

**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**ATODIAD  
ADDENDUM**

**Adroddiad Pennaeth Lle a  
Chynaliadwyedd  
Lle a Seilwaith**

**Report of the Head of Place  
and Sustainability  
Place and Infrastructure**

**30/03/2023**

**I'W BENDERFYNU  
FOR DECISION**

<b>Application No</b>	<b>PL/05408</b>
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<b>Proposal</b>	Proposed change of use from a former Methodist Chapel into 3 no. one bedroom flats including creating a new first floor structure and the provision of roof lights to the first floor roof area
<b>Location</b>	Cambrian Chapel, The former Victoria Road Methodist Church, Llanelli, SA15 2LE

## Details

### Consultation:

Additional consultation responses have been received from the Highway Authority and Llanelli & District Civic Society. A summary of the responses is provided below:

**Highway Authority** – The site is in a sustainable location with reasonable footway provision providing accessibility to the facilities / amenities of Llanelli as well as local bus stops and Llanelli Railway Station. NCN Routes 4 and 47 are also located nearby.

There is no designated/off-street parking proposed as part of the application, but the site is in a reasonably sustainable location. The building also has an existing use associated with it, with the proposals considered to represent a least intensive use of the site. No observations.

**Llanelli & District Civic Society** – object as the development is contrary to Policy EQ1 as it does not preserve the built and historic environment of the subject building or the area and is over development with three flats and lack of adequate amenity space.

Also contrary to GP1h) as no parking proposed for residents.

<b>Application No</b>	<b>PL/05039</b>
<b>Proposal</b>	Provision of traveller site with twin unit caravan, day/utility room, touring caravan, agricultural buildings, solar array and access improvements (partly in retrospect)
<b>Location</b>	Bryngwyne Fach Farm, Carmel, Llanelli, SA14 7UH

## Details

Since publication of the committee report, further correspondence has been received from the agent raising the following matters:

- Whether the revised siting of the residential elements overcomes the flood risk reason for refusal
- Submission of revised details to include the provision of a private treatment plant rather than a cesspit and whether this overcomes the foul drainage reason for refusal
- That the needs of the family and children overcome the landscape/sustainability reasons and this has been tested at appeal
- The availability of other pitches
- The committee report fails to give weight to a Welsh Government Report issued in August 2022 regarding the provision of public and private sites for Gypsy And Travellers across Wales
- The committee report fails to give weight to the cost to the public purse of enforcing/clearing the site and to rehome the family

Each of the above are addressed in turn below.

### Flood Risk

The re-siting of the residential elements of the proposal to areas within the application site area not affected by the flood zones is welcomed and as such remove highly vulnerable development from the flood zone areas. Nevertheless, the remaining residential amenity area along with the agricultural and storage buildings will remain within the flood zone areas. The Council's Sustainable Drainage Approval Body (SAB) have reviewed the application as amended and have since confirmed that despite the residential elements being moved from the affected flood zone areas, there remains to be concern over the continued presence of the agricultural barn and storage shed within the flood zone. To this end, the SAB team continue to advise that a plan should be provided to ensure that adequate measures to protect the development from flood risk are included and that evidence, in the form of a flood consequence assessment, that the development and any mitigation measures would not adversely affect downstream or neighbouring properties in terms of flood risk is required.

Therefore whilst reason for refusal 5 has been partly addressed in terms of re-siting of the highly vulnerable uses outside of the flood risk areas, it remains that insufficient information has been provided to demonstrate that the proposal has fully taken flood risk into account and the resultant risks are minimised. It is considered that this information is required at this stage to ensure that any additional works which may or may not be needed can be fully considered and assessed.

## **Foul drainage**

The revised proposals now indicate that a bespoke private treatment plant is to be provided rather than the current sealed cesspit arrangement as a means to overcome reason for refusal 4. The revised submission includes the Circular 08/2018 private foul drainage hierarchy of seeking private treatment plants in the first instance, followed by a septic tank and then a cesspit. The revised plans indicates that a package treatment plant is to be installed subject to satisfactory percolation tests. These percolation tests have not been carried out to date, and therefore there remains a case of insufficient information to demonstrate that the now proposed private treatment plant is capable of being implemented. However, it is recognised that the applicant is now willing to entertain an improved foul drainage arrangement and as such, on balance it is considered that conditions could be imposed, in the event that planning permission were to be granted, to ensure that sufficient information is provided to demonstrate that a private treatment plant could be implemented. Such a condition however would have to be carefully constructed given the retrospective nature of the development and would require submission of the required percolation tests within a specified time frame from the date of the decision, and should they be favourable to provide full details of the treatment plant and its subsequent installation and commissioning along with decommissioning of the existing tank all within a reasonable time period. However such a condition could be imposed and therefore it is considered on balance, that reason for refusal 4 could be removed.

In terms of the amendments received, they have been received at a late date, but nevertheless have been accepted as formal amendments to the application. The Local Planning Authority must consider whether further consultation is required in the interests of fairness, having regard to such factors as the scale of the amendments proposed and the extent to which they affect the assessments of the merits already made or the consultation responses already submitted.

Whilst the amendments have been submitted to address particular concerns, it is not considered that the overall changes proposed would amount to a material change in the overall development to warrant a full scale re-consultation of the application. For instance, the re-siting of the residential elements would be within the same application site area and would be viewed within the same context as the existing. The re-siting would not result in the development being significantly more or less visually prominent than the current situation and original proposal, nor would it materially alter the impact on neighbouring residents or occupiers. Whilst inevitably there will be some level of change to enable the movement of the existing static caravan unit, this again is not considered to give rise to material issues that would have warranted a full re-consultation. The consultation that has taken place has therefore been targeted to the specific matters that have triggered the amendments.

## **Needs of the family outweighs other material considerations**

The Planning Committee report has considered the needs of the family and the children and weighed this against the assessment of the proposal against policy. The agent has referred to a recent appeal decision for a single traveller's pitch (Bridgend County Council) where a Planning Inspector concluded despite being in an unsustainable location and that the site would affect the character and appearance of the area, the appellant's circumstances were such that the need for accommodation was genuine and due to the lack of any other available site that could meet the need, the appeal was allowed. Whilst the appeal decision is noted, it is evident that it fell on consideration of the personal circumstances of the

applicant. The appeal decision does not provide much detail as to those circumstances and therefore it is difficult to assess the similarities between the case. Nevertheless, cases where personal circumstances of the applicant outweighs other material considerations are unique to that individual(s) and is a clear case of each application having to be considered on its own individual merits.

### **Pitch availability**

The agent has advised that he is familiar with all recent planning permissions for gypsy and traveller sites within Carmarthenshire having represented the applicants on the vast majority and in his opinion there are no available pitches on private sites as far as he is aware. However, as set out by the Council's Housing Officer, it is considered based on the most up to date information that needs have been met through recently approved permissions and that there are opportunities for pitch availability on existing and approved sites.

### **Welsh Government Report August 2022**

The applicant's agent has referred to a report outlining findings by Welsh Government's Local Government and Housing Committee into the provision for sites for Gypsy, Roma and Travellers across Wales. The report identifies problems in the provision of Gypsy and Traveller sites across Wales and makes recommendations primarily directed to the Welsh Government about future steps. Whilst the findings of this report are acknowledged, in Carmarthenshire, the Authority has approved a number of pitches within recent years and has been supportive of planning applications where they have been considered to meet the policies in the development plan and other material planning considerations. However, for the reasons set out in the report, it is not considered that this particular case can be supported.

### **Cost to the public purse and to the applicants**

The agent suggests that the recommendation to refuse the application has not given due consideration to the cost to the public purse of enforcing against the development, such as legal proceedings, site clearance costs and rehoming the applicants. While in general terms the Authority may take into account the cost implications of a decision at the determination stage, it is not required to do so.

In this case, the potential for the Authority to incur costs arises from potential future enforcement proceedings taken by the Authority. It is considered that the cost issue is more appropriately considered at any future enforcement action stage. The Authority has already issued enforcement notices in respect of the site, explicitly accepting that the costs of doing so are outweighed by the public benefit in enforcement. Assessment of any further such costs will take place when considering the expediency of further enforcing compliance with the existing notices or taking new enforcement action. Accordingly, the Council does not consider that this factor should be one which is considered in determining this planning application.

The agent has also referred to the costs for the applicant of having to move from the site if permission is refused. The Authority acknowledges that should the applicants have to move home, they are likely to incur expenses. However, in this instance the applicants were aware very soon after they took occupation of the site that development of the site was unauthorised but proceeded to establish themselves on the site regardless. It is therefore considered that the applicants accepted the level of financial risk associated with

progressing with unlawful development on the site. It is not considered that this consideration alters the assessment set out in the main report that the personal circumstances of the appellants, including with regard to the best interests of children, human rights, and the public sector equality duty, do not outweigh the conflict with the development plan and other material considerations.

## **Conclusion**

In conclusion therefore, whilst the matters that have been raised by the agent are acknowledged, with the exception of reason for refusal 4, it is not considered that the above overcomes any of the other reasons set out in the original report and as such the application remains to be recommended for refusal on the grounds set out in the original report with the exception of reason for refusal 4.