planning applications W/40561 and W/40562, are required to ensure sufficient turning space and road widths to allow for large delivery vehicles to access the relevant parts of the Dylan Coastal Resort.

The track has been constructed by stripping of topsoil along the alignment to a depth of approximately 250 mm to create the formation level, from which the road was then constructed. The topsoil was then exported to the road verge banked and battered on the high side and graded into the field together with the installation of appropriate drainage.

A geotextile membrane was placed on the formation layer prior to placement of any track construction material. It is stated that this was undertaken in order to facilitate the easy removal of the track once its useful and permitted life was complete. The road construction comprises a 200 mm thickness of sub-grade course placed on top of the geotextile membrane. A 150 mm thick capping wearing course of type 1 aggregate was then used to create the trafficable surface. The material used to create the layers of construction were sourced from hardcore already available on-site and comprised of both crushed stone and secondary aggregate.

The works to create the tracks were undertaken between late 2019 to mid 2020. The application is therefore entirely in retrospect. The applicant has advised that the tracks would only be required during the demolition and construction phase which it is anticipated would be completed in late 2029. Following that the tracks would be decommissioned.

## Planning Site History

Whilst there is no relevant planning history relating to the specific application site, the development is linked to the extant planning permission at the Dylan Coastal Resort, the application details of which are set out below:

### Outline Planning Permissions

W/24265

Development of up to 212 holiday lodges and 48 serviced apartments (up to 26,529 sqm C1) and up to 1709 sqm of floorspace for ancillary facilities (A1, A3 and D2) including recreational and leisure facilities

Outline granted – 05/01/2012

The above application was varied by:

W/28608

Amend planning condition numbers 2, 3, 5, 8, 9, 13, 14, 15, 21, 22 and 25 to facilitate the phased submission of reserved matters and other details; remove conditions 1 and 24 and

revise construction phase plan all in relation to development of up to 212 holiday lodges and 48 serviced apartments (up to 26,529 sq m C1) and up to 1,709 sq m of floor space for ancillary facilities (A1, A3 and D2) including recreation and leisure facilities (extant planning permission W/24265)

Variation of Planning Condition granted – 12/09/2013

The above application was varied by:

W/33378

Variation of Conditions 1, 3, 4, 5, 14 and Removal of Conditions 9, 10, 11, 24, 25, 26 on W/28608

Variation of Planning Condition granted – 10/05/2016

### **Discharge of Condition Applications**

W/34759

Discharge of Condition 5, 8 and 14 on W/33378 (Archaeological Works, Environmental Protection, Tree Protection)

### **Reserved Matters Approvals and Conservation Area Consent**

W/30157

Reserved Matters application for Phase 1A of the development at Laugharne Park. Phase 1A comprises a total of 24 lodges, including 21 refurbished holiday lodges and 3 new holiday lodges to be built following the demolition of 2 existing units

Reserved Matters granted – 19/06/2014

W/33838

Construction of two storey clubhouse building and associated car park (Phase B) (Reserved Matters approval)

Reserved Matters granted – 23/11/2016

W/34559

Demolition of the holiday units and ancillary buildings

Conservation Area Consent granted – 29/03/2017

W/34594

Reserved Matters approval for the following phase of the approved Outline application W/33378. Phase D2 - demolition of the building previously known as Harbour Bar and implementation of 3 holiday lodges

Reserved Matters approval – 29/03/2017

W/34546

Reserved Matters approval for the following phases of the approved Outline application W/33378. Phase C - reception building, associated housekeeping block and service yard. Phase D1 - demolition of the building previously known as Marys House and construction of 6 holiday units. Phase D2 - demolition of the building previously known as Harbour Bar and implementation of 3 holiday lodges. Phase E - implementation of 120 holiday lodges

Reserved Matters granted – 29/03/2017

## Full Planning Permissions

W/34441

New stone cladding and amendments to fenestration of holiday lodge - 73/74 Dylans Drive, Laugharne Park, Cliff Road, Laugharne, SA33 4SG  
Full Planning Permission granted – 21/09/2016

## Planning Policy

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

SP1 Sustainable Places and Spaces  
SP13 Protection and Enhancement of the Built and Historic Environment  
SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ4 Biodiversity  
EQ5 Corridors, Networks and Features of Distinctiveness  
EQ6 Special Landscape Areas  
TR3 Highways in Developments – Design Considerations  
EP2 Pollution

[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 - conditions recommended.

**Laugharne Township** – object to the proposal and their response is summarised as follows:-

- Concern regarding the lack of construction detail and in particular road junctions and drainage issues.
- Environmental and heritage impact of the road.
- Concern that the tracks were constructed without the necessary planning permission in place first.
- Impact on trees.
- Burning of toxic waste.
- Works carried out at the main access to the site without planning permission.
- Concern that conditions on the existing planning permissions have not been complied with / discharge prior to the construction/occupation of the approved chalets.

**Local Member(s)** – Councillor Jane Tremlett has made no prior comment.

**Cadw** – No objection.

**Dyfed Archaeological Trust** – No objection.

**Natural Resources Wales** – No objection.

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. 2 letters of representation were received objecting to the development on the following grounds:

- Impact upon the character and appearance of the countryside;
- Visual and landscape impact;
- Impact on nature conservation, loss of trees and hedgerows;
- Impact on a Scheduled Ancient Monument;
- Pressure on services and local roads;
- Impact on highway safety;
- Impact on residential amenity;
- Impact on Listed Buildings and Laugharne Conservation Area;
- Concern that the development of the tracks is to facilitate the further expansion of the holiday park.

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

## Appraisal

The main considerations of this case are whether there is justification for the development given its location within the countryside, its impact upon the countryside, landscape and nature conversation, pollution impacts, the impacts upon the living conditions of nearby residents, impact upon the historic environment and highway safety.

### Impact upon Highway Safety

It was originally intended that the existing highway access serving the resort (off Cliff Road) would be used to access the site for construction and delivery purposes however this has now been surveyed and the subject of a transport route appraisal and is considered unsuitable due to its narrow width. Modelling of the existing access arrangement against the space requirements of the delivery vehicles, has determined that it is unfeasible for the construction vehicles to gain access via the originally planned route and this is supported by a temporary access route appraisal that has been submitted in support of the applications.

The proposed tracks are therefore deemed to be required to create alternative access arrangements to facilitate the delivery of the lodges. It is estimated that the lodges will be delivered at a rate of between 2 and 3 lodges per month during the off peak season between September and April each year. The tracks are required for a temporary period, specifically until the delivery of the final lodges which is anticipated in late 2029. The delivery of the first lodges commenced in September 2020 and 11 lodges were delivered between September 2020 and March 2021. A further 12 lodge deliveries were made between January and May 2022.

A delivery management plan has also been submitted in support of the planning application which the Highways department has advised they have no objection to subject to conditions, having regard to highway safety and given the temporary nature of the tracks. The document will be included within the list of approved plans and documents condition to ensure that it is adhered to throughout the duration of the temporary period.

The proposal is therefore considered to accord with Policy GP 1 and TR 3 having regard to highway safety.

#### Impact on the Countryside, Landscape and Nature Conservation

The tracks have been constructed on existing agricultural land bisecting fields and resulting in the removal of sections of existing hedgerow within the Laugharne Special Landscape Area. Notwithstanding the above, the entire length of track is unable to be seen in its entirety from any public vantage points and there are sections which follow lines of previous agricultural tracks and hedgelines which does help to limit the landscape and visual impact.

The arboricultural impact assessment submitted with the application sets out where sections of hedgerow have been removed (approximately 17m), root protection areas have been breached and where new earth banks with hedgerow planting (approximately 685m comprising 2000 hawthorn plants and 1500 blackthorn plants) have been formed to offer some mitigation in terms of the habitat loss and landscape impacts that have resulted from the removed hedging. The assessment also contains a method statement and tree protection plan together with recommended conditions that are required to help reduce any tree and hedgerow impacts.

It is considered that whilst the development has resulted in adverse landscape and visual effects and ecological impacts, which have already, in part, been mitigated by the planting of new sections of hedgerow, it is considered that, on balance, the track is acceptable insofar as it is required for a temporary period and is not proposed to be a permanent feature. A condition will be included in any planning permission that requires a restoration scheme to be submitted to the Local Planning Authority prior to the end of the temporary period and following which the land is to be restored to its former condition in accordance with the restoration scheme.

The application is therefore considered to be acceptable having regard to Policy SP 1, SP 14, GP 1, EQ 4. EQ 5 and EQ 6.

#### Pollution Impacts

The application is supported by an Environmental Assessment carried out by Yellow Sub Geo which assesses impacts of the track upon the Taf Estuary Special Scientific Interest (SSSI) /Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and in particular any pollution of controlled waters.

The report finds that there are no meaningful links between the tracks and the SSSI and SAC and as such the risks of pollution and impacts upon protected sites are therefore either very low or negligible. The report recommends that certain precautions are followed moving forward to ensure that this remains the case and as such the report will be included in the approved plans and documents condition to ensure that the recommendations are adhered to for the duration of the temporary period.

The proposal is therefore considered to accord with Policy GP 1 and EP 2 having regard to pollution impacts.

#### Living Conditions of Neighbouring Occupiers

The tracks have been constructed on agricultural land and the proposed access route, which is required to facilitate the movement of vehicles associated with the development, is not sited in such close proximity to neighbouring dwellings that there would be a significant adverse impact upon their living conditions. In addition the Delivery Management Plan submitted in support of the application states that the delivery of the lodges associated with the Dylan Coastal resort redevelopment is to take place at a controlled rate of approximately 2 – 3 per month between the months of September and April which would result in any adverse impacts being relatively infrequent and in any event any such impacts would cease at the end of the temporary period and when the development is completed. It is also considered that the alternative route through Laugharne and Victoria Street would have a greater impact on living conditions of the town's residents.

The proposed development is therefore considered to comply with the relevant criterion of Policy GP1 having regard to the amenity and living conditions of neighbouring occupiers.

#### Impact upon the Historic Environment

A Historic Environment Desk-Based Assessment produced by HCUK has been submitted in support of this application. This assessment concludes that it is possible that archaeological remains could have been exposed, damaged or destroyed by the works, but that the overall extent of this is relatively small. The report considers the trackway to have had a slight negative impact on scheduled standing stones (CM054, CM143, CM146 and CM310) and a negligible impact on Iron Age enclosure (CM232), medieval churches (CM280 and CM144) and Trefenty motte and bailey castle (CM144). The impact on the Registered Historic Landscape is also assessed to be negligible.

The report has also concluded that the access track does not have a significant impact on the setting of any scheduled monument and Cadw, who has also been consulted on the proposal are in agreement with this assessment.

The Council's built heritage officers have also reviewed proposed and have commented that the proposed access track would not directly impact the setting of any listed building or the adjacent Laugharne Conservation Area and as such they have no adverse observations.

The application is therefore considered to accord with Policy SP 13, GP 1 and EQ 1 of the Carmarthenshire Local Development Plan adopted December 2014.

#### Other Matters

There are a number of Public Rights of Way within the vicinity of this track development. However in terms of this western section there has been no direct impacts or obstruction caused to the nearest footpaths (22/4 and 22/3) as a result of the track's construction. The Countryside Access team has been consulted regarding the proposed development and has raised no objection.

Concerns and objections raised by third parties and the Laugharne Township have largely been addressed in the preceding sections of the report and since these representations were received a number of supporting documents have been received from the applicant which seek to address the key issues associated with the proposed developments. However a number of the representations received raise concerns that the tracks are not intended to be temporary and are instead to facilitate the future expansion and development of the Dylan Coastal Resort. Each application must be considered on its own merits and in this case, the applications clearly state that the tracks are required for a temporary period and any planning permissions would contain conditions to this effect. Concerns raised regarding compliance with the existing planning permissions and any works outside these applications which are alleged to have been carried out without the necessary planning permissions would be a separate matter to be investigated by planning enforcement.

Concerns regarding the burning of toxic waste on or near the applications sites for the tracks is a matter for Public Protection as opposed to a material planning issue. The Council's Public Protection section has been consulted on the current proposals and has raised no objection.

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

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

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance and for the reasons set out above that the proposed development accords with the relevant planning policies. The recommendation is therefore one of approval subject to the below conditions.

### **RECOMMENDATION - Approval**

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## **Conditions & Reasons**

### **Condition 1**

The development hereby approved shall cease to be used and removed from the land in its entirety and the land shall be restored to its former condition on or before 31st December 2029 in accordance with a detailed restoration scheme of work submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this permission. The restoration scheme shall include full details of the restoration of the site including reinstatement of hedgelines, restoration of original field boundaries, reinstatement of highway boundaries and full details of the removal of the surfaced area of the track and restoration of the land to original ground conditions.

*Reason:* Required to be imposed pursuant to Section 72 of the Town and Country Planning Act 1990 (as amended).

## **Condition 2**

Any new planted or seeded elements implemented in accordance with the approved restoration scheme required by Condition 1 which, within 5 years are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the element in relation to this planning approval is no longer delivered, shall be replaced, within six months of written notification by the local planning authority, or within in the next available planting or seeding season thereafter, with replacement elements of similar size and specification.

*Reason:* To ensure that the development reinstates existing landscape or other features which contribute to local qualities and distinctiveness: thus delivering the objectives of CLDP policies: - SP1 d) and i); SP14 e); GP1 b) and f); and EQ5.

## **Condition 3**

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

- Location Plan IL61676/01-011 RevA,
- Access Track IL61676/01-012,  
received 9th June 2020;
- Technical Note – Temporary Access Route Appraisal by GTS,
- Arboricultural Impact Assessment and Method Statement by Tree Consultants Wales,
- Environmental Assessment by Yellow Sub Geo,  
received 4th August 2021;
- Historic Environment Desk Based Assessment by HCUK group,  
received 16th August 2021;
- Delivery Management Plan by GTS,  
received 18th May 2022.

*Reason:* For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

## **Condition 4**

Only vehicles required to be used for the construction of the development known as the Dylan Coastal Resort as detailed in the Delivery Management Plan by GTS received 18 May 2022 and agricultural vehicles used in association with the agricultural holdings crossed by the tracks, shall utilise the tracks hereby approved.

*Reason:* In the interest of highway safety and residential amenity to accord with Policy GP 1 and TR 3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 5**

No further excavation shall take place nor materials be stored within the Root Protection Areas of any trees or hedgerows as identified within the Arboricultural Impact Assessment and Method Statement by Tree Consultants Wales received 4th August 2021.

*Reason:* To ensure that existing trees and landscape elements of suitable quality and condition are retained and effectively accommodated and protected as part of approved development in accordance policies SP1, SP14, GP1 and EQ5 of the Carmarthenshire Local Development Plan 2014.

### **Condition 6**

Within 3 months of the date of this permission, the public right of way signage shall be reinstated in accordance with details first submitted to and approved in writing by the Local Planning Authority.

*Reason:* In the interest of highway safety and to accord with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 7**

Within 3 months of the date of this permission, the new temporary vehicular access shall be laid out and constructed strictly in accordance with the Agricultural Access Standards (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 and to accord with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 8**

Any access gates shall be set back a minimum distance of 6.0 metres from the highway boundary and shall open inwards into the site only.

*Reason:* In the interest of highway safety and to accord with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

### **Condition 9**

Within 3 months of the date of this permission, a visibility splay of 2.4 metres x 25 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. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.

*Reason:* In the interest of highway safety and to accord with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

## **Condition 10**

Within 3 months of the date of this permission, the temporary access shall be hard surfaced in a bonded material for a minimum distance of 6.0 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 and to accord with Policy TR3 of the Carmarthenshire Local Development Plan 2014.

## **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)).

<b>Application No</b>	<b>W/40561</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Construction of the Northern portion of a temporary access track required for a temporary period in connection with the implementation of the holiday lodge development as approved by Outline planning permission W/24265 (as amended by W/28608 and W/33378) and Reserved Matters approvals W/30157, W/33838 and W/34546
<b>Location</b>	Land at Laugharne Park Estate, Cliff Road, Laugharne, SA33 4QP

<b>Applicant(s)</b>	Seasons Holidays PLC
<b>Agent</b>	Lichfields - Owain Nedin
<b>Officer</b>	Charlotte Greves
<b>Ward</b>	Laugharne Township (Historical)
<b>Date of validation</b>	12/05/2020

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties and was received prior to the recent changes in the scheme of delegation approved in February 2022.

## Site

The application relates to the northern section of the access track which has been constructed along agricultural paddocks on land to the north of the property known as Delacorse Uchaf which is located approximately 500m to the north west of the Dylan Coastal Resort development. This section of track takes a 90 degree turn into an agricultural field off the existing access to Delacorse Uchaf from the unclassified highway (the U6621). It extends northwards into this field before turning 90 degrees to extend eastwards as it passes through two hedgerows and crests the small hill. It then passes through a third hedge before immediately turning 90 degrees where it extends in a southerly direction again. Here it follows the existing hedgerow until it joins an existing stoned farm track that extends east from Delacorse Uchaf.

Separate applications have been submitted covering the remaining sections of access track which are referred to as the southern section (planning application reference W/40562) and western section (planning application reference PL/00296).

## Proposal

Full planning permission is sought in retrospect for a section of access track which is required for a temporary period in order to facilitate the movement of HGV and construction related vehicles to gain access to the Dylan Coastal Resort development, and in particular for the delivery of lodges. These vehicles are required throughout the demolition and construction of the different phases of the development which have the benefit of existing planning permissions.

The lodges arrive pre-assembled and are not constructed on site and this section of track, together with two further sections of track which are the subject of planning applications PL/00296 and W/40562, are required to ensure sufficient turning space and road widths to allow for large delivery vehicles to access the relevant parts of the Dylan Coastal Resort.

The track has been constructed by stripping of topsoil along the alignment to a depth of approximately 250 mm to create the formation level, from which the road was then constructed. The topsoil was then exported to the road verge banked and battered on the high side and graded into the field together with the installation of appropriate drainage.

A geotextile membrane was placed on the formation layer prior to placement of any track construction material. It is stated that this was undertaken in order to facilitate the easy removal of the track once its useful and permitted life was complete. The road construction comprises a 200 mm thickness of sub-grade course placed on top of the geotextile membrane. A 150 mm thick capping wearing course of type 1 aggregate was then used to create the trafficable surface. The material used to create the layers of construction were sourced from hardcore already available on-site and comprised of both crushed stone and secondary aggregate.

The works to create the tracks were undertaken between late 2019 to mid 2020. The application is therefore entirely in retrospect. The applicant has advised that the tracks would only be required during the demolition and construction phase which it is anticipated would be completed in late 2029. Following that the tracks would be decommissioned.

## Planning Site History

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Development of up to 212 holiday lodges and 48 serviced apartments (up to 26,529 sqm C1) and up to 1709 sqm of floorspace for ancillary facilities (A1, A3 and D2) including recreational and leisure facilities

Outline granted - 05/01/2012

The above application was varied by:

W/28608

Amend planning condition numbers 2, 3, 5, 8, 9, 13, 14, 15, 21, 22 and 25 to facilitate the phased submission of reserved matters and other details; remove conditions 1 and 24 and revise construction phase plan all in relation to development of up to 212 holiday lodges and 48 serviced apartments (up to 26,529 sq m C1) and up to 1,709 sq m of floor space for ancillary facilities (A1, A3 and D2) including recreation and leisure facilities (extant planning permission W/24265)

Variation of Planning Condition granted - 12/09/2013

The above application was varied by:

W/33378

Variation of Conditions 1, 3, 4, 5, 14 and Removal of Conditions 9, 10, 11, 24, 25, 26 on W/28608

Variation of Planning Condition granted - 10/05/2016

### **Discharge of Condition Applications**

W/34759

Discharge of Condition 5, 8 and 14 on W/33378 (Archaeological Works, Environmental Protection, Tree Protection)

### **Reserved Matters Approvals and Conservation Area Consent**

W/30157

Reserved Matters application for Phase 1A of the development at Laugharne Park. Phase 1A comprises a total of 24 lodges, including 21 refurbished holiday lodges and 3 new holiday lodges to be built following the demolition of 2 existing units

Reserved Matters granted - 19/06/2014

W/33838

Construction of two storey clubhouse building and associated car park (Phase B) (Reserved Matters approval)

Reserved Matters granted – 23/11/2016

W/34559

Demolition of the holiday units and ancillary buildings

Conservation Area Consent granted – 29/03/2017

W/34594

Reserved Matters approval for the following phase of the approved outline application W/33378. Phase D2 - demolition of the building previously known as Harbour Bar and implementation of 3 holiday lodges

Reserved Matters approval – 29/03/2017

W/34546

Reserved Matters approval for the following phases of the approved outline application W/33378. Phase C - reception building, associated housekeeping block and service yard. Phase D1 - demolition of the building previously known as Marys House and construction of

6 holiday units. Phase D2 - demolition of the building previously known as Harbour Bar and implementation of 3 holiday lodges. Phase E - implementation of 120 holiday lodges  
Reserved Matters granted – 29/03/2017

### **Full Planning Permissions**

W/34441 - New stone cladding and amendments to fenestration of holiday lodge - 73/74  
Dylans Drive, Laugharne Park, Cliff Road, Laugharne, SA33 4SG  
Full Planning Permission granted – 21/09/2016

## **Planning Policy**

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

SP1 Sustainable Places and Spaces  
SP13 Protection and Enhancement of the Built and Historic Environment  
SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ4 Biodiversity  
EQ5 Corridors, Networks and Features of Distinctiveness  
EQ6 Special Landscape Areas  
TR3 Highways in Developments – Design Considerations  
EP2 Pollution

[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 conditions recommended.

**Laugharne Township** – Object to the proposal and their response is summarised as follows:-

- Concern regarding the lack of construction detail and in particular road junctions and drainage issues.
- Environmental and heritage impact of the road.
- Concern that the tracks were constructed without the necessary planning permission in place first.
- Impact on trees.
- Burning of toxic waste.
- Works carried out at the main access to the site without planning permission.
- Concern that conditions on the existing planning permissions have not been complied with / discharge prior to the construction/occupation of the approved chalets.

**Local Member(s)** – Councillor Jane Tremlett has made no prior comment.

**Cadw** – No objection.

**Dyfed Archaeological Trust** – No objection.

**Natural Resources Wales** – No objection.

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. 4 letters of representation were received objecting to the development on the following grounds:

- Impact upon the character and appearance of the countryside.
- Visual and landscape impact.
- Impact on nature conservation, loss of trees and hedgerows.
- Impact on a Scheduled Ancient Monument.
- Pressure on services and local roads.
- Impact on highway safety.
- Impact on residential amenity.
- Impact on Listed Buildings and Laugharne Conservation Area.
- Concern that the development of the tracks is to facilitate the further expansion of the holiday park.

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## Appraisal

The main considerations of this case are whether there is justification for the development given its location within the countryside, its impact upon the countryside, landscape and nature conversation, pollution impacts, the impacts upon the living conditions of nearby residents, impact upon the historic environment and highway safety.

### Impact upon Highway Safety

It was originally intended that the existing highway access serving the resort (off Cliff Road) would be used to access the site for construction and delivery purposes however this has now been surveyed and the subject of a transport route appraisal and is considered unsuitable due to its narrow width. Modelling of the existing access arrangement against the space requirements of the delivery vehicles, has determined that it is unfeasible for the construction vehicles to gain access via the originally planned route and this is supported by a temporary access route appraisal that has been submitted in support of the applications.

The proposed tracks are therefore deemed to be required to create alternative access arrangements to facilitate the delivery of the lodges. It is estimated that the lodges will be delivered at a rate of between 2 and 3 lodges per month during the off peak season between September and April each year. The tracks are required for a temporary period, specifically until the delivery of the final lodges which is anticipated in late 2029. The delivery of the first lodges commenced in September 2020 and 11 lodges were delivered between September

2020 and March 2021. A further 12 lodge deliveries were made between January and May 2022.

A delivery management plan has also been submitted in support of the planning application which the Highways department has advised they have no objection subject to conditions, having regard to highway safety and given the temporary nature of the tracks. The document will be included within the list of approved plans and documents condition to ensure that it is adhered to throughout the duration of the temporary period.

The proposal is therefore considered to accord with Policy GP 1 and TR 3 having regard to highway safety.

#### Impact on the Countryside, Landscape and Nature Conservation

The tracks have been constructed on existing agricultural land bisecting fields and resulting in the removal of sections of existing hedgerow within the Laugharne Special Landscape Area. Notwithstanding the above, the entire length of track is unable to be seen in its entirety from any public vantage points and there are sections which follow lines of previous agricultural tracks and hedgelines which does help to limit the landscape and visual impact.

The arboricultural impact assessment submitted with the application sets out where sections of hedgerow have been removed (approximately 17m), root protection areas have been breached and where new earth banks with hedgerow planting (approximately 685m comprising 2000 hawthorn plants and 1500 blackthorn plants) have been formed to offer some mitigation in terms of the habitat loss and landscape impacts that have resulted from the removed hedging. The assessment also contains a method statement and tree protection plan together with recommended conditions that are required to help reduce any tree and hedgerow impacts.

It is considered that whilst the development has resulted in adverse landscape and visual effects and ecological impacts, which have already, in part, been mitigated by the planting of new sections of hedgerow, it is considered that, on balance, the track is acceptable insofar as it is required for a temporary period and is not proposed to be a permanent feature. A condition will be included in any planning permission that requires a restoration scheme to be submitted to the Local Planning Authority prior to the end of the temporary period and following which the land is to be restored to its former condition in accordance with the restoration scheme.

The application is therefore considered to be acceptable having regard to Policy SP 1, SP 14, GP 1, EQ 4 and EQ 5.

#### Pollution Impacts

The application is supported by an Environmental Assessment carried out by Yellow Sub Geo which assesses impacts of the track upon the Taf Estuary Special Scientific Interest (SSSI) /Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and in particular any pollution of controlled waters.

The report finds that there are no meaningful links between the tracks and the SSSI and SAC and as such the risks of pollution and impacts upon protected sites are therefore either very low or negligible. The report recommends that certain precautions are followed moving forward to ensure that this remains the case and as such the report will be included in the

approved plans and documents condition to ensure that the recommendations are adhered to for the duration of the temporary period.

The proposal is therefore considered to accord with Policy GP 1 and EP 2 having regard to pollution impacts.

#### Living Conditions of Neighbouring Occupiers

The tracks have been constructed on agricultural land and the proposed access route, which is required to facilitate the movement of vehicles associated with the development, is not sited in such close proximity to neighbouring dwellings that there would be a significant adverse impact upon their living conditions. In addition the Delivery Management Plan submitted in support of the application states that the delivery of the lodges associated with the Dylan Coastal resort redevelopment is to take place at a controlled rate of approximately 2 – 3 per month between the months of September and April which would result in any adverse impacts being relatively infrequent and in any event any such impacts would cease at the end of the temporary period and when the development is completed. It is also considered that the alternative route through Laugharne and Victoria Street would have a greater impact on living conditions of the town's residents.

The proposed development is therefore considered to comply with the relevant criterion of Policy GP1 having regard to the amenity and living conditions of neighbouring occupiers.

#### Impact upon the Historic Environment

A Historic Environment Desk-Based Assessment produced by HCUK has been submitted in support of this application. This assessment concludes that it is possible that archaeological remains could have been exposed, damaged or destroyed by the works, but that the overall extent of this is relatively small. The report considers the trackway to have had a slight negative impact on scheduled standing stones (CM054, CM143, CM146 and CM310) and a negligible impact on Iron Age enclosure (CM232), medieval churches (CM280 and CM144) and Trefenty motte and bailey castle (CM144). The impact on the Registered Historic Landscape is also assessed to be negligible.

The report concludes that the access track does not have a significant impact on the setting of any scheduled ancient monuments and Cadw and Dyfed Archaeological Trust, who have also been consulted on the proposal concur with this assessment.

The Council's built heritage officers have also reviewed proposed and have commented that the proposed access track would not directly impact the setting of any listed building or the adjacent Laugharne Conservation Area and as such they have no adverse observations.

The application is therefore considered to accord with Policy SP 13, GP 1 and EQ 1 of the Carmarthenshire Local Development Plan adopted December 2014.

#### Other Matters

There are a number of Public Rights of Way within the vicinity of this track development. However in terms of this northern section, the track meets the southern section of track at a point where it then crosses the footpath (22/6). Concerns were raised during the early construction phase of the track that there had been unauthorised disturbance of the path surface creating trip hazards. The Council's Countryside Access team has been consulted

regarding the proposed development and has since visited the site where they found that the initial complaints had been addressed by the applicant. A note is proposed be included in any planning permission granted drawing the applicant's attention to their legal obligations in respect of this footpath.

Concerns and objections raised by third parties and the Laugharne Township have largely been addressed in the preceding sections of the report and since these representations were received a number of supporting documents have been received from the applicant which seek to address the key issues associated with the proposed developments. However a number of the representations received raise concerns that the tracks are not intended to be temporary and are instead to facilitate the future expansion and development of the Dylan Coastal Resort. Each application must be considered on its own merits and in this case, the applications clearly state that the tracks are required for a temporary period and any planning permissions would contain conditions to this effect. Concerns raised regarding compliance with the existing planning permissions and any works outside these applications which are alleged to have been carried out without the necessary planning permissions would be a separate matter to be investigated by planning enforcement.

Concerns regarding the burning of toxic waste on or near the applications sites for the tracks is a matter for Public Protection as opposed to a material planning issue. The Council's Public Protection section has been consulted on the proposals and has raised no objection.

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

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

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance and for the reasons set out above that the proposed development accords with the relevant planning policies. The recommendation is therefore one of approval subject to the below conditions.

### **RECOMMENDATION - Approval**

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## **Conditions & Reasons**

### **Condition 1**

The development hereby approved shall cease to be used and removed from the land in its entirety and the land shall be restored to its former condition on or before 31st December 2029 in accordance with a detailed restoration scheme of work submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this permission. The restoration scheme shall include full details of the restoration of the site including reinstatement of hedgelines, restoration of original field boundaries and full details of the

removal of the surfaced area of the track and restoration of the land to original ground conditions.

*Reason:* Required to be imposed pursuant to Section 72 of the Town and Country Planning Act 1990 (as amended).

## **Condition 2**

Any new planted or seeded elements implemented in accordance with the approved restoration scheme required by Condition 1 which, within 5 years are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the element in relation to this planning approval is no longer delivered, shall be replaced, within six months of written notification by the local planning authority, or within in the next available planting or seeding season thereafter, with replacement elements of similar size and specification.

*Reason:* To ensure that the development reinstates existing landscape or other features which contribute to local qualities and distinctiveness: thus delivering the objectives of CLDP policies: - SP1 d) and i); SP14 e); GP1 b) and f); and EQ5.

## **Condition 3**

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

- Location Plan IL61676/01-007,
- Access Track Plan Northern Area IL61676/01-009, received 9th June 2020;
- Technical Note – Temporary Access Route Appraisal by GTS,
- Arboricultural Impact Assessment and Method Statement by Tree Consultants Wales,
- Environmental Assessment by Yellow Sub Geo, received 4th August 2021;
- Historic Environment Desk Based Assessment by HCUK group, received 16th August 2021;
- Delivery Management Plan by GTS, received 18th May 2022.

*Reason:* For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

## **Condition 4**

Only vehicles required to be used for the construction of the development known as the Dylan Coastal Resort as detailed in the Delivery Management Plan by GTS received 18 May 2022 and agricultural vehicles used in association with the agricultural holdings crossed by the tracks, shall utilise the tracks hereby approved.

*Reason:* In the interest of highway safety and residential amenity to accord with Policy GP 1 and TR 3 of the Carmarthenshire Local Development Plan 2014.

## **Condition 5**

No further excavation shall take place nor materials be stored within the Root Protection Areas of any trees or hedgerows as identified within the Arboricultural Impact Assessment and Method Statement by Tree Consultants Wales received 4th August 2021.

*Reason:* To ensure that existing trees and landscape elements of suitable quality and condition are retained and effectively accommodated and protected as part of approved development in accordance policies SP1, SP14, GP1 and EQ5 of the Carmarthenshire Local Development Plan 2014.

## **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)).

### **Note 3**

The developer is advised that public footpath 22/6 crosses and abuts the development site. It is a legal requirement not to obstruct or encroach upon it, either during construction or at any time thereafter. Any alterations to the surface of the footpath will require approval from the Council and the developer is advised to contact the Countryside Access Team for further advice.

<b>Application No</b>	<b>W/40562</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Construction of the Southern portion of a temporary access track required for a temporary period in connection with the implementation of the holiday lodge development as approved by Outline planning permission W/24265 (as amended by W/28608 and W/33378) and Reserved Matters approvals W/30157, W/33838 and W/34546
<b>Location</b>	Land at Laugharne Park Estate, Cliff Road, Laugharne, SA33 4QP

<b>Applicant(s)</b>	Seasons Holidays PLC
<b>Agent</b>	Lichfields - Mr Owain Nedin
<b>Officer</b>	Charlotte Greves
<b>Ward</b>	Laugharne Township (Historical)
<b>Date of validation</b>	12/05/2020

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties and was received prior to the recent changes in the scheme of delegation approved in February 2022.

## Site

The application relates to the southern section of an access track that has been created across two fields that straddle a hilltop to the north of Laugharne. The southern of these two fields lies adjacent to the northern edge of the Dylan Coastal Resort which is currently undergoing redevelopment.

Separate applications have been submitted covering the remaining sections of access track which are referred to as the northern section (planning application reference W/40561) and western section (planning application reference PL/00296).

## Proposal

Full planning permission is sought in retrospect for a section of access track which is required for a temporary period in order to facilitate the movement of HGV and construction related vehicles to gain access to the Dylan Coastal Resort development, and in particular for the delivery of lodges. These vehicles are required throughout the demolition and construction of the different phases of the development which have the benefit of existing planning permissions.

The lodges arrive pre-assembled and are not constructed on site and this section of track, together with two further sections of track which are the subject of planning applications W/40561 and PL/00296, are required to ensure sufficient turning space and road widths to allow for large delivery vehicles to access the relevant parts of the Dylan Coastal Resort.

The track has been constructed by stripping of topsoil along the alignment to a depth of approximately 250 mm to create the formation level, from which the road was then constructed. The topsoil was then exported to the road verge banked and battered on the high side and graded into the field together with the installation of appropriate drainage.

A geotextile membrane was placed on the formation layer prior to placement of any track construction material. It is stated that this was undertaken in order to facilitate the easy removal of the track once its useful and permitted life was complete. The road construction comprises a 200 mm thickness of sub-grade course placed on top of the geotextile membrane. A 150 mm thick capping wearing course of type 1 aggregate was then used to create the trafficable surface. The material used to create the layers of construction were sourced from hardcore already available on-site and comprised of both crushed stone and secondary aggregate.

The works to create the tracks were undertaken between late 2019 to mid 2020. The application is therefore entirely in retrospect. The applicant has advised that the tracks would only be required during the demolition and construction phase which it is anticipated would be completed in late 2029. Following that the tracks would be decommissioned.

## Planning Site History

Whilst there is no relevant planning history relating to the specific application site, the development is linked to the extant planning permission at the Dylan Coastal Resort, the application details of which are set out below:

### Outline Planning Permissions

W/24265

Development of up to 212 holiday lodges and 48 serviced apartments (up to 26,529 sqm C1) and up to 1709 sqm of floorspace for ancillary facilities (A1, A3 and D2) including recreational and leisure facilities

Outline granted - 05/01/2012

The above application was varied by:

W/28608

Amend planning condition numbers 2, 3, 5, 8, 9, 13, 14, 15, 21, 22 and 25 to facilitate the phased submission of reserved matters and other details; remove conditions 1 and 24 and

revise construction phase plan all in relation to development of up to 212 holiday lodges and 48 serviced apartments (up to 26,529 sq m C1) and up to 1,709 sq m of floor space for ancillary facilities (A1, A3 and D2) including recreation and leisure facilities (extant planning permission W/24265)

Variation of Planning Condition granted - 12/09/2013

The above application was varied by:

W/33378

Variation of Conditions 1, 3, 4, 5, 14 and Removal of Conditions 9, 10, 11, 24, 25, 26 on W/28608

Variation of Planning Condition granted - 10/05/2016

### **Discharge of Condition Applications**

W/34759

Discharge of Condition 5, 8 and 14 on W/33378 (Archaeological Works, Environmental Protection, Tree Protection)

### **Reserved Matters Approvals and Conservation Area Consent**

W/30157

Reserved Matters application for Phase 1A of the development at Laugharne Park. Phase 1A comprises a total of 24 lodges, including 21 refurbished holiday lodges and 3 new holiday lodges to be built following the demolition of 2 existing units

Reserved Matters granted - 19/06/2014

W/33838

Construction of two storey clubhouse building and associated car park (Phase B) (Reserved Matters approval)

Reserved Matters granted – 23/11/2016

W/34559

Demolition of the holiday units and ancillary buildings

Conservation Area Consent granted – 29/03/2017

W/34594

Reserved Matters approval for the following phase of the approved outline application W/33378. Phase D2 - demolition of the building previously known as Harbour Bar and implementation of 3 holiday lodges

Reserved Matters approval – 29/03/2017

W/34546

Reserved Matters approval for the following phases of the approved outline application W/33378. Phase C - reception building, associated housekeeping block and service yard. Phase D1 - demolition of the building previously known as Marys House and construction of 6 holiday units. Phase D2 - demolition of the building previously known as Harbour Bar and implementation of 3 holiday lodges. Phase E - implementation of 120 holiday lodges

Reserved Matters granted – 29/03/2017

## Full Planning Permissions

W/34441

New stone cladding and amendments to fenestration of holiday lodge - 73/74 Dylans Drive, Laugharne Park, Cliff Road, Laugharne, SA33 4SG  
Full Planning Permission granted – 21/09/2016

## Planning Policy

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

SP1 Sustainable Places and Spaces  
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SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
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## Summary of Consultation Responses

**Head of Transportation & Highways** - No objection - conditions recommended.

**Laugharne Township** – Object to the proposal and their response is summarised as follows:

- Concern regarding the lack of construction detail and in particular road junctions and drainage issues.
- Environmental and heritage impact of the road.
- Concern that the tracks were constructed without the necessary planning permission in place first.
- Impact on trees.
- Burning of toxic waste.
- Works carried out at the main access to the site without planning permission.
- Concern that conditions on the existing planning permissions have not been complied with / discharge prior to the construction/occupation of the approved chalets.

**Local Member(s)** – Councillor Jane Tremlett has made no prior comment.

**Cadw** – No objection.

**Dyfed Archaeological Trust** – No objection.

**Natural Resources Wales** – No objection.

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. 3 letters of representation were received objecting to the development on the following grounds:

- Impact upon the character and appearance of the countryside.
- Visual and landscape impact.
- Impact on nature conservation, loss of trees and hedgerows.
- Impact on residential amenity.
- Pressure on services and local roads.
- Impact on highway safety.
- Impact on a Scheduled Ancient Monument.
- Impact on Listed Buildings and Laugharne Conservation Area.
- Concern that the development of the tracks is to facilitate the further expansion of the holiday park.

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## Appraisal

The main considerations of this case are whether there is justification for the development given its location within the countryside, its impact upon the countryside, landscape and nature conversation, pollution impacts, the impacts upon the living conditions of nearby residents, impact upon the historic environment and highway safety.

### Impact upon Highway Safety

It was originally intended that the existing highway access serving the resort (off Cliff Road) would be used to access the site for construction and delivery purposes however this has now been surveyed and the subject of a transport route appraisal and is considered unsuitable due to its narrow width. Modelling of the existing access arrangement against the space requirements of the delivery vehicles, has determined that it is unfeasible for the construction vehicles to gain access via the originally planned route and this is supported by a temporary access route appraisal that has been submitted in support of the applications.

The proposed tracks are therefore deemed to be required to create alternative access arrangements to facilitate the delivery of the lodges. It is estimated that the lodges will be delivered at a rate of between 2 and 3 lodges per month during the off peak season between September and April each year. The tracks are required for a temporary period, specifically until the delivery of the final lodges which is anticipated in late 2029. The delivery of the first lodges commenced in September 2020 and 11 lodges were delivered between September 2020 and March 2021. A further 12 lodge deliveries were made between January and May 2022.

A delivery management plan has also been submitted in support of the planning application which the Highways department has advised they have no objection subject to conditions, having regard to highway safety and given the temporary nature of the tracks. The document will be included within the list of approved plans and documents condition to ensure that it is adhered to throughout the duration of the temporary period.

The proposal is therefore considered to accord with Policy GP 1 and TR 3 having regard to highway safety.

#### Impact on the Countryside, Landscape and Nature Conservation

The tracks have been constructed on existing agricultural land bisecting fields and resulting in the removal of sections of existing hedgerow within the Laugharne Special Landscape Area. Notwithstanding the above, the entire length of track is unable to be seen in its entirety from any public vantage points and there are sections which follow lines of previous agricultural tracks and hedgelines which does help to limit the landscape and visual impact.

The arboricultural impact assessment submitted with the application sets out where sections of hedgerow have been removed (approximately 17m), root protection areas have been breached and where new earth banks with hedgerow planting (approximately 685m comprising 2000 hawthorn plants and 1500 blackthorn plants) have been formed to offer some mitigation in terms of the habitat loss and landscape impacts that have resulted from the removed hedging. The assessment also contains a method statement and tree protection plan together with recommended conditions that are required to help reduce any tree and hedgerow impacts.

It is considered that whilst the development has resulted in adverse landscape and visual effects and ecological impacts, which have already, in part, been mitigated by the planting of new sections of hedgerow, it is considered that, on balance, the track is acceptable insofar as it is required for a temporary period and is not proposed to be a permanent feature. A condition will be included in any planning permission that requires a restoration scheme to be submitted to the Local Planning Authority prior to the end of the temporary period and following which the land is to be restored to its former condition in accordance with the restoration scheme.

The application is therefore considered to be acceptable having regard to Policy SP 1, SP 14, GP 1, EQ 4, EQ 5 and EQ 6.

#### Pollution Impacts

The application is supported by an Environmental Assessment carried out by Yellow Sub Geo which assesses impacts of the track upon the Taf Estuary Special Scientific Interest (SSSI) /Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and in particular any pollution of controlled waters.

The report finds that there are no meaningful links between the tracks and the SSSI and SAC and as such the risks of pollution and impacts upon protected sites are therefore either very low or negligible. The report recommends that certain precautions are followed moving forward to ensure that this remains the case and as such the report will be included in the approved plans and documents condition to ensure that the recommendations are adhered to for the duration of the temporary period.

The proposal is therefore considered to accord with Policy GP 1 and EP 2 having regard to pollution impacts.

### Living Conditions of Neighbouring Occupiers

The tracks have been constructed on agricultural land and the proposed access route, which is required to facilitate the movement of vehicles associated with the development, is not sited in such close proximity to neighbouring dwellings that there would be a significant adverse impact upon their living conditions. In addition the Delivery Management Plan submitted in support of the application states that the delivery of the lodges associated with the Dylan Coastal resort redevelopment is to take place at a controlled rate of approximately 2 – 3 per month between the months of September and April which would result in any adverse impacts being relatively infrequent and in any event any such impacts would cease at the end of the temporary period and when the development is completed. It is also considered that the alternative route through Laugharne and Victoria Street would have a greater impact on living conditions of the town's residents.

The proposed development is therefore considered to comply with the relevant criterion of Policy GP1 having regard to the amenity and living conditions of neighbouring occupiers.

### Impact upon the Historic Environment

A Historic Environment Desk-Based Assessment produced by HCUK has been submitted in support of this application. This assessment concludes that it is possible that archaeological remains could have been exposed, damaged or destroyed by the works, but that the overall extent of this is relatively small. This southern section of track passes directly adjacent to the CM310 Delacorse Uchaf Standing stone, a scheduled ancient monument. The report considers the trackway to have had a slight negative impact on scheduled standing stones (CM054, CM143, CM146 and also CM310) but considers that this impact is not significant. Similarly, the report finds that there has been a negligible impact on Iron Age enclosure (CM232), medieval churches (CM280 and CM144) and Trefenty motte and bailey castle (CM144). The impact on the Registered Historic Landscape is also assessed to be negligible.

The report concludes that the access track does not have a significant impact on the setting of any scheduled ancient monuments and Cadw and Dyfed Archaeological Trust, who have also been consulted on the proposal concur with this assessment.

The Council's built heritage officers have also reviewed proposed and have commented that the proposed access track would not directly impact the setting of any listed building or the adjacent Laugharne Conservation Area and as such they have no adverse observations.

The application is therefore considered to accord with Policy SP 13, GP 1 and EQ 1 of the Carmarthenshire Local Development Plan adopted December 2014.

### Other Matters

There are a number of Public Rights of Way within the vicinity of this track development. However in terms of this southern section, the track meets the northern section of track at a point where it crosses the footpath (22/6). Concerns were raised during the early construction phase of the track that there had been unauthorised disturbance of the path surface creating trip hazards. The Council's Countryside Access team has been consulted

regarding the proposed development and has since visited the site where they found that the initial complaints had been addressed by the applicant. A note is proposed be included in any planning permission granted drawing the applicant's attention to their legal obligations in respect of this footpath.

Concerns and objections raised by third parties and the Laugharne Township have largely been addressed in the preceding sections of the report and since these representations were received a number of supporting documents have been received from the applicant which seek to address the key issues associated with the proposed developments. However a number of the representations received raise concerns that the tracks are not intended to be temporary and are instead to facilitate the future expansion and development of the Dylan Coastal Resort. Each application must be considered on its own merits and in this case, the applications clearly state that the tracks are required for a temporary period and any planning permissions would contain conditions to this effect. Concerns raised regarding compliance with the existing planning permissions and any works outside these applications which are alleged to have been carried out without the necessary planning permissions would be a separate matter to be investigated by planning enforcement.

Concerns regarding the burning of toxic waste on or near the applications sites for the tracks is a matter for Public Protection as opposed to a material planning issue. The Council's Public Protection section has been consulted on the proposals and has raised no objection.

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

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

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance and for the reasons set out above that the proposed development accords with the relevant planning policies. The recommendation is therefore one of approval subject to the below conditions.

### **RECOMMENDATION - Approval**

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## **Conditions & Reasons**

### **Condition 1**

The development hereby approved shall cease to be used and removed from the land in its entirety and the land shall be restored to its former condition on or before 31st December 2029 in accordance with a detailed restoration scheme of work submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this permission. The restoration scheme shall include full details of the restoration of the site including reinstatement of hedgelines, restoration of original field boundaries and full details of the

removal of the surfaced area of the track and restoration of the land to original ground conditions.

*Reason:* Required to be imposed pursuant to Section 72 of the Town and Country Planning Act 1990 (as amended).

## **Condition 2**

Any new planted or seeded elements implemented in accordance with the approved restoration scheme required by Condition 1 which, within 5 years are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the element in relation to this planning approval is no longer delivered, shall be replaced, within six months of written notification by the local planning authority, or within in the next available planting or seeding season thereafter, with replacement elements of similar size and specification.

*Reason:* To ensure that the development reinstates existing landscape or other features which contribute to local qualities and distinctiveness: thus delivering the objectives of CLDP policies: - SP1 d) and i); SP14 e); GP1 b) and f); and EQ5.

## **Condition 3**

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

- Location Plan IL61676/01-006,
- Access Track Plan Southern Area IL61676/01-008, received 9th June 2020;
- Technical Note – Temporary Access Route Appraisal by GTS,
- Arboricultural Impact Assessment and Method Statement by Tree Consultants Wales,
- Environmental Assessment by Yellow Sub Geo, received 4th August 2021;
- Historic Environment Desk Based Assessment by HCUK group, received 16th August 2021;
- Delivery Management Plan by GTS, received 18th May 2022.

*Reason:* For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

## **Condition 4**

Only vehicles required to be used for the construction of the development known as the Dylan Coastal Resort as detailed in the Delivery Management Plan by GTS received 18 May 2022 and agricultural vehicles used in association with the agricultural holdings crossed by the tracks, shall utilise the tracks hereby approved.

*Reason:* In the interest of highway safety and residential amenity to accord with Policy GP 1 and TR 3 of the Carmarthenshire Local Development Plan 2014.

## **Condition 5**

No further excavation shall take place nor materials be stored within the Root Protection Areas of any trees or hedgerows as identified within the Arboricultural Impact Assessment and Method Statement by Tree Consultants Wales received 4th August 2021.

*Reason:* To ensure that existing trees and landscape elements of suitable quality and condition are retained and effectively accommodated and protected as part of approved development in accordance policies SP1, SP14, GP1 and EQ5 of the Carmarthenshire Local Development Plan 2014.

## **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)).

### **Note 3**

The developer is advised that public footpath 22/6 crosses and abuts the development site. It is a legal requirement not to obstruct or encroach upon it, either during construction or at any time thereafter. Any alterations to the surface of the footpath will require approval from the Council and the developer is advised to contact the Countryside Access Team for further advice.

<b>Application No</b>	<b>PL/03089</b>
<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Expansion of the associated car park, creation of new car parking area and essential repairs to wall and pedestrian access
<b>Location</b>	Carmarthen Museum, High Street, Abergwili, Carmarthen, SA31 2JG
<b>Applicant(s)</b>	Morrigan Mason
<b>Agent</b>	Asbri Planning - Richard Bowen
<b>Officer</b>	Helen Rice
<b>Ward</b>	Abergwili (Historical)
<b>Date of validation</b>	23/12/2021

## 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 relates to the former Bishops' Palace building and associated grounds area on the eastern edge of Abergwili. The site is located to the south of the A40 Trunk Road roundabout, with its accessed gained from the C2030 road that travels through the village of Abergwili. The access road leads towards the entrance of the Tywi Valley Path on a section of the former A40 road, with a walled entrance defining the entrance into the Palace grounds. Upon entering the Palace grounds, a hard standing informal parking area lies immediately on the right with the majority of the palace buildings and associated outbuildings on the left. The site is enclosed from view from the adjoining C2030 by a large stone wall and lodge building.

The site is of substantial historical significance with the Palace, yard and associated outbuildings, garden walls and lodge building all Grade II Listed Buildings with the wider grounds designated as a grade II registered park and garden. The palace and grounds were acquired by Carmarthenshire County Council in 1974 and have since been home to the County Museum. The site has in recent years been the subject of significant restoration,

renovation, repair and works to improve and build upon the overall provision at the museum as well as improving the wider grounds area to create a better visitor attraction and experience.

The site is located outside of the settlement limits of Abergwili as delineated by the Carmarthenshire LDP and within a Special Landscape Area. The site is located approximately 550m from the Afon Tywi Special Area of Conservation (SAC) and associated SSSI. The south eastern boundary of the site adjoins the open countryside and is delineated by a watercourse and vegetation. The south-eastern section of the wider site area is located within the C2 floodzone (undefended floodzone) with the Palace building itself being within flood zone C1 (defended floodzone), the access road and hardstanding parking area to the north of the Palace lie beyond the flood zones.

## Proposal

The proposal the subject of this application builds upon previous permissions (see list below) to undertake significant works to improve the site overall. Principally planning permission W/34226 and Listed Building Consent W/34227 granted permission for change of use and alterations to redundant building attached to the Bishops Palace for uses associated within the museum use along with various restoration and repair works and including works to the existing car parking area. These permissions were subsequently amended in part through applications including some amendments to the car parking areas. This application is primarily concerned with the car parking area that was approved under previous permissions.

Following a review of the approved car parking provision, it was considered that further parking was required to maximise provision of on site car parking to better reflect the changes and anticipated visitor numbers attending the site following the vast improvements to the site.

The works involve better utilisation and formalisation of existing areas of hardstanding within the area to the right upon entry into the site and which adjoin the site's northern boundary and lodge building. These areas are referred to as Car Park A and B. This work would result in the removal of some trees immediately upon entry into the site albeit these are to be replaced within the wider site. Some scrapping back of surface vegetation that has crept onto the hard surfaced area is also intended within car park B. The hardstanding area next to the lodge building, referred to as Car Park A, is to be formalised to provide 9 spaces. The overall changes to Car Parks A and B, including provision of spaces that meet current highway standards of 2.6m by 4.8m rather than 2.4m by 4.8m is an additional 5 spaces over and above that already approved.

A further car park area, previously approved, to the west of the palace building and south of the main car parking area, is to be re-arranged to provide 10 Car parking spaces, including 3 disabled spaces along with improved pedestrian facilities whilst retaining the critical landscape buffer required in association with the wider ecological measures for the site given the presence of bats within the site. The proposal would result in an increase of 2 spaces above that which was originally approved, including relocation of the disabled spaces from their original position in Car Park B to Car Park C.

In summary therefore, the original permission included 30 car parking spaces in total and 2 disabled car parking spaces (32 in total), whereas the proposal is to now provide 39 car parking spaces and 3 disabled spaces (42 in total).

A wall separating car parks A & B is to be maintained albeit subject of conservation work which is the subject of a separate listed building consent application. It is intended to install wooden posts between the car parking area and this wall to seek minimisation of accidents. The proposal also includes the provision of car parking lighting in the form of 12 no. bollards and 3 no. columns to meet British Standards requirements for lighting car parking areas whilst also having due consideration to ecological and historical assets. The lighting is only to be operational during the museum opening hours.

## **Planning Site History**

PL/04661

Construction of 3 no. new glass houses, new paths and restorations within the existing walled garden

Listed Building Consent – Under Consultation

PL/04162

Construction of 3 no. new glass houses, new paths and restorations within the existing walled garden

Full Planning Permission – Under Consultation

PL/03104

Discharge of Condition 5 on PL/00052 (Rainwater Goods Samples)

Discharge of Planning Condition granted - 27/01/2022

PL/03238

Expansion of the associated car park, creation of new car parking area and essential repairs to wall and pedestrian access

Listed Building Consent – In review

PL/00780

Discharge of Condition 4 (Structural Report) on W/39854 (application for amendments to Planning and Listed Building consents W/34226 and W/34227)

Discharge of Planning Condition granted - 28/06/2021

PL/01114

Discharge of Condition 3 (Control of Noise and Dust) of planning permission W/39853

Discharge of Planning Condition granted - 08/02/2021

PL/00091

Discharge of Condition No. 5 (Lighting) of W/39853

Discharge of Planning Condition granted - 22/09/2020

PL/00062

Discharge of Condition No. 6 (Window Details) on W/39854

Discharge of Planning Condition granted - 03/03/2022

PL/00052

Variation of Condition 2 (Plans) & Removal of Condition 5 (Terrace Area) on W/39854

Removal / Variation of Condition granted - 18/11/2020

W/40059

Discharge of Conditions 3 (Archaeology), 6 (Trees) and 7 (Habitat Management Plan) of W/34226

Discharge of Planning Condition granted - 11/06/2020

W/39854

Application for amendments to planning and listed building consents W/34226 and W/34227

Listed Building granted - 11/06/2020

W/39853

Application for amendments to planning and listed building consents W/34226 and W/34227

Full Planning Permission granted - 11/06/2020

W/38228

Variation of Conditions 3, 4, 6, 7 of W/34226

Removal / Variation of Condition granted - 28/01/2019

W/36382

Temporary siting of portable office cabin for two years

Full Planning Permission granted - 07/12/2017

W/34227

1. Change of use and alterations to redundant buildings attached to Bishop's Palace 2. External repairs to the lodge 3. Restoration of the walled garden 4. Reconstruction of garden folly 5. Erection of woodland shelter 6. Walled garden and pleasure garden restoration 7. Car park improvements 8. Creation of footpath around Bishops Meadow

Listed Building Consent granted - 09/05/2017

W/34226

1. Change of use and alterations to redundant buildings attached to Bishop's Palace 2. External repairs to the lodge 3. Restoration of the walled garden 4. Reconstruction of garden folly 5. Erection of woodland shelter 6. Walled garden and pleasure garden restoration 7. Car park improvements 8. Creation of footpath around Bishops Meadow

Full Planning Permission granted - 09/05/2017

W/22689

Conversion and the change of use of existing storage facilities/outbuildings into learning centre, cafeteria and toilet facilities together with ancillary site and drainage works

Full Planning Permission granted - 22/07/2010

D4/11308

Temporary siting of a portakabin

Full Planning Permission granted - 01/03/1984

W/02601

Provision of lift ramped access and parking for the disabled

Full Planning Permission granted - 28/07/1999

W/02599

Provision of lift ramped access and parking for the disabled

Listed Building Consent granted - 06/04/2001

D4/2488  
Change of use into county museum

D4/2420  
C/U of former Bishops Palace to county museum and recreational area  
Granted 31/03/1996

D4/1371  
Alterations to existing building  
Granted 17/04/1975

## Planning Policy

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

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP13 Protection and Enhancement of the Built and Historic Environment  
SP14 Protection and Enhancement of the Natural Environment  
SP15 Tourism and the Visitor Economy  
GP1 Sustainability and High Quality Design  
TR3 Highways in Developments- Design Considerations  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ4 Biodiversity  
EQ5 Corridors, Networks and Features of Distinctiveness  
EQ6 Special Landscape Areas  
EP1 Water Quality and Resources  
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** – Raise no objections.

**South Wales Trunk Roads Agency** – Does not issue a direction in respect of this application.

**Sustainable Drainage Body** – A SAB consent for the works will be required.

UPDATE NOTE: since the above comment was received, a SAB consent for the works has already been issued 3 March 2022.

**Abergwili Community Council** - No observations received to date.

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

**Natural Resources Wales** – No objections to the application subject to the imposition of conditions to ensure that the plans and ecological mitigation measures are adhered to and a condition requiring further lighting details.

**Cadw** – Do not raise any objection and confirm that the proposals would not cause a significant impact on the Registered Bishops Palace Abergwili historic park and garden.

**Dwr Cymru/Welsh Water** – Do not wish to make any comments

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

## Summary of Public Representations

The application was the subject of notification by way of site notice and publication in the local newspaper.

4 representations were received from separate households all objecting on the following grounds:

- No need for additional car parking at the museum, in particular car park A next to the lodge and adequate parking has been provided immediately outside the walls of the Palace on the approach to the Tywi Valley Path;
- 56 spaces including disabled bays are already available for the site (including 33 spaces outside of the Palace walls), no justification for additional parking beyond that which is currently available;
- The proposal would result in the loss of planting and trees and replace the greenery with tarmac;
- Removal of large trees which have been in position for a number of years in favour of tarmac goes against the need to consider global warming and climate change;
- Opportunity to remove hardstanding altogether and provide greater planting within the site and utilising the car parking area provided outside of the Palace walls;
- The County Museum is unspoilt and this proposal would be detrimental through loss of magnificent trees;
- Should consider a park and ride scheme to the museum utilising the Glangwili Park and Ride Scheme;
- Development would have a negative impact upon wildlife and biodiversity;
- Lack of detail concerning night time safety, management of car parking area outside of the Palace walls to ensure its only used by visitors and not open to all;
- Will result in unnecessary car parking access and manoeuvres in sensitive areas close to the lodge and therefore would not preserve its quiet, contemplative atmosphere;
- Setting of lodge would be enhanced through better landscaping rather than car parking;
- Works are over-engineered and unnecessarily extend the construction phase of the refurbishment and have an adverse impact on visitors attending the museum during the construction phase;
- Disabled bay provision should be provided in Car Park B that has direct footpath access to the buildings and gardens;
- Proposed street lighting is unjustified and unnecessary.

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

## Appraisal

The main consideration of the case is whether the increase in parking provision is justified, the impact of the development on the setting of the historical assets and the character and appearance of the area, impact on biodiversity and trees and highway safety impacts.

### Justification

The application seeks amendments to and extensions of the car parking provision already either approved under previous planning permissions on the site or historically used for parking. It was originally approved to utilise the existing hardstanding area in the area now referred to as car park B whilst creating a new car parking area along the western boundary of the site (known as car park C). These two areas therefore already benefit from extant permission for their use for car parking. This application seeks amendments to both these areas as well as formalising the hardstanding area between Car park B and the lodge building to create car park A. As highlighted above, the proposal now before the Council seeks an increase of 10 car parking spaces including 1 additional disabled parking space from that originally approved.

A number of objectors have raised concerns given the lack of justification for the additional car parking given the existing provision along with the car parking area created outside of the Palace grounds. The area referred to by objectors relates to the former section of the A40 which now terminates for vehicle traffic albeit is at the start of the Tywi Valley path. The area was granted permission in 2017 as a formal parking area for public use including museum visitors, Tywi valley path users and the recycling area. There is no specific segregation of spaces between the different uses, however documentation submitted at the application stage specified that the intention was primarily for Tywi Valley path users but with the option of overspill parking for the museum during larger scale events.

The intention of this application is not to create substantially more parking but rather to formalise the parking arrangements that have existed on the site for a number of years on the existing hardstanding areas along the northern boundary and re-arrange those to meet current standards whilst increasing the total provision by 10 additional spaces. These spaces would only be utilised by visitors/users of the museum and should there be a requirement for additional parking during specific high visitor events, parking could take place on the area outside the Palace walls. It is therefore considered that on balance, there is justification to formalise what has been historic informal parking areas for the museum whilst also re-arranging the parking provision previously granted to ensure that it meets current standards.

### Impact upon Setting of Historic Assets

The site is highly sensitive given its location within a registered park and garden and within the setting of three listed buildings. The impact of a development on the setting of historic assets is a material planning consideration that must be taken into account when determining planning applications. The Council's Built Heritage Team has raised objections to the scheme on grounds that creation of the hardstanding in the first place introduced an alien feature into the parkland setting to the detriment of the special interest of the listed building and park. The officer comments that it would be preferable to remove the hardstanding areas and historic informal parking on site and its replacement with the parking area now provided for outside the museum site. Particular concerns are raised in relation to

the formalisation of the car park area adjacent to the Lodge. These objections are reflected in objections also received from members of the public.

Whilst the comments received are acknowledged, it is the case that the area to the north of the buildings has historically been used for parking. It would appear that this formally commenced when permission was originally granted for change of use of the Palace into a museum albeit with far greater parking directly in front of the building proposed at that time. Nevertheless, the area along the northern boundary has been used as an informal parking area for a number of years and this application seeks only to formalise that historic area. It is also the case that permission is extant for the creation of car park C. Given the improvements to the building and wider garden, it is only reasonable to anticipate greater visitor numbers. It is considered that this proposal would avoid inappropriate parking at peak times.

In terms of the impact of the proposal on the lodge building, the land immediately adjacent to the lodge has historically been laid as hardstanding and has been utilised as a storage compound in more recent years. Rationalisation and formalisation of this area as a parking area would remove the current unclear function of the area and restrict its use for parking only. The appearance of the site would therefore largely remain as existing, being a hardstanding area albeit more formalised with a definitive purpose and therefore removing any ambiguity.

Concerns have also been raised in terms of lighting and its impact upon the setting of the historic assets. It is considered that by reason of their design and sighting, they would not have a detrimental impact upon the setting of the historic asset, this is coupled with the fact they will only be operational during museum hours (i.e. currently Tuesday – Saturday 11am to 4pm).

Cadw has offered no objections to the development on grounds that it would not have a significant effect on the setting of the registered park and garden. In conclusion therefore, whilst the comments received are acknowledged, on balance, it is considered that the proposal does not significantly alter the setting of the historical assets over and above that which has existed for a number of years and/or has been approved through previous permission. It is considered that the proposal would formalise areas that have had unclear functions in the past with clearly defined parking areas. It is therefore considered on balance that the impact of the development on the setting of the listed building would not be so detrimental over and above the current situation and approved position to warrant a refusal on such grounds. It is therefore considered that the proposal complies with policy SP13 and GP1 of the LDP.

#### Impact on Trees and Biodiversity

The proposal has been drawn up with careful consideration of its impact upon existing trees and biodiversity. In terms of protected species, the site is known to have a number of bat roosts, including greater horseshoe bats present. As such the original permission included various bat mitigation and enhancement measures. In terms of this particular application, the area around Car Park C is critical to the overall mitigation proposals for the wider site in that it is located within the bat flightline and foraging area. Therefore, it is for this reason that only minor amendments to the car parking provision at Car Park C are proposed. The proposals will involve the loss of a Category B Yew Tree and a Category C Holly and Sycamore tree with the area for car park C. However it is not considered that the loss of these trees in particular would have a negative effect on the overall amenity afforded by

trees nor negatively impact upon the bat flightline and foraging area given that the majority of the tree coverage will remain. The proposed lighting proposals have also taken into account the ecological constraints of the area and sought to provide lighting that meets British standards, providing adequate lighting for users whilst avoiding light spillage that could negatively impact upon protected species.

Similarly in relation to Car park area A & B, the proposal has sought to safeguard the Category A London Plane tree which is located between the two car parking areas. Whilst two trees would be lost, including a Category B sycamore tree, given proposals for an appropriate replacement, and having regard to the wider setting it is not considered that the loss of these trees would have an unacceptable impact upon amenity or biodiversity interests. The Council's Arboricultural Officer has confirmed acceptance of the submitted report and conclusions and is supportive of the application subject to condition requiring adherence with the recommendations of the submitted report. Similarly, NRW has confirmed they offer no objections subject to adherence with the submitted information and further details in relation to the operational hours and management of the proposed lighting.

In conclusion therefore, whilst the development would result in some tree loss it is not considered having regard to the wider site area that these losses would have a detrimental impact and furthermore, the proposals have been carefully considered in light of the known ecological value of the site to avoid unacceptable impacts. The proposal is therefore in accordance with policy SP13 and GP1 of the LDP.

#### Highway Safety Impacts

The proposal does not include any amendments to the existing access into the site, however, in general the proposals are not objected to in principle with the spaces now complying with parking dimensions. The Council utilises CSS Parking Standards to assess parking provision however there is no specific standard for museums. In applying similar standards for libraries, the development would require 52 parking spaces. Whilst this may be an overestimation based on the use, it is considered that the provision of 42 spaces is broadly in line and coupled with the presence of additional spaces on land outside the site as overspill parking, on balance it is considered that the overall provision is acceptable. The Council's Highway Officer and Trunk Road Agency offer no objections to the proposal and as such the application is considered to comply with Policy TR3 of the LDP.

## **Planning Obligations**

None required

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

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

## Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposed development would not significantly alter the setting of the surrounding historical assets over and above the existing and consented situation and would rather formalise historical ad hoc parking provision. The proposal would safeguard a well defined parking area for users of the museum which has been the subject of extensive works to improve the offer and such works are ongoing. Whilst the proposal would result in the loss of some additional trees in comparison to the original approval, these losses have been appropriately assessed and are not considered to give rise to unacceptable amenity concerns given the retention of the vast majority of trees within the wider site area. In addition, the ecological interests of the wider site have been appropriately considered. Whilst the objections received are acknowledged, it is considered on balance having regard to the extant permissions, historical uses, the parking improvements proposed to serve the improved facility that the proposal is acceptable and accords with policies SP1, SP13, SP14, SP15, GP1, TR3, EQ1 and EQ4 of the LDP. The development is therefore recommended for approval subject to the below conditions.

### 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:-

- Site Location Plan CMU-HYD-XX-XX-DR-C-2600,
- External Lighting CMCP-HYD-XX-ZZ-DR-E-0050,
- General Arrangements Car Park C CMU-HYD-XX-XX-DR-C-0100,
- General Arrangements Car Parks A & B CMU-HYD-XX-XX-DR-C-0101,
- General Arrangements Car Parks A - C CMU-HYD-XX-XX-DR-C-0102 P02,
- Lines & Signage Car Park C CMU-HYD-XX-XX-DR-C-0180,
- Lines & Signage Car Park A & B CMU-HYD-XX-XX-DR-C-0181,
- Construction Details CMU-HYD-XX-XX-DR-C-0400,
- Proposed Levels Plan Sheet 1 CMU-HYD-XX-XX-DR-C-0500,
- Proposed Levels Plan Sheet 2 CMU-HYD-XX-XX-DR-C-0501,
- Existing Condition Survey Sheet 1 CMU-HYD-XX-XX-DR-C-1000,
- Existing Condition Survey Sheet 2 CMU-HYD-XX-XX-DR-C-1001,
- Surfacing & Kerbing Sheet 1 CMU-HYD-XX-XX-DR-C-2000,
- Surfacing & Kerbing Sheet 2 CMU-HYD-XX-XX-DR-C-2001,
- Existing Drainage Overview CMU-HYD-XX-XX-DR-C-2500,

- Existing Drainage Arrangements Sheet 1 CMU-HYD-XX-XX-DR-C-2501,
- Existing Drainage Arrangements Sheet 2 CMU-HYD-XX-XX-DR-C-2502,
- Preliminary Ecological Appraisal by Aecom,
- Bat Report by Aecom,
- Flood Consequence Assessment by Hydrock,
- External Lighting Technical Note by Hydrock, received 22 November 2021;
- Drainage Strategy Report by Hydrock,
- Heritage Impact Statement by Asbri Planning,
- Infiltration Testing Report by Hydrock,
- Structural Summary Report - Existing Wall Survey by Hydrock, received 15 December 2021;
- Arboricultural Report by ArbTS, received 1 February 2022.

*Reason:* For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

### **Condition 3**

Prior to the installation of the external lighting hereby approved, full details of the timing restrictions shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in line with the recommendations in the lighting report and include details of the automation system to be used to ensure adherence with the recommendations. The development shall thereafter be carried out in accordance with the approved details.

*Reason:* To ensure compliance with the recommendations set out in the submitted documentation to reduce the impacts of lighting on European protected species (bats) in accordance with policy SP14 of the LDP.

### **Condition 4**

Prior to the first beneficial use of the external lighting hereby approved, details of measures to monitor the light spillage emanating from the lighting when in operation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason:* To ensure that the extent and strength of the light levels detailed in the submitted document are achieved to reduce the impacts of lighting on European protected species (bats) in accordance with policy SP14 of the LDP.

## **Notes / Informatives**

### **Note 1**

All British bat species are protected by virtue of the EC Habitats Directive, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981. It is an offence to intentionally kill, injure, take from the wild, possess or trade any species of

British bat as well as intentionally or recklessly damage, destroy, or obstruct access to any structure or place which bats use for shelter or protection and to disturb bat(s) whilst they are using such a place. If bats are encountered all works must cease immediately and contact made with Natural Resources Wales via [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) or 0300 065 3000 for further advice.

## **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/03374</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Residential development of 64 dwellings together with access, landscaping, drainage and associated works
<b>Location</b>	Land to the west of High Street, St Clears, Carmarthen

<b>Applicant(s)</b>	C/O Agent Obsidian Developments Ltd and Ansellton Ltd
<b>Agent</b>	Amity Planning Ltd - Mr Joan Isus
<b>Officer</b>	Gary Glenister
<b>Ward</b>	St. Clears (Historical)
<b>Date of validation</b>	27/01/2022

## Reason for Committee

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

## Site

The application site is within the settlement development limits of St Clears and is allocated for residential development in the adopted LDP. The site is a 2.3ha parcel of agricultural land situated West of High Street and South of the A40 / A40 Slip Road.

The site is in an elevated position compared with the A40 Slip Road, which is cut into the topography, however is relatively flat with only a gentle slope evident in a Northerly direction.

The site has a 28m road frontage onto High Street and approximately 160m frontage onto an unclassified road known as Heol Goi. The site bounds a farm complex to the East and a small residential estate known as Cae Glas to the West. There are two properties to the South fronting onto Heol Goi.

The site entrance is within a Conservation Area, however the rest of the site is outside. The highway improvement is within the Conservation Area and abut a Listed Building to the South known as Gothic Villa.

## Proposal

The application seeks full planning permission for the erection of 64 dwellings on the site, together with access landscaping, drainage and associated works.

The scheme as amended comprises a mix of house types being 2, 3 and 4 bedroom dwellings with a variety of styles and sizes. Externally most of the house types are rendered with brick contrast. Details of materials are conditioned prior to commencement.

The site includes a Local Area of Play and an area of open space running parallel to Heol Goi. This would accommodate the needs of smaller children and provide an area of informal open space for residents.

Access is proposed via the site of an existing gateway onto High Street with no access proposed onto Heol Goi. A tracking diagram was requested and received showing how the access relates to the A40 slip road that is controlled by the South Wales Trunk Roads Agency (SWTRA).

A highway improvement is proposed along High Street in the form of pavement widening to improve active travel for pedestrians and visibility to the South of the access. This is proposed to include the removal of an existing wall along the front of the land owner's property, the formation of a retaining wall and the reconstruction of the stone wall set back beyond a widened pavement.

Surface water is subject to an application to the Sustainable Drainage Approval Body. However, the layout shows a surface water attenuation pond at the site entrance and a second in the Northern corner of the site. The existing pattern of drainage along the southern and Western boundaries is to remain, so that the watercourse is not adversely affected. After concerns from Welsh Government (Trunk Roads) details of the attenuation have been submitted at this stage.

The application includes a Preliminary Ecological Appraisal and Bat Survey, and includes an Ecological Enhancement Plan as required by the Environment Act 2016.

## Planning Site History

W/17287

Proposed development of two parcels of land off High Street to create 82 (2, 3 and 4 bedroom) residential dwellings, on site car parking and amenity facilities accessed by new gyratory system and access roads. Demolition of existing dwelling

Withdrawn - 22/05/2008

## Planning Policy

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

SP1 Sustainable Places and Spaces

SP2 Climate Change  
SP18 The Welsh Language  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
GP3 Planning Obligations  
H2 Housing within Development Limits  
AH1 Affordable Housing  
EMP1 Employment – Safeguarding of Employment Sites  
TR3 Highways in Developments - Design Considerations  
EQ4 Biodiversity

## [Carmarthenshire Supplementary Planning Guidance](#)

Biodiversity and Nature Conservation

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** – Has no objection subject to the imposition of appropriate conditions.

**Head of Leisure Services** – A contribution of £2463 per dwelling should be sought towards leisure facilities in the town.

**Head of Education and Children's Services** – Provides information on Education contributions sought. [Contributions are set out in the separate section below]

**St Clears Town Council** - Objects to the proposal for the following reasons:

1. Local Infrastructure/Facilities already at capacity;
2. Highways;
3. Flooding;
4. Conservation Area.

**Local Member(s)** - Councillor P Hughes has not commented to date. Since the application was submitted, electoral boundary changes mean that Cllr C Jones who is a Member of Planning Committee is also now a Local Member and has made no prior comment.

**Dwr Cymru/Welsh Water** – has no objection.

**Natural Resources Wales** – has no objection to the proposed development.

**Sustainable Drainage Approval Body (SAB)** – There is no evidence of flooding at this location however a SAB application will be required for surface water drainage.

**CADW** – has no objection to the proposed development. A setting impact assessment of the Eithin Bach round barrow has been submitted and there would be no significant impact.

**Dyfed Archaeological Trust** – Identified two Bronze Age round barrows close to the South West boundary. These may affect the application site and should be investigated.

**Welsh Government (Trunk Roads)** – Has no objection subject to highway improvements.

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

## Summary of Public Representations

The application was the subject of notification by way of Site and Press Notices with a further round of consultation to respondents and further Press and Site Notices due to amendments within the Conservation Area.

Representations from a total of 16No. third parties were received both initially and during re-consultation, objecting to the proposal and the matters raised are summarised as follows:-

- The principle of development
- Quantum, character, need and density of development
- Loss of amenity
  - Privacy
  - Noise
  - Light
- Highway safety
  - Traffic generation
  - Inadequate access
  - Access close to other accesses
  - A4066 is narrow through village with inadequate pavement
  - Pavement improvement will cause disruption
  - Improvement needed on Heol Goi
  - Visibility from the trunk road slip
- Active travel link
  - There is no footpath on Heol Goi
  - Road is narrow and badly lit so not suitable for active travel
- Welsh Language
- Surface water (green field absorbs water)
- Sewerage capacity
- Local facilities
- Lack of pre application consultation (PAC)
- Ecology (bats)
- Loss of dark sky
- Queries over consultation
- Conservation Area
- Discrepancy in red line
- Affordable housing
- Consequential issues regarding access to agricultural land
- Property values, structural damage etc.

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

# Appraisal

## Principle of Development

The proposal seeks full planning permission for 64 dwelling houses on an allocated site within settlement development limits. The site has been assessed as part of the extant Local Development Plan and therefore the principle of developing the land has been established through the statutory processes of plan preparation.

## Quantum, Character, Need and Density of Development

The Local Development Plan has an overall figure of 40 dwellings for the allocated site, of which 5 have permission under a separate scheme. The site is allocated, so the need for housing is long established as part of the land use strategy for St Clears. The figure of 40 in the LDP is notional and is not intended as a maximum capacity. The National Development Framework (Future Wales) and Placemaking SPG are also considered when assessing density. In this case, the density is higher than the LDP figure, however the constraints of the site necessitate a largely linear form of development so the houses do not appear cramped. In terms of character, the site is set behind a surface water feature at the entrance, and has a green character with the pavement set behind a surface water linear swale with an area of open space between the access road and Heol Goi. Therefore, in terms of Placemaking, the proposal would be a relatively green character which is appropriate for a semi-rural location such as this.

## Loss of Amenity

The scheme was subject to a pre-application advice and privacy issues were highlighted at an early stage. However the scheme was duly amended and issues were minimised through the location and orientation of the dwellings and habitable windows.

Noise during construction is an unavoidable but temporary loss of amenity. Noise during occupation is controlled through statutory nuisance, so if residents generate unacceptable levels of noise, action can be considered under public protection legislation.

Overall it is considered that the site has been designed so as to minimise loss of amenity to surrounding properties and is not therefore considered likely to be unacceptable.

## Highway Safety

There is concern over the traffic that would be generated from the development, given the quantum of development proposed. It is acknowledged that the number is higher than the notional LDP figure, however the proposal has been scrutinised by both the Highways department and Welsh Government (Trunk Roads). There is no objection in respect of traffic generation, however active travel improvements have been sought, which would encourage pedestrian use along High Street.

The access has been assessed and tracking diagrams produced to ensure there is not likely to be any conflict. The tracking shows a very slight overlap, if two HGV are using the junctions at the same time, however the risk of this happening without the drivers seeing each other is minimal.

The A4066 is narrow through the village with inadequate pavement, so there is concern over the traffic generation adding to the existing situation. Third parties are particularly concerned about the width of the existing pavement which is approximately 0.5m, and the curvature of the road so drivers don't see pedestrians in the carriageway until the last moment. In addition, the width of the carriageway results in large vehicles having to give way or navigate the section of road slowly, with no room for pedestrians. As a result, the scheme has been amended to include the widening of the pavement, which would not only improve pedestrian safety but also improve visibility along the highway. This is considered to be a significant improvement to the safety of pedestrians.

A counter objection is that the pavement improvement will cause disruption to the village. There would need to be traffic control during the works, however this is a temporary disruption to achieve a long term benefit.

Improvement is said to be needed on Heol Goi, however the proposal does not include access onto Heol Goi, so any suggested improvement would be unreasonable and unnecessary.

The visibility from the slip road has been assessed by Welsh Government (Trunk Roads) and there is no objection. The pedestrian crossing however is subject to an improvement under S278 of the Highway Act.

#### Active Travel Link

The initial response from Welsh Government Trunk Roads and Highways sought an active travel link from Heol Goi to the A40 just West of the roundabout. This would have included a ramped path to encourage walking and cycling. Concern was however raised over the fact that Heol Goi had no pedestrian facilities and it would encourage use of a route that would involve un-controlled crossing of two trunk roads to get between the site and the town centre via the new commercial area.

During the assessment of the application, however, an alternative highway improvement became available at High Street as highlighted above, so the Active Travel link is no longer suggested.

#### Welsh Language

The site is not within one of the Welsh Language Sensitive Areas as defined in the LDP where more than 60% of the population speaks Welsh, therefore there is no requirement for a phasing condition.

#### Surface Water (Green field absorbs water)

Surface water is controlled through the Sustainable Drainage Approval Body (SAB) with a requirement to submit an application for a sustainable drainage scheme. The SAB process sits outside planning and is an additional level of control. The scheme shows a surface water feature at the site entrance and a further feature along the Northern boundary. Concern was raised by Welsh Government (Trunk Roads) and as a result, cross sections were produced showing the structural make up of the ponds to ensure they do not breach onto the Trunk Road. The capacity and design will be subject to SAB approval and therefore will be fit for purpose.

### Sewerage Capacity

Dwr Cymru/Welsh Water has been consulted on the application and has no objection on either the sewerage capacity or the capacity to supply drinking water.

### Local Facilities

Concern has been raised over the lack of facilities in St Clears to accommodate additional residents. It should be noted that the site is allocated for residential development in the LDP and the increase in population has therefore been anticipated for some time. Facilities such as Doctor Surgeries base their forward planning on the existing and predicted populations so will use additional population to justify staffing levels. The NHS Trust is assessing options for future services, so this type of analysis is currently taking place outside the planning system.

### Lack of Pre Application Consultation (PAC)

A Pre Application Consultation was carried out as required, and the resultant report has been submitted with the application. The applicant has therefore followed the statutory requirements.

### Ecology (Bats)

The scheme includes the demolition of a small building. A bat scoping report and activity survey has been carried out and it revealed that there was general bat activity in the area but nothing that required a European Protected Species (EPS) Licence. The Preliminary Ecological Appraisal states that any trees affected do not have potential for Bat use, it therefore concluded that Bats were not a constraint on development. NRW has scrutinised the surveys and has no objection to the proposal.

### Loss of Dark Sky

Neighbouring properties have enjoyed living next door to an agricultural field without lighting. However the site is surrounded by built development which is a source of light, and the site has been earmarked for development through the plan process so is within the urban area of St Clears. The loss of dark sky is not therefore considered to be a material consideration which over rides the local planning policies.

### Queries over Consultation

The consultation was carried out in accordance with the statutory requirements. As a Major Development, the scheme was subject to statutory consultation with Press and Site Notices initially and on re-consultation, with the addition of discretionary letters to those who responded initially. Responses have been received at all stages of the process, so neighbours have had the opportunity to make representations. Press Notices were posted in the Carmarthen Journal which is the standard for St Clears.

### Conservation Area

The site is partially within the St Clears Conservation Area which forms the location of the historic town which would have grown around the Motte and Bailey Castle. The site access and surface water feature are within the Conservation Area boundary along with the strip of

land proposed as a highway improvement in terms of the pavement widening. The highway improvement acknowledges the sensitive historic location in that it is proposed to remove a stone wall, widen the pavement construct a retaining wall and reconstruct a stone wall in front so the historic character is replicated. It is further acknowledged that the improvement extends to the boundary of the Listed property known as Gothic Villa which is to remain unaffected by the works. On balance, whilst the pavement widening would mean that a historic narrowing and pinch point of the public realm would be removed, the replacement of the stone wall would retain the historic character and the new chapter in the Conservation Area would be of public benefit into the future.

### Discrepancy in Red Line

It is noted that improvements are necessary to the Trunk Road Slip which are not in the red line application site. These works are to the Trunk Road and are subject to a S278 agreement under the Highways Act. The works are not therefore shown within the red line.

### Affordable Housing

There is concern over the low level of Affordable Housing proposed. Whilst it is acknowledged that the level falls short of the 30% expected in St Clears, the applicant has submitted a viability appraisal that has been scrutinised by the Council's valuers. The valuers agree with the conclusions and therefore the lower level is accepted. This has been amended by the exclusion of the apartments and replacement with 2 bedroom houses. The total affordable housing provision is proposed to be 5 houses plus £16,762 so despite the viability challenge, there would be some affordable units on the proposed development.

### Consequential Issues Regarding Access to Agricultural Land

The removal of the application site from agricultural use would have consequences for access to land to the South which is said to have been accessed via the site and across Heol Goi. If approved, the farmer would need to use Heol Goi from the junction with High Street to access the fields. This is not a planning consideration as the land to the South is currently fronting Heol Goi so the farmer is using the application site as a matter of choice rather than necessity and could use Heol Goi at any time.

### Property Values, Structural Damage Etc.

A range of matters that are not material planning considerations have been put forward, however they have no bearing on the planning merits of the scheme.

## **Planning Obligations**

The site has been subject of a viability challenge that confirmed that the site is not viable with 30% Affordable Housing plus circa £300,000 Education and Open Space contributions. The viability assessment recommended 6 affordable units based on the 4 apartments and 2 houses plus the Education and Open Space contributions.

In order to provide a better 2 Bedroom affordable unit, the applicant has offered 5 affordable houses and £16,762 contribution towards affordable housing (to make up the shortfall in terms of development value). The applicant has offered an alternative to the Education and Open Space contribution in the form of a highway improvement as set out above. The pinch point known as Gothic Corner (named after the Listed Gothic Villa) is in the same ownership

as the application site, so it is a unique opportunity to improve pedestrian facilities in High Street and improve forward visibility for road users. Given the location in the Conservation Area, a high quality finish is essential, which increases the cost of the improvement. It is therefore considered that the cost of providing the highway improvement also circa £3000,000 would mean that the addition of the Education and Open Space contributions would make the scheme unviable and would not therefore be delivered.

It is therefore recommended that the scheme be accepted with 5 affordable houses plus £16,762 towards affordable housing, plus the highway improvement along High Street that would be delivered as a condition of any permission.

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

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

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance that whilst there are concerns locally, the site forms part of the strategy for St Clears and the principle is long established. The design and appearance is considered to be acceptable within the context of its semi-rural location. The layout includes a play area and open space along the southern boundary and surface water features, so would have a relatively open and green character.

The viability of the scheme has been assessed and the S106 legal agreement has been amended accordingly to ensure the site is delivered commercially. Whilst not policy compliant, the scheme has been assessed using the approved financial modelling, so the figures are considered to be robust. The largest abnormal cost is active travel, with the High Street pedestrian improvement. The addition of the pavement widening means that the financial contributions and any further affordable housing would make the scheme unviable, so on balance, the significant improvement along the main road is recommended for approval in lieu of the open space and education contributions.

It is recommended that the application be subject to a resolution to approve, subject to the signing of the S106 Agreement within 12 months of this Committee.

## **RECOMMENDATION - Approval**

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## **Conditions & Reasons**

### **Condition 1**

The development hereby permitted 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:

- Floor and Elevations Plan [HT-A-01 AS] 1:100 @ A3,
- Floor and Elevations Plan [HT-A-02 OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-A-03 AS] 1:100 @ A3,
- Floor and Elevations Plan [HT-A-04 OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-B-01-AS] 1:100 @ A3,
- Floor and Elevations Plan [HT-B-02-OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-C-02-OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-D-01 AS] 1:100 @ A3,
- Floor and Elevations Plan [HT-D-02 OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-D-03 AS] 1:100 @ A3,
- Floor and Elevations Plan [HT-E-02-OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-E-03-AS] 1:100 @ A3,
- Floor and Elevations Plan [HT-E-04-OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-F-01 AS] 1:100 @ A3,
- Floor and Elevations Plan [HT-F-02 OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-F-03 AS] 1:100 @ A3,
- Floor and Elevations Plan [HT-F-04 OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-AV-01 AS] 1:100 @ A3,
- Floor and Elevations Plan [HT-AV-02 OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-AV-03 AS] 1:100 @ A3,
- Floor and Elevation Plans [HT-AV-04 OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-BV-01-AS] 1:100 @ A3,
- Floor and Elevations Plan [HT-BV-02-OP] 1:100 @ A3,
- Floor and Elevations Plan [HT-BV-03-AS] 1:100 @ A3,
- Floor and Elevations Plan [1B-2P-04-OP] 1:100 @ A3,
- Floor and Elevations Plan [1B-2P-03-AS] 1:100 @ A3,
- Floor and Elevations Plan [2B-4P-01-AS] 1:100 @ A3,
- Floor and Elevations Plan [2B-4P-02-OP] 1:100 @ A3,
- Floor and Elevations Plan [T-C-01-AS] 1:100 @ A3,
- Garage Floor, Roof and Elevation Plan [GAR-01] 1:100 @ A3,
- Garage Floor, Roof and Elevations Plan [GAR-02] 1:100 @ A3,
- Garage Elevation, Roof and Floor Plan [GAR-03] 1:100 @ A3,
- Garage Elevation, Floor and Roof Plan [GAR-04] 1:100 @ A3,
- Boundary Treatment Layout [BT-01 - Rev 02] 1:500 @ A1,
- Timber Shed Detail [SHED-01] 1:25 @ A3,
- External Details Screen Wall [2128-D01] 1:20 @ A3,
- External Details Close Board Fence [2128-D02] 1:5, 1:20 @ A3,
- External Details Close Board Gate Plan [2128-D03] 1:20 @ A4,
- Timber Guard Fencing to Retaining Wall Plan [D04] 1:5, 1:20 @ A3,
- External Details High Ball Top Railings [2128-D05] 1:20 @ A4,
- External Details Timber Knee Rail [2128-D06] 1:20 @ A4,

- Proposed Drainage Strategy Plan [C-Sk03 - Rev A] 1:500 @ A1,
- Tree Location and Arboricultural Impact Assessment [01] 1:250 @ A3,
- Tree Location and Arboricultural Impact Assessment [02] 1:250 @ A3,
- Tree Location and Arboricultural Impact Assessment [ARW 116:03] 1:250 @ A3,
- Landscape Strategy [01] 1:500 @ A1,
- Landscape Strategy [01-03] 1:500 @ A1,
- Arboricultural Impact Assessment,
- Preliminary Ecological Assessment,
- Written Scheme of Investigation for Geophysical Survey,
- Setting Impact Statement,
- Geophysical Survey,
- Noise Assessment Report,
- Bat Scoping and Activity Report,
- Topographical Survey @ A3,  
dated 19 January 2022;
- Site Layout Plan [SP-01 - Rev 04] 1:500 @ A1,
- Refuse Strategy Plan [RSP-01 - Rev 02] 1:500 @ A1,
- Parking Strategy Plan [PS-01 - Rev 02] 1:500 @ A1,
- Location Plan [LP-01- Rev 01] 1:2500 @ A4,
- House Finishes Layout [HF-01- Rev 03],
- Floor Plans and Elevations - Brick [3B-5P AS],
- External Works Plan [EW-01 - Rev 02] 1:500 @ A1,
- Affordable Housing Layout Plan [AF-01 - Rev 02] 1:500 @ A1,
- Street Scenes [SS-01 - Rev 03] 1:100 @ A1,
- Floor Plans and Elevations - Brick [3B-5P OP],
- Proposed footpath widening & stone retaining wall elevation [PFW-01],  
dated 10 August 2022;
- Site Access General Arrangement [C-SK07 A],  
dated 2 September 2022;
- Detention Basin Sections [C-SK04],
- Northern Detention Basin Sections [C-SK10],
- Trunk Roads Proposed Surface Water Drainage [C-SK06],  
dated 21 September 2022.

*Reason:* For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

### **Condition 3**

The ecological enhancements listed in Land Adjacent to Brynheulog – Ecological Enhancements Appendix 3 and shown on the Landscape Strategy 01 by Tir Collective dated December 2021 are sufficient and must be implemented as described.

*Reason:* In the interests of ecology in accordance with the Environment Act 2016.

#### **Condition 4**

A Landscape and Ecological Management Plan (LEMP) must be submitted to the LPA prior to commencement of works. It shall include methods of implementation of all listed enhancements, exact mixes of species to be planted, plans for continued management of these features and who will be responsible for their ongoing maintenance.

*Reason:* In the interests of landscape and ecology in accordance with Policy GP1 of the LDP.

#### **Condition 5**

Prior to the commencement of development on the site, an external lighting scheme shall be submitted for the consideration and written approval of the local planning authority. The scheme shall take into account all of the lighting needs and mitigation requirements associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It 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:

- A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, 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 any spillage beyond the boundary of the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole.
- See Guidance Note 8 Bats and Artificial Lighting / Bat Conservation Trust and the Institution of Lighting Professionals, 2018 for further guidance.
- Once approved in writing, the lighting scheme shall be implemented and thereafter operated in accordance with the approved details.

*Reason:* In the interests of Ecology in accordance with Policy EQ4 of the LDP.

#### **Condition 6**

Any works affecting vegetation, trees and demolition of the building 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 (see section 5.1 of the PEA report ver 3 by Habitat Matters dated Jan 2022).

*Reason:* In the interests of ecology in accordance with Policy EQ4 of the LDP.

## **Condition 7**

No development shall be commenced until details and/or samples of facing brick and boundary treatment have been submitted to and approved in writing by the Local Planning Authority.

*Reason:* In the interests of visual amenity in accordance with Policy GP1 of the LDP.

## **Condition 8**

No development shall be commenced until full details of sustainable surface water drainage have been submitted to and approved in writing by the Local Planning Authority.

*Reason:* To ensure sustainable surface water drainage in accordance with Policy SP2 and EP3 of the LDP.

## ***HIGHWAY CONDITIONS TO FOLLOW IN THE ADDENDUM***

## **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)).

**Note 3**

The applicant/developer's attention is drawn to the signed Section 106 Legal Agreement which secures a contribution of 5 houses and £16,762 towards Affordable Housing which is considered to be reasonably necessary to serve the development.

<b>Application No</b>	<b>PL/04337</b>
<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Proposed replacement dwelling & siting of caravan for temporary period during construction
<b>Location</b>	Penybanc Farm, Llannon, Llanelli, SA14 8JN
<b>Applicant(s)</b>	Gruffudd Jones
<b>Agent</b>	Gordon Russell
<b>Officer</b>	Eilian Jones
<b>Ward</b>	Llannon
<b>Date of validation</b>	15/07/2022

## Reason for Committee

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

## Site

The site is located in an area known as Llwynteg, which is approximately 1km to the south-east of the village of Llannon. The site is located in the countryside by virtue of being outside any defined settlement/development limit, however it is within a small group of residential properties and adjacent to Llwynteg Chapel.

The site contains an existing dwelling that appears on maps dating back to 1876-1890. The dwelling contains 2 bedrooms and spans two floors by utilising space in the loft. Various small domestic outbuildings are located within its residential curtilage. The land is relatively flat with only minor changes in topography.

Access to the site is via a long, unadopted lane which connects to the C2130 public road. The western and northern boundaries of the site are adjacent to agricultural fields. The southern boundary backs onto the rear gardens of residential properties. The eastern boundary is adjacent to an area designated as common land and to the grounds of Llwynteg Chapel. Further to the east is a Public Footpath (33/61).

## Proposal

The application seeks consent to demolish an existing 2-bedroom dwelling and outbuildings and to construct a replacement 3-bedroom dwelling at Penybanc Farm. The proposal would also involve the siting of a caravan for a temporary period during construction works.

## Planning Site History

None.

## Planning Policy

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

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution - Settlement Framework  
SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
GP3 Planning Obligations  
H9 Residential Caravans  
AH1 Affordable Housing  
TR3 Highways in Developments – Design Considerations  
EQ4 Biodiversity  
EQ7 Development within the Caeau Mynydd Mawr SPG Area  
EP1 Water Quality and Resources  
EP2 Pollution  
EP3 Sustainable Drainage  
EP6 Unstable Land

### [Carmarthenshire Supplementary Planning Guidance](#)

The following guidance documents are considered relevant to the determination of this application:

Affordable Housing SPG  
Planning Obligations SPG  
Placemaking and Design SPG  
Nature Conservation and Biodiversity SPG  
Caeau Mynydd Mawr SPG

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 observations.

**Head of Public Protection** – No objections subject to conditions relating to contamination and advisory notes.

**Llannon Community Council** - No observations received to date.

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

**Local Member** - Councillor Ll. Davies has not commented to date.

**Drainage** – Confirms that the site is not at risk of flooding and separate SAB approval is required.

**Public Rights of Way Officer** – Confirms that Footpath 33/61 crosses the access road to the development and provides a series of advisory notes

**Common Land Officer** –

- There are no rights recorded in the Common Land Register that would allow users of the chapel to park on the land. I can't rule out the possibility that some private rights may exist or rights which have been established via prescription (long use) however it would be for the people claiming the existence of such a right to prove their case.
- It is perfectly legal for common land to be in private ownership. The owner would hold the land subject to all the usual laws relating to land use (eg Planning) but also the laws which govern the use and management of common land.
- Under section 38 of the Commons Act 2006 consent is required from the Planning Inspectorate to make lawful any works which prevent or impede access on common land.
- Any person has the power to apply to the courts seeking an order for the removal of unlawful works from common land. It is up to the discretion of the court whether an order is granted. It does not necessarily follow that an order would be granted simply because works are unlawfully located on the common. The court would take into account issues such as the length of time the work has been in situ without complaint or whether the work is necessary for the better management of the common.

**The Coal Authority** – No objections to the proposal subject to advisory notes.

**Natural Resources Wales** – No objections subject to advisory notes.

**Dwr Cymru Welsh Water** – No objections subject to advisory notes

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

## **Summary of Public Representations**

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

Representations from 9 different addresses have been received, all of which raise concerns regarding the proposal. The matters raised are summarised as follows:

- 1 The proposal involves development on common land and that it would involve the loss of legal rights by the public, particularly regarding access, parking, turning and general use of the common land.
- 2 The proposal would impede access into Llwynteg Chapel which would be detrimental to the ability to use the Chapel.
- 3 The proposal would obstruct a public footpath.
- 4 There is Japanese Knotweed on the common land and proposal increases risk of spreading the invasive species.
- 5 Lack of neighbour consultation.

Photographs, a video clip and a map of the common land and access were also provided.

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

## Appraisal

The application seeks consent to demolish an existing dwelling and outbuildings and to construct a replacement dwelling at Penybanc Farm. The proposal would also involve the siting of a caravan for a temporary period during construction works.

The site is located outside development/settlements limits. As such, the proposal is considered to be located in the countryside where in policy terms, development is strictly controlled. Notwithstanding this policy position, the site contains an existing dwellinghouse and associated domestic outbuildings and this proposal is seeking a replacement dwelling-unit and utilising an existing residential curtilage. It is also noted that whilst the site is not adjacent or in close proximity to an existing development/settlement limit, it is located in a small group of existing residential properties.

Policy H4 of the adopted LDP establishes the main criteria for the consideration of replacement dwellings in the countryside. Each component of this Policy will now be considered in turn with references to other relevant policies:

*a) The replacement dwelling is located on the footprint of the existing dwelling, unless an alternative location within the existing curtilage brings significant environmental, landscape or visual improvements*

The proposed dwelling would be sited on most of the footprint of the existing dwelling to be demolished. It would also span the footprint of a detached domestic outbuilding/utility annex which will also be demolished. The existing dwelling is positioned close to the southern boundary of the site which adjoins the gardens of neighbouring properties. A slight repositioning of the proposed dwelling further away from this boundary and the demolition of a small outbuilding on the southern boundary would provide mutual benefits for neighbours and occupants, making better relationship with its own relatively spacious curtilage and with other neighbouring properties and their curtilages. This also alleviates some of the impacts of the replacement dwelling being larger and taller than the existing. The proposal therefore reasonable satisfies this criterion and Policies SP1, GP1 and SP14 of the LDP.

*b) The existing building is not a temporary structure, nor the subject of a temporary consent*

The existing dwelling is a permanent and well-established building. It is a small bungalow with some rooms in the loft. It may have previously benefitted from historical extensions although there is no planning history associated with the site. The existing dwelling is relatively old, appearing on maps dating back to 1876-1890. It is however not listed and does not appear to have any significant design merit to warrant retention.

It is acknowledged that the proposal also involves the temporary siting of a caravan during construction. This will provide temporary residential arrangements during redevelopment of the site. The caravan would be sited to the north of the existing dwelling, within the spacious garden area and away from neighbouring properties. The temporary need for the caravan is considered reasonable but it is considered necessary to impose conditions requiring its removal after two years from the date of any consent, or on beneficial occupation of the replacement dwelling, whichever is the sooner.

Having regard to the above, it is considered that the proposal reasonably satisfies this criterion and Policies SP1, GP1 and H9 of the LDP.

*c) The design and materials of the replacement dwelling are appropriate to the character and appearance of the area;*

*d) The scale of the proposed dwelling is not disproportionate in size to the existing dwelling;*

The site is not significantly visible from the C2130 public road and is largely screened by the presence of two-storey properties fronting the road and private spaces behind. There is a public footpath to the immediate east of the site, which would allow public views of the site. In this context, the existing dwelling is an unassuming structure, subordinate in scale, design and appearance to an adjacent chapel and other buildings.

The Planning Statement explains that the “*existing dwelling has problems of damp, solid wall construction and very restricted headroom. It would need extensive renovation, rebuilding and extension to upgrade it. There would be limited scope to incorporate adequate insulation without significant rebuilding of the floors and roof. The property would not suit internal wall insulation without significantly compromising space, and external wall insulation may give rise to further problems of rising damp, particularly where external ground level is above floor level in part*”.

The existing dwelling contains 2 bedrooms has a simple rectangular shape with its longest span facing north and south and spanning two floors by utilising space in the loft. It has a ridge height of approximately 5m. The proposed dwelling, albeit being larger (containing 3 bedrooms) and taller, would be based on the same principle, reflecting a dormer-scale bungalow with a pitched roof but achieving modern internal ceiling heights. At their largest dimensions, the proposed dwelling would measure 11.2m x 12.4m with a pitched roof, reaching maximum heights of 2.5m (eaves) and 6.5m (ridge). Overall and on balance, the proposed dwelling is not deemed excessive for its context or disproportionate to the existing dwelling. The slight increase in size of the dwelling is mitigated in part by the demolition of existing outbuildings which would rationalise and limit development to specific areas of the site. It is also recognised that the existing dwelling is very small and of solid-wall construction which limits internal space and some allowances is made to ensure that basic amenities are modernised, especially for a family dwelling. Furthermore, it is acknowledged that the existing dwelling benefits from permitted development rights and subsequent extensions could increase the overall size of the dwelling. Finally, it is acknowledged that the properties

immediately fronting the public road are typical two-storeys in scale and the proposed dwelling at the site would remain subordinate in scale and design to those dwellings, inclusive of the adjacent chapel which is even taller. Given that the proposed dwelling would be larger than the existing, it is considered reasonable to impose conditions removing permitted development rights, thereby ensuring that the dwelling is kept under planning control, particularly in the context of criterion d) of Policy H4 and to protect the wider countryside.

The proposed dwelling would have a L-shaped configuration and a pitched roof. It would retain a rectangular shape on its southern elevation but with a protrusion on the northern elevation which is towards its own garden and away from neighbouring properties. The plans state that the dwelling would have rendered walls and synthetic slates for the roof. The gable end on the north-eastern elevation of the dwelling would be finished in natural stone and a brick plinth is to be provided. In broad terms, it is considered that these would be sympathetic to the overall design of the dwelling and generally compatible with nearby dwellings and the chapel, inclusive of the wider countryside setting. However, in the absence of specific details of all finishes, it is considered prudent to impose a condition for all external finishes to be agreed. The inclusion of dormer extensions protruding from the roof of the proposed dwelling would be new features, however these would be relatively small structures and not significantly detrimental to the character and appearance of the area. It is also noted that 1 Ddraenen Wen which is to the south of the site has constructed a marginally larger dormer roof extension which can be seen from the public road.

Having regard to the above, it is considered, on balance, that the proposal reasonably satisfies criterion c) and d) of Policy H4 and Policies SP1, GP1 and SP14 of the LDP.

*e) There are no adverse effects on access, parking or utility services, or on local amenity;*

The site is already in residential use and this application seeks to replace one dwelling with another. Access to the site is via an unadopted lane off the C2130. This lane extends approximately 100m from the public highway, abutting the boundary with residential properties either side and a chapel on the western end. The Highways Authority has not raised any adverse comments concerning the proposal. It is therefore considered that the proposal would not be detrimental to highway safety.

The lane is also a Public Footpath (33/61), which continues further north into agricultural land. This path crosses land owned by the applicant, but it does not form part of the application site and would not be in the vicinity of the existing or replacement dwelling which is approximately 30m away to the west. The Council's Public Rights of Way Team have not raised any objections regarding the proposal subject to advisory notes which explains the legal position regarding the public footpath and the need to ensure the safety of pedestrians using the path. It is therefore considered that the proposal would not be detrimental to pedestrian safety. Furthermore, whilst the development could be seen from the public footpath, the existing dwelling, neighbouring dwellings and a chapel can already be seen from the path and, as such, the proposal would not unduly harm the walking experience.

Beyond the chapel but before reaching the site is an area of common land. This land also falls within the ownership of the applicant. The land appears to be maintained grass and vegetation but includes a small stone track which provides access to the dwelling to be demolished. A smaller section appears to be used as parking.

Whilst part of the common land was originally included in the red-line boundary of the application site, this has since been revised, inclusive of the positioning of the caravan, to alleviate the concerns of residents and chapel users. This has effectively reduced the size of the site to exclude the common land. The proposed development, inclusive of the existing dwelling to be demolished, its replacement and the temporary caravan, would be outside the common land.

The Council's Common Land Officer has clarified that there are no proposals in the planning application that would restrict access to the land. As such, it is concluded that there are no overriding reasons to refuse the application on such grounds. Additional comments and advisory notes relating to some of the rights associated with common land have also been provided by the Officer. In this regard, whilst common land would be unaffected by the proposal, it is noted that it appears to be partly used for parking. There are no rights recorded in the Common Land Register that would allow users of the chapel to park on the land. The possibility that private rights may exist or rights which have been established via prescription (long use) cannot be ruled out however it would be for the people claiming the existence of such a right to prove their case. It is also legal for common land to be in private ownership whilst any works on common land which require separate consent under Section 38 of the Commons Act 2006.

The proposed dwelling would be sited at reasonable distance away from neighbouring properties. In this regard, Nos.1 and 2 Ddrainenwen are located to the south of the site at an approximate distance of 80m. The neighbouring properties benefit from very long rear gardens and their boundary backs onto the application site.

The proposed dwelling would be sited with an approximate gap of around 3.5m-5m which is marginally further away from the boundary than the existing dwelling to be demolished. Whilst the replacement dwelling would be larger and taller, it would be sited to the north of Nos.1 and 2 Ddrainenwen and have a roof which slopes away from these neighbouring properties. It is therefore considered that the proposal, on balance, would not result in excessive dominance or unreasonable loss of light and outlook to the neighbouring properties, inclusive of their rear amenity spaces. The roof of the proposed dwelling facing Nos. 1 and 2 would include two small dormer-type windows. The windows would enable overlooking into the rear gardens of Nos. 1 and 2 but they would serve non-habitable rooms (bathroom and en-suite) and it is considered reasonable to impose a condition for the windows to be fitted with obscured glass. Whilst there would be windows on the ground floor of the proposed dwelling facing Nos. 1 and 2, these would have a similar relationship and views as the existing dwelling and an existing hedgerow would provide some degree of screening between properties. It is therefore considered that the proposal, on balance, would not result in any unreasonable loss of privacy.

The Chapel of Llwynteg and its grounds/cemetery is also in close proximity to the site. The residential use adjacent to a Chapel has coexisted for many years and the proposed replacement dwelling does not adversely affect this relationship. The proposed replacement dwelling would be at an indirect angle to the Chapel and would not generate any overriding amenity concerns to future occupiers of the dwelling or visitors of the Chapel and cemetery.

Ty Llwynteg is adjacent to the cemetery of the Chapel and its rear garden is approximately 50m from the application site. It is therefore considered that the proposed development would not have any unreasonable adverse effect on the amenities of this property.

The western and northern boundaries of the site is adjacent to agricultural fields, whilst the eastern boundary is adjacent to common land and a public footpath which has been addressed at the beginning of this section.

A small section of the site is located within a coal mining high risk area defined by The Coal Authority, however the proposed dwelling and caravan would be located in the low-risk area. A coal mining risk assessment has been undertaken and The Coal Authority has no objections to the proposal.

The Public Protection Department (Contamination Officer) has identified that the site is situated within 250m of a historic landfill, as well as various coal mining legacy features, and other potentially contaminative land uses. The Public Protection Department has no objections to the proposal subject to contamination-related conditions. Whilst this is noted, there is no direct evidence to indicate that the site itself is contaminated to justify the imposition of the suggested conditions. It is however prudent to impose a condition which requires the submission of a remediation strategy should any unsuspected contamination be found during redevelopment of the site.

The site does is not within in a flood risk area and no objections have been received from NRW or Welsh Water. Also, the Council's Drainage Department has indicated that separate SAB approval will be required. It is also noted that the site already contains a dwelling therefore it is reasonable to conclude that the site could be adequately served by utilities that is necessary for residential uses.

Whilst there is no compulsory requirement for the applicant to consult neighbours prior to the submission of the planning application, the Local Planning Authority has conducted its own public consultation following the submission of the formal application. This was subject to the erection of a site notice.

Having regard to the above, it is considered that the proposal, on balance, reasonably satisfies this criterion of Policy H4 and Policies SP1, SP2, GP1, TR3, EP1, EP2, EP3 and EP6 of the LDP.

*d) There are no adverse effects on nature conservation interests, the setting or integrity of the historic environment and the landscape/townscape;*

The site is within the countryside containing an existing dwelling and various outbuildings. Since the proposal is seeking a replacement dwelling which, on balance, is considered acceptable in terms of its siting, scale, design and appearance, it is considered that the proposal would not unduly harm the wider landscape.

Since the proposal will involve demolition of a buildings, a bat survey has been undertaken. The report concludes that no bats were using the site and NRW have comments with no objections. The report has recommended a biodiversity enhancement by virtue of the installation of a bird box on the replacement dwelling which has been shown on the submitted plan. This would be subject to a condition.

NRW has commented that there is a record of a dormouse within 13 metres of the site. Whilst this is acknowledged, the existing dwelling, its replacement and temporary caravan, would be located away from any boundaries or established hedgerows/vegetation and would largely utilise existing hardstanding areas or maintained grass/lawn. The plans indicate that existing hedgerows would be retained and there is no reason to suspect that they would be

adversely affected by the proposal. As such, it is considered, that the proposal would not unreasonably affect dormice.

This site is located within the catchment of the Caeau Mynydd Mawr Special Area of Conservation and in such areas, there is a need to consider proposed developments which have the potential of impacting upon biodiversity interests. New dwellings within the catchment area generally generates the need for a financial contribution towards ecology, however as this is a replacement dwelling, the proposal is considered exempt from this requirement.

It is claimed by a third-party that there is Japanese Knotweed on the adjacent common land. There is no evidence to indicate that the invasive species is on the application site itself or that the proposed development would cause further spreading.

Having regard to the above, it is considered, on balance, that the proposal satisfies this criterion of Policy H4 and Policies SP1, SP14, GP1, EQ4 and EQ7 of the LDP.

*e) The existing dwelling is demolished immediately prior to, or upon, its replacement.*

The supporting statement indicates that the existing dwelling and domestic outbuildings would be demolished prior to starting construction of the replacement dwelling. Given that the new dwelling will occupy the majority of the footprint of the existing dwelling, it is considered that this would be possible whilst conditions to also ensure that no multiple permanent dwellings are established on the site.

Having regard to the above, it is considered, on balance, that the proposal satisfies this criterion of Policy H4 and Policies SP1 and GP1 of the LDP.

#### Other Matters

New private-market dwellings generally require a financial contribution to be made towards the provision of affordable housing in the area, in accordance with Policy AH1 of the LDP. However, as this is a replacement dwelling, the proposal is considered exempt from this requirement.

## **Planning Obligations**

This site is located within the catchment of the Caeau Mynydd Mawr Special Area of Conservation and new dwellings in this location generally requires a financial contribution towards ecology. Similarly, new private-market dwellings generally require a financial contribution to be made towards the provision of affordable housing in the area. However, as this is a replacement dwelling, the proposal is considered to be exempt from ecology and affordable housing contributions.

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

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

through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposed development complies with relevant LDP policies in that the provision of a replacement dwelling is considered appropriate in its siting, scale, design and appearance and would not, on balance, have any significant adverse effect on visual amenity (including the integrity, character and appearance of the countryside), ecology/biodiversity, highway/pedestrian safety (including Footpath 33/61), residential amenity, general amenity, land stability or drainage infrastructure. Furthermore, the proposal would not affect or restrict access to common land

## RECOMMENDATION - Approval

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### Conditions & Reasons

#### Condition 1

The development hereby permitted 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 and documents:

- Proposed Site Plan (609/08B),  
Location Plan,  
received 13 September 2022;
- Proposed Floor Plans (609/05B),  
Proposed Elevations (609/06B),  
Proposed Sections (609/07),  
received 5 July 2022;
- Section 5 of the document 'Bat Scoping & Activity Report [Version 2 – May 2022] (conducted by Habitat Matters Ltd),  
received 5 July 2022.

*Reason:* For the avoidance of doubt as to the extent of the permission hereby granted, to secure an acceptable development and in the interests of ecology, in accordance with Policies SP1, SP14, GP1 and EQ4 of the Carmarthenshire Local Development Plan 2014.

### **Condition 3**

The existing dwelling and associated buildings to be demolished, as shown on drawing Proposed Site Plan (609/08B), shall be demolished to slab level prior to the commencement of development of the replacement dwelling hereby approved.

*Reason:* In the interests of visual amenity, general amenity and for the protection of the integrity, character and appearance of the countryside where development is strictly controlled, in accordance with the requirements of Policies SP1, GP1 and H4 of the Carmarthenshire Local Development Plan.

### **Condition 4**

Notwithstanding the submitted plans, no development (excluding demolition) shall commence until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the development hereby approved 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 for the protection of the integrity, character and appearance of the countryside, in accordance with the requirements of Policies SP1, GP1 and H4 of the Carmarthenshire Local Development Plan.

### **Condition 5**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking or re-enacting that Order, Schedule 2, Part 1, no development within Classes A, B, C, D and E shall be carried out within the curtilage of the dwelling hereby approved without the prior written approval of the Local Planning Authority.

*Reason:* In the interests of visual amenity, general amenity and for the protection of the integrity, character and appearance of the countryside where development is strictly controlled, in accordance with the requirements of Policies SP1, GP1 and H4 of the Carmarthenshire Local Development Plan.

### **Condition 6**

The ecological enhancement as specified in Section 5 of the document 'Bat Scoping & Activity Report [Version 2 – May 2022] (conducted by Habitat Matters Ltd) and shown on drawing "Proposed Elevations (609/06B)", shall be completed prior to the beneficial occupation of the replacement dwelling hereby approved. Thereafter, the enhancement shall be retained as approved in perpetuity.

*Reason:* In the interests of ecology/biodiversity, in accordance with Policies SP1, SP14, GP1, H4 and EQ4 of the Carmarthenshire Local Development Plan.

### **Condition 7**

The caravan shown on drawing Proposed Site Plan (609/08B), shall only be granted for a temporary period of two years from the date of this consent, or on beneficial occupation of

the replacement dwelling hereby approved whichever is the sooner, after which time it shall be removed from the site.

*Reason:* In the interests of visual amenity, general amenity and for the protection of the integrity, character and appearance of the countryside where development is strictly controlled, in accordance with the requirements of Policies SP1, GP1, H4 and H9 of the Carmarthenshire Local Development Plan.

### **Condition 8**

Notwithstanding the requirements of Condition 2, any part of the windows serving the first floor en-suite and bathroom, as shown on drawing Proposed Floor Plans (609/05B), that is less than 1.7 metres above the floor of the room in which it is installed, shall be fitted with obscure glass and be non-opening. The windows shall be permanently retained in that condition thereafter.

*Reason:* In the interest of privacy and residential amenities - Policies SP1, GP1, H4 of the Carmarthenshire Local Development Plan.

### **Condition 9**

If, during development, any unsuspected contamination is encountered then no further development shall occur on site until a contamination remediation strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the remediation strategy.

*Reason:* In the interests of amenities, safety and pollution prevention - Policies SP1, GP1, H4 and EP2 of the Carmarthenshire Local Development Plan.

## **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)).

## **Note 3**

The applicant/developer is advised that any works on common land is likely to require separate consent under Section 38 of the Commons Act 2006.

<b>Application No</b>	<b>PL/04555</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Temporary change of use (24 months) of vacant retail unit (Class A1) to vehicle depot with offices and associated vehicle parking
<b>Location</b>	24A Heol Stanllyd, Cross Hands, Llanelli, SA14 6RB

<b>Applicant(s)</b>	Daniel John
<b>Agent</b>	Asbri Planning - Daniel Lemon
<b>Officer</b>	Ffion Williams
<b>Ward</b>	Llannon
<b>Date of validation</b>	26/08/2022

## Reason for Committee

This application is being reported to the Planning Committee as the County Council is the applicant.

## Site

Unit 24 is located alongside Heol Stanllyd, Cross Hands and is part of Cross Hand Business Park. The site comprises of an area of tarmacked hardstanding, currently arranged as a car parking area, and a large retail unit building. The former retail building is located on the Western part of the site area, and is a large grey steel-clad windowless building, with roller shutter doors over the former store entrance to the front. The car parking area is a largely level area that covers the Eastern half of the site and extends to the rear of the building. The site is enclosed with palisade fencing and entrance secured with gates. There is very little vegetation on site, and the rough grass and pioneering species are limited to the North-eastern / rear site boundary.

Access to the site is from Heol Stanllyd, which connects to the wider A48 and A476 to the West at the roundabout, and to the East to Heol Parc Mawr, which in turn also connects to the A48.

Neighbouring units include Leekes homeware store to the West, car dealership to the East and a range of homeware, food and retail to the South. The wider area is characterised by a mix of uses, including retail and light industrial, various vehicle dealerships. There are no residential areas in the immediate vicinity – the nearest being located 360m to the West (at Tirwaun), 390m to the North-west (Ty Newydd Terrace), and 400m to the North-east (at Lon Werdd).

## Proposal

The application is for a temporary change of use of a former retail unit (class A1 Use) to vehicle depot and offices (Primarily Sui generis with ancillary B1 and B8 use). The proposal seeks to create a centralised depot for the residual waste collection fleet and glass collection fleet, from where waste collection vehicles depart to carry out collections over the county, and return empty to the depot at the end of shift. The application states the depot will enable collections to be done in a zonal approach, which will enhance efficiency. No waste will be stored on site, and the collected waste will be removed from the vehicles at Nantycaws before returning to this site. No transferring, processing or sorting of waste will take place at this proposed depot site.

The site currently is A1 use as a retail unit, which was occupied until 2020 as Home Bargains store. The site became vacant on the relocation of the store to another site within Cross Hands Business Park. The proposal would reconfigure the car parking layout to create a depot for the parking of the residual waste collection fleet and glass collection fleet, staff car parking, and EV charging points. Internal alterations to the building include the creation of staff offices, meeting room, PPE storage, staff lockers and training rooms. The remainder of the building will be used as storage unit.

External changes are limited to removal of the retail signage on the building, new doors and changes to the parking arrangements. The existing car parking spaces on site will be adapted to create 31 spaces for car parking, 10 spaces for 26tonne and 16tonne vehicles (three of which are provided for Electric vehicles), and 13 spaces for 7.5tonne and 3.5tonne vehicles.

In terms of staffing, 49 staff will operate from site in the form of front-line crew and supervisors, and a further 5 will operate on site. Whilst the application has provision for 31 car parking spaces on site, an agreement has been achieved by the applicant for a further 22 spaces for staff car parking at Leekes to the West.

The depot will operate generally between 6am to 2pm, vehicles will be leaving site at 6am – 7am, to return generally between 12-2pm. 49 staff will operate from site on these hours, with 5 staff members based on site during 9 to 5 hours.

## Planning Site History

The relevant site history for the site is as follows:

S/24229

New shopfront, signage and external cladding works

Full Planning Permission granted - 02/03/2011

S/24228

Three advertisement signs

Advertisement Consent granted - 02/03/2011

D5/15469

Retail clothing with ancillary warehouse and on site customer parking

Full Planning Permission granted - 06/05/1993

D4/10649

Proposed renewal of permission for reclamation scheme involving removal of coal from tips

Granted - 11/07/1983

## Planning Policy

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

SP7 Employment - Land Allocations

SP8 Retail

SP9 Transportation

SP12 Waste Management

RT8 Local Shops and Facilities

EP2 Pollution

WPP2 Waste Management Facilities Outside Development Limits.

TR2 Location of Development – Transport Considerations

[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** – Recommend the application is approved, subject to suggested conditions on ensuring no growth or obstruction to visibility on the carriageway, provision of the parking spaces and layout shown on plans, the submission of a travel plan, and the provision of a 1.8m wide footway around the access radii to connect with existing footways along Stanllyd Road.

**Head of Public Protection** – Confirm that Public Health have no adverse comments to make on the application.

**Head of Public Protection (Noise)** – Request a condition on time limits for construction work at the site and provide a document 'Planning and Noise' containing useful information and common conditions to consider.

**Llannon Community Council** - No observations received to date.

**Local Members** - Councillor D Jones and Councillor L M Davies have not commented to date.

**Forward Planning** – The site is located within an area identified as a Retail Park in the LDP, and policies in the LDP seek to safeguard retail parks. Acknowledges several non-retail commercial activities at the retail park, the vacant status of the site, and the temporary nature of the application, and on balance would not object to the principle of change of use. Its impact on neighbouring land uses should be considered and acknowledges no neighbouring residential land uses. The impact of the proposal on highways will need to be considered. The site falls within Caeau Mynydd Mawr Supplementary Planning Guidance area, however, is a change of use and not a new development. Would not object subject to the application according with the given policies.

**Contaminated Land** – Do not anticipate the introduction of unacceptable risks from land contamination resulting from the proposal. Note that the site is located close to coal mining legacy features, and the contractor should consider the potential for contamination being encountered during development works at the site. As such, and given some excavation is anticipated a contaminated land condition is suggested to be incorporated into any planning consent given.

**SAB** – On Flooding, have no objections to the proposal as the proposed development will not increase the risk of flooding to the site or to third parties.

On Surface Water Management Improvement Requirement, consider the application demonstrates the status quo for surface water management, as the application is for a change of use and no construction work will occur. If a SuDS application is required and is approved, then for LPA purposes the surface water management proposals for the development can be deemed acceptable in terms of betterment in accordance with section 8.5 of TAN15. Additionally, If the SuDS application is approved by the SAB, we can then recommend approval of any surface water drainage associated conditions for this planning application.

**Natural Resources Wales** – Have reviewed the application and do not consider the proposed development affects a matter listed on their consultation topics, and therefore have no comment to make on the application.

**Welsh Government Trunk Roads** - No observations received to date.

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

## Summary of Public Representations

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

No representations were received from third parties.

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

## Appraisal

### Principle of Development

The proposal seeks a temporary change of use, for 24 months, from a class A1 retail use to provide a vehicle depot, offices and vehicle parking, as part of the wider Waste collection

service operated by the Authority. The proposal would involve the parking of staff vehicles whilst personnel are out on site, offices, and parking of refuse vehicles whilst not in use. The proposal does not involve the storage or processing of any waste on site, with empty waste vehicles being parked on site only between shifts. Policy SP12 makes provision to ensure the integrated approach to waste management, and supports the overarching aims of Welsh Government policies and objectives in PPW and TAN21 for sustainable Waste management and resource efficiency. TAN21 states that land use planning should facilitate the provision of an adequate network of appropriate facilities and minimise impact through appropriate location of facilities. Whilst the site would not receive, treat, or process waste, the proposal forms part of the overall waste management network and a facility which enables greater efficiency.

### Impact upon Character and Appearance of the Area

The site is located within the Cross Hands Business Park, and is an area identified as a retail park within the LDP. The existing use for the site is A1 retail and was previously occupied by a retail store. Neighbouring properties and land use include homeware and food retail stores (Leekes is a neighbouring property to the Northwest, and Farm foods food retail opposite to the South). A number of car and lorry dealerships are located adjacent (J&J Motors neighbouring site to the West, Scania to the Southwest), and in the wider area are further car dealerships.

Policy SP8 Retail is the overarching retail policy in the LDP, promoting retail provision in the Authority area, and Policy RT1 sets out the retail Hierarchy. Whilst Policy RT1 Retail Hierarchy does not include retail parks, and therefore does not afford the same protection as town centre retail, nonetheless it is noted that the planning system has a role in ensuring adequate provision of retail facilities. As noted, there is a range of retail and commercial land uses in the area, and adjacent to the application site, many of which involve the sale and distribution of cars and commercial vehicles. The change of use to a depot for vehicles would therefore not create a change out of character with the other land uses, given the already commercial character of the area, dominated to an extent by vehicles. The proposal would however result in the loss of a retail space and change and erode the retail character of the area to a more commercial aspect. It is noted however the proposal is temporary proposal for 24 months and would revert to an A1 retail use upon cessation, (ensured by provision of a suitably worded condition) and therefore would not result in the long-term loss of retail space.

### Impact upon Amenity

As noted the application site is located within a business park, characterised by a range of commercial and retail activities. There are no neighbouring residential properties, and the nearest properties are located at a distance of over 300m to the Northeast, West and Northwest. Nonetheless the impact upon the local amenity and in terms of noise, light, odours, and air quality is considered here, and Policy EP2 Pollution states that proposals for development should wherever possible seek to minimise the impacts of pollution and demonstrate they do not have an adverse impact on given criteria. Whilst the application site is not a waste development, policy WPP2 covers waste management facilities outside Development Limits, and states that proposals for waste management operations will only be permitted where adverse impacts on the environment, human health, local amenity and local transport network, and these potential impacts are considered here.

The application states that staff will arrive on site from 5:30am onwards to commence their shift at 6am. During this period, staff vehicles will arrive, both to onsite and off-site parking. A total of 54 members of staff operates from site, either as operatives from site or office staff on site. The refuse vehicles would depart from site between 6am to 7am, and will remain off site, collecting waste, transporting to waste depots, before the empty vehicles return to this application site between 12 pm and 2pm. Occasionally, vehicles may be required to leave the site again, and the impact these vehicle movements have on the highway networks and transport will be considered later. In terms of impact on amenity through noise and lights, it is considered that the greatest impact will be whilst vehicles arrive and depart from site. It is anticipated this would be most marked during the morning arrival, given that all vehicles would be arriving and departing in a short time frame. The staggered return would reduce the overall impact from vehicle arrival and departure. Environmental Health have commented on the application on the application and provided a suggested condition limiting the construction hours. A comprehensive list of commonly suggested noise conditions has also been provided, and following discussions with the EHO, a condition on vehicle reversing alarms is also suggested.

In terms of air quality and odours, the vehicles will return to site empty, and no waste will be stored in vehicles between shifts. A condition prohibiting the storage of waste on site and in refuse vehicles is suggested to ensure odours are not generated from site. The refuse vehicles are also on a rota of washdown, with each vehicle on rota to be washed down once a week. This activity is carried out offsite at Nantycaws.

The application is not a waste development or operation, only the parking of vehicles used to collect waste, and as such no waste activities will be carried out on site, and no waste transfer activities. The building will include storage space for the provision of new waste collection items, including bags and glass recycling boxes for distribution. Taking the above into account, and having due regard to the consultee responses, it is considered that the proposal would not conflict with policies WPP2 and EP2 of the LDP, with limited adverse impacts on amenity and local transport network.

### Loss of Retail Space

As noted earlier in this report, the existing site use is class A1 retail and has been in use for a number of years, until the previous occupants vacated the premises. The building is currently vacant and not in use. Policy SP8 on retail promotes retail facilities, and Policy RT8 Local Shops and Facilities protects retail shops and services within growth areas and Service centres. This application would change the use from retail; however, it would be on a temporary basis for 24 months and would revert back to class A1 use. The building would remain in situ, with minimal internal changes to the building including the provision of office spaces, training rooms and changing / locker rooms. The remainder of the building and most of the former retail space would be used for storage. Externally the changes involve alterations to the car parking arrangements through provision of parking bays for HGVS, and the provision of a cycle storage facility and Electric Vehicle charging points. It is considered that as the change of use applied for here is temporary, the loss of retail space is also temporary and does not conflict with policies SP8 and RT8, the site can revert back to A1 use - any alterations to the buildings and car parking can be reversed, or in the case of the EV charging points and cycle storage, could be utilised as part of future retail use, subject to approval of a scheme.

## Waste Policy

The proposal has come forward as the applicant's intention is to improve waste collection service, through creating a centralising depot for the residual waste refuse vehicle fleet and glass collection fleet. It is intended to carry out waste collection in a zonal approach covering the county, which the applicant states will improve efficiency and contribute to the authority achieving its ambitions of becoming a Net Zero Carbon Authority. The application is not a waste development, however it does form part of the Authorities wider waste management activity. Policy SP12 makes provision to ensure an integrated approach to waste management, ensuring adequate land available, and the waste hierarchy is followed. Whilst the depot would provide parking facilities for the residual waste fleet, it is noted that the glass collection fleet will utilise the depot as well as providing a storage space for the provision of new glass recycling containers and other kerb side recycling paraphernalia.

## Highway Impacts

The site is accessed from Heol Stanllyd, which connect to the A48 and wider western road network at the roundabout to the West. To the East, the road connects to Heol Parc Mawr, the Eastern road network and to the new Cross Hands link road on its completion. The proposed operating hours would commence from 5.30 with the arrival of staff on site. The refuse vehicles will depart from site from 6am as the operatives shift begins. It is during this short window that most activity will take place, with vehicles arriving and departing from site. These vehicles will return to site from 2pm, and staff will then depart from site in personal cars. In terms of trip generation, the transport assessment calculate 152 daily two-way trips from site, of which 5 would be during the peak periods of 8am-9am and 5pm-6pm, with the majority of trip occurring outside these peak hours. In comparison, the former retail store trip generation was calculated as 910 daily two-way trips, of which 26 would be during the peak am period and 71 during the peak pm period.

In terms of impact on the highway network from the depot vehicles, the application is in part to centralise the refuse fleet to increase efficiency, and waste collections would be carried out in a zonal approach with refuse collected in a zone / area of the county on each day. Therefore, all vehicles will be traveling in one direction on a given day i.e. all vehicles will travel to the North to collect waste from the North on one day, East from another etc., again these movements would be outside of the traditional am peak travel times.

The application provides 31 car parking spaces on site designated for staff car parking spaces. An additional 22 parking spaces has been agreed to the West in part of Leekes car park. This proposed additional car parking area is currently underutilised, with no access to parking by the public due to being blocked off by a bottle banks site. From here, staff can access the depot on foot. A pavement provides a pedestrian route from the Leekes entrance, in an Easterly direction for a distance of 230m to the site access point. There is no pavement from Heol Stanllyd, along the short 8 metre access road into the site, and a condition is proposed for the provision of a pedestrian pavement to the site. The application also makes provision for cycling to site through the provision of cycle storage on site. Policies SP9 Transport, and TR2 requiring proposals to make provision for development to be accessible for non-car modes of transport. As a depot, the site is not accessible to the public. It is considered the proposal conforms to the transport policies set out in the Local Development Plan.

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

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

## Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that whilst the application would cause the loss of Retail space on a designated retail park through the change of use, the application is for a temporary change of use for a period of 24 months. The proposal is not considered to have an adverse impact upon the appearance and character of the area, given the existing mixed commercial, retail, and industrial uses of the area. Internal building changes include provision of office space, storage areas and locker room, and externally changes to the parking layout and provision of 3 EV parking bays with charging points. There are no sensitive or residential properties in the vicinity, and the impact on their amenity is unlikely given the nature of the neighbouring land uses. Whilst the proposal operating hours are earlier than neighbouring uses because of these early hours, it is considered the proposal is unlikely to have an adverse impact on neighbouring uses. The impact is likely to be over short periods daily, and unlikely to cause disruptive impact on the highway network as it will be outside of peak times. The application is considered to conform to LDP policies and recommended to be approved.

## RECOMMENDATION - Approval

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## Conditions & Reasons

### Condition 1

The change of use from class A1 is granted for a temporary period of 24 months from the date of this permission, after which the use shall be discontinued, and any associated paraphernalia associated with the use shall be removed from the land in its entirety and the site shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority within 6 months of the date of this permission.

*Reason:* The proposal is a temporary change of use.

### Condition 2

The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-

- 1:500 & 1:1250 @A3, Site Block Plan & Location Plan, Drawing no 01, dated July 2022,
- 1:100@A2, Existing Floor Plan, Drawing no 02, dated July 2022,

- 1:100 @A1, Existing Elevations, Drawing No3, dated July 2022,
- 1:100 @A2, Proposed Floor Plan, Drawing no 04, dated August 2022,
- 1:100@A1, proposed Elevations, Drawing No 05, dated July 2022,
- 1:500, Parking Layout former Home Bargains Store, Cross Hands, Drawing No pl01, revision C, dated 04/04/22,
- Planning Statement, August 2022, Asbri Planning, received 19th August 2022;
- 1:1250, Car Park on Land owned by Leekes, Drawing no RE/HL, dated 24th August 2022,
- Transport Statement, August 2022, Asbri Transport, received 24th August 2022.

*Reason:* To ensure that the development is implemented in accordance with the approved details.

### **Condition 3**

Construction or demolition works should only be undertaken between the following times, unless prior written consent is received from the Local Authority:-

Monday to Friday – 7:30 – 18:00

Saturday – 08:00 – 14:00

No noise generating works shall be carried out on Sunday, bank or public holidays.

*Reason:* In the interests of neighbouring amenity and to accord with Policies GP1 and EP2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 4**

The best practicable means shall be used to minimise noise from reversing warning devices which are fitted to mobile plant and vehicles on the site. This includes fitting broadband directional alarms to vehicles where necessary.

*Reason:* In the interests of neighbouring amenity and to accord with Policies GP1 and EP2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 5**

There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Heol Stanllyd frontage within 2.4 metres of the near edge of the highway.

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

### **Condition 6**

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 and turning facilities is to be obstructed by non-motorised vehicles.

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

#### **Condition 7**

Within 12 months of the date of this permission a detailed Staff Travel Plan must be submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and as agreed.

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

#### **Condition 8**

Within 6 months of the occupation / use of the of any part of the development herewith approved, a 1.8 metre wide footway shall be provided around the access radii into the site and connect with existing footways along Heol Stanllyd. This work shall be completed to the specification of the Local Highway Authority.

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

#### **Condition 9**

If, during development, any contamination should be encountered (including if a coal mining feature or if a mine gas risk is identified) immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation strategy must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation strategy, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

*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 10**

No waste transfer operations shall take place on site and no loose waste materials, or products shall be deposited or stored on site.

*Reason:* In the interests of neighbouring amenity.

### **Notes / Informatives**

It is considered the proposed development conforms with policies SP1, SP2, SP8, SP12, EP2 and TR2 of the LDP in that the proposal is a temporary change of use that would not

cause unacceptable adverse effects on amenity, on transport, and on the appearance and character of the local area.

#### **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>APPLICATIONS RECOMMENDED FOR REFUSAL</b>
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<b>Application No</b>	<b>PL/04317</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Local need dwelling
<b>Location</b>	Land adjacent to Pen Rhos, Llanelli, SA14 7HA

<b>Applicant(s)</b>	Tom Rogers
<b>Agent</b>	Ceri Davies
<b>Officer</b>	Eilian Jones
<b>Ward</b>	Gorslas
<b>Date of validation</b>	19/07/2022

## Reason for Committee

This application is being reported to the Planning Committee at the request of the Local Members.

## Site

The proposal comprises of a rectangular parcel of land fronting onto the C2222 public road. The land is relatively flat, albeit with a gentle slope from east to west and north to south respectively. The site is bounded on all four boundaries by trees/hedgerows, albeit with a section fronting the public road removed for access.

Prior to 2021, the land did not have an access and was covered in trees and vegetation. The land has been subject to recent enforcement investigation following the clearance of land, access works, the laying of hardstanding and the siting of a building comprising of shipping containers enclosed in a wooden structure by a member of the applicant's family in 2021. Based on a statement by the applicant's agent, the original intention was to acquire the site with a view of utilising it as a paddock for the keeping of horses.

The site is located outside any defined settlement limits and, as such, is considered to be in the countryside. The nearest settlement is Foelgastell which is approximately 650m away from the site and is severed by the A48 dual carriageway. Maesybont is the nearest settlement to the site which is on the same side of the A48 and is approximately 2.4km away.

## Proposal

The application seeks consent for a new detached, two-storey dwelling and the change of use of the entire site to be used as residential curtilage associate with the new dwelling. The proposal is for a local needs dwelling and a supporting statement has been submitted outlining the rational for the proposal and information relating to the circumstances of the applicant.

The dwelling would have an L-shaped footprint, with the main section being two-storeys and rectangular in shape and an attached single-storey rear wing. The dwelling would have a pitched roof and a relatively symmetrical appearance to its principal elevation that would face the public road. The dwelling would be positioned in the south-western corner of the site with the access, drive, parking and turning area located to the east. The remainder of the site would become private garden/amenity spaces. The existing buildings/containers on the site would be removed.

The floorplans indicate that the ground floor of the dwelling would comprise of a porch, large open plan kitchen/dining room, a study/office, sitting room, utility room, hallway and an attached garage. The first floor would comprise three bedrooms, two bathrooms and a changing room.

The plans indicate that the dwelling would have a floorspace of 164sqm. However, the garage is integral and considered to be part and parcel of fabric of the dwelling which should be included in its floorspace. As such, the total floorspace would equate to approximately 185sqm.

## Planning Site History

None.

## Planning Policy

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

- SP1 Sustainable Places and Spaces
- SP2 Climate Change
- SP3 Sustainable Distribution- Settlement Framework
- SP14 Protection and Enhancement of the Natural Environment
- GP1 Sustainability and High Quality Design
- GP2 Development Limits
- GP3 Planning Obligations
- AH2 Affordable Housing – Exceptions Sites
- AH3 Affordable Housing – Minor Settlement in the Open Countryside
- TR2 Location of Development – Transport Considerations
- TR3 Highways in Developments – Design Considerations
- EQ4 Biodiversity

EQ5 Corridors, Networks and Features of Distinctiveness  
EP1 Water Quality and Resources  
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 objections subject to conditions.

**Head of Public Protection** - No objections subject to conditions.

**Gorslas Community Council** - No observations received to date.

**Local Member - Councillor D. Price** - Supports the proposal. Requests that the application is referred to the Planning Committee for determination for the following reasons:-

- This application has been submitted as a result of the applicant's current personal circumstances and the inability to secure a family home to meet his personal needs and that of his partner. The failure to find a suitable property within the community area or any adjoining community areas means that the applicant and his partner continue to reside in inadequate and unsuitable accommodation. It has been put to me that the only realistic alternative is the possibility of constructing a dwelling on this land.
- I believe that given the location of the application site and its proximity to other dwellings and commercial buildings, the site does not represent a remote form of development in the open countryside. Neighbouring buildings range from residential dwellings, businesses and commercial properties to industrial and agricultural buildings. There is clearly therefore built development in close proximity to the site.
- While the proposed development would inevitably change the character of the site itself, I do not believe that the proposed changes would result in an unacceptable impact on the surrounding landscape nor would they have an adverse impact on the existing neighbouring developments.
- I believe that the applicant meets the requirement for a genuine identified local need. Policy AH3 states that proposals for affordable housing for a single dwelling will also be permitted within 'groups of dwellings without Development Limits', and for those reasons I am supportive of the application.

**Local Member - Councillor A.V. Owen** - Supports the proposal. Requests that the application is referred to the Planning Committee for determination for the same reasons as Cllr. D. Price.

**Sustainable Drainage Approval Body (SAB)** – No objections to the proposal. Confirms that the site is not at flood risk and that separate drainage approval is required.

**Natural Resources Wales** – No objections subject to advisory notes.

**Dwr Cymru/Welsh Water** – No objections to the proposal.

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. One letter of support and one letter of objections have been received. The matters raised are summarised as follows:

- i) Unauthorised works already taken place at the site.
- ii) The proposal would set a precedent for the area and cause further applications for other residential properties being submitted.

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

## Appraisal

The application seeks consent for a new detached, two-storey dwelling and the change of use of the entire site to be used as residential curtilage associated with the new dwelling. The proposal is for a local needs dwelling.

Paragraph 4.2.3 of Technical Advice Note 6 states that: “Planning authorities should ensure that the affordable housing provides for genuine local needs, is affordable in perpetuity, well designed and of the right scale”.

The site is located in the countryside where there is a presumption against new residential development. However, limited development can occur in very exceptional circumstances where there is clear, compelling and robust evidence-based justification in its support. The Authority will not set aside normal countryside protection policies lightly.

The case presented is primarily based on local needs and affordability. The principal policy applicable to the application is Policy AH3 Affordable Housing – Minor Settlement in the Open Countryside. A local needs dwelling in the countryside is an exception to normally accepted forms of countryside development. The level of evidence to justify such development therefore must also be equally exceptional. In the consideration of applications for local needs, it is reasonable for the Authority to understand the applicant’s personal circumstances and to substantiate the claim concerning (un)affordability.

In terms of personal circumstances, the supporting statement which accompanies the application explains that the applicant is a professional rugby player, and along with his partner, currently resides with his parents in Cross Hands. The applicant’s intention is to start a young family and as such, the parental home is deemed unsuitable and is now seeking a long-term solution. It is claimed that due to rising house prices, the applicant’s ability to purchase a suitable property within his financial means is becoming increasingly difficult.

The applicant is from Cross Hands and the supporting statement has shown reasonable established links within the community, albeit not exclusively associated with either the nearest settlements of Foelgastell or Maesybont. The application site sits within the Gorslas ward and neighbours Llannon Ward which contains Cross Hands and the current home of the applicant. The applicant attended Maes y Gwendraeth secondary school which is within the Gorslas ward and has links to local rugby clubs.

The definition of local need is defined in the Glossary of Terms in the LDP. Having regard to the supporting statement which accompanied the application, it is concluded that the applicant would meet the definition of local need. However, this is only one aspect of Policy AH3 and the remaining fundamental components of this policy must be met and regard to any other relevant policies, guidelines and material planning considerations.

The applicant claims that he is unable to afford a suitable 3-bedroom property in the locality. Unfortunately, no evidence, in confidence, has been provided concerning the applicant's financial situation such as income/savings, including the occupation and income/savings of his partner. Furthermore, no additional evidence has been provided which could assist in the matter, such as demonstrating that he is on the Council's housing register and/or meets the eligibility criteria for assistance for low cost home ownership, and/or documents from banks/building societies of being unable to secure mortgages or loans when attempting to purchase a suitable dwelling in the area. Such information, which should not be regarded as an exhaustive list, is considered reasonable to enable the Authority to substantiate the claim of housing (un)affordability.

Based on the supporting statement, it is understood that a member of the applicant's family purchased the application site. The original intention was to acquire the site with a view of utilising it as a paddock for the keeping of horses. Unauthorised works have occurred on the site which has been subject to enforcement investigation and this application for residential development, is now before the Authority for consideration.

The statement does not disclose whether the site would be gifted to the applicant or would be subject to purchase costs. The applicant intends to use members of the family to assist in the construction of the dwelling to keep costs down although some works will be contracted to companies. The supporting statement explains that the applicant's budget is £180,000-£190,000. The application has not been supported with a viability appraisal to demonstrate how the overall cost of the project would be completed within the stated budget. The supporting statement simply claims a build cost of £1,200 per square metre. Based on this figure and with the floorspace of the dwelling being 164sqm, the statement explains that the cost would be approximately £196,800 but could be reduced to within the applicant's budget due to his father being a ground contractor. However, this floorspace has excluded the well-integrated attached garage which should be included in the total floorspace of the dwelling to approximately 185sqm. This would have a cost of approximately £222,000, far exceeding the applicant's budget.

The supporting statement claims that it has not been possible to secure a 3-bedroom dwelling within the local area on the applicant's budget. This has not been well-evidenced within this submission particularly with regards to the lack of information concerning the applicant's own personal financial circumstances and understanding of the local housing market.

The supporting statement has provided a list of detached and semi-detached properties for sale in the community of Llannon, Gorslas and neighbouring communities during the last 12 months prior to the submission of the application in July, all of which being outside the applicant's budget. The addresses of those properties have not been specifically provided, although the name of the estate agent has been disclosed.

Of properties within the applicant's budget, the supporting statement explains they were discounted due to being too small or needed to be extended or extensively renovated, which would have additional costs. These properties have not been specifically evidenced in the statement to enable scrutiny by the Authority and comparison with Design Quality Standards set by Welsh Government.

In July, the Council's Valuer undertook an online search of 3-bedroomed properties currently available on the market within a 3 mile radius of the subject site and found 10 being advertised for prices ranging from £125,000 - £200,000, ranging from ex-Council houses, traditional properties and new-build houses. The Council's Valuer also undertook an online search for building plots which are available within a 3 mile radius of the subject site. Several plots were available, some serviced with outline planning consent for single dwellings. With a budget of £190,000 and a build cost rate of £1,200 per sqm (as specified by the agent), it should be possible to build a 3 bedroomed property meeting Welsh Government's design quality standards for £111,600, which would leave circa £78,000 budget to purchase a plot within settlement limits being advertised as having the benefit of outline planning permission.

Having regard to the above, the evidence presented by the applicant with regards to matters of (un)affordability and the local housing market cannot be corroborated and, in some cases, contradicts the evidence of the Authority.

Policy AH3 of the LDP enables the development of affordable dwellings in areas without development limits but which are within settlements, hamlets and groups of dwellings where it is to meet a genuine identified local need. Although there are some properties within the site's general locality, these would not be categorised as either a settlement or a hamlet. The supporting statement contend that these should be considered a 'group of dwellings' for the purposes of the policy. However, following a review of the area and information provided by the applicant, it is considered that the dwellings within the locality of the application site are located some distance from the site both to the east and to the west. They are dispersed in a fragmented pattern some distance away from each other, not close enough to reasonably be considered a group of dwellings for the purposes of this policy. As such, it is considered that the location of the proposal does not meet this component of Policy AH3 of the LDP. Notwithstanding this, consideration has been given the remaining criteria of Policy AH3.

*Criterion a) It represents sensitive infill development of a small gap within an otherwise continuous built up frontage; or, a minor extension which does not result in ribbon development or perpetuate existing ribbon development.*

It is considered that the proposal would not represent infill development given the large distance between the nearest properties. The applicant's own supporting statement recognises that not all the existing dwellings are sited immediately adjacent to one another, and the gaps in the built form vary considerably. In this regard, there is approximately 90 metres separating the site and the curtilage of Pen Rhos to the West. To the east there is a vehicle restoration business which is closer to the site. However, it is secluded, and separated from the site by trees and vegetation with its access approximately 120m away.

The site has no continuous built-up frontage but is largely characterised by rows of mature trees and hedgerows. Opposite the site's public road frontage are agricultural fields and field hedgerows which are largely continuous apart from the occasional field access.

It must be noted that access onto a classified road requires planning permission. Prior to 2021, the hedgerow fronting the site and the public road was continuous which would have reinforced the rural and spatial character of the area. The current gap within the hedgerow at the site frontage is unauthorised and does not have the benefit of planning permission.

With regards the second part of this criterion, it is considered that the site's distance from the nearest dwellings means it would not be sufficiently close to be considered an extension. At this location, the development of a new dwelling would create a fragmented pattern of development without a visual or appropriate spatial relationship to the existing built form of the nearest dwellings.

Having regard to the above, it is considered that the proposal does not satisfy criterion a) of Policy AH3 of the LDP.

Criterion b), c) and d) of Policy AH3 of the LDP are considered together since they are inextricably linked.

- b) It is of a scale and size appropriate to, and in keeping with (and not detrimental to) the character (including landscape and townscape) of the area;*
- c) The benefits of the initial affordability will be retained for all subsequent occupants;*
- d) It is of a size, scale and design compatible with an affordable dwelling and is available to those on low or moderate incomes.*

Regard is given the Welsh Government document "Welsh Development Quality Requirements 2021 – Creating Beautiful Homes and Places". This sets out the National minimum functional quality standards for new and rehabilitated general needs affordable homes. According to this document a 4 person/3 bedroom two-storey dwelling can be achieved with a floorspace of 88sqm. A 5 person/3 bedroom two-storey dwelling has a floorspace of 93sqm. In this regard, the proposed dwelling at 185sqm (inclusive of the integral garage), is double the floorspace standards set by Welsh Government for an affordable 3-bedroom unit.

A minor internal configuration of the floorplan of the proposed dwelling could enable the dressing/changing room on the first floor becoming a fourth bedroom as it of sufficient size to be considered as a habitable room. Furthermore, having regard to the pitch and size of the roof, it is likely that the loft of the dwelling could be converted to provide additional habitable space, albeit some controls could be imposed via the imposition of a condition removing permitted development rights. However, it is worth noting that the largest affordable dwelling specified in the Welsh Government document is 114sqm, which is suitable for 7 persons/4 bedrooms. The proposed dwelling significantly exceeds this standard as well.

Paragraph 4.2.4 of Technical Advice Note 6 states: "Whilst the price of the affordable home covers development costs, prices are well below market values. For this model to work planning authorities must ensure that properties constructed are affordable to the local community as a whole, not only the initial occupier, and requests to allow disposal on the open market (except where the mortgagee is in possession) resisted".

It is considered that the proposed dwelling is not of a size, scale, and design compatible with an affordable dwelling, and significant concerns are raised in terms of the final value of the property not being readily available or affordable to those on low or moderate incomes should the property be sold in the future. This is amplified by the excessively large residential curtilage that is proposed to accompany the affordable unit and is much larger than other properties in the locality. Such factors would also need to be considered in the valuation of the property and for it to be considered as a realistic affordable dwelling-unit. The Council's Valuer has advised that the proposed dwelling is substantially larger than expected standards for an affordable unit and reinforces the concerns of the Local Planning Authority.

Whilst legal agreements are used to ensure properties are kept as affordable units of accommodation (criterion c), it would not be appropriate to do so if, from the outset, the dwelling under consideration far exceeds what could be afforded by subsequent and qualifying occupants. A legal agreement under such circumstances would be at significant risk of challenge on the basis that it can no longer fulfil its purpose, with the resultant effect being the establishment of private market dwelling in the countryside. This would be at odds to the fundamental planning principle of protecting the countryside from inappropriate development. On this related matter, the Planning Committee considered and refused an application in December 2021, to remove a condition and discharge the requirements of a legal agreement imposed on a local needs dwelling in Dryslwyn (PL/02533 refers). Under that application, the agent, who is the same agent associated with this application, asserted amongst several reasons, that the value of the property, even when applying the affordable housing discount, was still beyond the means of a qualifying person, thereby rendering the restrictive condition and legal agreement ineffective and unreasonable.

With regards to this latest application, by virtue of the unjustified size and scale of the proposed dwelling and curtilage as an affordable unit, and the subsequent concerns over its realistic prospect of being retained as an affordable unit in future, it is considered that the proposal would constitute inappropriate and intrusive rural development that would be harmful visual amenity, the character and appearance of the countryside and at odds with the principles of sustainable development. This would be contrary to criterion b), c) and d) of Policy AH3 and Policies SP1 and GP1 of the LDP.

Given the remote location of the dwelling, the proposal would not result in any unreasonable harm to the amenity of neighbours or future occupiers of the dwelling. The Head of Public Protection has not raised an objection to the proposal but has recommended conditions relating to contamination. This is on the basis of the site being in a coal mining area. However, the site is over 750m from the nearest recorded high risk area defined by the Coal Authority and, as such, it is considered unreasonable to impose this condition.

It is considered that the recent clearance of the land has resulted in the inner parts of the site being devoid of any significant trees or landscape feature and is currently largely maintained grass. There are however trees and hedgerows located on the periphery of the site and the site frontage which are considered important rural features. The proposed dwelling and associated access, drive, parking and turning area would be set-in from the boundaries and it is likely that it could be accommodate with further adverse effects to the remaining landscape features. The provision of tree and hedgerow protection measures and biodiversity/ecology enhancements could be controlled via conditions. This is considered sufficient to address the concerns of the Council's Arboriculture Officer. The proposed plans does not show the unauthorised building within the site, implying that it would be removed. A condition could be imposed to ensure its removal.

The applicant's statement refers to other sites and proposals for local needs and rural residential development across the County. These have been considered but do not override the fundamental principle that each application must be considered on their own merits. This is especially the case when considering local needs proposals given the unique circumstances of each applicant, the precise conditions of the housing market and values attributed to a very specific time and locality, together with consideration of the bespoke geographical context and constraints of each site. The principle of each application being considered on their own merits also apply to matters of precedent which was raised by a local resident.

## **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, together with the representations received, it is concluded on balance that the proposal represents an unjustified development in the open countryside that is at odds with the policy objectives of the Local Development Plan.

## **RECOMMENDATION - Refusal**

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## **Conditions & Reasons**

### **Reason 1**

The site is located in the countryside where there is a presumption against new residential development unless in exceptional circumstances. The proposal is contrary to Policies SP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014) in that it has not been proven that the personal circumstances of the applicant (and their dependents) is exceptional, to substantiate the claim concerning the inability to afford a suitable and available dwelling in the locality and to justify the need for a new dwelling in the countryside.

### **Reason 2**

The site is located in the countryside where there is a presumption against new residential development unless in exceptional circumstances. The proposal would result in a sporadic, fragmented and disjointed pattern of residential development that would be harmful to the rural character and appearance of the area. Furthermore, the excessive size, scale and design of the dwelling and related residential curtilage are not compatible with an affordable dwelling that would be available to low or moderate income groups. As such, it is considered that the proposal would constitute inappropriate and intrusive rural development that would be harmful to visual amenity, the character and appearance of the countryside and at odds

with the principles of sustainable development, contrary to Policies SP1, SP14, GP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014).