

**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**

**10/11/2022**

**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>10 NOVEMBER 2022</b>
<b>REPORT OF:</b>	<b>HEAD OF PLACE AND SUSTAINABILITY</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE NUMBERS</b>
<b>PL/03227</b>	<b>Demolition of existing warehouse and office building and redevelopment of the site to provide a showroom, warehouse and office building for a plumbing and heating business at Sunny Mead, Llanybydder, SA40 9RB</b>	<b>10-20</b>
<b>PL/03333</b>	<b>Creation of 10 additional traveller pitches to the west of PL/00775 (Plots 5-14) with alternative layout, ecological and landscape enhancements and extension to approved internal access road (Phase III) at land at Maes Y Dderwen, Llangennech, Llanelli, SA14 8UW</b>	<b>21-37</b>

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL	PAGE NUMBERS
PL/04504	We would like to erect 3 number shepherd huts on land adjacent to our dwelling. We intend to rent out the huts as holiday lets (Re-submission of PL/03609 Refused 28.04.2022) at Bryngwinau, Llandyfan, Ammanford, SA18 2UD	39-46
PL/04526	Retention of marquee as part of an ancillary external dining area for a temporary period of three years at 6-11 Jacksons Lane, Carmarthen, SA31 1QD	47-54

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>PL/03227</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Demolition of existing warehouse and office building and redevelopment of the site to provide a showroom, warehouse and office building for a plumbing and heating business
<b>Location</b>	Sunny Mead, Llanybydder, SA40 9RB

<b>Applicant(s)</b>	E Jones Plumbing & Heating Ltd - Eirig Jones
<b>Agent</b>	Rowlands Architecture - Thomas Rowlands
<b>Officer</b>	Helen Rice
<b>Ward</b>	Llanybydder (Historical)
<b>Date of validation</b>	17/12/2021

## 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 is located within the hamlet of Ty Mawr, approximately 2.5km south east of the centre of the village of Llanybydder. The site fronts onto the B4337 which links Llanybydder to the west and the villages of Rhydcymerau and Llansawel to the south east. The hamlet of Ty Mawr is characterised by a collection of residential properties along the main road and along a minor road, the junction of which lies opposite the application site area. There is also an established small industrial site, Ty Mawr Industrial Estate, comprising a handful of industrial/commercial units located to the south of the application site.

The site itself is occupied by a single rendered breeze block industrial unit that was originally used as a storage depot. Planning permission was granted in 2019 to change the use of the building into a plumbing and heating engineer's business along with an extension towards the rear into the adjoining agricultural field to provide greater car parking facilities and storage areas. The site's boundaries are defined by the public highway to the north east, a watercourse that flows into the Afon Duar and vegetation belt to the south east beyond which lies a residential property (Onllwyn) and an agricultural field to the north west and south,

beyond which lies another residential property (Nythfa). The site is raised above the public highway but is generally level within the site itself having been levelled and cut into the land as part of the previous permission. The nearest residential property to the site, Ger y Nant, lies diagonally opposite with further residential properties on the site's southern and northern boundaries as mentioned above.

## Proposal

The proposal seeks permission to demolish the existing building and replace with a larger unit to provide a showroom, warehouse and office building for the existing plumbing and heating business. When the application was originally submitted a retail area within the building was also proposed. This element of the proposal has since been omitted due to concerns regarding traffic generation.

The new building would be two storeys in height and arranged in two blocks with a monopitch building along the rear boundary of the site, and a Dutch barn style two storey projection along part of the frontage with a first floor balcony area. The monopitch building along the rear would be occupied by the warehouse and rear storage with a small first floor section in the north western corner providing first floor meeting and toilet facilities. This would then link into an office area in the first floor of the Dutch barn element with a first floor balcony area with a showroom area on the ground floor. The overall height of the building would be 6.6m which is comparable to the existing building on site which has a height of 6.4m. The proposal facilitates doubling the footprint of the building in comparison to the existing with an overall footprint of 225sqm compared to an existing 105sqm. This also translates to increased total floorspace given the addition of the first floor office/meeting facilities.

The steel framed building would be finished in lime render and waney edge timber features with a roller shutter door leading into the warehouse and further fenestration serving the showroom and office facilities. The applicant has advised that they wish to embrace a low carbon style construction by maximising use of timber and high quality insulation with all windows being either double or triple glazed and the use of a sedum roof over the Dutch Barn. Heating is proposed to be via an air source heat pump with electricity generated by photovoltaic panels on the roof of the warehouse building. The remaining site area would provide dedicated and demarcated parking and turning areas.

## Planning Site History

W/38467 - Proposed change of use of the site from 'traffic light depot' to 'plumbing and heating engineers business', including offices, stores and vehicle parking and change of use of the land to the rear of the building from 'agricultural use' to container storage - Full Granted - 3/5/2019

D4/5392 - Proposed depot for storage and minor maintenance - Full Granted - 24/11/1978

## Planning Policy

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

SP3 Sustainable Distribution - Settlement Framework

SP11 Renewable Energy & Energy Efficiency

SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
EMP3 Employment - Extensions and Intensification  
TR3 Highways in Developments - Design Considerations  
EQ4 Biodiversity  
EQ5 Corridors, Networks and Features of Distinctiveness  
EQ6 Special Landscape Areas

### [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 imposition of conditions.

**Head of Public Protection** – No objections.

**Llanybydder Community Council** - No objections.

**Local Member(s)** – Former Councillor Ieuan Davies, who was a member of the Planning Committee, made no prior comment on the application. The current Councillor Denise Owen is a member of the Planning Committee and has made no prior comment.

**Dwr Cymru/Welsh Water** – No objections subject to conditions to prevent surface water/land drainage to connect directly or indirectly into the public sewerage network.

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.

7 representations were received from 5 different households all objecting to the development on the following grounds:

- Applicant did not consult with neighbours prior to submission of application.
- Increased traffic exacerbating existing problems with traffic to the nearby industrial estate.
- Poor visibility at the site access which is directly opposite a dangerous junction.
- Increase highways safety concerns due to increased traffic and lack of pedestrian footpaths.
- Insufficient off street parking being provided.
- Gates into the site too close to the highway and should be set back to enable vehicles to pull off the road to open them rather than create highway obstruction.
- Scale and design of the proposed unit is out of character with the small rural hamlet and would dominate the area.
- Unsustainable location.



- More suitable for an established town centre/industrial estate site rather than in a small village.
- Question what safeguards would be in place to ensure that opening times are adhered to.
- Impact upon privacy from upper windows on side elevation and balcony area on nearby properties.
- Intrusion of privacy from lighting/CCTV.

The above objections were received in response to the initial consultation when the application was first received and when the proposals included a retail element. Following the receipt of amended plans to omit the retail element, a further site notice was erected, however no additional objections/letters were received as a result.

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

## Appraisal

The main considerations of this case are considered to be whether the principle of the development is acceptable, impacts upon the character and appearance of the area, impacts upon the living conditions of nearby residents, highway safety impacts and biodiversity impacts.

### Principle of Development

The application site is an established commercial/industrial site having first gained permission for use as a storage depot in 1978 and more recently planning permission for use by a plumbing and heating engineers business. The existing building and frontage lies within the settlement limits of Ty Mawr as defined in the LDP with the land to the rear, recently granted permission as an extension, lying outside. It is considered that redevelopment of this site, having regard to its historic commercial/industrial use, recent permissions and its location partially within the defined settlement limits, would comply with the principle of Policy EMP3 of the LDP which allows for the extension and/or intensification of existing employment enterprises, including those within rural areas subject to meeting the criteria of the policy and other considerations which are discussed further below.

### Impact upon Character and Appearance of the Area

The proposed redevelopment will inevitably change the site's appearance and its contribution to the wider character of the area although its current use will remain the same. The overall mass of the building will be larger than the current building whilst its height would remain comparable. The majority of the built form would be set further back from the public highway and whilst the Dutch barn front extension element would elongated the side elevation this elevation would be set down within the site and as such the full height of this extension would be partially screened by the existing retaining walls. A number of residents have raised concerns that the proposal would be at odds with the character and appearance of the village and is a design that would be better placed within an established industrial estate within the town. Whilst these comments are acknowledged, it is considered that the appearance of the building would in fact be an improvement over the existing with the use of more natural materials and roof forms that reflect agricultural rural buildings. Given the site's historical use for commercial purposes its industrial character is well established and a suitable building that meets the needs of the established use is required. The proposed development is considered to appropriately respond to both the needs of the business, the

established character of the site and embraces sustainable development and the use of appropriate materials to the extent that the proposal would improve the existing appearance and as such would not have a detrimental impact upon the wider character and appearance. The proposal is therefore considered to comply with the principles of good design advocated in Policy GP1 and EMP3 of the LDP.

### Impact upon Living Conditions

There are properties within the vicinity of the site, and the proposal introduces first floor windows on the north eastern and north western elevation along with a first floor balcony. Such an addition in comparison to the existing site has evidently raised concerns from local neighbours in relation to overlooking and loss of privacy.

The windows and first floor balcony would be serving a meeting room, toilet/shower facilities, stairwell, offices and a kitchenette. These units would only be occupied during working hours which are stated to be between 9:00am and 5:00pm. However it may well be that there are occasions when offices are occupied on a longer basis given the nature of the business and work in general. The development has the potential to impact upon the residents of the property to the north east of the application site, known as Nythfa, the property to the south west known as Onllwyn and properties on the opposing side of the road.

In terms of Nythfa to the north east, there is an intervening agricultural field between the application site and the side boundary of Nythfa and therefore the distance between the side windows of the building and the side boundary of the residential property and its garden area is 30m. It is considered that this distance coupled with the nature of the development being commercial rather than residential that the proposal would not lead to an unacceptable impact upon the living conditions of the residents at Nythfa.

With regards Onllwyn to the south west, three windows serving offices within the first floor of the Dutch Barn element would face Onllwyn's side boundary. A distance of 20m between the windows and the side boundary of the garden area for Onllwyn is maintained with a distance of approximately 40m from the side elevation of the dwelling. It is again considered that this distance coupled with intervening vegetation along the watercourse and the nature of the use is sufficient to avoid unacceptable impacts upon the living conditions of the residents at Onllwyn.

With regards properties on the opposing side of the highway, the introduction of the balcony area and windows serving first floor office, has raised concerns from neighbours. Again a distance of 25+m is maintained given that the proposed building is to be set further back within the site than the existing building. This distance is again considered acceptable and relates to the frontage of properties which are generally overlooked in any event from the public highway and other properties in closer proximity either side of the road.

It is therefore considered on balance, that having regard to the building's position and distance between proposed windows and nearby residential properties that the proposal would not have a detrimental impact upon the living conditions of residents in terms of loss of privacy and overlooking.

The site has been historically used as a commercial/industrial use for some time and the nature of the use will continue. However, it is accepted that given the increased floorspace, the proposal has the potential to generate more activity at the site. The original proposal of an A1 retail unit within the building has been omitted and therefore the use of the building is

to largely remain as existing. It is however recognised that concerns have been raised about the increased movement/activity at the site. In considering this potential to impact upon living conditions, it is necessary to consider the magnitude of the change along with the site's setting relative to neighbouring properties. In this regard, it is not considered, that the proposal would result in a significant increase to lead to unacceptable impacts upon residents, especially also having regard to the distances between the site and nearby properties. The site would also only be operational during working hours.

In summary therefore, whilst the concerns of residents are fully acknowledged, following careful consideration of the development and having regard to the established use, the proposed use and distances between the site and neighbouring residents that the proposal would not have a detrimental impact upon the living conditions of residents and is therefore considered to comply with the amenity requirements of Policy GP1 and EMP3 of the LDP.

### Highway Safety

The proposal has been the subject of extensive discussions with regards highway safety. This is primarily due to the site's access onto the public highway and the need to achieve suitable visibility splays. Concerns were initially raised by the Council's Highway Officer that inclusion of the showroom and retail unit could not be supported on grounds that this would generate additional traffic and that suitable visibility splays could not be achieved. The same issue was raised when considering the previous application which was then supported on grounds that the proposal did not have any retail element included. Following discussions, the applicant therefore decided to omit the retail use of the building and has also advised that the showroom element is to be by appointment only with the intention to invite clients to demonstrate construction methods, equipment and technology.

On this basis, the Highways Officer has confirmed acceptance of the scheme in that it would not lead to a significant change in the nature of the access in comparison to the existing in that loss of the retail unit omits journeys by general members of the public and as such the use of the access would be by employees and clients (by appointment only) similar to the existing consented situation. However, this acceptance is on the condition that any visits by clients are by appointment only and restricted to one vehicles at any one time. As such a conditions is recommended to ensure that this is the case and that a register is kept of all appointments for assessment should the need arise. A number of local residents are clearly concerned by the highway safety implications of the development. However, it should be noted that those concerns were expressed on the basis of the original application when the retail element was to be included. Whilst the revised proposals were the subject of further consultation, no further responses were received by local residents. Nevertheless, as is evident from the above, the concerns of residents were initially shared by officers, however it is now considered, on balance having regard to the amendments received and established use of the site, that the proposal would not lead to unacceptable highway safety concerns over and above the existing use.

Turning to car parking, the proposals include the provision of on site parking spaces. The submission indicates that the existing business employs 13 staff with a further 3 member of staff proposed resulting in a current total of 16 staff. On the face of it therefore, it appears that the proposed parking provision of 8 spaces is insufficient. However, given the nature of the business, the majority of staff are on sites/calls during the working day with the building providing a base only in between site visits/calls if necessary. The level of parking provision has been assessed and is considered to fall in line with CSS Parking Standards for the nature of the use intended. It is therefore also considered on balance that the proposal would

not lead to unacceptable highway safety concerns emanating from on-street parking. The proposal is therefore considered to comply with Policy TR3 of the LDP.

### Biodiversity

The application is supported by a bat scoping survey which concludes that the building has low potential for use by bats and thus its demolition would not have a direct or indirect negative impact on any bat roost and no individual bats are likely to be affected by the proposed works. The Planning Ecologist accepts this conclusion and offers no objection to the scheme. However, they request that details of biodiversity enhancements are required in the form of additional planting within the site. A condition is therefore recommended to seek submission of further details to secure additional planting.

The site is within the Phosphate Sensitive Catchment area of the River Teifi Special Area of Conservation. The Authority has a duty to ensure that any new developments within the area does not lead to further deterioration of water quality through increased phosphorous levels entering the catchment via wastewater or other activities. The proposed development includes dedicated toilet and washing facilities for their staff and as such will generate wastewater. However, following a review of their initial guidance, NRW has now confirmed that development which provide services including places of employment for a local population already served by connections to existing or private sewers are unlikely to be a source of additional phosphorous. Having regard to this advice and the fact that there is already an established use on the site, the Authority considers that the proposal is unlikely to have an effect on the Teifi SAC and can be screened out of requiring an appropriate assessment under the Habitats Regulations. The proposal is therefore considered to comply with policies SP14 and EQ4 of the LDP.

### Other Third Party Concerns

The above report has taken into account and considered the concerns raised by local residents. However, in terms of comments regarding prior notification of the application, whilst prior consultation with neighbours by developers is encouraged, it is not a requirement for a development of this scale.

## **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 proposal is an appropriate redevelopment of a well established commercial/industrial site that would not, by reason of its siting, design, appearance, use of materials and intended use as now proposed, lead to an unacceptable impact upon the character and appearance of the area nor the living conditions of nearby residents. It is considered that initial highway safety concerns have now been adequately addressed and the proposal would not have an unacceptable impact upon biodiversity interests or upon the river Teifi SAC through increased phosphate levels. The proposal 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:-

- Location Plan,
- Proposed Elevations Plan [L(03)01 – Rev E],
- Proposed Elevations Plan [L(03)02 – Rev C],
- First Floor Plan [L(01)01 – Rev E],
- Roof Plan [L(01) 02 – Rev C],
- Construction Environmental Management Plan, received 16 December 2021;
  
- Proposed Site Plan [L (SP) 01 Rev H],
- Ground Floor Plan [L(01)00 Rev E], received 6 June 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 permission hereby granted permits the use of the application site as a plumbing and heating engineers warehouse, ancillary showroom and offices only and for no other purpose (including any other purpose in class B1 and B8 of the schedule to the Town and Country

Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason: To clarify the nature of the development and to exert control over any potential changes to the approved use class in the interests of the living conditions of nearby residents in accordance with Policy GP1 and EMP3 of the Carmarthenshire Local Development Plan 2014.

#### **Condition 4**

The ancillary showroom hereby approved shall be open to visitors on a strictly by appointment only basis with no more than one visitor vehicle at any one time. A register shall be kept of each individual visitor name, date, time of appointment and the method of transport and the register shall be made available for inspection by the Local Planning Authority by request.

Reason: In the interests of highway safety in accordance with EMP3 and TR3 of Carmarthenshire Local Development Plan 2014.

#### **Condition 5**

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

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

#### **Condition 6**

Deliveries shall only be taken at or dispatched from the site between the hours of 08:00 through to 17:00 and deliveries shall not be taken at or dispatched from the site at any time on Sundays, Bank or Public Holidays to protect the hours of sleep.

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

#### **Condition 7**

The use hereby permitted shall not operate other than between the hours of 08:00 and 17:00 Monday to Saturday and not at any time on Sundays, public or bank holidays.

Reason: In the interests of local amenity in accordance with Policy GP1 and EMP3 of Carmarthenshire Local Development Plan 2014.

#### **Condition 8**

Prior to the commencement of development, a biodiversity enhancement scheme 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 secure biodiversity enhancements in accordance with Policy SP14 of the Carmarthenshire Local Development Plan 2014.

### **Condition 9**

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 B4337 Road frontage within 2.4 metres of the near edge of the carriageway.

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

### **Condition 10**

The site access with its junction with the B4337 shall be made good for at least the first 5.0 metres in length behind the nearside edge of carriageway, in in a bonded material. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.

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

### **Condition 11**

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

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

### **Condition 12**

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

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

## **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/03333</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Creation of 10 additional traveller pitches to the west of PL/00775 (Plots 5-14) with alternative layout, ecological and landscape enhancements and extension to approved internal access road (Phase III)
<b>Location</b>	Land at Maes Y Dderwen, Llangennech, Llanelli, SA14 8UW

<b>Applicant(s)</b>	Samson Lee
<b>Agent</b>	Hayston Developments & Planning Ltd - Andrew Vaughan-Harries
<b>Officer</b>	Zoe Baxter
<b>Ward</b>	Llangennech (Historical)
<b>Date of validation</b>	20/01/2022

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Gary Jones and following the receipt of more than one objection from third parties.

## Site

The application site consists of a rectangular shaped parcel of land of approximately 0.9ha in size. It is situated immediately to the south of the A4138 road providing a link from Llangennech to Llanelli. The village of Llangennech is located to the south of the site. To the south of the site is a woodland area protected by existing Tree Preservation Orders (TPO), beyond this is Llangennech Junior School. To the east of the site is the existing road network Maes Y Dderwen to which the site previously has two existing accesses from. Beyond the A4138 to the north is an existing Traveller site of 6 pitches accessed via Gypsy Lane, with open greenfields beyond and to the west are green fields. The eastern extent of the application site includes the site area where previous planning permission has been granted for four new gypsy and traveller pitches (PL/00775).

The site did comprise overgrown scrub and woodland with existing mature hedge and trees along the northern and southern boundary. However, over recent months substantial work has been carried out on site with groundworks undertaken and the majority of the site now comprises hardcore stone surface.

The site is located approximately 800m from the centre of the village and the services and facilities therein.

The site is presently located outside of development limits as defined in the Adopted Local Development Plan (LDP) and is not allocated for any use. It is partly located within the Coal Authority Development High Risk Area. An underground gas main is also identified to run through the site.

## Proposal

The application seeks full planning permission for the creation of ten additional Gypsy and Traveller pitches and an alternative layout to the previous consent granted for four pitches (reference. PL/00775) along with ecological and landscape improvements and extension to the previously approved internal access road.

As per the previous application, each pitch is proposed to include one static residential caravan, a day/utility room, space for a touring caravan and parking/turning along with amenity area. The majority of the pitches are proposed to be located along the northern perimeter of the application site, with each pitch to be separated by planting providing screening and privacy. Plots 1-2 are on the eastern boundary, plots 11-12 the western boundary and plots 13-14 towards the south-eastern corner. The existing access in the south-eastern corner of the site as previously approved is proposed to be extended further to create a new internal access road through the site, the position of the internal access road is amended to take account of site contours and the gas main. The internal access road through the site is proposed to be in line with the buffer zone for the gas main through the site ending at the western boundary. The internal roadway will be surfaced with permeable gravel. The access in the north eastern corner of the site is to be blocked and additional planting provided, as per the previously approved scheme.

The southern boundary is proposed to be formed of an earth bank and additional planting to act as further screening. All of the plots are oriented facing south, with plots 13 and 14 situated towards the south east of the site. To the south west of the site a communal play area is proposed.

All of the plots, with the exception of plots 1 and 2, will have semi-detached buildings for utility/day rooms which are to be split providing a separate utility/day room for each pitch. Plots 1 and 2 will have detached utility/day rooms. The proposed buildings measure 6.1m x 4.8m (semi-detached) and 7.4m x 4.8m (detached) at a height of 2.4m to the eaves and 4m to the ridge. They are to be on a concrete base and will be red brick finish with cream brick lintols under a slate or clay tiled pitched roof. The submitted elevations show double doors and window on the south elevation with single window on the rear and side elevation for the semi-detached units and single door on the front and rear elevation for the detached units. The floor plans show the day rooms will measure approximately 29sq m-35sq m and include a small kitchenette along with children's safe play area and separate bathroom.

Car parking is proposed for each pitch, the submitted plan indicates this as being hardstanding with gravel. The current scheme differs from the previous proposal with the majority of land around the pitches hardstanding rather grass. Beech hedgerows are proposed to separate pitches and provide privacy.

Soakaways are proposed for surface water drainage from the static caravans and utility/day rooms, with foul water proposed to be disposed of via a gravity connection to the public foul sewer in Maes Y Dderwen.

In terms of landscaping, the existing mature hedge and trees along the northern boundary is proposed to be retained. The plan also shows retention of the existing southern boundary and wooded area beyond with the provision of a new earth bank with additional planting to provide further separation distance and screening between the site and school to the south. The plan indicates additional native species will be planted in any gaps.

The submission confirms the route of the underground gas main will be protected by a 6m buffer zone and kept free of built development with the internal access road proposed to be situated in line with the main.

The application is submitted along with a supporting Planning & Justification Statement, Preliminary Ecological Appraisal, Tree Survey and Arboricultural Impact Assessment and Coal Mining Risk Assessment. In line with policy requirements for biodiversity enhancement, the application includes eco bat boxes, bird boxes and hedgehog nest boxes on the perimeter of the site.

The supporting information accompanying the application confirms that the proposal will provide residential accommodation for family groups directly related to the applicant and belong to Romani families who have longstanding multi generation links to the Llanelli area. The family's lifestyle is described as falling under the definition of "gypsies" as defined in Welsh Assembly Government Circular 05/2018 "Planning for Gypsy, Traveller and Showpeople Sites" whereby they are of a nomadic habit of life.

## **Planning Site History**

The planning history for the site is as follows:

PL/00775 - Creation of four family traveller pitches with one residential static unit, touring caravan, utility/day room and parking for each pitch, improvements to the existing access, internal access road and landscaping enhancement - Phase II Land at Maes Y Dderwen, Llangennech, Llanelli - Full Planning Permission granted at Planning Committee – June 2021

## **Planning Policy**

In the context of the Authority's current Development Plan the site is located in the countryside outside the development limits of settlements defined within the adopted Local Development Plan (LDP). Reference is drawn to the following policies of the Plan:-

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

SP1 Sustainable Places and Spaces

SP3 Sustainable Distribution - Settlement Framework

GP1 Sustainability and High Quality Design

GP2 Development Limits  
H7 Gypsy and Traveller Sites  
TR3 Highways in Developments – Design Considerations  
EQ4 Biodiversity  
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.

In particular, Circular 005/2018 – ‘Planning for Gypsy, Traveller and Showpeople Site is national policy of particular relevance.

## Summary of Consultation Responses

**Head of Transportation & Highways** – Correspondence received advising no objection but requesting further details/amended plans and advising conditions will be required. Re-consultation sent on amended and additional plans received and awaiting revised response.

**South Wales Trunk Roads Agency** - No observations received to date.

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

**Head of Public Protection** - No adverse comments.

**Environmental Health Noise** – Required submission of a Noise Impact Assessment given the proximity of the site to the A4138 and the requirements of Technical Advice Note (TAN) 11: Noise (1997) and also to determine the likely impact of construction/demolition noise on noise sensitive properties. The most recent response received following submission of the NIA confirmed no objection or requirement for further comments/conditions.

**Housing Need** – The latest Gypsy and Traveller Accommodation Needs Assessment (GTAA) completed in November 2019 identified a shortfall of 19 pitches, predicated to increase to a shortfall of 23 pitches by 2024 and 31 by 2033. Since November 2019, 16 additional pitches have been granted planning permission and many have been or are in the process of being developed. The current application, if approved would meet the outstanding need for pitches based on the GTAA. The projection suggests there will be additional need arising for pitches between 2024 and 2033. The proposals show a modern. High quality development. The applicant’s existing site is well managed and maintained to a high standard and there is reason to expect that this development will be managed in the same manner.

**Sustainable Drainage Approval Body (SAB)** – No concerns regarding the proposal. The overall project was assessed to be acceptable via SuDS application reference. SAB/00198.

**Place Services on behalf of Planning Ecology** – Satisfied with the PEA and the biodiversity enhancement features proposed (subject to these being conditioned). They have also requested submission of a Landscape and Ecological Management Plan (LEMP) which must include the wild meadow/reptile habitat and conservation area pond shown in the expanded Location Plan.

**Landscape Officer** – Advised no objection on latest plans subject to conditions for further details on proposed planting.

**Forward Planning** – Reference to LDP Policy H7, along with other relevant policies and Welsh Government Circular 005/2018. Refers to the site's locational context exhibiting spatial sustainability credentials, with close access to a range of services and provisions within Llangennech.

**Llangennech Community Council** – Objects to the application on the same grounds as response on previous application.

**Local Member(s)** - Councillor Gary Jones objects to the planning application on the loss of greenfield sites within the village and loss of trees and wildlife on the site. Also raises concerns regarding highway safety and drainage and queries whether businesses will be run from the site. Requests a site visit by Planning Committee.

**Local Member(s)** - Councillor Jacqueline Seward has made no comment.

**Local Member(s)** – Former Councillor Gwyneth Thomas objects to the planning application on the basis of highway safety given the proximity to the primary school and increased traffic as a result of the development. Increased flooding experienced following work carried out at the site. Loss of privacy of neighbouring occupiers. Concerns regarding further development on additional land under the applicant's control and loss of biodiversity.

**Cefin Campbell AS/MS** – Objects on the basis of traffic issues/road safety, existing drainage problems experienced by residents and primary school as a result of work on the application site, loss of trees, green space and wildlife and loss of privacy for primary school.

**Natural Resources Wales** – Originally raised concerns regarding bats utilising trees on the perimeter of the site. Following further details provided the following response has been issued: If your Authority are satisfied that trees are not to be affected as part of this proposal then we offer no further comment on the application as submitted.

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

**Coal Authority** - Considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

**National Grid** – No assets affected in this area.

**Wales and West Utilities** – Response received highlighting presence of apparatus in the area and requirement for applicant/developer to contact directly.

**Western Power Distribution** – Provided advice concerning development sites where overhead lines cross.

**Dyfed Powys Police** – Liaised with Neighbourhood Policing Inspector and no objections have been raised. Request that if approved, Secured by Design Gold should be achieved.

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

## Summary of Public Representations

The application was the subject of notification by way of neighbouring letters and a site notice posted in the vicinity of the site.

52 representations were received, all objecting and the matters raised are summarised as follows:

- Highway safety concerns following increase in number of pitches.
- Narrow lane is already constrained, congested and dangerous.
- Proposed visibility splay is inadequate and not in accordance with TAN18.
- Proposed highway infrastructure does not accord with current standards.
- Site has poor drainage causing flooding into school property and neighbouring residential properties. Flooding problems not previously experienced before works commenced on the site.
- SAB application did not include geotechnical information confirming site suitable for infiltration and evidence in heavy rainfall shows this is not the case. Surface water needs to be attenuated before discharging to watercourse and SAB application should be revisited.
- Proposed pond is sited within TPO area.
- Health trees have been felled on site.
- Loss of greenfield site.
- Protected species (hazel dormice) on site and it is an offence to harm.
- Proposal would contradict the nature emergency declared by Carmarthenshire County Council.
- Proposed biodiversity enhancements do not make up for loss of natural green space.
- Loss of privacy of school play area and neighbouring residential properties.
- Noise from machinery on site.
- Adverse impact on residential amenity by way of noise, vibrations and smells.
- Noise Impact Assessment should be provided given proximity to busy road.
- Loss of trees and vegetation will result in increased noise from the road being experienced by school and residents.
- Concern over lack of sewerage services.
- Dirt on road network already from work on site.
- Work carried out so far already has detrimental impact on residents and village.
- Proposal does not comply with local and national policy.
- Concern over further expansion and additional development on other land in applicant's ownership.
- Concerns of whether business will be run from the site.
- Existing businesses being run from derelict farm buildings near to site.
- Extra families moving into the area requires additional resources.
- Land should have been for community use or expansion of school facilities.
- Concerns raised do not relate to the proposal for traveller pitches and would be the same if new housing was proposed.
- Query over where planning application was advertised.
- Failure to comply with previous planning permission.
- Council owned sites previously evaluated with brownfield sites being preferred option, this site does not meet those criteria.

- Planning Committee should visit the site.

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

## Appraisal

### Principle of Development

Planning applications are required to be determined in accordance with development plan and material considerations. National planning policy and guidance identifies that the provision of sites should be addressed through the plan making process. The current Local Development Plan (LDP) does not contain any allocated gypsy and traveller sites but relies on a criteria-based policy to deal with such proposals. The relevant policy is Policy H7 which permits proposals for gypsy and traveller sites or extensions to existing sites subject to four qualifying criteria. These include the need for the proposed location to be reasonably accessible to a range of facilities and services, including existing community, social and educational provisions, and being within close proximity of main transport routes.

The site is located outside of the defined development limits albeit is within close proximity to the limits and also to existing facilities and services within the village of Llangennech including school, surgery, chemist and a number of shops. Furthermore, it is close to main transport routes both in terms of the A4138 and the M4 which is located approximately 1km to the east of the site. Circular 005/2018 identifies that first consideration should be given to sustainable locations within or adjacent to existing settlement boundaries with access to local services e.g. education settings, health services and shops. The location of the proposed site just beyond the established development limits within walking distance to Llangennech village is considered to comply with the requirements of LDP Policy H7 and Circular 05/2018.

The second criterion requires that proposals should not be detrimental to nearby residents and adjoining land uses by virtue of noise and other disturbances. Concerns have been raised that the application and extension of the site from the previously approved scheme will cause an unacceptable impact on privacy and amenity of nearby residents. Residents have already advised that they have been disturbed and amenity impacted by work being carried out on the site to date. Evidence has also been provided in relation to flooding concerns, this will be addressed in further detail in a separate section below. In terms of the objections received regarding noise and disturbance experienced thus far, these appear to relate to the work being carried out at the site and are not associated with occupation of the site for traveller pitches as no pitches have been created and occupied as yet. A Noise Impact Assessment (NIA) has been submitted following the request of Environmental Health which included a review of construction noise on site and concluded that this did not have a significant effect upon the amenity of nearby noise-sensitive receptors.

The site is bordered to the north by the A4138, south by existing wooded area comprising a number of Tree Preservation Orders (TPO), Maes Y Dderwen road to the east and fields to the west with Park Farm beyond. Unlike the previous application, the site now extends further west toward the corner of Maes Ty Gwyn residential estate. To the south west, the closest property within Maes Ty Gwyn is approximately 17 metres from the corner of the site boundary. A small section of the existing wooded area is located in between. To the south east, the closest property is situated approximately 43m from the site access. The existing trees and vegetation along the southern boundary are to be retained and strengthened along with the proposed new earth bank to provide screening to the site. As per the previous

consent granted, a condition is proposed to be included on any planning permission granted precluding the business use of the site and the parking of large commercial vehicles. This will also protect the surrounding area from potential visual and noise intrusion associated with any commercial use and ensure that the development remains for residential use only. Any concerns regarding existing commercial activities being undertaken on land to the west of the site in the applicant's ownership should be addressed separately.

Thirdly, Policy H7 requires that sites must be capable of being serviced with water, electricity, sewage and waste disposal. The submission advises a gravity fed sewer connection is available to which Welsh Water have raised no objection and have also not raised an issue to the proposal from a water supply perspective. The applicant has secured an electricity supply to cater for the needs of each pitch from Western Power Distribution. Domestic waste from the site is proposed to be collected by the Authority's waste collection service from the site entrance. The proposal is not therefore in conflict with the requirements of Policy H7 in this regard.

The fourth criterion requires that there shall be no adverse effect on the landscape/townscape or the setting and integrity of the historic environment. The application site is not located in an area that is subject to any landscape or environmental designation. The submitted site layout shows that the caravans and utility/day rooms will predominantly be situated adjacent to the northern boundary of the site, with two pitches in the southeastern side of the site. Given the single storey nature of the structures and existing vegetation these will be largely screened from view. The southwestern part of the site is proposed to include a communal play area. Existing trees along the southern boundary are to remain with the submission identifying new planting of native species will also be provided to fill in any gaps. In addition, a new earth bank is also proposed along the southern boundary with additional planting to provide further screening and distance between the site and junior school beyond the woodland area to the south. As per the previous permission, the application retains the existing trees and hedgerow on the north and eastern boundaries supplemented with additional planting proposed. As a result, it is not considered that the proposal will have an unacceptable effect on the character and appearance of the area.

Objections received also raise concerns regarding further expansion of the site and seek reassurance that additional applications will not be submitted if the current proposal is approved. As referred the LDP does not presently identify a site for gypsy and traveller provision and as such the application must be determined in line with current policy. The supporting text to LDP Policy H7 identifies that a need must be demonstrated for the proposed site/site extension is required at that location. As referred in the response received from the Authority's Housing team, the latest GTAA identified a shortfall of 19 pitches in 2019, predicated to increase to a shortfall of 23 pitches by 2024 and 31 by 2033. Since November 2019, 16 additional pitches have been or are being developed. As such, the proposal would meet the outstanding need for pitches identified in the GTAA. However, it is acknowledged that the need is identified to increase further over the period to 2033 and the proposal could contribute towards this. Any future application will be determined in line with the findings of the GTAA and latest statistics and additional development would be required to identify a 'need' for the pitches.

Objections also state that the land should be used for community benefit or expansion of the existing school. These comments are not relevant, and the Local Planning Authority must deal with the application which has been submitted.



The Authority's Forward Planning team have raised no in principle policy objection to the proposal. In summary, the proposal to extend the previously approved site generally complies with the objectives of policies H7 and GP1 of the LDP and the Circular.

### Highway Impacts

A significant number of objections received relate to highway safety concerns. The Highway Authority have reviewed the plans in detail and whilst they have not objected they have been involved in detailed discussions and requested further/amended details. They have also advised that an improvement scheme relating to the junction with the A4138 will be required prior to commencement of development associated with the current application. Amended plans have been received seeking to address the comments and re-consultation has been sent to Highway Authority.

### Flood Risk Implications

Many objections received also highlight concerns regarding flooding to surrounding properties as a result of development commenced at the site. Photo and video evidence has been provided showing surface water flooding at Llangennech Primary School.

The site is located within Flood Zone A on Natural Resources Wales (NRW) Development Advice Maps (DAM) and as such, flooding is not considered an issue at the site. The Authority's Sustainable Drainage Approval Body (SAB) have raised no objection to the proposal and have confirmed that SAB approval has already been granted for the development at the site (reference. SAB/00198). The Authority's SAB team have been contacted for further comment on this matter. However, as surface water drainage is covered under separate legislation, matters raised will need to be dealt with as part of the SAB consenting process.

### Biodiversity Impacts

Objections received relate to loss of green space, trees and impact on wildlife. Reference is also made to Carmarthenshire County Council declaring a nature emergency. The impact on biodiversity has been a requirement in adopted local and national policy for a number of years, alongside separate legislation under the Environment (Wales) Act 2016. The application has been supported by a Preliminary Ecological Appraisal as well as Tree Survey and Arboricultural Impact Assessment and biodiversity enhancement plan, as requested by Planning Ecology.

Natural Resources Wales (NRW) have provided a further response confirming no further comments providing that no additional trees are to be affected by the development. Following submission of additional information and provision of additional planting on boundaries, Planning Ecology have confirmed no objection subject to conditions and the provision of a Landscape and Ecological Management Plan (LEMP) being submitted.

### Other Matters

The presence of a gas main within the site are raised again on this planning application. The site layout takes account of the gas main and proposes a 6m wide buffer zone along the route of the underground main and will be kept free of built development with the exception of the internal road. Wales and West Utilities have been consulted on the current planning

application and have offered no objection, they have however, highlighted the requirement for the applicant to contact them directly to discuss the presence of the apparatus.

A Noise Impact Assessment (NIA) was submitted in support of the application following request from the Authority's Environmental Health Team. The NIA included an assessment of internal noise levels within the site in order to understand the noise levels which would be experienced by future residents and also an assessment of construction noise in order to review the noise levels experienced by existing residents in properties adjoining the site. The report concluded that no acoustic mitigation measures are required to achieve acceptable acoustic criteria for the proposed use of the site and that there is no significant effect upon the amenity of nearby noise-sensitive receptors identified from construction noise on site. The NIA has been reviewed by the Authority's Environmental Health team who confer with the findings and have no objection to the proposal.

## **Planning Obligations**

None

## **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, alongside third-party representations received, it is concluded on balance that the proposal largely complies with relevant local and national planning policy.

Circular 005/2018 requires that the Authority make provision for gypsy and traveller sites in the County through site allocation where a "need" is identified, along with criteria-based policies. Previous work undertaken for the GTAA in 2019 identified a current unmet need of 19 pitches, increasing to 23 pitches by 2024 and 31 pitches by 2033. Notwithstanding this, there are no allocated sites in the Llanelli area within the current LDP and deliverability of the sites identified in the forthcoming Revised LDP is uncertain. The Authority therefore must consider applications for new sites against the requirements of Policy H7 of the Plan and WG Circular, as referred to above. In terms of the current "need" the latest figures held by the Authority identify a current shortfall of 3 pitches, rising to 7 pitches by 2024 and 15 by 2033.

In the absence of the availability of a suitable existing site or allocation, the applicant is seeking to establish a new privately owned site that will meet his family's accommodation needs and allow them to return to their traditional nomadic lifestyle. The family have long established links with the Llanelli area. The proposal accords with the policy requirements of the LDP and Circular 005/2018, in that it is accessible to a range of facilities and services, will not be detrimental to the amenity of nearby residents and land uses and is capable of

being serviced with the required amenities and infrastructure. Furthermore, the position of the site alongside retention of existing and new landscaping will safeguard against any unacceptable visual impacts and the Head of Transport has raised no objections, however, formal comments and conditions are still to be provided.

Any permission granted will be conditioned to restrict the occupation of the development to gypsies and travellers as defined in the Circular. Moreover, in the interests of protecting the surrounding area from potential visual and noise intrusion further conditions will be imposed restricting the number of caravans on the site and to prevent commercial activities taking place.

In light of the foregoing, the proposal is considered to largely accord with the objectives of the abovementioned policies and is therefore presented with a recommendation for approval.

## **RECOMMENDATION - Approval**

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### **Conditions & Reasons**

#### **Condition 1**

The development shall begin no later than five years from the date of this decision.

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 details shown on the following schedule of plans and documents:-

- Planning Statement and Justification Report and Appendices prepared by Hayston Developments and Planning Ltd,
- Coal Mining Risk Assessment prepared by Rhondda Geotechnical Services,
- Topographical Survey Plan drawing no. 07c,
- Ecological Site Enhancements drawing no. 08c, received 11 January 2022;
  
- Preliminary Ecological Assessment prepared by Elite Ecology, received 3 March 2022;
  
- Longitudinal Section A-A drawing no. 10b, received 8 March 2022;
  
- Noise Impact Assessment prepared by inacoustic ref. 22-191, received 5 May 2022;
  
- Tree Constraints and Protection Plan drawing no. EEARBTC0044,
- Tree Survey and Arboricultural Impact Assessment prepared by Elite Ecology,
- Floor Plan and Elevations of Semi-detached Utility/Day Room drawing no. 05c,

- Floor Plan and Elevations of Detached Utility/Day Room drawing no. 06c, received 28 June 2022;
- Expanded Site Location Plan drawing no. 01d,
- Location and Block Plan drawing no. 02d,
- Aerial Photo with Site Superimposed drawing no. 04d,
- Site Plan showing road widths drawing no. 14,
- Site Plan showing truck turning drawing no. 15, received 8 August 2022;
- Site Plan showing visibility splays drawing no. 09g,
- Site Entrance Plan drawing no. 16, received 20 October 2022;
- Proposed Site Plan drawing no. 03l, received 21 October 2022.

Reason: To ensure that only the approved works are carried out.

### **Condition 3**

The site shall not be occupied by any persons other than gypsies and travellers as defined in Section 108 of the Housing (Wales) Act 2014 and Paragraph 2 of Circular 005/2018 – ‘Planning for Gypsy, Traveller and Showpeople Sites’ or any subsequent replacement circular/document.

Reason: To restrict the occupancy of the site.

### **Condition 4**

No more than fourteen static and fourteen touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time. This includes four pitches approved under previous planning permission reference. PL/00775.

Reason: To confirm the extent of the permission.

### **Condition 5**

No commercial or business activities shall take place on the land, including the storage of materials, nor shall any vehicle over 3.5 tonnes be stationed, parked or stored on the site.

Reason: In the interests of visual amenity and safeguard the amenity of adjacent occupiers and land users.

### **Condition 6**

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

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

### **Condition 7**

Prior to the beneficial first use/occupation of the site, the ecological enhancements (as shown on the Proposed Site Plan 03h and Expanded Location Plan 01d) shall be implemented and maintained thereafter.

Reason: In the interest of biodiversity enhancement and to comply with Environmental (Wales) Act 2016.

### **Condition 8**

No phase of the development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features for a specific phase of the development, has been submitted to and approved by the Local Planning Authority. The LEMP shall include:

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

The LEMP shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity.

### **Condition 9**

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

- 1 Prepared a Preliminary Risk Assessment to identify any potentially unacceptable risks arising from contamination at the site. The Preliminary Risk Assessment shall include current and historical information about the site. This can be obtained by undertaking a desk study and a site walkover to identify previous land uses, potential contaminants

that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.

- 2 Designed and implemented a scheme for the investigation and recording of contamination on the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) should aim to provide information to refine and update the conceptual model outlined in the Preliminary Risk Assessment. This investigation should confirm and evaluate the significance of the identified potential contaminant linkages. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards. The report shall be submitted to and approved by the Local Planning Authority.
- 3 Based on the findings of the site investigation and risk assessment, submit detailed proposals for site remediation and verification (Options Appraisal and Remediation Strategy) giving full details of the remediation measures required and how they are to be undertaken. This will demonstrate how the site will be brought to a condition suitable for the intended use by removing any unacceptable risks posed from contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards. The proposals shall be submitted to, and have received in writing the approval of, the Local Planning Authority prior to commencing the works.

Reason: To ensure all ground contamination is adequately dealt with.

### **Condition 10**

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

Reason: To ensure all ground contamination is adequately dealt with.

### **Condition 11**

Prior to occupation of the proposed development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority (where necessary). The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken.
- Timescales for the long-term monitoring and curtailment mechanisms.

- Timescales for submission of monitoring reports to the Local Planning Authority.
- Details of any necessary contingency and remedial actions and timescales for actions.
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: To ensure all ground contamination is adequately dealt with.

### **Condition 12**

If, during development, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted to the Local Planning Authority. If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy'.

Reason: To ensure all ground contamination is adequately dealt with.

### **Condition 13**

Any soil imported must be suitable for use and any soil arising from elsewhere on the development site must be subject to the same requirements as imported materials. The CL:AIRE Code of Practice (CoP) must be referred to if the developer intends to reuse site won materials. The CoP provides a clear, consistent and streamlined process which enables the legitimate re-use of materials on site. Please refer to the CL:AIRE website (<https://www.claire.co.uk/projects-and-initiatives/dow-cop> ) for further information on the CoP. Details of any soil to be imported to site must be provided in writing to Environmental Protection via the Local Planning Authority prior to importation. Details should include the source of the topsoil, sampling frequency and a certificate of analytical results with full rationale and justification undertaken by a suitably qualified individual. The developer should refer to the WLGA guidance document 'Requirements for the Chemical Testing of Materials for Various End Uses' (2013), which presents the specific sampling frequencies for imported materials, dependent upon the quantities to be imported and their proposed use at a development. The document outlines the process for ensuring all required information is submitted in relation to the relevant planning condition in a series of step-by-step actions.

Reason: To ensure only suitable material is used on site.

### **Condition 14**

No trees with trunk/stem diameter exceeding 100 mm, measured at a height of 1.5 metres above ground level; or hedges, which are located within or on the site boundary shall be cut down, uprooted, destroyed, topped, lopped or pruned without prior approval of a Landscape Design Scheme (LDS), or specific written approval for the works by the local planning authority. Following such approval all works are to be carried out in accordance with BS3998.

Reason: To ensure that the development retains, incorporates and does not adversely affect 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; and pursuant to section 197 (a) of the Town and Country Planning Act 1990.

### **Condition 15**

No development shall take place until a Landscape Design Scheme (LDS), has been submitted to and approved in writing by the local planning authority. The scheme shall be in compliance with recommendations and relevant guidance as provided by the local planning authority. The approved scheme shall be fully implemented prior to occupation of the development. Any existing elements retained or translocated; or new elements installed, constructed, planted or seeded in accordance with the approved scheme which, within the lifetime of the approved development 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 enhances the character and appearance of the site and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity: thus delivering the objectives of CLDP policies: - SP1 d) and i); GP1 a), f) and i); EQ5; and where appropriate EQ6

### **Condition 16**

Prior to the commencement of any works associated with the development hereby approved, a Construction Exclusion Zone (CEZ) shall be established to protect all existing landscape elements not identified for specific removal to implement the development. The CEZ shall be defined by a barrier of a specification appropriate to exclude the degree and proximity of all construction phase operations. The barrier shall form a continuous length, aligned as follows:

- i) To the perimeter of root protection areas, defined in accordance with BS5837 of all trees, groups of trees or woodland located within, on, or with a canopy spread which overhangs the site boundary.
- ii) To 1.5m from the edge extent of above ground growth of all shrub masses, hedges and hedgerows located within or on the site boundary.

Any construction operations and access within the CEZ shall be limited to those undertaken in compliance with the recommendations of BS5837. The CEZ shall be enforced throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

Reason: To ensure that the development retains, incorporates and does not adversely affect 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; and pursuant to section 197 (a) of the Town and Country Planning Act 1990.



## 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)).

**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>PL/04504</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	We would like to erect 3 number shepherd huts on land adjacent to our dwelling. We intend to rent out the huts as holiday lets (Resubmission of PL/03609 Refused 28.04.22)
<b>Location</b>	Bryngwinau, Llandyfan, Ammanford, SA18 2UD

<b>Applicant(s)</b>	Gary Thomas
<b>Agent</b>	Matt John - Atrium Planning Consultants
<b>Officer</b>	Andrew Francis
<b>Ward</b>	Llandybie
<b>Date of validation</b>	23/08/2022

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr D Nicholas.

## Site

The application site comprises part of an existing field in open countryside, to the west of and associated with the property known as Bryngwinau. The site is located approximately 1.2km to the south of the hamlet of Square and Compass and approximately 760 metres to the north east from the edge of the development limits of the ribbon development of Heol Ddu. The site is approximately 2.2 km south east from the small village of Llandyfan.

The triangular grassed field was previously used for animal grazing and a paddock for ponies. It has a long road frontage with the C2141, with a hedgerow boundary. The site's southern boundary was previously tree lined, though this has been removed and a young hedge is growing in its place, beyond which are open fields. To the north of the C2141 is the administrative boundary of the Brecon Beacons National Park. Existing access to the field and dwelling occurs at the eastern edge of the application site.

## Proposal

The application is for full planning permission for the change of use of the land for the siting of three cabins and associated facilities for the purposes of tourism accommodation.

The proposed cabins are to be constructed on site on a gravel base. The proposed cabins are to take the form of the popular 'Shepherd's Hut' style will consist of a single-storey timber clad/corrugated metal roof structure measuring 6.7 metres in length by 2.7 metres in width and with a maximum height of 3.49 metres (not including the flue) with approximately 18 square metres of floorspace. This would consist of a bedroom space, kitchen and lounge area and shower room including toilet. The cabins would accommodate 2 people and are intended to be used for year-round tourist accommodation. The cabins are to be served by a septic tank. Water butts are proposed to collect grey water. Photograph examples of the types of cabins to be sited on the land have been provided in support of the application.

It is proposed to utilise the existing access to the field and the existing parking area that is being used to serve the dwelling and field, sited at the eastern edge of the field. Access to and from the site would be directly off the existing C class road with enough space for 5 cars. The plans show that the parking area and area the proposed tourism units are proposed is to be bounded by a mixed deciduous hedge. The cabins are to be served by a new footway within the site.

One bat box and sparrow box is also proposed to be sited on one of the units proposed.

## Planning Site History

PL/03609 - Erect 3 x shepherds huts on the land adjacent to dwelling. The huts would take up a very small area of the field which will still be used for livestock; Shetland ponies and to rent out the huts as holiday lets - Full Refusal - 28/4/2022

E/33744 - Non Material Amendment to E/32869 (additional bedroom) - Non-Material Amendment Granted - 20/05/2016

E/32869 - Demolish rear annex and provide additional storey over main bungalow to create traditional and appropriate farm house structure - Full Granted - 07/12/2015

P6/8956/83 - Shower and utility room extension - Full Granted - 31/03/1983

P6/13039/87 - Removal of Conditions 4 and 5 of 8934 - Full Granted - 23/07/1987

## Planning Policy

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

SP1 Sustainable Places and Spaces

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

TR4 Cycling and Walking

EQ4 Biodiversity

EP1 Water Quality and Resources

TSM1 Static Caravan and Chalet Sites  
TSM3 Small Scale Tourism Development in the Open Countryside

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

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

## Summary of Consultation Responses

**Head of Transportation & Highways** – No objections, recommends the imposition of planning conditions.

**Llandybie Community Council** - No observations to make.

**Local Member(s)** - Councillor A Davies has not commented to date. County Councillor D Nicholas has requested that the application be presented before the Planning Committee as it is considered to be in line with the strategic objectives of small scale tourism in the open countryside.

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.

Five representations were received, all in support, and the matters raised are summarised as follows:

- The proposal promotes tourism in the area which will bring additional revenue and utilise the fantastic scenery.
- The proposed development is in keeping with its surroundings.
- The development would support and promote local produce and businesses, including local High Streets.

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

## Appraisal

### Principle of Development

Following the refusal of a previous application, the proposal seeks planning permission to site three 'shepherd's hut' style tourist cabins on land associated with Bryngwinau, Llandyfan. The application proposed and described above seeks to provide short term tourist accommodation all year as a base to explore Carmarthenshire and beyond. The proposed cabins are shown as having wheels as part of their design, although it is also mentioned that they will be constructed on site. Based on the understanding of this type of accommodation, the wheels shown are ornamental and the huts are not designed to be towed behind a vehicle. Furthermore, the cabins are to be sited on purpose-built bases to allow the drainage of surface water and the connection to the septic tank stated. As such,

based on the information provided, it is understood that these cabins are to be sited in the proposed locations on a permanent basis and are not intended to be removed from the site at the end of each holiday season.

Two of the public comments raised tourism issues in their support:

- The proposal promotes tourism in the area which will bring additional revenue and utilise the fantastic scenery.
- The development would support and promote local produce and businesses, including local High Streets.

In terms of the tourism policies within the LDP which may be considered relevant, it is considered that Policy TSM1 is particularly relevant and relates to new static caravan and chalet sites and specifically states such proposals will only be permitted within the development limits of a defined settlement.

Policy TSM2 is not considered to be relevant in this instance as it relates to proposals for new touring caravan and tent sites and for extensions/improvements to an existing site and requires such developments to be directly related to an identified growth area, service centre, local service centre or a sustainable community which exhibits appropriate services and facilities. The proposed development does not involve the visitors bringing their own accommodation onto site and utilising pitches. This contrasts with the interpretation offered by the Forward Planning Manager who considered that the proposed units are akin to touring caravans. For the reasons stated above, it is contested that this is not correct and Policy TSM1 is a more accurate interpretation of the units proposed.

Given the intended year-round accommodation offer of the cabins proposed, despite neither of the above policies being absolutely specific for the consideration of the current proposal, it is clear that the policy requirement from the adopted LDP is that tourism proposals are to be located within or directly related to defined settlements.

As there is no specific policy within the LDP which deals with shepherd's hut/glamping proposals, to allow enough flexibility in the consideration of such proposals, this application has also been considered against tourism Policies SP 15 and TSM 3. Policy SP15 is supportive of tourism related development where it is acceptable in terms of scale, type of development, siting and general impact. In this instance, given the site's location in the open countryside the proposal is required to be small scale, location specific that must satisfy Policy TSM3, except where they are subject to the provisions of TSM2 and/or TSM5.

Policy TSM 3 is relevant to proposals for small scale attractions / facilities in the open countryside, including appropriate extensions to existing facilities, and will be supported where the following criteria are met:

- a) There is no suitable site available within the Development Limits of any nearby defined settlement.
- b) The site is directly related to a defined settlement.
- c) The countryside location is essential and the proposal is highly dependent on the attributes of the site.

- d) The proposal includes a supporting statement demonstrating a clear and justifiable need for the development to be located at that given location.
- e) Where appropriate, the development will increase the vitality, sustainability and environmental quality of the site.
- f) There will be no adverse effects on the surrounding landscape/townscape or the setting and integrity of the historic environment.

Proposals which include a need for ancillary structures should demonstrate that a sequential approach has been considered commencing with the re-use of existing buildings, followed by the need to construct new buildings. New buildings will only be permitted where they are appropriate in terms of their siting, need and scale.

The application site has been chosen on the basis that the applicant owns the land and therefore does not have the option to developing land that is either within or directly related to defined settlements. However, following on from the previous refusal, information has been provided showing that a search has been carried out indicating that alternative sites are not available within nearby defined settlements.

Justification has also been provided for its relation to nearby settlements and also tourist sites of interest within a reasonably close proximity; details that were not included as part of the initially refused application.

The applicant has sought to justify the site's location by emphasising its location being roughly midway between the Ammanford and the hamlet of Llandyfan and close to Llandybie, Llandeilo, and Glanamman. Notwithstanding the above, directly related is defined further in the LDP glossary of terms as sites which are physically, functionally and visually linked to a settlement. Given the countryside location and distance of the site in relation to the nearest defined settlement, being Heol Ddu, it is considered neither physically nor visually linked to the settlement. In terms of functionally, Heol Ddu could easily be accessed on foot though the local road network consists of steep narrow roads and there are no services located at Heol Ddu. The nearest bus stop is located in Glanamman over 2 km to the south east and on narrow, steep roads without pavements for the most part. For the above reasons, the site is not considered to be directly related to a defined settlement.

As such, in terms of Policy TSM 1, the proposal fails at the first consideration, which is that it is required to be within the Development Limits of a defined settlement.

In terms of Policy TSM 3, the Agent has provided evidence there is no suitable location available within a settlement, but it is considered that the site is not directly related to a defined settlement. The specific location of the site has no inherent attributes that would require that this countryside location is essential for this development, though a supporting statement has been provided justifying why the proposal should be sited in this location and why it could benefit the area. By virtue of its isolated area, there is nothing to show that the proposal will increase the vitality, sustainability or environmental quality of the site; indeed, by increasing the number of visitors, it is likely that the environmental quality and sustainability may well reduce and nothing has been proposed that would improve upon the status quo. Due to the large hedge, the site would have a low visual impact, but the increase in traffic would have a small visual impact and to accommodate the improvements to the access, the hedgerow would likely need to be translocated out of the visibility splay for a

distance of 62 metres, having a further potentially unnecessary visual and ecological impact, at least in the short term.

The provision of three tourist units in what is considered to be an unsustainable location would have a net loss to sustainability as it would be entirely reliant on motor vehicles. Whilst it is understood that the visitors would likely utilise some of the local shops, the overall impact of the small number of visitors has to be considered on balance against the concerns against the sustainability of the proposal, which should be at the heart of the decision. It is considered in this instance, the potential benefits in this instance do not outweigh the harm. This consideration can be offered in response to the public comments also.

As such, on balance, it is considered to fail to comply with Policy TSM 3, by virtue of the fact that the site is not directly related to a defined settlement and that a countryside location is not essential and the proposal is not highly dependant upon the attributes of the site.

Policy SP15 is related to the above in that with regard to small scale location specific developments in the open countryside, they must satisfy policy TSM 3, where relevant. As it doesn't, the proposal also fails to comply with this policy.

The Agent highlights issues of consistency in decision making. However, this recommendation is made based on the details contained in this individual application. As Members will know, when considering a planning application, each case must be assessed on its individual merits and that there is no legal argument for precedence. For this application and any application, the proposal is considered against the Local Development Plan and any other material considerations, the discussion of which is presented here.

### Highway Impacts

The proposed development would utilise the existing access into the field from the C2141 however the proposals are considered to result in an intensification of the use of the site and access. As such, works are required to widen the existing access to 4.5 metres for the first 5 metres from the edge of the carriageway and a visibility splay of 2.4 metres by 120 metres either side of the proposed access is also required. In order to comply with this condition, this will require the translocation of approximately 62 metres of hedgerow, something that isn't accounted for on the proposed plans, ecology or landscape considerations.

The Head of Transport does not object to the proposal and it is considered that the proposal complies with Policy TR3 and the specific part of Policy GP1.

In considering the location of the development, as discussed above, the site is not considered to be linked to a defined settlement and the application fails to demonstrate that the site is located in a sustainable location, accessible by public transport or by non-car modes of transport, including cycling. There are no cycling storage solutions proposed as part of the development. As such, it is considered that there would be a reliance on motorised vehicles to access services and facilities which are not easily accessible from the site and therefore, it fails to comply with Policy TR2.

### Biodiversity Impacts

The Authority's Planning Ecology Section have considered the proposed details as submitted and are satisfied that the proposed deciduous hedge around the car parking area, a bat and sparrow box to be attached to one of the units and a wild meadow border is to be



planted alongside the development are measures considered to be sufficient mitigation and enhancement to the proposed development. However, the issue of the potential requirement to translocate approximately 62 metres of hedgerow does not appear to have been considered and as such, is something that will need to be potentially re-examined.

### Impact upon Character and Appearance of the Area

The development as proposed has no near neighbours to overlook or specifically impact in terms of visual impact and is well screened from the highway and generally would appear to comply with parts a) and b) of Policy GP1.

One of the public comments raised the issue of visual integrity as a point of support:

- The proposed development is in keeping with its surroundings.

In considering the proposal in detail, it should be kept in mind that by virtue of the Head of Transport's requirement to provide a 2.4 x 120 metre visibility splay, it will require approximately 62 metres of hedgerow to the west of the access to be translocated rearwards out of the visibility splay, which would have at least temporary visual impact at minimum and an ecological impact that has not been assessed. As it is considered that the proposal is contrary to Policy TSM1, TSM3 and SP15 due to the site's location outside Development Limits and its lack of proximity and relationship with a Defined Settlement, it is considered that the works to the hedgerow should not even be considered and there are a further symptom of the potential impact this development would have in this unsuitable, unsustainable location. Taking this into account, it is therefore considered that the proposal, on balance fails to comply with Policy GP1.

## **Planning Obligations**

No planning obligations are relevant.

## **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 despite the public support raised and the additional justification provided with this application the proposal, by virtue of its location outside of Development Limits and lack of direct relationship with a defined settlement, the proposal is demonstrably sited in an unsustainable location and thus fails to comply with the Policies of the Carmarthenshire Local Development Plan and is therefore recommended for REFUSAL.

## RECOMMENDATION - Refusal

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### Reasons

#### Reason 1

The application proposes new year-round holiday accommodation in the form of three cabins and associated works, on a site which is not located within the development limits of a defined settlement nor directly related to any defined settlement. The proposed development is therefore considered to be contrary to Policies SP15 (Tourism and the Visitor Economy), TSM1 (Static Caravan and Chalet Sites) and TSM3 (Small Scale Tourism Development in the Open Countryside) of the Carmarthenshire Local Development Plan adopted December 2014.

#### Reason 2

The application fails to demonstrate that the site is in a sustainable location accessible by public transport or by non-car modes of transport, including cycling and walking. As such it is considered that there would be a reliance on motorised vehicles to access services and facilities which are not easily accessible from the site. The proposal is contrary to Policy TR2 "Location of Development – Transport Considerations" and Policy TR3 "Highways in Developments – Design Considerations" of the Carmarthenshire Local Development Plan adopted December 2014.

<b>Application No</b>	<b>PL/04526</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Retention of Marquee as part of an Ancillary External Dining Area for a Temporary Period of Three Years
<b>Location</b>	6-11 Jacksons Lane, Carmarthen, SA31 1QD

<b>Applicant(s)</b>	Claudio Cernat
<b>Agent</b>	Evans Banks Planning Limited - Richard Banks
<b>Officer</b>	David Roberts
<b>Ward</b>	Carmarthen North and South
<b>Date of validation</b>	17/08/2022

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by a local member, Carmarthenshire County Council is the land owner and also has a financial interest as it receives a ground rent for the marquee.

## Site

The application site is an area of land located within and currently forms part of the public square off Jacksons Lane. The application site is located adjacent to Jackson's Lane and immediately opposite Florentino's restaurant which is located at 6-11 Jacksons Lane which is a pedestrian route running from King Street to Chapel Street in Carmarthen. The site is located in the centre of Carmarthen town centre. The land slopes from the south towards Chapel Street/Woods Row at the northern end. There are buildings to the southern and eastern sides of the square. The western elevation has a stone wall with the rear of commercial properties backing on to the square. The northern end of the square opens on to Chapel Street/Woods Row.

The existing properties along Jacksons Lane and facing on to the square are generally of commercial nature, these buildings are primarily in A1 (retail) or A3 (hot food and drink) use. In the square itself there are a number of trees and various seating areas with benches and walls. There are paths around the square. Along the eastern edge of the square there

is a stone wall running north/south. The north part of the square is currently grassed and contains wooden bollards on its boundary with Chapel Street.

The site is located within the defined Town Centre of Carmarthen and is also situated within the Carmarthen Town Conservation Area as delineated in the Carmarthenshire Local Development Plan (LDP). The land at the northern end of the square, currently grassed, is shown to be located within the area defined as the Primary Retail Frontage. The existing commercial premises to the southern end and the west of the square are also designated as Primary Retail Frontage. The square itself has no specific designation.

The existing square/gardens were created by the former Carmarthen District Council in the 1990's following planning permission in 1993. Planning permission was granted in 2017 for a Carmarthenshire County Council led public realm enhancement scheme of the Square but this was not implemented and has since lapsed.

## Proposal

The application is seeking retrospective full planning permission for the retention of a marquee as part of an ancillary external dining area for a temporary period of three years on a rectangular piece of land directly adjacent to Florentino's, 6-11 Jacksons Lane, Carmarthen. The application is a resubmission following the refusal of planning permission on 20th June 2022 under Application PL/04010. That application was made retrospectively and sought planning permission for the permanent retention of the marquee that has been erected on open land directly in front of the Applicants' restaurant at Jacksons Lane. That application was refused on the following grounds:

*The site is situated within the boundary of the Carmarthen Town Conservation Area. Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special attention to the desirability of preserving the character or appearance of the area. The area is predominantly characterised of buildings of traditional construction and proportions including slate roofs, stone and rendered walls, timber joinery which forms part of the special architectural and historic interest of the Carmarthen Town Conservation Area. The proposed marquee/gazebo would not preserve or enhance the character or appearance of the Conservation Area; and introduces a structure which is incongruous in design, construction, materials and location which detrimentally impacts the special interest of the conservation area. Therefore, having regard to the statutory duty under Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposal is considered to be contrary to Policy SP13 of the Carmarthenshire Local Development Plan.*

The marquee provides all-weather cover for customers dining at the restaurant. The uPVC marquee is white in colour and is supported by a metal frame, raising to a height of 3.0 metres, with a shallow pitched roof. The marquee covers a rectangular floorspace covering an area of 50 sqm being 10.0 metres in length by 5.0 metres in width. The side panels can be rolled up to allow the marquee to be open sided in good weather and retracted down when the weather is inclement. The marquee is erected on a paved area, there also tables and chairs in front of the marquee that are also utilised by the restaurant.

The application forms state that the marquee will be used between the hours of 11am – 11pm Monday to Saturday.

## Planning Site History

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

PL/04010 - Retention of existing marquee - Full Planning Refused - 20 June 2022

W/35973 - New public square, café and small business units to existing public realm - Removal of existing wall/railings - Conservation Area Consent - Approved - 21 September 2017

W/35554 - New public square, café and small business units to existing public realm - Full Planning Permission - 5 September 2017

W/30943 - Proposed 1 X DSLAM green telecomms cabinet on a concrete plinth - Telecom prior approval not required - 30 September 2014

W/21169 - Erection of a two-storey building for retail shops and offices - Outline planning permission - 10 September 2009

W/00768 - Siting of a retail development - Outline planning permission - 12 September 1997

D4/24093 - Public garden - County Permission Under Regulation 4 - 18 November 1993

D4/24092 - Construction of shop units - County Permission Under Regulation 4 - 18 November 1993

D4/23447 - Public gardens - County Permission Under Regulation 4 - 15 July 1993

D4/23446 - Siting of a shop unit - County Permission Under Regulation 4 - 15 July 1993

D4/19189 - Area Directors office together with the lobby banking facility - Outline planning refused - 20 September 1990

D4/18254 - Siting of retail development - County Permission Under Regulation 4 - 12 September 1989

D4/13725 - Siting of retail development and public garden area - County Permission Under Regulation 4 - 28 July 1986

D4/13692 - Construction of 3 no lock up shops and offices - No Decision

D4/12879 - Siting of 3 no lock-up shops with office cover - Outline planning permission - 17 October 1985

## Planning Policy

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

SP3 Sustainable Distribution - Settlement Framework

SP8 Retail

SP13 Protection and Enhancement of the Built and Historic Environment

SP15 Tourism and the Visitor Economy  
SP16 Community Facilities  
GP1 Sustainability and High Quality Design  
EMP1 Employment - Safeguarding of Employment Sites  
EMP3 Employment - Extensions and Intensification  
EMP5 Mixed Use Sites  
RT1 Retailing Hierarchy  
RT2 Principal Centres (Growth Areas): Primary Retail Frontage  
RT3 Principal Centres (Growth Areas): Secondary Retail Frontage  
RT4 Principal Centres (Growth Areas): Town Centre Zone  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

### [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 Public Protection** - No objections to the proposal.

**Carmarthen Town Council** - No observations received to date.

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

- The Built Heritage Officer recommends refusing the application to retain the marquee/gazebo because it has a detrimental impact on the conservation area and does not enhance its character or appearance. I consider this to be a subjective opinion in the application of policy SP13 this instance. The marquee/gazebo has been there since May 2019 and is an attractive feature in an area that the County Council has long wanted to develop.
- The County Council's priority is job creation, and this marquee/gazebo has enabled the applicant to expand the business, creating more employment. Lon Jackson is an employment area and policy EMP1 of the LDP protects the use of such sites. To reject the development would conflict with that section of the LDP.
- The Heritage Officer's claim about setting a precedent is invalid, because each planning application is considered on its own merits.
- The reference to 'widespread damage' is also invalid, since this is an application for temporary permission, due to the planned redevelopment of Jacksons Lane and Gerddi Llydaw in due course.

**Local Member - Councillor A Lenny** – Has not commented to date.

**Local Member - Councillor G John** – Has not commented to date.

**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 not required.

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

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 and publication in the local newspaper. No public representations were received.

## Appraisal

The main consideration of the case is the impact of the marquee upon the character and appearance of the local area and the impact upon the historic environment.

### Impact on the Local Area and the Historic Environment

The applicant's agents have submitted a planning Statement & Heritage Impact Assessment in support of their client's application. The statement confirms that the marquee has been beneficial for trade, and has allowed the Applicants to increase turnover, and retain and employ more staff at the restaurant.

The property lies in a designated Conservation Area, which is prescribed in accordance with legislation provided by the Planning (Listed Buildings and Conservation Areas) Act 1990. Welsh Government provide guidance within Technical Advice Note 24: "The Historic Environment" (May 2017). Paragraph 6.3 indicates that "Local planning authorities must from time to time formulate and publish proposals for the preservation and enhancement of conservation areas in a management plan. In accordance with best practice, this should be every five to ten years."

It indicates that LPAs should consider Conservation Area Appraisals. Paragraph 6.4 indicates that "A conservation area appraisal is the foundation for any proposals for preservation and enhancement." The agents contend that the Council have not prepared any such Conservation Area Appraisal for the Carmarthen Town Conservation Area, and thus there is no clear guidance as to special attributes or attention that should be paid to specific parts or buildings within the designation.

The Heritage Statement's conclusion is that the visual impacts of the marquee are minimal, restricted only to pedestrian views from Chapel Street. Even then the views are dominated by high buildings, high mature trees and scrub vegetation and stone walls. In the agent's opinion, a restricted three-year use of part of the open square for such a temporary structure will not undermine the character and setting of this part of the Conservation Area and would enhance the character and appeal of Jackson's Lane and enhances the Conservation Area, introducing "vigour" and "vibrancy" into a very compacted streetscene.

The application has been reviewed by the Council's Built Heritage Officer who has raised objections to the proposal due to its impact on the Carmarthen Town Conservation Area.

Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law determines that the objective of preserving the character and appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved. This duty is further replicated in Policy SP13 Protection and Enhancement of the Built and Historic Environment of the LDP which requires development to preserve or enhance the built and historic environment of the County and that proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities.

The public amenity area centred around Jacksons Lane plays an important role and recreational facility for the town centre of Carmarthen.; it is the only area of informal public open space of any meaningful size in the built up area of the town centre, that can be easily accessed, utilised and enjoyed by shoppers, visitors, workers and residents of the town centre. It is one of the key locations where the Conservation Area can be enjoyed by users of the public space.

This public square also makes an important contribution towards the character and appearance of the Carmarthen Town Conservation Area. The square contains mature trees, shrubs, grassed areas, pathways, seating, attractive dwarf stone walling and conservation style railings and paved areas that all contribute to the special character of the area. The immediate area is predominantly characterised of buildings of traditional construction and proportions including slate roofs, stone and rendered walls, timber joinery which forms part of the special architectural and historic interest of the Carmarthen Town Conservation Area.

The proposed marquee/gazebo introduces a structure which is considered incongruous in design, construction, materials and location having regard to the character of the surrounding area as described above. It is considered that the marquee is entirely at odds with the established character and appearance of the square area and given its scale, colour and location is an overly dominant feature that detracts from the wider area and has a detrimental impact on the special interest of the conservation area. The agent's assertion that the marquee is not highly visible is disputed in that evidently the marquee is within a public space with views from surrounding public highways. It is not considered that, having regard to the Authority's statutory duty referred to above that the proposal would neither preserve nor enhance the character and appearance of the Conservation area.

Whilst it is recognised that the application seeks only a temporary consent, it remains even for such a temporary period, the same statutory duty applies and the harm to the Conservation Area is unacceptable. It is also recognised that plans for a wider redevelopment of the square have previously been approved. This has been highlighted by the agent in support of this application. However, the approved redevelopment was not implemented and has since lapsed and therefore there is no current firm consented proposals in place for the square.

It is recognised that the marquee was initially required to facilitate compliance with Covid restrictions and regulations due to the nature of the internal space of the restaurant itself being confined. Evidently its presence during that period assisted the business. Those restrictions have since lifted and therefore the initial justification for the marquee has diminished. Nevertheless, the agent advises that the marquee is now required to in effect provide an extension to the restaurant as the potential to extend the restaurant building itself



is limited. Whilst this justification is fully acknowledged and that the popularity of outside dining has increased due to Covid, this must be balanced against the impact that the marquee as submitted and as in situ is having upon the Conservation Area. On balance, it is not considered that the economic benefits outweigh this harm.

## **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 proposal as submitted and representations received, it is concluded on balance that the economic benefits that the marquee provides does not outweigh the considerable impact the marquee has on the character and appearance of the Conservation Area. The marquee is a large, bulky form that dominates views into and from within the public gardens. It does not fit in with the traditional building form and the natural materials of buildings overlooking the square. The colour of the marquee also adds to its prominence. The proposal would not therefore either preserve nor enhance the character and appearance of the Conservation Area and is therefore considered contrary to Policy SP 13 of the Local Development Plan.

## **RECOMMENDATION - Refusal**

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### **Reasons**

#### **Reason 1**

Policy SP13 of the Carmarthenshire Local Development Plan requires that:

- Development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets, and, where appropriate, their setting.
- Proposals relating to Conservation Areas and their setting will be considered in accordance with national guidance and legislation.
- Proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

The site is situated within the boundary of the Carmarthen Town Conservation Area. Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special attention to the desirability of preserving the character or appearance of the area. The area is predominantly characterised of buildings of traditional construction and proportions including slate roofs, stone and rendered walls, timber joinery which forms part of the special architectural and historic interest of the Carmarthen Town Conservation Area. The proposed marquee/gazebo would not preserve or enhance the character or appearance of the Conservation Area; and introduces a structure which is which is incongruous in design, construction, materials and location which detrimentally impacts the special interest of the conservation area.

Therefore, having regard to the statutory duty under Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposal is considered to be contrary to Policy SP13 of the Carmarthenshire Local Development Plan.