

**Cyngor Sir Caerfyrddin
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO
PLANNING COMMITTEE**

**Adroddiad Pennaeth Cynllunio
Adran yr Amgylchedd**

**Report of the Head of Planning
Environment Department**

19/08/2021

**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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	19/08/2021
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL
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Application No	W/35975
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Application Type	Full Planning Permission
Proposal & Location	CHANGE OF USE OF LAND AND BUILDINGS FOR THE PURPOSES OF A CORPORATE EVENTS VENUE TO HOLD CLAY PIGEON SHOOTING, FISHING AND DEER MANAGEMENT ACTIVITIES AT LAND NEAR PANTGWYN FARM, WHITEMILL, CARMARTHEN

Applicant(s)	MR & MRS LIGHT
Agent	JCR PLANNING LTD
Case Officer	HELEN RICE
Ward	ABERGWILI
Date registered	15/08/2017

Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than five objections from third parties on an application classed as a major application as well as a request from Cllr Dorian Williams that the application be determined by the Planning Committee on the grounds referred to in the report below.

Site

The application site consists of an area of land near Pantgwyn Farm known as "Hidden Valley Sports". The land is located approximately 1.5km north of Pantgwyn. The site is accessed from the county road via a gated access off the eastern flank of the U2185 near its junction with the C2220. The land is located at the bottom of a valley and runs up the valley to the north east from the access. An access track runs from the access to the public road which is also a Public Right of Way.

The application site area is in a wide, more open area of land, adjacent to the public right of way with a number of existing buildings. 5 ponds have been created at the site close to Nant Penycwnc which runs through the site. These have not been subject to any planning permission however the works appear to have been carried out several years ago (at least since 2006) meaning they are now immune from planning enforcement action.

The application site covers approximately 5ha of land with a number of existing features relating to shooting activities, including clay traps and firing locations. Some of these appear to have been on site for a number of years while others appear more recent. As such a

separate application (W/37473) is also before the committee today seeking retrospective planning permission for the retention of the shooting traps, shooting stands and associated structures.

The site is located outside of any settlement limits and is thus within the open countryside. The Tywi Valley Special Landscape Area lies to the south of the site with only part of the access road to the site located within. Public Right of Way 2/21 runs through the site along the access lane and then proceeds along the site's eastern boundary and northwards.

Proposal

The application seeks full planning permission for change of use of the land and buildings for the purposes of a corporate events venue to hold clay pigeon shooting, fishing and deer management activities.

The information submitted in support of the application states that fishing and clay pigeon shooting has operated from the site for some 18 years on a part-time commercial basis under the 28 day permitted development rules. However, the applicants now wish to increase the usage of the site beyond permitted development rights and therefore the change of use being sought is for up to 150 days each year with no two events (clay pigeon shooting, fishing or deer management courses) taking place on the same day.

The application is accompanied by a number of supporting documents including a Planning Statement, Noise Impact Assessment, Soil and Water Analysis, Safety Policy Statement. The application was the subject of the statutory pre-application consultation process and a Pre-Application Consultation (PAC) Report has been submitted. All documents are available to view on the Council's website.

The different elements are proposed to operate as follows:

Clay Pigeon Shooting

The proposal includes 8 firing locations, 3 of these are individual locations with a pair of firing locations towards the northern end of the site and 3 located towards the western end of the site. 2 of the individual locations are located adjacent to one of the central ponds and the final one being adjacent to the public right of way. 21no. clay traps are located near to the 8 no. firing locations. The clay pigeon shooting element is proposed to operate as follows:

- only take place between 10am and 4pm on week days only and allowing for safety briefings and lunch within this time, it is likely to result in 3 hours of actual shooting
- a maximum of 8 persons per session
- all ammunition used during the clay pigeon activities would be subsonic cartridges (subsonic cartridges are fired at a speed below the speed of sound and therefore reducing the sonic boom or loud 'crack' commonly heard when most bullets are fired)
- no more than one shotgun is to be fired at any one time
- no more than 75 days of clay pigeon shooting activities would take place per annum
- no more than 2 days of clay pigeon shooting activities would take place per week
- it is suggested that customers would arrive at the site in 2-3 cars

The submitted details recognise the site's proximity to the public right of way that traverses the site and explains that "*standard rules for holding clay pigeon shoots shall be adhered to*", with visitors being advised during the pre-shoot safety briefing, summarised as follows:

- A member of staff will be positioned at either end of the Public Footpath as it enters and leaves the application site, with the third member of staff with the shooting party.
- When a user of the Public Footpath is seen by the member of staff positioned at the southern entry point into the site on the public footpath, they shall then sound an airhorn.
- When a user of the Public Footpath is seen by the member of staff positioned at the northern entry point into the site, they shall then sound a whistle.
- All shooting will then cease, guns shall be unloaded and broken to be pointing downwards.
- Shooting will then only recommence when the user of the Public Footpath leaves the site, with the member of staff with the shooting party being notified that this is the case by either of the other two respective members of staff via a hand held transceiver.
- A notice would be erected on the entrance gates giving advance warning of shooting days.

Fishing

The fishing element undertaken on the 5no. lakes, currently stocked with brown trout, roach, bream carp, tench and crucian carp is proposed to operate as follows:

- a maximum of 8 persons per day
- no limit on the hours of operation
- customers are likely to travel to the site in 2-3 vehicles.

Deer Management Courses

The courses to be ran on the site seek to provide customers with a Deer Stalking Certificate, with the course itself covering topics such as deer biology and ecology, relevant law, stalking techniques and taking the shot (theory only), deer identification, carcass inspection and supply of venison for consumption. The courses are run on a classroom basis and no shooting takes place. Upon satisfactory completion of the course students would be sent a referral form to enable completion of the remaining practical (active shooting) assessment at any other British Deer Society approved location. In terms of its operation, the following details have been provided:

- limited to 4 individuals per day
- courses operating between 10am and 4pm
- customers are likely to travel to the site in 1-2 vehicles

Access to the site would utilise the existing access from the county road with dedicated provision for 8no. car parking spaces adjacent to an existing storage building located within the main site area, albeit the submitted statement advises that there are various areas available within the site for car parking. The submitted details also advise that visitors would be advised to access the site via a "Preferred Route" which leads from the village of Whitemill northwards via the classified C2050 road.

The applicant advises that the proposal would require an additional 2 full time and 1 part-time equivalent worker above the existing 1 full time worker (land management). On shooting days, 3 members of staff would be present with all 3 holding a full shot-gun licence to ensure adequate staff coverage to facilitate the safety arrangements for users of the right of way referred to above.

Planning Site History

W/37473 – Retention of clay pigeon traps, shooting positions and associated structures – Pending

W/30827 - Retention of timber building - Full Granted 06/11/2014

W/21542 - Erection of log cabin dwelling - Outline Refusal 21/09/2009

W/13080 - Agricultural implement store - Agricultural Det. Pp Not Required 18/05/2006

Planning Policy

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

SP1 Sustainable Places and Spaces

SP9 Transportation

SP13 Protection and Enhancement of the Built and Historic Environment

SP14 Protection and Enhancement of the Natural Environment

SP15 Tourism and the Visitor Economy

GP1 Sustainability and High Quality Design

EMP4 Farm Diversification

TR2 Location of Development- Transport Considerations

TR3 Highways in Developments- Design Considerations

TR4 Cycling and Walking

EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

EQ4 Biodiversity

EQ6 Special Landscape Areas

EP1 Water Quality and Resources

EP2 Pollution

EP3 Sustainable Drainage

TSM3 Small Scale Tourism Development in the Open Countryside

[Carmarthenshire Supplementary Planning Guidance](#)

[Future Wales: The National Plan 2040](#)

[Planning Policy Wales](#) (PPW) Edition 11, February 2021

[Technical Advice Notes](#) (TANs) published by Welsh Government

- Technical Advice Note 6: Planning for sustainable rural communities (July 2010)
- Technical Advice Note 11: Noise (October 1997)
- Technical Advice Note 13: Tourism (October 1997)
- Technical Advice Note 16: Sport, Recreation and Open Space (January 2009)
- Technical Advice Note 18: Transport (March 2007)
- Technical Advice Note 23 : Economic Development (February 2014)

Summary of Consultation Responses

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

Head of Transportation & Highways – offers no objection to the development subject to the imposition of a condition requesting a scheme of parking.

Public Rights of Way – have confirmed that the site is crossed by footpath 21/2 and whilst not specifically objecting to the application, have commented as follows:

- Whilst the applicant has stated that no shooting would be directed towards or across the public footpath and has made some changes to the position of shooting stands, some of the shooting stands, which confine the direction of shooting, would not comply with the Chartered Institute of Environmental Health (CIEH) guidance on Clay Target Shooting which recommends a minimum safety zone of 275m in front of and alongside shooting stands.
- Whilst it is not a specific offence to shoot across a public right of way, to do so could amount to a common law nuisance, wilful obstruction of the highway (Highways Act 1980 section 137), a breach of the Health and Safety Act 1974, or intimidation.
- The safety measures put forward by the applicant are common in regards to irregular / mobile shooting activities but less so at fixed-site shooting. Concerns have been raised that manned points, and / or use of air-horns may have a deterring effect on path users.
- Following a survey and review of records, the path receives light use, mostly by local people, with irregular visits by walking groups. The path is not on a priority routes list and does not receive regular maintenance by the Authority.
- The public footpath within the site is well-maintained by the landowner which mostly follows the properties' main trackway. It is in good order and easy to use, with several waymarkers and signs directing users along the path, it is understood that the majority of users only use this section as sections beyond are more difficult to use.
- Complaints have been received that current signage e.g. 'shooting in progress' are likely to deter the public, especially if those activities are not actually taking place. It is an offence under the National Parks and Countryside Act 1949, for any person to erect or maintain a notice containing a false or misleading statement likely to deter the public from using a public right of way.
- Site notices need to be reviewed to ensure that no signs can be interpreted as being misleading or deterring to members of the public using the public footpath.
- The applicant submits a Safety Management Plan, as recommended by CCC Environmental & Licensing Section.
- That the applicant reviews the locations of the shooting stands in regards to the CIEH guidance on Clay Shooting.

Head of Public Protection – a number of responses have been received during the course of the application following the submission of amended details. The following provides a consolidated summary of the responses received to date towards matters concerning Health and Safety and Noise.

Health and Safety

- The site does breach the Chartered Institute of Environmental Health (CIEH) guidance on Clay Target Shooting due to the location of a public footpath, which

runs north to south within a recommended safety zone of 275m in front of and alongside the shooting stands.

- The applicant must demonstrate that the safety arrangements proposed by the applicant (manned entrance/exit points, use of airhorns, bells and signage) will be effective. The submitted Safety Management Plan (as requested to address this matter) has not been signed and dated by the responsible person and should ideally outline the hazard(s) of using the path when shooting takes place with a commitment to review/amend the plan periodically to respond to any changes in circumstances.

Noise

- The department has both recently and historically been in receipt of noise complaints regarding the shooting activities from the application site. Noise monitoring has taken place both historically and presently and to date no Statutory Nuisance has been substantiated, as defined in the Environmental Protection Act 1990. However, in coming to those conclusions, weight was attached to the frequency of occurrence which at present is under the '28 day rule' for permitted development.
- The Chartered Institute of Environmental Health's Guidance Document 'Clay Target Shooting – Guidance on the Control of Noise (2003)' guidance document states "*At shooting noise levels below the mid 50's dB(A) there is little evidence of significant levels of annoyance at any site, whereas for levels in the mid to high 60's, significant annoyance is engendered in a majority of sites. For levels in between however, the extent of the annoyance varies considerably from site to site. Thus a level of, say, 60 dB(A) may be deemed acceptable at one site, but not another.*"
- Initial objections to the development on grounds of noise and proximity of properties within the recommended Noise Buffer Zone have since been addressed through the applicant's commitment to have numerous controls over the frequency of shooting (limiting the number of hours per day permitted for shooting, the number of days per week when shooting is to take place, no shooting on weekends) coupled with the use of a subsonic (Hush Power 28g cartridge). Provided that suitable conditions are imposed to control these elements no objections from a noise perspective are now raised.

Land Drainage Section – have responded stating that the site is affected by flooding during the 1 in 30, 1 in 100 & 1 in 1000 year storm events. This is due to the watercourse / ponds on the site. However with consideration to the use of the site and the unlikelihood of events taking place during such severe weather they feel there is minimal risk in granting permission.

Abergwili Community Council – object to the development on the following grounds:

- Existing noise complaints remain unresolved
- The submitted noise impact assessment does not meet the relevant CIEH guidance.
- The character of the area is especially quiet and rural, this historic character should be protected for future generations.
- Too great a risk of unacceptable impact to the amenity of surrounding family homes.

- Environmental health guidance states that clay shooting should not occur so close to homes without agreement with all homes affected. It is clear from objections that the surrounding homes do not agree.
- Shooting is occurring with shot aimed large distances over the owner's boundary, endangering farmers, livestock and anyone else unlucky enough to be struck by such shots. This appears to be very irresponsible shooting that surrounding landowners feel should be stopped immediately.
- This site is small and isolated, can the layout of shooting stands meet requirements for safety zones etc. on this small narrow site?
- Shooting so close to the footpath is detrimentally affecting the amenity of the path for local residents. Many do not feel they can use the path for fear of shooting activity. This is not safe for walkers, families, children and animals regardless of any manned warning system put in place.
- If this manned system is required, why is it not in place already?
- Clay shooting guidance makes it clear that shooting sites should always be well clear of any footpath. Why should our residents' local footpath be the exception to this guidance?
- Shooting at the north end of the site is dangerous and unacceptable. Shooting is occurring towards the oncoming footpath, through vegetation at distances that are extremely dangerous.
- Local residents have a right to use their footpath without intimidation or danger.
- Access to the site is unsuitable
- The amount of increased traffic to this site from Whitemill would not be acceptable. Traffic on this route has built up over recent years, with holiday accommodation in the area bringing many visitors already, who stay and enjoy the quiet rural surroundings. The single track route is not safe for this increased commercial traffic, accidents already occur on this route. Local families who drive and walk on this road will be further endangered as there are no pavements on this narrow route.
- Homes close to the entrance will see a great increase in the amount of traffic using the existing access, with no limits on times of access.
- Much of the surrounding is semi-improved, with mature broadleaf woodland and other scheduled habitats surrounding. Have environmental impacts been fully investigated?
- Many residents report protected species in the immediate surroundings. Shooting is occurring towards scheduled habitats with shot reaching and hitting surrounding woodland.
- The impact of increased artificial lighting and hours of operation has not been adequately addressed, with no mitigation or net improvement offered by the proposal.
- There is no information on the impact of lead shot on nearby watercourses, livestock and private water supplies. Recovering fish populations downstream may be adversely affected, fishing on the Towy is a well-established sporting pursuit, if these upstream breeding grounds for Salmon and Sewin are not protected this will have a detrimental impact for the area.

Local Member - County Councillor D Williams objects to the proposal and requested the application be presented to the Planning Committee. A site visit is also requested as the Councillor feels there are a number of controversial and disputed issues which he feels are likely to emerge from objectors as and when investigated and reported.

The following issues are raised :

- Detrimental effect on the local economy due the number of days and level of noise will most certainly adversely affect already established local tourist businesses.
- The application site, by reason of its narrow, cone like shape is unsuitable and unable to provide the required buffer zones set out in The Chartered Institute of Environmental Health, Clay Target Shooting: Guidance on the Control of Noise 2003
- The submitted Soil and Water Sample Analysis Report is not sufficient in that it does not assess the impact of lead pollution on the lakes, relies on sample areas in close proximity to each other and lacks a clear analytical written conclusion on soil and water analysis.
- The Chartered Institute refers to “a minimum safety zone of 275 metres (300 yards) in front of the shooting stands in the general direction in which the shooting takes place. Within this safety zone there must not be any places to which the public has access to public highways, footpaths and bridleways.” This is difficult to achieve on this site.
- Expended lead shots land in a field owned by a local farmer in close proximity to the public footpath.
- Discrepancies within the planning application. The objection here is based on the view that this planning application is in need of independent professional clarification in order to untangle the uncertainty surrounding basic yet key facts e.g.
 - the distances from all shooting stations to the boundary
 - the number of shooting stations, their precise permanent location
 - the direction of shooting from them must be clearly established.

Natural Resources Wales – have responded stating they have no objection to the change of use application. They note that there is no physical alternation to the site and its current assets, but do wish to make the comments for the applicant’s attention. They refer to permits in relation to the ponds. They also refer to there being no existing abstraction or impounding licences. They state it is likely that these lakes require a licence and the applicant or agent should contact NRW with a view to providing more information to establish the water resources licensing requirements for this site.

Dwr Cymru/Welsh Water – have raised no objections.

Dyfed Powys Police – have responded stating following a full inspection of the site at Hidden Valley Sporting, Whitemill, the venue meets the criteria to be issued with an exemption which is granted under the provision of Section 11(6) of the Firearms Act 1968, thereby authorising non certificate holders to possess shotguns for the purpose of shooting at artificial targets. Accordingly the renewal application recently submitted by Mr Light, the landowner, has been approved.

Cadw – the scheduled ancient monuments (SAM) of Merlins Hill Hillfort (CM231) and a Defended Enclosure near Pant-gals (CM382) are within 1.12km and 2km respectively. There will be no view of the application site from either SAM albeit noise emanating from the site may be audible. However, it is not considered that this would cause any damage to the setting of either SAM and therefore no objections are raised.

The Woodland Trust – have raised an objection to the proposed development on the grounds of potential damage (from soil pollution from shot) and disturbance (due to noise) to two areas of ancient woodland recorded on Natural Resources Wales Ancient Woodland Inventory. A 50m buffer zone is recommended between the shooting equipment and the ancient woodland and screening measures to protect the woodland from shot.

Summary of Public Representations

Neighbours/Public - The application has been publicised by the posting of Site Notices near to the site and the surrounding area. To date 67 letters have been received from 39 different households, with 64 objecting and 3 in support. A number of third parties have responded on several occasions responding to the submission of further information and responses from consultees during the course of the application. The issues raised are summarised below:

OBJECTIONS

Public Right of Way

- Unacceptable detriment to the safety and amenity of users of the public right of way.
- Shooting most likely to take place on days of good weather when the public path would be in greater use.
- The current level of use of the path and its condition should not be used to justify allowing the proposed activities.
- Question of whether the existing “Exemption under Section 11(6) Firearms Acts 1968 – 1997” certificate from Dyfed – Powys Police makes reference to firing across a public right of way.
- Current ‘safety measures’ are designed to discourage walkers, who may legitimately venture onto the footpath.
- Use of heavy vehicles discourages people using the right of way.
- Proposal would cause a common law nuisance, wilful obstruction of the highway under the Highways Act 1980, s 137 and Breach of the Health and Safety at Work Act 1974.
- If Planning permission was granted those shooters would hold a firm, and not unreasonable, opinion that in the absence of ramblers they might otherwise be undertaking their ‘lawful activity’.
- A public footpath crosses through the land. It is unclear how the air horns will protect people on the path, especially if people enter the path from opposite ends. Furthermore, we are very concerned regarding the potential dangers to deaf walkers who may not hear any sirens.
- Public footpath is well used and use would be deterred.
- Impacts on the footpath are greatly increased with the additional days and far more than under the previous landowner.
- Shooting and use of the right of way cannot operate successfully together.
- Mitigation proposed is not sufficient to remove risks/impacts from the development. Eg If a member of staff is not present will shoots be cancelled. How would staff assisting customers hear the air horn or whistle above the sound of gunfire if he/she is correctly wearing ear protectors for their own health and safety at work? Indemnity/qualifications of those involved.
- A number of vehicles associated with the business are now using the footpath further deterring people from using it.
- A long term permissive path on the land is no longer usable.
- A lengthy detour is required if this section is avoided.

- Existing signs at the site are off putting and deter walkers from using the path.
- Approach from the north is in the line of firing and obscured in part by vegetation.

Noise/amenity

- Existing noise issues and disturbance from the current level of activities.
- Unacceptable detriment to adjoining agricultural activities and to the amenity of residents of the nearby community.
- Disturbance from activities at all hours with proposed fishing activities increased.
- More frequent events would be totally unacceptable.
- Noise pollution on both humans and animals.
- Location of the site is contrary to a number of parts of the Chartered Institute for Environmental Health (CIEH) "Clay Target Shooting Guidance on the Control of Noise" section NIEH 4.2 "*a noise buffer zone of at least 1.5 kilometres in the general direction of shooting and not less than 1 kilometre in the rearward arc is advisable.Shooting should not normally take place with separation distances of less than 1 kilometre in the direction of shooting except under very exceptional circumstances which have been fully discussed and agreed with the local authority and any affected residents*". No agreement has been made.
- Section CIEH 4.4 addresses the issue of directionality which together with the topography is of great importance in this hilly area "*The propagation of sound from a shotgun is a complex process and simple noise predictions (e.g. based on the inverse square law) can produce erroneous results*". Further, the local weather conditions would make noise levels that were "acceptable" on one day, unacceptable on another .CIEH 5.8 says "*a strong wind may elevate noise levels downwind, and a dense hard covering of snow will provide an acoustically "hard" surface which will cause reflection of sound waves and hence raise noise levels*". The land in question is part of a valley which will elevate sound and it also has lakes which are an acoustically hard surface which also elevate sound levels. This possibly intermittently valid measurement of any noise would make it almost impossible for Carmarthen council to police any disturbance. On this basis the site in question is evidently unsuitable.
- Question whether the existing level of use, used to support the noise impact assessment, is as frequent as suggested.
- The noise generated by the shooting is not only annoying but also a nuisance, both a public and a private nuisance.
- CIEH Appendix 2 states "*for a nuisance to be a public nuisance, it must, as a matter of fact, affect a sufficient number of people for them to constitute a whole class of the population. Alternatively it must be so widespread in its range or indiscriminate in its effects that it would be unreasonable to expect any private person to take action to stop it*". It is clear from the number of people objecting to the proposals that they constitute "*a whole class of the population*". Additionally the noise of the shooting is "*widespread in its range and indiscriminate in its effects*"
- CIEH Appendix 2 states that a private nuisance comprises "*damage arising from some unlawful interference with a person's use of his land*". When shooting has taken place we have often had to retreat into our house with the windows closed to avoid the noise. Further, it says "*it is not necessary for officers of a local authority to witness an alleged nuisance in order to be satisfied of its existence; the evidence of a third party, if sufficiently cogent, is enough*". The number of objections to the proposals is certainly evidence of the disturbance this community has had to endure.

- Development is contrary to “Noise and new development” (Planning Policy Wales) where it states 13.14.1 “*Local planning authorities should adopt policies to prevent potentially noisy developments in areas that have remained relatively undisturbed by noise*”.
- Contrary to Technical Advice Note (TAN) 11. It states “*Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance*”
- Insufficient mitigation for noise.
- Other properties should have been assessed for noise impacts.
- With additional days disturbance would be more persistent.
- Disturbance to sleep and uncertainty over when shooting would take place.
- Sufficient existing facilities elsewhere in the County. There is no need for further sites.
- The sound of gunfire can be reflected off acoustically hard surfaces such as rock faces, sides of valleys, lakes, ponds, and disused buildings etc., thus increasing noise levels or causing echoes which appear to increase the number of shots being fired.
- Monitoring for noise is not accurate in a valley as the noise can travel, echo and get louder.
- Atmospheric conditions have a major influence on sound propagation and, under certain conditions, can significantly increase distances over which sound are audible. Prevailing winds in the direction of noise sensitive areas should be an important consideration.
- Concern the noise assessment is not impartial as it has been carried out on behalf of the applicant.
- Noise assessment does not take in to account the annoyance associated with the gun shot continuing for 3 hours.
- Potential for further noise and disturbance from deer management which may include further firing.
- Ability to enjoy properties and gardens impacted upon from noise.
- Existing fear to use the public right of way due to the shooting activities.
- Disturbance worse for those who work from home as the activities could be within working hours.
- No restrictions on firing guns for personal and agricultural purposes, plus deer culling.
- Noise levels at the public right of way would be far in excess of readings from nearby properties.
- Lack of information regarding the noise assessment such as location, direction of firing etc.
- Regardless of cartridges used noise is an issue.
- Increase frequency and duration of the noise exacerbates the noise concerns.
- Shots are fired over the boundary of the applicant and without line of site.
- Other relevant guidance documents are not complied with including Clay Pigeon Shooting association (CPSA), Association of District Councils, HSE Agriculture information, Department of Environment – Use of Land for amenity purposes, BASC Shotgun Safety Code of Practice, MAFF guide to Farmers on Success with sporting enterprises on farms.
- Possible nuisance from the horn proposed on nearby properties.
- Likely clientele (stag and hen parties) have potential to create additional disturbance.

- Potential for physical and psychological harm from the development even greater with children.
- Noise assessment and conclusions are inaccurate and not in accordance with the relevant guidance.
- Results obtained are not worst-case results, and do not assess all shooting stands, directions and locations; the report still highlights unacceptably high levels of shot noise at the nearest home.
- Concerns over the uncertainty over the proposed cartridges.
- Restrictions to weekdays only does not prevent the disturbance.
- Impacts on Sensory and Habitat aspect of the areas LANDMAP designation.
- Noise and disturbance impacts on horses and riding using the area.
- Suggested conditions by Public Protection not possible/feasible to enforce.
- Detrimental effect upon the setting and integrity of the historic environment and indeed users of it via the footpath and areas surrounding the site.
- Additional shooting as part of the deer management.
- Health and Safety plan not sufficient or realistic.
- Noise from deer activities on site using rifles increases risks and noise
- Safety issues from those on the deer training course being given rifles
- Loss of ash trees along boundaries of the land have reduced any ability to reduce noise.
- The revised Noise Impact Assessment was based on the use of a specific Hushpower silenced gun in addition to a subsonic shot. Therefore the use of a subsonic cartridge alone would not have the same noise levels and therefore Environmental Health's response lifting their original objection on the basis of using a subsonic cartridge alone is flawed.
- No "worst case scenario" monitoring has taken place from any single home surrounding the site.
- The monitoring taken place to inform the revised Noise Impact Assessment using the hushpower gun and shot was only based on two shots without a positive wind-vector. The Noise Impact Assessment does not therefore comply with Environmental Health Guidance.
- The Council's own monitoring on 3 August where it is understood sub-sonic shot was used the noise levels significantly exceeded 60dbA at the nearest home with some vastly in excess of this.
- The position of one of the shot stands used in the Noise Impact Assessment has completely changed shooting direction and would likely affect the nearest homes more significantly.
- No regard given to the quiet historic landscape character of the area. Even shooting noise levels of 50DbA would be 20-25dbA above the background level. The CIEH guidance recognised that where quiet background levels exist, excessive noise is much more likely to cause a nuisance to residents.
- The proposed conditions are likely to prove unenforceable and will not sufficiently protect the homes affected. Existing noise monitoring and planning enforcement has not been able to effectively protect local residents from unlawful development and noise problems, possibly due to funding and service impacts.
- As the minimum separation distance requirements advised by the CIEH guidance cannot be met, more onerous planning conditions would need to be imposed in agreement with affected residents as required by the guidance e.g. less than 28 days of shooting, no shooting during school holidays, weekends or public holidays, reduced hours of operation, reduced number of entrants, reduced shots per entrant, use of silenced gun and subsonic cartridges at any time, robust method of informing

residents well in advance, ability for residents to object to certain days and shooting to be rescheduled, vermin control and culling by live capture and trapping means only.

- There are 22 homes within 1km of the application site not 3.
- It is unclear how the practical limitations of monitoring and enforcement at this site would be effectively addressed to protect any conditions and the amenity of surrounding residents.
- Residents should not need to feel confined to the interior of their own homes for two days of every week to satisfy the needs of a new business venture.
- The noise levels at receptors is not the only key issue, regard must be had to the CIEH's 1.5km buffer zone recommendation and the opinion of those objecting to the development should become the primary and deciding factor.
- Query regarding the proposed wording of the recommended conditions, what is meant by the word cumulative. Also no time constraint to enable residents to be advised when shooting is about to start.

Information

- Applicant has provided incorrect information regarding past use of the site for wide variety of shooting related activities carried out over the whole site (simulated driven game shooting, including simulated driven grouse, high pheasant & partridge, duck flush, bolting rabbit, etc.) and other activities included quad biking, go-karting and All-Terrain Vehicles. Objectors feel there is no evidence that these activities actually took place.
- Contradictory information from the applicant in relation to shooting across the footpath to the PROW officer as application states 'Clay' debris from the shooting activity already undertaken is to be found scattered in quantity upon the footpath.
- Objections and issues raised at the pre-application consultation stage with the applicant/agent have not been addressed.
- Insufficient information provided to show there is no alternative and no evidence that this site is appropriate.
- Development is contrary to several LDP policies in that it is questioned whether the site is directly related to a settlement given its location and surrounding road network, attributes of the site are not suitable for the development, clear and justifiable need has not been demonstrated, it would detract from the quality of the environment and negatively impacts on the historic environment.
- Insufficient information regarding the existing and proposed viability of the business.
- Incorrect information given on the application form including in relation ecology and public rights of way.
- Unclear what activities are included in "deer management" and this could include activities which would have additional negative impacts.
- Description of "events" is vague and could include activities not referred to in the application.
- Pre-application consultation letter not sent to property with same post code as the site.
- Address of Pantgwyn has been used without permission of the owners of Pantgwyn. Land is known as Pencnwc Farm.
- An environmental impact assessment should be requested.
- No details provided on opening hours.
- Public footpath is not shown on the plans submitted with the application.
- Questions of the deer qualification and how only covering part of the course would be relevant. Possibility of applicant seeking the shooting element at a later time.

- Position of one trap shown incorrectly on the plans.
- Questions over existing deer culling methods taking place
- Information used to make assessments by consultees has not been provided as part of the application for the public to view.
- Lack of justification provided in relation to assertion that quad bike and other activities have previously taken place at the site.
- The site should be considered a “major shoot” in relation to relevant guidance.
- Ancillary noise impacts not looked at such as pressure washing down shooting stands, suburban style maintenance activities on the land, vehicle access etc.
- Insufficient staff according to the application to facilitate the proposed safety measures.
- Questions over the reliability of the survey of users of the public right of way carried out by the applicant.
- Query whether separate planning permission is needed for the use of the welfare building for the deer management course.
- Request that the Police carry out a new risk assessment and review the exemption certificate.

Health Concerns

- Lead pollution risks in local water sources/ land and it's effects.
- Noise pollution on both humans and animals.
- Impact on mental health and wellbeing of local residents.
- Health advice is for taking more walks however this proposal would deter such activities in the area.
- Disturbance to sleep and uncertainty over the when shooting would take place.
- Stress and mental health issues from the proposal.
- Additional impacts on existing medical conditions.
- Possible impacts on drinking water.

Ecology/Biodiversity/Animals

- Direct impact upon wildlife and domestic animals and the potential wider impact on fish in local rivers (lead shot), insect life and the subsequent effect on plant life.
- Animal Welfare – serious concerns for the risks to milk production and the effects of loud gunshot on pregnant ewes.
- Pollution to watercourses and farmland.
- Unknown impacts on our pets, wildlife and their subsequent breeding habits.
- Lead pollution from “shot” impacting on watercourses and animals.
- Insufficient details of how the “shot” would be retrieved.
- Loss of ash trees along boundaries of the land have reduced any ability to reduce noise.
- Impacts on birds from the activities.
- Stream used by other farms would have increased pollution.
- Potential for TB to be passed on to if animals stray from the land. Existing issues could be exacerbated. Insufficient management at present.
- Brown Hairstreak butterfly breeding site on nearby land potentially impacted upon.
- Pollution on the watercourses damaging to fish and these watercourses run in to the Afon Tywi.
- Further ecological surveys are required to assess impacts on a range of species referred to in the area.
- Independent analysis of soil and water is required.

- A flood consequence assessment should be carried out.
- Access to spawning habitat has been obstructed by the construction of fords within the application site.
- Non-native fish species will find their way into the Crychiau catchment.

Economy/Business

- Impact on local businesses such as holiday lets, camping and bed and breakfast businesses. As a key attribute of the area is its quiet rural location.
- Such businesses usually operate from a stately home or other premises near to settlements.
- No benefit to the wider community only the applicants from the activities.
- Query as to why a full time shooting coach would be needed as the application suggestions when shooting would be limited to 75 days a year.
- If the fishing is permitted it should be made open to nearby residents and passing trade to improve benefits to the community.
- The additional employment is not significant and negative impact on tourist jobs in the area would be greater.
- Lack of information in existing and proposed viability
- No evidence to show agriculture on the land is not profitable.

Highways

- Additional traffic causing issues.
- Traffic has to wait on the road due to size of existing access.
- Road network is not suitable for further traffic.
- Narrow lanes around the site with few passing places.
- Visibility is poor at the access.
- Several recent accidents on the road.
- Lack of public transport in the area.
- Danger to pedestrians using the footpath from vehicles associated with the business using it.
- Query over whether a bus for pickup of visitors would be put in place and how effective this would be.
- Existing traffic issues in the area.
- Traffic impact assessment should be provided.
- Alterations have already been made to access and tracks/road without permission.
- Disturbance from increased traffic on nearby properties.

Other Matters

- Query over how the 28 days use per year for activities is currently being monitored.
- Reference to previous application within and outside the Authority where similar proposals were refused.
- Traps on site do not have planning permission.
- Unacceptable detriment to adjoining agricultural activities and to the amenity of residents of the nearby community.
- Reference to previous complaints/objections regarding noise from the site.
- Reference to previous applications at the site, their retrospective nature and other works which it is stated have taken place without planning permission.
- The previous owner used the land for shooting far less than currently or as is proposed and did not have any permanent features.
- Capacity for an industrial level of shooting that is completely inappropriate for this area.

- Applicant has been asked to inform neighbours when shots are to take place however has not done so.
- Lack of main sewer system
- Site is in an unsustainable location given the distance to any large areas of population.
- Building on site erected without planning permission is being used for those shooting at the site currently.
- Query as to whether existing clay pigeon traps have had planning permission.
- No confidence in any conditions being complied with given the history of the site.
- Impact on property values.
- Increased use of the site would spoil the tranquillity of the area.
- How would any conditions be enforced if application were approved?
- Impacts on the Special Landscape Area.
- Members of the public not aware of application.
- Shooting already taking place more than 28 days and query whether existing permissions are being complied with.
- Concern over future expansion if this application is approved.
- Proposal is contrary to the principles of the Future Generations Act.
- Increase in trade waste.
- Site is located outside the boundary of any settlement.
- Potential for increased crime.
- Conditions would not be complied with and/or would not be enforceable.
- Loss of agricultural land and economic impacts of this

Some objections refer to elements of the scheme where they have no concerns. This includes some objectors stating they do not object to the use of the venue for the proposed fishing and deer management events and that they are supportive of new and diverse land use, especially that which encourages visitors to our area.

SUPPORT

- The facility would be a benefit to shooters in the county/area as there are no existing facilities in the county.
- Proposal would be supporting a local business.
- Carbon footprint of those leaving the county to shoot would be reduced.
- The site is an existing facility supporting employment, business and sportsmen/women.
- Site is suitable for a Sporting Clay venue being largely enclosed within a steep sided valley - offering excellent noise attenuation.
- Facility would complement the Councils tourism policies.

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

Appraisal

The main issues of this case are considered to be whether the development can be considered acceptable in principle, its impact upon the character and appearance of the area, the noise impact of the development and how it affects the living conditions of nearby residents and the amenity of the area, impact upon the users of the public right of way,

health and safety concerns, highway impacts, impacts on existing businesses and biodiversity impacts.

Principle of development

The application site is located within the open countryside where there is a general presumption against development unless there is a justified exception. Policy TSM3 of the Local Development Plan is of relevance to this application in that it relates to small scale attraction /facilities in the open countryside including extensions to existing developments and uses. The policy specifies that such development will be permitted provided that it is demonstrated there is no suitable site available within the Development Limits of any nearby defined settlement; is directly related to a defined settlement; that a countryside location is essential and that the proposal is highly dependent on the attributes of the sites; that there is a clear and justifiable need for the development; it would increase the vitality, sustainability and environmental quality of the site where appropriate and that there would be no adverse effects on the surrounding landscape/townscape.

Given the nature of the development it is felt that the proposal is one where a countryside location is essential in that it would be impractical for a countryside pursuits use to take place within or adjacent to development limits. This is on the basis of the need for the required land area to operate the fishing and shooting areas. The deer management courses are classroom based and therefore could take place at a location within development limits, however given the connection with the other activities and the fact that there is a deer herd on the holding it is considered that a countryside location is justified.

In terms of being directly related to a defined settlement, the requirement in the LDP is that such sites must be physically, functionally and visually linked to a settlement to be classed as directly related. It is the case that the application site cannot be said to be directly related to the nearest defined settlement of Whitemill (located 2km to the south, as the crow flies) in that it is neither physically, functionally nor visually linked to the settlement, due to the distance and local topography. However, this requirement needs to be balanced against the land requirements and nature of the use of the proposed development and in particular the attributes of the site. The application, in justifying the proposal, refers to the requirements of the proposals being “quite site specific” and “bespoke” relying heavily on the “specific assets of the application site”. The topography and natural landscape are also referred to as reasons for the site being suitable. The site is an existing agricultural holding with a deer herd. There is also a history of the uses proposed, although at a lower level under permitted development rights. In considering the farm diversification aspect the location at the holding on land already controlled by the applicant would appear logical. The proposed uses are located near to existing buildings on the land on an area which is more open. The applicant considers it “unlikely that an alternative site within the locality would be available”. While objectors feel that a wider search of other settlements, not just Whitemill, should have been carried out, as above it is considered that the nature of the use makes it unsuitable to a location within or adjacent to settlement limits. It is therefore considered that the locational criteria of policy TSM3 are met. The consideration of the development’s impact upon the character and appearance of the area and historic environment is discussed further below.

Impact upon character and appearance of the area

Policy TSM3 requires developments to have no adverse effects on the surrounding landscape/townscape or setting and integrity of the historic environment. Furthermore it seeks to minimise the creation of new buildings and structures through encouraging the re-use of existing buildings.

With regards its impact upon the landscape only a short section of the access track is included within the Tywi Special Landscape Area as defined by the Local Development Plan with the main site located outside. While there would be some impacts from the proposal on the character of the area, such as the ancillary facilities for the clay pigeon shooting, given their scale and location it is considered that the impacts are limited and tolerable. The site is largely enclosed by surrounding topography other than views from the Public Right of Way. No new buildings are proposed as part of the application and whilst the ancillary facilities will have an impact on the character of the area, these impacts are limited due to their scale and location within the wider open landscape and it is therefore not considered to raise unacceptable impacts sufficient to warrant a refusal.

Turning to the development's impact upon the historic environment, there are no listed buildings within 1km of the application site, with the nearest being 1.5km (as the crow flies) to the south east. Due to this distance and the intervening topography it is not considered that the proposed development would have an unacceptable impact upon the setting of the listed buildings. The impact upon the setting of nearby Scheduled Ancient Monuments has been assessed by Cadw who raise no objection to the development on grounds that the nearest SAMs at Merlin's Hill Hillfort (1.12km to the north) and a Defended Enclosure (2km to the southwest) are of sufficient distance away to have any visual impact upon their setting. Cadw recognises that noise from the development could have an impact but concludes that neither monument is one where tranquillity contributes greatly to their significance and that in any event other noise sources in closer proximity to the SAMs (e.g. the A40) already affect the SAMs. Cadw therefore concludes that the development would not cause any damage to the setting of nearby SAMs.

The whole site is located in the Towy Valley Historic Landscape Characterisation as designated by Cadw and forms part of the Abergwili – Llanegwad Parish. The landscape description for this area states *"this historic landscape area is coherent, comprising as it does of rolling hills of enclosed pasture and dispersed farms.....Valley sides are steep and often cloaked with ancient deciduous woodland. However, most of this area is enclosed under rich pasture, with the vast majority improved grazing and very little rough grazing and unimproved land....The old established settlement pattern is predominantly one of dispersed farms, with clustering at White Mill and Felingwm-uchaf"*. The area is referred to as a "typical example of a Carmarthenshire agricultural landscape". The proposed development does not involve any physical changes to the landscape and as such it is not considered that the proposal would directly affect the landscape.

Objectors have raised concerns having regard to the impact upon the visual and sensory characteristics of the historic landscape. The designation describes the visual and sensory characteristics of the area as of "moderate" quality on the basis that the area is not interrupted by any large scale development, is a fairly common landscape in Carmarthenshire and adjoins areas that score more highly and is not considered to be of county importance. The designations suggests that the contrast between different land levels and distant views and existing semi-natural habitats/hedgerows should be conserved, and that the quiet rural qualities of the area and the design and setting of new buildings should be enhanced.

As referred to above, the physical landscape of the existing site will not change, it is only the intensification of the use that is proposed to be changed as a result of the development. It is therefore considered that the key element that poses the greatest potential to have an impact is noise emanating from the increased use of the site over and above the permitted number of days. The noise impact of the development is considered further below.

Noise/Amenity Impacts

The proposal will increase the number of days when shooting occurs over and above the permitted 28 days that it has operated under in previous years. The noise impact of the development is a key concern raised by all objectors to the site and is a matter that has been the subject of scrutiny by all parties. This section of the report deals with the noise impact of the development on nearby residents. Impacts on the public right of way are discussed elsewhere.

National guidance on the noise impacts of developments is contained in Welsh Government's Technical Advice Note (TAN) 11: Noise (1997) and requires local planning authorities to ensure that noise generating development does not cause unacceptable degrees of disturbance and if development does result in greater intrusion to consider the use of appropriate conditions. TAN11 acknowledges that noise characteristics and levels can vary substantially according to their source and the type of activity involved. In particular it advises that impact of noise from recreational and sporting activities will depend to a large extent on the frequency of use and design of the facilities, and that local planning authority would have to take account of how frequently the noise will be generated and how disturbing it would be and balance this with the enjoyment of the participants against nuisance to other people. Policy EP2 of the LDP stipulates that development should wherever possible seek to minimise the impacts of pollution and ensure that noise pollution is minimised where appropriate.

National and LDP policies do not contain any specific reference to certain levels of noise being acceptable in relation to clay pigeon shooting. Therefore a judgement is required in terms of whether the levels identified are acceptable or not. The Chartered Institute for Environmental Health (CIEH) "Clay Target Shooting Guidance on the Control of Noise" has been referred to by various parties and, while not adopted planning guidance/policy, has been used to inform the deliberations of the proposal in relation to noise. Objectors have highlighted certain elements contained in that document such as minimum distances from public rights of way stating that no shooting should take place in the "*direction of any public right of way (or any building with public access) that is within 275 metres (300 yards) of the shooting position*". In relation to properties it states "*Shooting should not normally take place with separation distances of less than 1 kilometre in the direction of shooting except under very exceptional circumstances which have been fully discussed and agreed with the local authority and any affected residents*". Comments are made in the guidance in relation to the impacts of noise, whether it becomes a nuisance and the methodology for assessing noise levels.

The guidance does however also state that "*where specific criteria (e.g. distances, times or noise levels) are given these have been derived from experience and are not intended as precise rules to be routinely applied to every shooting ground or site*". It further states that the "*guidance does not deal with safety issues in detail nor is it intended that it should override any restrictions or requirements that may be imposed under any statutory provisions*".

The guidance uses the terms “should” rather than “must” in several places including when talking about possible separation distances. The guidance refers to a minimum safety zone of 275m in front of shooting stands and states that, within this zone *“there must not be any places to which the public has access such as public highways, footpaths and bridleways, etc. Shooting close to overhead electrical and telecommunication cables must also be avoided”*. The advice given in the document is stated as being *“based on experience and is intended to offer practical guidance on the typical size of a noise buffer zone, rather than precise enforceable distances”*. Therefore the guidance suggests appropriate distances in many instances rather than stating these are exact limits which all sites must conform to. The 1km distance in the rearward arc is said to be “advisable” and that shooting “should” not normally occur and that “preferably” there should be no line of sight between properties and noise sensitive areas. As such the guidance indicates there may be occasions where breaching these distances could be considered acceptable. It should also be noted that simply being contrary to planning policy would not necessarily justify the refusal of an application. Whether a development causes harm and the degree of any such harm which a development would cause needs to be assessed.

In relation to what noise levels are considered appropriate the CIEH guidance states :

- *“The BRE research suggests that there is no fixed shooting noise level at which annoyance starts to occur. Annoyance is less likely to occur at a mean shooting noise level (mean SNL) below 55 dB(A), and highly likely to occur at a mean shooting noise level (mean SNL) above 65dB(A)”*.
- *“At shooting noise levels below the mid 50’s dB(A) there is little evidence of significant levels of annoyance at any site, whereas for levels in the mid to high 60’s, significant annoyance is engendered in a majority of sites. For levels in between however, the extent of the annoyance varies considerably from site to site. Thus a level of, say, 60 dB(A) may be deemed acceptable at one site, but not another”*

It goes on to discuss the noise standards including the following notes :

- *Note 1: Planning permission should not normally be granted for a major shoot if the mean SNL exceeds 55dB where the background level is less than 45dB.*
- *Note 2: Individual tuitions that last for no more than a couple of hours in total are generally acceptable up to a maximum SNL of 65dB during weekdays between the hours of 10am to 5pm.*
- *Note 3: SNL values of around 65dB and are likely to evoke a strong adverse community response. The shoot should take active steps to achieve a very significant reduction in mean SNL and/or to make a commensurate in the number of hours that they shoot per week.*
- *Note 4: It would be unusual to consider the levels at premises within the grounds of the shoot.*

A noise assessment was submitted by the applicant to determine the impact on nearby noise sensitive residential properties. The assessment states that the shooting ground has been *“operating for at least 15 years under the 28 days rule without noise restriction or without creating any verified noise nuisance”*.

The report identifies the most noise sensitive properties as :

- A farm and farmhouse located 360 metres to the North East of the most northerly shooting stand (Cwmrhapanant)
- An existing, currently vacant, farmhouse located 490 metres to the West of the west facing shooting stand (Gellyglyd Uchaf)

- An existing dwelling located close to the site access road, 660 metres to the South of the south facing shooting stand (Pencnwc)

The assessment includes the results of site noise monitoring undertaken in June 2017. A measurement of 10 shots was carried out. It is stated that shoots were taken from the worst case scenario stands or the closest direction to the nearest dwelling in the arc of the clay. 10 supersonic cartridges were shot, 4 subsonic (low noise) cartridges and 2 shots using Hush Power low noise shotgun and cartridges. Background noise was 30dB at the time of the measurements being taken.

The results showed for Noise Sensitive Property R1 (Cwmrhapan) showed levels of between 48-65dB LAeq (100ms) across the different tests. For R2 (Gellyglyd Uchaf) these results were between less than 40-51dB LAeq (100ms) and for property R3 (Pencnwc) less than 37-53dB LAeq (100ms).

For property R1 the assessment states the measured levels fall within the range of 55-65 dB(A) stated in the CIEH guidance. It is stated this *“level is representative of the garden of the residential property, the dwelling itself is provided shielding from noise by an agricultural barn and the noise levels at the dwelling will be significantly lower than those in the garden”*. The use of subsonic cartridges is said to bring about a reduction of noise levels by 3dB bringing it to the lower range of the CIEH guidance and that lower noise level could be achieved using the Hush Power cartridges. For R2 the measurements were no greater than 48dB regardless of cartridge type. It was not considered in the assessment that the noise would have an adverse impact on the property or any other property in that direction. For R3 the level was no greater than 51dB and again that there would be no adverse impact on this property or others in that direction.

The potential for conditions to restrict the number of days and cartridges are referred to. The duration of shooting and that only one shoot at a time will take place are highlighted. Shooting is also proposed to only take place on weekdays and no more than 2 days in any given week. On that basis the assessment considers the proposal would not result in a major shoot where greater intensity could increase noise impact. Reference is made to there being no restrictions in terms of type of cartridge at present.

Following the receipt of objections and comments from the Council's Public Protection Department, a noise consultant on behalf of the applicant advised that the objections received are based on the CIEH guidance document and its reference to a noise buffer of at least 1.5km in the general direction of shooting and not less than 1km in the rearward arc. The response states that in the consultants opinion *“the [CIEH] guidance in terms of distance and direction is less important than the resultant noise level which is what will actually affect neighbouring residents”*. They refer to the noise assessment indicating that 2 of the 3 noise sensitive properties looked at measured below the level at which there was evidence of significant annoyance at the *“majority of sites”*. The assessment also found that for the other property the levels were *“below the level at which there was evidence of significant annoyance in the majority of sites”*. They feel this shows that *“the size of the noise buffer zone does not correlate directly with the Shot Noise Level experienced in the area and therefore significant weight should not be applied to this requirement”*.

The buffer is referred to as one of a number of factors the guidance refers to minimise noise impact. Others include topography, number of stands, number of entrants and low noise cartridges. The applicant states that while the number of days where there will be shooting will increase there would be limitations in terms of the number of hours per day, number of

shooting stands and shooters and control over the type of cartridges. The applicants consider the proposal not to be a “major shoot” as defined in the CIEH guidance and that the levels of noise do not exceed the CIEH guidance or “*result in levels where significant annoyance is likely*”.

Following objections from the Public Protection Division over the noise levels the applicant confirmed that instead of the “Hidden Valley subsonic” cartridge which gave the readings above 55dB they would use Hushpower cartridges. For property R1 with the use of the Hushpower the noise assessment indicates the level would reduce to 50dB. Property R2 would be reduced to less than 40dB. Property R3 would be reduced to less than 37dB.

Whilst objectors to the development have questioned the submissions by the applicant as detailed above, the Authority's Public Protection Division has commented that the Noise Impact Assessment methodology is considered acceptable and has concluded that a maximum SNL noise level of 55dB(A) would not lead to an unacceptable impact upon the amenity of nearby residents from site activities. Provided that this noise level is not exceeded, in conjunction with the additional controls put forward by the applicant as referred to below are controlled by condition, the concerns initially raised can be adequately addressed.

- No more than 75 days of shooting per annum
- No clay pigeon activities will take place on weekends
- No more than 2 days of clay pigeon shooting activities will take place per week.
- Shooting to only take place between 10am and 4pm on any one day
- A limit of 3 hours shooting per day
- A maximum of 8 persons per session
- No more than one shotgun to be fired at any one time
- A restriction on the type of ammunition used during the clay pigeon activities to the Hushpower cartridges used in the noise assessment and the use of Hush Power Low Noise Shot Guns Only

Whilst the Public Protection Division is now satisfied with the application subject to the imposition of conditions it does comment that the application would not comply with the guidance set out in the CIEH document concerning a 1.5km Noise Buffer Zone in that there are a number of sensitive properties within a much closer distance (360m, 490m and 660m of the site respectively). Furthermore, the amenity areas of some noise sensitive properties also have line of sight with the site which also conflicts with the guidance in the document that stipulates that there should be no line of sight between the noise source and any noise sensitive areas.

However, the Public Protection Division, whilst acknowledging the above have qualified that the key issue from a noise perspective is the noise levels that receptors in the vicinity are subjected to. The guidance document states that “*at shooting noise levels below the mid 50's dB(A) there is little evidence of significant levels of annoyance at any site*”, these levels can be achieved with the Hush Power cartridges being used. The Public Protection Division also confirms that no objections are raised in relation to the intensification of use of the site for the use of fishing and given that the Deer Management activities are not to include any shooting and are classed there are no concerns from a noise perspective in relation to those activities.

Objectors to the development have referred to the current level of activity at the site, with varied comments relating to the frequency of existing and previous levels of shooting activities. Some objectors question whether the existing level of use, used to support the noise impact assessment, is as frequent as suggested. In addition, complaints have been received regarding exceeding the 28 day period allowed under permitted development rights. Investigations by the Planning Enforcement Team to date have not confirmed any breach beyond the 28 day permitted rule. Furthermore, investigations and monitoring by the Public Protection Division both recently and historically has not confirmed a Statutory Nuisance as defined in the Environmental Protection Act 1990.

In terms of the current situation, there is no restriction on the times, duration or particular days that shooting can take place or the type of cartridges used. The only restriction is that shooting cannot take place for more than 28 days a year. It is acknowledged that the proposal aims to increase the number of days on which shooting could take place each year. However as referred to above, currently the number of days is the only aspect of the shooting where there is any planning control. The proposal would see the maximum number of days that shooting could take place increase from 28 to 75 days but the applicant is proposing various limitations that seek to better manage the activities taking place as mentioned above.

The fact that there are no restrictions on firing guns for personal and agricultural purposes, plus deer culling has been highlighted. However this is something that does not form part of the application and is not something that can be controlled as it relates to the lawful agricultural use of the land. Objectors had concerns that the likely clientele (stag and hen parties) have potential to create additional disturbance. If the application were approved there would be controls over the times, days and duration of the shooting as well as the number of people on site.

Objectors have commented that whilst the hours are restricted to office hours on weekdays, this would remain to have an impact on those who work from home or retired. It is acknowledged that there will be impacts from the activities and that the noise of shooting will be audible at nearby properties. However, it is the case that just because a development is audible does not imply that permission should be refused. It has been referred to above that the noise levels, coupled with the timing of use and restrictions on the type of cartridges and guns to be used have resulted in noise levels which can be considered acceptable subject to the imposition of controls.

In the opinion of some objectors, other relevant guidance documents has not been complied with including Clay Pigeon Shooting association (CPSA), Association of District Councils, HSE Agriculture information, Department of Environment – Use of Land for amenity purposes, BASC Shotgun Safety Code of Practice, MAFF guide to Farmers on Success with sporting enterprises on farms. While these other documents are noted none are planning policy or adopted guidance. Regardless of any planning approval or conditions separate legislative requirements will still fall upon the operator/owner.

Noise and disturbance impacts on horses and riding using the area and possible nuisance from the warning horn proposed on nearby properties are raised. The horn is proposed to be used at times of shoots to alert those shooting to stop firing. While this will undoubtedly cause noise it is not felt that the likely frequency of this would cause a level of disturbance to warrant refusal of the application.

Furthermore, some objectors felt that noise levels at the public right of way would be far in excess of readings from nearby properties and has not been taken into account. However, a public right of way is not recognised as a noise sensitive location and in any even part of the mitigation proposed is for the shooting to cease when there are people wishing to use the public right of way near the site.

In summary therefore, whilst evidently there will be an increased number of days where shooting would take place, the proposal offers the opportunity to exert various controls to ensure that such impacts are limited to certain days and times of day as offered by the applicant. Furthermore, provided that the use of Hushpower cartridges the Public Protection Department are now satisfied that the noise levels would be within acceptable levels and thus raise no objection to the development subject to the imposition of conditions to ensure that the applicant complies with the various controls that he has offered to limit the impact. The concerns of the local residents have been taken into account as referred to above, however, on balance, it is considered that the noise impact of the development having regard to the proposed management arrangements, would not be of such a level to warrant a refusal of the application.

Impact on the Public Right of Way

A Public Right of Way (PROW) number 2/21 runs directly through the site from the access on to the public highway along the track within the land and past several buildings and then proceeds beyond the site further into the valley. Whilst there is no specific Local Development Plan policy relating to development affecting a public right of way, evidently a development's impact upon a PROW is a material planning consideration that must be addressed.

The application is accompanied by details, including a Safety Management Plan, outlining the measures that would be put in place during a shoot to ensure the safety of footpath users, these include:

- Advanced notice of shoots on the entrance gate
- All guests to be subject to a safety talk, to include details of site safety procedures
- Manned stations either end of the footpath where it enters and leaves the application site on shoot days.
- The marshals at the manned stations would be responsible for stopping shooting when footpath users arrive on site. An airhorn will be used to alert the shoot and use of a radio to ensure that the shooting party have heard the airhorn. All shooting would cease at the point of hearing the airhorn, with guns broken and cartridges removed and the traps would be turned off. Shooting would only recommence until the footpath user has left the application site as confirmed by a marshal at the relevant manned stations.

The above measures are included within a Safety Management Plan submitted by the applicant. In addition, details of the firing locations and the direction of the shot relative to the position of the footpath has been provided.

The CIEH Clay Target Shooting : Guidance on the Control of Noise document specifies that a minimum safety zone of 275m in front of shooting stands in the general direction in which shooting takes place is a basic requirement. Within that safety zone there must not be any places to which the public has access such as public highways, footpaths and bridleways.

In particular the guidance states, that *'no shooting should take place in the direction of any public right of way (or any building with public access) that is within 275m of the shooting position'*. The guidance further specifies that, *'In order to warn members of the general public that some shooting noise may be experienced, all footpaths, bridleways, waterways and all other areas or buildings where the public may have access within 1 kilometre radius of the shoot are recommended to have prominent signs displayed by the organisers indicating the existence of the shoot'*.

Given that the public right of way travels through the application site, the shooting locations would be within the 275m minimum safety zone and therefore generally would not comply with the requirement stated in the CIEH guidance. The guidance does qualify that no shooting should take place in the direction of the right of way within the safety zone.

A plan indicating the direction of the shot from fixed positions show that the majority are away from the footpath although one, towards the northern end of the site suggests a direction parallel with the footpath and at a distance towards the footpath. The applicant's agent has advised that this must be weighed against the proposed safety measures included in the safety management arrangements which would mean that no shooting would take place when the footpath is in use. The PROW officer has acknowledged that such safety measures are common in regards irregular or mobile shooting activities but less so in fixed-site shooting situations. Nevertheless, in relation to the Safety Management Plan element, both the Council's Public Protection Division and PROW Officer consider that provided the document is written in committal language, has a clear explanation of responsibility and a commitment is given for its continual review, that such measures would be considered acceptable in terms of the safety of footpath users. Objectors question whether the safety management measures are sufficiently effective, realistic and enforceable, raising concerns that staff using protective head gear may not hear airhorns etc. These concerns are recognised, however, it is considered that improvements could be made to the Safety Management Plan (as suggested above) to ensure that the measures are effective and that such improvements could be required to be submitted and agreed before commencement of the intensified use.

Furthermore, the applicant's agent has advised that the Police has undertaken a two day assessment of the site and its operation, including taking measurements from stands to the footpath. The Police have since confirmed that following a full inspection of the site at Hidden Valley Sporting, Whitemill, the venue meets the criteria to be issued with an exemption which is granted under the provision of Section 11(6) of the Firearms Act 1968, thereby authorising non certificate holders to possess shotguns for the purpose of shooting at artificial targets. This section of the Act relates to *"a person may, without holding a shot gun certificate, use a shot gun at a time and place approved for shooting at artificial targets by the chief officer of police for the area in which that place is situated"*.

A number of the objectors have raised concerns that the use of signage, which may be classed as misleading and implementation of the Safety Management Plan would in itself deter use of the footpath. The PROW Officer has advised that discussions with the applicant have already taken place based on the existing use and has advised that current signage which states 'shooting in progress' and 'deer culling in progress – high powered rifles in use' are likely to deter the public, especially if those activities are not actually taking place at that time. As such it has been advised that such signage is amended so that it is clear when such activities take place. Such signage would therefore not fall foul of the National Parks and Countryside Act 1949, section 57, whereby it is an offence for any person to erect or maintain a notice containing a false or misleading statement likely to deter the public from using a public right of way.

A number of objectors have raised concerns over the fear arising from the potential dangers of crossing a site where there is shooting taking place and that this has already resulted in people being put off from using the footpath. The increased intensity of use would only serve to exacerbate this fear. The PROW officer has confirmed that the path currently receives light use, mostly by local people, with irregular visits by walking groups. They state the path is not on their priority routes list and does not receive regular maintenance by the Authority. Given that the site has historically been used for clay pigeon shooting under permitted development rights, it is difficult to confirm whether or not the use has resulted in a reduction in the use of the footpath. However, it is recognised that a footpath leading through an area where shooting takes place would be generally less desired by users than one that does not lead through such an area.

Some objectors have advised that shots are fired over the boundary of the application site onto private land without agreement and without line of sight. The PROW Officer highlights that it is not a specific offence to shoot across a public right of way, but to do so could amount to a common law nuisance, wilful obstruction of the highway (Highways Act 1980 section 137), a breach of the Health and Safety Act 1974, or intimidation.

In summary therefore, it is certainly the case that a footpath traversing through the site presents particular challenges to the operation of an intensified clay pigeon shooting business on the site as now proposed. The various concerns of the objectors are recognised and have subsequently been the subject of extensive discussions between internal and external consultees to assess whether or not the measures put forward are sufficient to come to an on balance conclusion on the development's impact upon users of the footpath.

It is the case that the proposal, in so far as it relates to the impact upon the footpath, cannot be said to be fully compliant with the CIEH guidance that whilst not adopted planning policy is a material planning consideration. Non-compliance in full with policy or guidance does not necessarily imply that an application should be refused, it is rather a matter of assessing the balance between the guidance and any other material considerations. In this case, the applicant has committed to a Safety Management Plan that in general has been accepted by internal and external consultees as a means of managing use of the site when the footpath is in use. Whilst the current version requires improvement, it is considered that the general measures included would serve to appropriately balance between use of the site and use of the footpath and that subject to the submission of an improved plan that this would on balance, provide sufficient safeguards. However, to ensure that the concerns expressed are adequately addressed, a condition requiring the submission of a revised Safety Management Plan prior to the commencement of the intensified use is recommended which also includes a requirement that the site would then be used in accordance with that approved Safety Management Plan.

It is acknowledged that the presence of the use may deter use of the footpath through the perception of fear. However, on balance, it is considered that sufficient arrangements put forward by the applicant are proposed to be in place to effectively ensure that footpath users take precedence at all times and that various safety measures are in place to reassure footpath users.

It is important to note that there are permitted development rights available at present for the land to be used for up to 28 days per annum that the Local Planning Authority cannot impose any controls over. Whilst this proposal will increase the total number of days, a raft of controls can be imposed and have been put forward by the applicant. It is therefore, on

balance, having regard to the various proposals, that it is considered that the impact of the development on the public right of way is adequately mitigated.

Health Concerns

Health concerns have been raised in relation to a number of aspects of the proposal. Concerns that lead pollution risks in local water sources/land would increase have been raised. Possible impacts on drinking water are also raised. The concerns here appear to centre on the potential for materials to enter in to the watercourse and/or land which could cause contamination. A soil/water analysis has been submitted as part of the application. The location and methods of tests were queried and the fact raised that the analysis was carried out on behalf of the applicant rather than being independent. As part of the consultation process NRW, the Authority's Land Drainage Section, Public Protection Division and Planning Ecologist have all responded. While further information has been requested and submitted in relation to some aspects of their responses no concerns have been raised regarding the issue of pollution and no further details requested in relation to the soil and water analysis. There will be separate legislation which would look in to such issues if they were to occur.

The impact of noise pollution on both humans and animals has been highlighted. The impacts of noise on nearby properties has been addressed elsewhere in the report. In terms of impacts on animals it is noted that this type of activity is one typical to a rural location and that to some degree the activity has already been taking place at the site. It is also noted that no objections have been received from NRW or the Planning Ecologist to the application.

Impact on mental health and wellbeing of local residents, stress and mental health issues from the proposal along with additional impacts on existing medical conditions have all been referred to. Potential for physical and psychological harm from the development even greater with children has also been put forward. The report discusses impacts on amenity in more detail elsewhere. In relation to specific impacts on health it is felt that with suitable conditions imposed any detrimental impacts would be adequately addressed.

Disturbance to sleep and uncertainty over when the shooting would take place is a matter that has been put forward. In relation to the shooting there are conditions that can be imposed on any planning permission which would restrict the frequency, duration and timing of shooting. The deer management and fishing activities while being able to take place outside of these times are considered to be activities which would not be expected to generate any significant disturbance.

Economic/Business Impacts

Objectors felt that the proposal would have a negative impact on local businesses such as holiday lets, camping and bed and breakfast businesses as a key attribute of the area is its quiet rural location. Linked to this was that the proposal would not benefit the wider community. Some respondents stated such businesses usually operate from a stately home or other premises near to settlements. Objectors felt that the additional employment proposed is not significant and the negative impact on tourist jobs in the area would be

greater. Some consider there to be a lack of information in existing and proposed viability and that no evidence has been submitted to show agriculture on the land is not profitable. Those supporting the application have put forward that the proposal would be supporting a local business and would complement the Council's tourism policies. Those supporting the proposal have stated the facility would be a benefit to shooters in the county/area as there are no existing facilities in the county. Supporters of the application also stated the site is an existing facility supporting employment, business and sportsmen/women.

There is no obligation for the application to provide benefits to the wider area or to provide a business plan for the proposal. There is also no obligation to provide details of the existing business activities whether agricultural or not. There is also no specific evidence to indicate that the proposal would lead to detrimental impacts on existing businesses. There may be some incidental implications caused by the proposal however the proposed uses are ones generally found in rural areas. It is not felt that any such issues warrant the refusal of the application.

Comments have been received that query why a full time shooting coach would be needed as the application suggestions when shooting would be limited to 75 days a year. This is a financial decision of the applicant and it is not felt this has any bearing on the assessment of the application.

Some responses have suggested if the fishing is permitted it should be made open to nearby residents and passing trade to improve benefits to the community. The application indicates a limited number of users of the activities at any one time. As this has implications for other matters such as transport and potential disturbance conditions are suggested with any approval restricting the number of users of the site. Whether the users are numbers of the public or private paying customers would be a decision for the applicant.

Highway Impacts

Policies GP1 and TR3 of the LDP requires development proposals to have regard to highway considerations and standards. The site is located in a rural area where the surrounding road network is made up primarily of single carriage country lanes typical of such locations. The proposal seeks to utilise the existing access that serves the site and the supporting information confirms that visitors would be advised of a preferred route to the site via the A40 and up through the village of Whitemill. The proposal does not propose to have a significant number of visitors on site at any one time and is not considered to be of a scale that would trigger the need for a transport assessment.

Objectors to the development have raised various issues relating to the highway/traffic impacts of the proposal as documented above. Whilst again, the matters raised are acknowledged, it is necessary to assess whether the proposal would generate such a level of traffic to give rise to unacceptable impacts. Having regard to the proposed uses, whilst there will be an increase in traffic due to the intensification of the use, it is not considered that this increase would be so significant to have an unacceptable impact on the highway network. This is confirmed by the Head of Transport who has raised no objections to the proposal subject to the imposition of a condition requiring details of a parking scheme within the application site area.

Ecology/Biodiversity/Animals

Policy SP14 of the LDP stipulates that developments should reflect the need to protect, and wherever possible enhance the County's natural environment. The proposed development, whilst not involving new structure, would introduce a greater level of use than is currently the case under permitted development rights. A number of concerns have been raised by third parties regarding the developments impact upon wildlife, domestic animals and agricultural stock in the area as a result of noise, lead shot deposits, non-native fish escapes as summarised above.

Following initial concerns raised by the Planning Ecologist further information was provided by the applicant to further explain the proposed activities on the site to enable the ecologist to assess the impact of the development on ecology and wildlife. Following that information which explained the proposed activities and usage, the Planning Ecologist confirmed that she was satisfied that the proposals would not lead to significant increased human disturbance on the site and that there are unlikely to be significant additional disturbance impacts to protected species from the current proposals. NRW were also consulted on the application and have confirmed they have no objection on ecological grounds but confirmed that stocking permits would be required in so far as the fishing ponds are concerned but that this a separate matter for NRW.

Objections concerning the impact of lead pollution from "shot" on watercourses and animals have been raised. As referred to elsewhere in the report soil and water analysis have been provided and these have suggested that despite existing clay pigeon shooting activities taking place there is no evidence of pollution to the water or soil having occurred. Whilst the proposal will lead to an intensification of the use, no concerns from consultees have been raised that this level of use would lead to lead shot pollution.

Flood Risk

The application site is not located within a floodzone as delineated by Development Advice Maps prepared by NRW and therefore no concerns have been raised by NRW in terms of flood risk. However, the Flood Defence Section of the Authority has confirmed that the site is affected by flooding during 1-30, 1-100 & 1-1000 year storm events due to the watercourse/ponds on the site. Nevertheless, they comment that given the use of the site and the unlikelihood of events taking place during such severe weather there is minimal risk and therefore they offer no objections to the development.

Other Matters

A number of the objectors have raised concerns over the information provided with the application. Concerns regarding past use of the site have been raised, however, these are not matters for consideration under this application. Concerns regarding exceeding the current 28 day permitted development rule are noted, however, to date investigations by the Planning Enforcement Team have not confirmed any breach.

Some objectors have raised that the submitted plans have failed to identify the location of the footpath on the plans. There is no requirement for the footpath to be located on the plans, nevertheless, the location of the path relative to the proposed activities is known and has been the subject of various discussions as documented above.

Some objectors have referred to comments made at the Pre-application consultation stage, as referred to in the Pre-application Consultation report (PAC) have not been addressed. The report outlines why the applicant/agent feel these have been addressed/are not

relevant. There is clearly disagreement over the impacts and issues arising from the proposal between the various parties. However the PAC has outlined and commented on the responses received. Further comments in relation to the PAC relate to some properties with the same post code having not been sent a letter. The PAC legislation refers to adjacent properties/landowners being notified and does not specify all land with the same post code needs to be consulted.

Incorrect information given on the application form including in relation ecology and public rights of way was raised. It is acknowledged that the application form incorrectly stated the site was not visible from a public right of way. The remainder of the application does refer to the right of way and as can be seen elsewhere in the report this is something that has formed a key part of the assessment of the application. Further details/information have also been provided in relation to ecology. The Authority's Planning Ecologist and NRW now raise no objections to the proposal.

Some objectors feel that it is unclear what activities are included in "deer management" and this could include activities which would have additional negative impacts. During the course of the application additional details were provided and later revised to clarify what was proposed. This also clarified that there would be no shooting related elements to the course. There is concern that in the future the applicant would apply for the shooting element of the course. It is not possible to prejudge any such proposal. If an application were received in the future then it would be assessed against the relevant planning policies and any other material considerations at that time on its own merits. Questions over the merit of the qualification without the shooting element were put forward however it is not considered the merits of the course offered are a material planning consideration. Questions over the method of existing deer culling again are not considered to be a material planning consideration.

The use of the term "events" in the description of development was considered vague and could include activities not referred to in the application. The application has been amended to remove reference to this and only the specific activities proposed. In any event, there are opportunities to control any planning permission through the imposition of various conditions.

The address of the application has been stated at land near Pantgwyn Farm and that reference to Pantgwyn Farm has been made without the owners consent. While it may have been preferable for the applicant to have used an alternative address it is felt that the address used has enabled identification of the application site, which is demonstrated by the level of responses received on the application.

It was raised that an environmental impact assessment should be requested. The application does not meet any of the criteria of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 to require a screening exercise for EIA to be carried out.

Comment was made that no details provided on opening hours have been provided. This appears to relate to the application form where no details are completed. The accompanying documents do refer to opening hours for the various uses proposed.

The position of one of the traps as shown on the plans has been questioned. Plans have been amended during the application including amending matters such as the direction of shooting etc. While the location of the plans may not reflect the existing layout the plan

submitted would be considered. Comments are made elsewhere in relation to the ancillary equipment associated with the shooting. The application is clear in that it does not include any permanent structures. There are uncertainties over the lawfulness of some existing features however the purpose of this application relates to the change of use only. A separate application has been made to seek permission for the operational development on the site.

Objectors felt that information used to make assessments by consultees has not been provided as part of the application for the public to view. It appears that this was in reference to discussions with the PROW officer by the applicant and details passed on such as the brochure relating to previous use of the site under the prior owner. These details have subsequently been included in the application and made available to view online.

Ancillary noise impacts have been raised and concern these are not considered. Reference has been made to pressure washing down shooting stands, suburban style maintenance activities on the land, vehicle access etc. given the level of activities proposed and the number of users of the site, along with the existing and proposed continued use of the land for agricultural purposes, combined with the distances to properties, it is not felt that these activities would give rise to significant impacts.

The Health and Safety Management Plan requires a certain level of staffing. Objectors feel that there is insufficient staff identified in the application to facilitate the proposed safety measures. The plan has been provided and it would be for the applicant to ensure, if the application were approved, that the plan was complied with. If not this would be a matter for the enforcement team to investigate.

Surveys have been submitted by the applicant. It is stated that users of the path were asked to complete them. Questions over the reliability of the survey of users of the public right of way carried out by the applicant have been raised. The issue of the use of the PROW and the impact of this proposal on it are discussed elsewhere in the report. There have also been responses to the surveys submitted by objectors to the scheme.

It has been queried whether separate planning permission is needed for the use of the welfare building for the deer management course. The proposal states that it seeks the change of use of land and buildings for the activities. Therefore the use of the welfare building for the deer management course would be included in this application. This element proposes to use an existing building, rather than construct any new ones and is considered to be acceptable.

A request that the Police carry out a new risk assessment and review the exemption certificate was made. Again elsewhere in the report the issue of health and safety and impact on the PROW is discussed. The Police have been consulted and their comments are included in the report. They have confirmed that they have assessed the site and issued a new exemption.

Reference to previous applications within and outside the Authority where similar proposals were refused have been raised. While appeal decisions are material considerations each application is assessed on its own merits on the basis of the proposal in question against the relevant planning policies and material planning considerations. Similarly reference to previous applications at the site, their retrospective nature and other works which it is stated have taken place without planning permission have been raised. The use of the building on site erected by those shooting at the site currently has also been raised. However again

each application is assessed on its own merits. The building referred to while having been constructed without planning permission was given retrospective planning permission. Whether the existing clay pigeon traps have had planning permission was queried. There is no existing planning permission for any of the structures. A separate planning application has now been submitted seeking the retention of these structures. That application is also before Planning Committee today. The report looks at the impact of those features.

There was concern over future expansion if this application is approved. If the application were approved then this would not prejudice any future application. If that were to occur then any future scheme to be assessed at that time.

Objectors have commented that the applicant has been asked to inform neighbours when shots are to take place however has not done so. In relation to the existing use under permitted development rights the Local Planning Authority have no control over this.

A lack of main sewer system has been raised. The proposal does not involve any new buildings or facilities. Existing buildings are proposed to be used for the activities and it is not therefore felt that any further details are required as part of this application. Other legislation would apply in relation to any new connections.

Impact on property values was raised however this is not a material planning consideration.

A concern that members of the public not aware of application was raised. The application was advertised in the local press and several site notices erected at the site and in the surrounding area. This complies with the relevant legislation. Prior to the submission of the application the applicant was required to carry out pre-application consultation (PAC).

The potential for increased trade waste has been referred to. While the proposal would increase activities at the site it is not felt that there would be any significant increase in waste.

A possible increase in crime has been raised. This appears to relate to additional people coming to the site and increased activity. There does not appear to be any evidence to suggest this would be the case and relates to opinions of those who may use the site.

Objectors are concerned that were planning permission granted that conditions imposed would not be complied with and/or would not be enforceable. Welsh Government Circular 016/2014 "*The Use of Planning Conditions for Development Management*" October 2014 is of relevance when considering potential conditions which could be imposed were an application approved. This highlights 6 tests that planning conditions should adhere to and states that conditions should not repeat the provisions of other conditions or duplicate controls under other legislation unless there is a planning reason for doing so. In relation to enforceability the circular states at 3.18 that "*A condition should not be imposed if it cannot be enforced*". It goes on to say "*Just because a condition is inconvenient to monitor does not mean it is unenforceable*". If any conditions are breached then this would be a matter for the Planning Enforcement Team to investigate and to take action where necessary. For some of the issues raised matters would be covered by separate legislation.

The loss of agricultural land and economic impacts of this has been raised. The proposal is for use of the land for a certain number of days per year. Even on those days the land is not necessarily prevented from being used for agriculture. The application is clear that there are and would still be activities falling within the definition of agriculture continuing at the site. Whether the land is actively used for agriculture or whether that was economically viable

would be a matter for the applicant. The Agricultural Land Classification for this area is outlined on WG maps and indicates this area to be grade 3b – moderate quality agricultural land or lower.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that whilst it is acknowledged that the development will undoubtedly have impacts upon amenity of local residents and users of the right of way, it is considered, as set out above, that these impacts can be adequately reduced and controlled through the imposition of appropriate conditions. As such the application is put forward with a recommendation of approval subject to a number of conditions. These conditions are discussed below.

Conditions and Reasons

Condition 1.

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

Reason:

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

Condition 2.

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

- 1:5000 scale Existing Site Location Plan (1362-03) received 7 August 2017
- 1:1000 scale Existing Site Plan (1362-02C) received 29 June 2018

Reason:

In the interest of clarity as to the extent of the permission.

Condition 3.

The parking spaces and layout shown on the 1:1000 scale Existing Site Plan (1362-02C) shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

Reason:

In the interest of highway safety.

Condition 4.

There shall be no more than 8 people on any day taking part in clay pigeon shooting at the site.

Reason:

To ensure compliance with the information put forward by the applicant in the interests of amenity and highway safety.

Condition 5.

There shall be no more than 8 people on any day taking part in fishing at the site.

Reason:

To ensure compliance with the information put forward by the applicant in the interests of amenity and highway safety.

Condition 6.

There shall be no more than 4 people on any day taking part in the deer management course.

Reason:

To ensure compliance with the information put forward by the applicant in the interests of amenity and highway safety.

Condition 7.

A Shooting Noise Level (SNL) as defined in the Chartered Institute of Environmental Health's Guidance Document 'Clay Target Shooting – Guidance on the Control of Noise (2003) of 55 dB(A) shall not be exceeded at any noise sensitive receptor during any period of shooting at the site.

Reason:

In the interests of amenity.

Condition 8.

At the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment to determine whether noise arising from the development exceeds the level specified in condition 7 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 7 is exceeded then the submitted survey shall also include mitigation

measures to ensure compliance with the noise level specified in condition 7. The development shall then be undertaken in accordance with the approved details.

Reason:

In the interests of amenity.

Condition 9.

There shall be no clay pigeon shooting activity at the site at any time on Saturdays, Sundays, bank and public holidays.

Reason:

In the interests of amenity.

Condition 10.

There shall be no more than two days in any week where clay pigeon shooting takes place.

Reason:

In the interests of amenity.

Condition 11.

There shall be no clay pigeon shooting at the site on consecutive days.

Reason:

In the interests of amenity.

Condition 12.

Clay pigeon shooting at the site will only be permitted between the hours of 10:00 and 16:00 for a maximum cumulative duration of 3 hours on any day.

Reason:

In the interests of amenity.

Condition 13.

Only Hush Power Low Noise Shot Guns and Ely Hawk Hush Power cartridges provided by the operator will be permitted for use for shooting activities at the site at all times. An up to date register shall be kept at the site and be made available for inspection by the local planning authority upon request. The register shall contain the following details:

- i. Date, time and duration of shoot
- ii. Number of participants and guns used
- iii. Number and type of cartridges used
- iv. Signature of Safety Officer.

Reason:

In the interests of amenity.

Condition 14.

Shooting shall only take place at one stand at any one time when clay pigeon shooting is taking place at the site.

Reason:

In the interests of amenity.

Condition 15.

The position and orientation of the firing locations and traps shall be laid out in accordance with the 1:1000 scale Existing Site Plan (1362-02C) hereby approved prior to any clay pigeon shooting taking place and remain so for any clay pigeon shooting.

Reason:

In the interests of amenity.

Condition 16.

No use hereby approved shall take place until a revised Safety Management Plan has been submitted to and approved in writing by the Local Planning Authority. The revised Safety Management Plan shall include

- the details and arrangements set out in the current Safety Policy Statement;
- plans indicating the locations of the public footpath traversing through the site, proposed manned stations and warning systems;
- details of all personnel responsible for implementing and reviewing the policy.

The Safety Management Plan shall thereafter be available to view at all times at the application site and made available in a digital format by request. The development shall be carried out strictly in accordance with the approved Safety Management Plan at all times. Any subsequent review of the Safety Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure compliance with the information put forward by the applicant in the interests of safety and continued safe use of the public footpath.

Condition 17.

At least 48 hours prior to any clay pigeon shooting taking place at the site a Site Information Sheet in relation to clay pigeon shooting events shall be erected at the locations of the manned stations set out in the approved Safety Management Plan and remain in place until the shooting event ceases. A copy shall also be sent electronically to the local community council. The sheet shall contain the following details :

- Date of shooting event
- Start and finish times
- Number of participants
- A copy of the approved Safety Management Plan (as updated)

Reason:

To ensure compliance with the information put forward by the applicant in the interests of safety and continued safe use of the public footpath.

Condition 18.

There shall be no more than 150 days in total in any calendar year where clay pigeon shooting, fishing and deer management course takes place on the site. Of this total, no more than 75 days of clay pigeon shooting shall take place (inclusive of the number of days allowed under Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)) and no more than 75 days of fishing shall take place.

Reason:

To reduce impacts on amenity from intensification of uses at the site at any one time.

Condition 19.

No more than one of the following activities shall take place at the site on any one day:

- Clay pigeon shooting
- Fishing
- Deer management courses

Reason:

To reduce impacts on amenity from intensification of uses at the site at any one time.

Condition 20.

This approval relates to clay pigeon shooting only and not for any other shooting activities.

Reason:

To prevent other shooting events at the site without justification that these would be appropriate.

Condition 21.

Prior to the commencement of any clay pigeon shooting at the site there shall be a marshal present where the Public Right of Way meets the applicants land and they shall remain in place until the end of all shooting activities.

Reason:

To ensure users of the Public Right of Way are informed of upcoming shooting activity from the site.

Notes

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).

Application No	W/37473
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Application Type	Full Planning Permission
Proposal & Location	RETENTION OF CLAY PIGEON TRAPS, SHOOTING POSITIONS AND ASSOCIATED STRUCTURES AT LAND NEAR PANTGWYN FARM, WHITEMILL, CARMARTHEN

Applicant(s)	MR & MRS LIGHT
Agent	JCR PLANNING LTD
Case Officer	HELEN RICE
Ward	ABERGWILI
Date registered	29/06/2018

Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties as well as a request from Cllr Dorian Williams that the application be determined by the Planning Committee on the grounds referred to in the report below. Furthermore, this application follows on from application W/35975 that seeks a change of use of the land for clay pigeon shooting, fishing and deer management courses which is also before the Committee due to the number of objections received and a call-in request by Cllr Dorian Williams.

Site

The application site consists of an area of land near Pantgwyn Farm known as "Hidden Valley Sports". The land is located approximately 1.5km north of Pantgwyn. The site is accessed from the county road via a gated access off the eastern flank of the U2185 near its junction with the C2220. The land is located at the bottom of a valley and runs up the valley to the north east from the access.

The site is located outside of any settlement limits and is thus within the open countryside. The Tywi Valley Special Landscape Area lies to the south of the site with only part of the access road to the site located within. Public Right of Way 2/21 runs through the site along the access lane and then proceeds along the site's eastern boundary and northwards.

The wider site area is in an open area of land, adjacent to the public right of way with a number of existing buildings. 5 ponds have been created at the site close to Nant Penycwnc which runs through the site. These have not been subject to any planning permission however the works appear to have been carried out several years ago (at least since 2006) meaning they are now immune from planning enforcement action.

The application site covers approximately 5ha of land with a number of existing features relating to shooting activities, including clay traps and firing locations. Another application (W/35975) is before Members concerning the use of the land for clay pigeon shooting, fishing and deer management courses. Nevertheless, there are a number of features on the land that have been created and erected without the benefit of planning permission. Whilst some of these appear to have been on site for a number of years others appear more recent.

This application seeks retrospective planning permission for the retention of the shooting traps, shooting stands and associated structures, and therefore the application site area only relates to those structures which are dotted around the wider site.

Proposal

In total the application site area includes 19 Clay trap locations and 7 firing locations. The application site area the subject of this application relates only to these 26 different locations albeit the wider site area is outlined in blue which effectively indicates that it is within the same ownership.

The firing locations are comprised of metal structures that are permanently fixed to the ground whilst the clay traps include the clay trap firing mechanism that is fixed to the ground along with a timber screen. Engineering works to create the areas have also take place and therefore constitutes development requiring planning permission.

This application only relates to the permanent structures placed on the land and not the use which is rather discussed under application W/35975. Nevertheless, the two applications are linked and therefore are to be considered at the same time.

Planning Site History

W/35975 – Change of use of land and buildings for the purposes of a corporate events venue to hold clay pigeon shooting, fishing and deer management activities - Pending

W/30827 - Retention of timber building - Full Granted 06/11/2014

W/21542 - Erection of log cabin dwelling - Outline Refusal 21/09/2009

W/13080 - Agricultural implement store - Agricultural Det. Pp Not Required 18/05/2006

Planning Policy

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

SP1 Sustainable Places and Spaces

SP9 Transportation

SP13 Protection and Enhancement of the Built and Historic Environment

SP14 Protection and Enhancement of the Natural Environment
 SP15 Tourism and the Visitor Economy
 GP1 Sustainability and High Quality Design
 EMP4 Farm Diversification
 TR2 Location of Development- Transport Considerations
 TR3 Highways in Developments- Design Considerations
 TR4 Cycling and Walking
 EQ1 Protection of Buildings, Landscapes and Features of Historic Importance
 EQ4 Biodiversity
 EQ6 Special Landscape Areas
 EP1 Water Quality and Resources
 EP2 Pollution
 EP3 Sustainable Drainage
 TSM3 Small Scale Tourism Development in the Open Countryside

[Carmarthenshire Supplementary Planning Guidance](#)

[Future Wales: The National Plan 2040](#)

[Planning Policy Wales](#) (PPW) Edition 11 February 2021

[Technical Advice Notes](#) (TANs) published by Welsh Government

- Technical Advice Note 6: Planning for sustainable rural communities (July 2010)
- Technical Advice Note 11: Noise (October 1997)
- Technical Advice Note 13: Tourism (October 1997)
- Technical Advice Note 16: Sport, Recreation and Open Space (January 2009)
- Technical Advice Note 18: Transport (March 2007)
- Technical Advice Note 23 : Economic Development (February 2014)

Summary of Consultation Responses

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

Abergwili Community Council – object to the development on the following grounds:

- the site area quoted in the application form is not accurate
- The date worked started is misleading
- Impact upon biodiversity of shooting activities on wildlife and surrounding scheduled habitats
- Use of hazardous substances i.e. clays and lead shot on the land will pollute rivers
- More waste and sewage associated with use
- Site can be seen from public footpath
- This is retrospective in that the traps and stands have already been installed and should be the subject of full consultation.
- Use of a permanent site for shooting beside footpath is intimidating and dangerous and stopping a number of local people and visitors from walking the footpath as they fear for their health and safety.
- Existing noise from the shooting activities is unacceptable affecting surrounding homes and tranquil character of the area.
- Existing use does not meet CIEH guidance, planning policy or EHO noise guidance

- There will be no control over the number of days shooting, the times of shooting and the days of the week when shooting occurs.
- Concern over shooting over public right of way.
- Unsuitable access and road network to withstand increased traffic.
- Use would change the character of the landscape
- This application would not bring about any economic benefit
- That this application is refused and the installed equipment should be removed and the land permanently returned to agriculture
- Request that this application is considered alongside W/35795.

Local Member - County Councillor D Williams objects to this application and states that the objections raised in relation to application W/35975 are equally applicable to this application, and should planning permission be recommended for approval that the Planning Committee must conduct a full discussion of all the issues following an essential site visit. The objections raised specifically in relation to this application, and in addition to those referred to for W/35975, are as follows:

The permanent structures have a negative visual impact upon the rural landscape, there is no reason to have permanent structures in place. They are capable of being temporarily placed on the land during shooting events and subsequently taken away and stored to limit the overall impact from those traversing through the site via the public footpath;

Various inaccuracies included on the supporting documentation:

- vehicle parking is relevant. applicant says "no"
- this is an important habitat. applicant says "no"
- there has been a change of use over the years
- staff have been employed on site. not mentioned by applicant.
- hazardous substances do exist on site, eg lead shot in stream and lakes
- consulting neighbours must and should have been a high priority before installing permanent equipment. this was not undertaken.
- a public footpath runs directly through the site. not even mentioned !
- pre application advice not asked for. a huge mistake when noise considerations are so central to an application like this.

Second retrospective application is designed to pave the way for the previous application W/35975 and therefore must be considered at the same time as they are intertwined.

The Woodland Trust – object to the development on grounds of disturbance to two areas of ancient woodland.

Summary of Public Representations

Neighbours/Public - The application has been publicised by the posting of Site Notices near to the site and the surrounding area. To date 23 letters and correspondence have been received from 17 households all objecting to the application. All of the objections received on this application have equally objected to the other application (W/35975) and have requested that the objections raised in relation to W/35975 are equally applicable to this application as they are inextricably linked. The objections received on W/35975 are detailed

in full in the committee report that is being considered at the same time as this application. To avoid repetition therefore only a brief summary of the objections raised are set out below.

- This application seeks to pre-empt a planning application for a corporate events use on the site (W/35975) and must be considered together as they are inextricably linked
- This application is seeking permission by stealth for the proposed intensified use of the land as permanent structures are not allowed under 28 day permitted development rule
- The site has historically been developed without planning permission and retrospective permission applied for following complaints
- The applicant has historically flouted planning rules
- No public consultation process has been undertaken for this application
- Various examples across the country where deleterious consequences for the living conditions of local residents has resulted in refusal of planning permission
- Dates used to state when the permanent structures were put in place are challenged
- Application should be refused and enforcement proceedings undertaken to remove all fixed structures
- Unacceptable impact in terms of noise pollution affecting the amenity of residents, businesses and users of the footpath destroying the peaceful nature of the area
- Unacceptable impact upon the public right of way
- The permanent structures places rapid-fire clay target launchers within easy range of a public footpath
- Footpath users discouraged from using the path due to shooting taking place
- Development does not comply with CIEH Guidelines
- Danger from flying clay targets and lead shot to members of the public using the public footpath
- Proposed use is incompatible with peaceful location
- Shooting towards and over third party land
- Impact upon wildlife and ecology due to noise, disturbance, traffic and lead pollution
- Lead shot pollution
- Unacceptable traffic generation on narrow country roads
- Impact on existing businesses and tourism
- No local need for development
- Information submitted is misleading and inaccurate

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

Appraisal

This application specifically relates to the permanent structures that have already been installed on the site in association with the clay pigeon shooting that has taken place on the site under the permitted development rules and in association with the proposed application to extend the usage as considered under application W/35975. This application was required as a consequence of the application W/35975 as it was apparent that a number of permanent structures were already in place and did not have the benefit of planning

permission. Both the applications are linked and therefore are being considered concurrently. However, this application concentrates solely on the permanent structures themselves with the principle of their use and its impact considered under W/35975. On this basis, it is considered that the main issue relating to this application is the impact of the permanent structures on the character and appearance of the area. The subsequent impact of their use is considered under W/35975 and the concerns expressed by objectors relating to the use of the structures is considered as part of that application.

Impact upon the character and appearance of the area

Policy GP1 and TSM3 requires developments to have no adverse effects on the surrounding landscape/townscape or setting and integrity of the historic environment. Policy TSM3 particularly seeks to minimise the creation of new buildings and structures through encouraging the re-use of existing buildings.

This application specifically relates to the 19 clay traps and 6 firing locations which are in situ on the land albeit without the benefit of planning permission. Whilst the area is relatively well screened from long distance views, due to the presence of the public footpath through the application site, views of the structures are clearly available from public vantage points along with the public footpath.

The wider site area has the appearance of a formalised events area rather than an agricultural field due to the formal track routes, building, lakes and manicured grassed areas coupled with the presence of the structures that are dotted around the site. Whilst this appearance is at odds with the wider agricultural character of the area, it is not considered that the magnitude of that impact is so significant to give rise to unacceptable impacts. The structures the subject of the application are of a small scale nature comprising wooden fences, hardstanding and metal stands. Whilst they are randomly located across the wider site, they are viewed within the wider context and given their scale in comparison to the wider view it is not considered that the structures themselves cause unacceptable harm to the overall appearance of the area. Some objectors have suggested that the traps and firing locations need not be permanently fixed and could be placed temporarily on the land when shooting takes place and at other times stored away to reduce the impact. Whilst this would be a preferable approach, it is understood that the locations need to be fixed to an extent to ensure that the firing locations remain the same and consistent. However, the application before Members is to retain the structures in situ and it is considered, as stated above, that they do not have a detrimental impact upon the character and appearance of the area to warrant a refusal.

Other matters raised by third parties

A number of objectors have raised their frustration over the retrospective nature of this application and past applications on the site. This frustration is shared and it is disappointing that no planning permission was sought for the structures prior to their installation. However, planning legislation enables applicants to submit retrospective applications as a means of seeking to regularise unauthorised developments. If it is deemed that the impact of the development the subject of the retrospective permission is acceptable then there should be no reason to withhold that permission.

A number of concerns have been raised that this application seeks to gain permission for the use of the wider site by stealth and that this application should not be considered independently from the application for the wider use. This concern is appreciated and it is confirmed that this application, albeit will be determined on its merits in terms of its impact,

is linked to application W/35975 for the overall use and is therefore to be considered at the same time.

In terms of lack of public consultation, this application relates solely to the clay traps and firing locations. The requirement for statutory pre-application consultation relates only to major developments and cannot be applied to retrospective applications. Therefore there is no statutory requirement for the applicant to have carried out a pre-application consultation process in relation to this application.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the matter and having regard to the fact that this application specifically relates only to the operational development relating to the clay traps and firing locations, it is considered that retention of the traps and firing locations would not have such an unacceptable impact on the character and appearance of the area to warrant a refusal of the application and is therefore recommended for approval subject to the below conditions.

Conditions and Reasons

Condition 1.

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

- 1:1000 scale Existing Site Plan (1362-02C)

Reason:

In the interest of clarity as to the extent of the permission.

NOTES

Note 1

The developer is advised that planning permission is hereby granted for the structures and apparatus included on the approved drawings only. The use of these structures and

apparatus is governed by the permitted development rights included in Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 or any other planning permission for their use.

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).

Application No	PL/00938
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Application Type	Discharge of Condition
Proposal & Location	NEW DWELLING HOUSE AT PADDOCK PLOT ADJ TO 100 COLONEL ROAD, BETWS, AMMANFORD, SA18 2HP

Applicant(s)	Mr J.O. MORRIS
Agent	DAVIES RICHARDS DESIGN Ltd.
Case Officer	ANDREW FRANCIS
Ward	BETWS
Date registered	21/12/2020

Reason for Committee

This application is being reported to the Planning Committee as it has received more than two objections from third parties.

Site

The application site comprises an irregularly shaped area of land measuring approximately 650 metres² in the northern section of an existing ongoing housing site development on the northern flanks at the confluence of Colonel Road and Waungron Road, Betws. It received full planning permission under planning reference E/40464 as granted by this Planning Committee.

The existing wider housing development received planning permission for six detached dwellings and is a Local Development Plan (LDP) Housing Allocation referenced GA3/h10 for six dwellings. The site is set lower than the road, as it rises into Waungron Road, forming a natural bowl. All of the houses at this site are under construction or have been completed.

The plot that is the subject of this application was known as the 'paddock plot' on the previous permission.

Proposal

This application seeks to discharge conditions 3, 8 and 9 on planning permission E/40464 to assess the details submitted within this application which were a requirement of the previous application.

Looking at each condition separately, Condition 3 relates to details of Landscape and Boundary Treatments. In full it states:

Condition 3

The dwelling shall not be occupied until full details of both hard and soft landscape work, inclusive of all boundary treatment have been submitted to and approved in writing by the local planning authority and these works shall then be carried out as approved. These works shall include boundary and forecourt treatment indicating species size and number of trees and/or shrubs to be planted and shall be implemented in the first planting season following commencement of the development.

Reason: In the interest of visual and residential amenity.

Condition 8 relates to a Lighting plan and states:

Condition 8

Prior to the installation of any lighting, a detailed lighting plan, focusing particularly on minimising lighting impacts to features of importance to nocturnal wildlife and maintaining flight lines and dark corridors, shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved lighting plan.

Reason: In the interests of ecology/biodiversity.

Condition 9 relates to a protective fence for trees and shrubs during construction work and specifically states:

Condition 9

Prior to the commencement of site works, a protective fence (of minimum height 1.2 metres), in accordance with BS 5837 and to the approval of the local planning authority is to be erected to effectively protect all trees, groups of trees and hedgerows to be retained, and this fence is to be both positioned to the local planning authority's approval and maintained for the duration of the construction period.

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

The plans submitted include the details to be considered to assess whether the above conditions should be discharged.

Planning Site History

E/40464 - NEW DWELLING HOUSE - FULL PLANNING PERMISSION GRANTED - 08/10/2020

E/39988 - NON MATERIAL AMENDMENT TO E/24256 (RESIDENTIAL DEVELOPMENT - 6 DWELLINGS) PLOT NUMBERS 3, 4, 5 & 6; VARIATION TO ELEVATIONS/APPEARANCE - EXTERNAL FINISH MATERIALS ALTERED TO TIMBER EFFECT CLADDING & BRICKWORK. CANOPY PORCH TO FRONT ELEVATION - NON-MATERIAL AMENDMENT GRANTED 2nd JANUARY 2020

E/39697 - NON MATERIAL AMENDMENT TO E/24256 (RESIDENTIAL DEVELOPMENT - 6 DWELLINGS) PLOT NUMBER 6; VARIATION TO ELEVATIONS/APPEARANCE - EXTERNAL FINISH MATERIALS ALTERED TO TIMBER EFFECT CLADDING & BRICKWORK. CANOPY PORCH TO FRONT ELEVATION - NON-MATERIAL AMENDMENT REFUSED 7th NOVEMBER 2019

E/34738 - AMENDMENT OF HOUSE DESIGN AND PRIVATE SITE ACCESS LAYOUT (ROAD ACCESS DETAILS AMENDED TO INCLUDE FOR 1.8M PAVEMENT TO ONE SIDE OF PRIVATE ACCESS) FOR PLOTS 3-6 OF PLANNING APPROVAL E/26934 – FULL GRANTED 13th JANUARY 2017

E/26934 - VARIATION OF CONDITIONS 9, 10, 11, 12 AND 13 OF APPLICATION E/24256 TO ALLOW PHASED DEVELOPMENT AND DEVELOPMENT OF PLOTS 1 & 2 FIRST - VARIATION OF PLANNING CONDITION GRANTED 12th SEPTEMBER 2012

E/24256 - RESIDENTIAL DEVELOPMENT - 6 DWELLINGS - RESERVED MATTERS GRANTED 26th MAY 2011

E/17619 - RESIDENTIAL DEVELOPMENT (6 DWELLINGS) - OUTLINE GRANTED 31st JANUARY 2008

Planning Policy

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

GP1 Sustainability and High Quality Design

GP3 Planning Obligations

H1 Housing Allocations

AH1 Affordable Housing

TR3 Highways in Developments – Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Betws Community Council – Objects to the discharge of conditions 3 and 9 for the following reasons:

- There are mature trees in the vicinity and their roots will need protecting. Any fencing would need to ensure no damage is done to the trees, shrubs and root systems. existing site has caused amenity issues with the adjacent residents and the additional dwelling will add to this.
- The Authority's Arboriculture Officer should be consulted to give a professional opinion to ensure no damage is done to the trees and shrubs.

- The Location and Block Plans are difficult to read as they are merged onto one page and don't print correctly.
- Any tree damage will have a knock on effect for local wildlife as their habitat would be damaged, this should be protected.

Local Member - Councillor B. Jones objects to the proposal advising that the conditions should be upheld as they safeguard the trees on the boundary of the neighbours property.

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

Summary of Public Representations

As this is a Discharge of Condition application, purely looking at details requested in the conditions, no public consultation is required or was carried out. However, two letters of objection were received from neighbours. The points of objection are summarised below.

- Why is the developer appealing having to adhere to reasonable conditions imposed on the development? Why can the developer simply choose to not comply with these conditions?
- The site has been a cause of extreme disruption with noise and air pollution for seven years. There has also been a marked absence of common wildlife in the vicinity for the last 3 years.
- When the developer started on Plot 5, within hours, the hedgerow between the objector and Plot 5 disappeared with the promise it would be sorted out later. This hasn't happened and the new development makes it less likely.
- No consideration to neighbours has been given over the course of construction.
- This development has taken far too long to complete.

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

Appraisal

This application seeks to discharge conditions 3, 8 and 9 of planning permission E/40464.

Before discussing the proposal, it should be clarified what this application is and isn't as the points raised in the objections appear to mistake what this application intends.

Applications to discharge conditions are to essentially assess and determine whether the details requested by the condition and submitted by the applicant, are acceptable to allow the need for that condition to no longer be required.

It is not an appeal to remove these conditions so they no longer apply to the development as the developer feels that they should not have to apply to the scheme. On the contrary, they are submitting the details required of those conditions for assessment so that we can see that the required parts of the development are proceeding correctly. Based on this, it is clear that the objections received have failed to understand the entire principle of the application and as such, it is difficult to discuss the points individually as they do not actually relate to what is proposed.

Condition 3

The dwelling shall not be occupied until full details of both hard and soft landscape work, inclusive of all boundary treatment have been submitted to and approved in writing by the local planning authority and these works shall then be carried out as approved. These works shall include boundary and forecourt treatment indicating species size and number of trees and/or shrubs to be planted and shall be implemented in the first planting season following commencement of the development.

The application submitted shows that the landscaping for the dwelling is intended to be a lawn for most of the garden area, with sandstone patio slabs around the dwelling and a tarmac surface driveway. A 1.8 metre timber privacy fence is proposed along the plot's eastern boundary whilst a timber 1.2 metre post and rail fence is proposed along the plot's northern boundary. The northern and southern boundaries will also have a new native deciduous mixed hedge on a 0.6 metre earth mound. Two Silver Lime trees and a Silver Maple tree are to be planted around the plot also. Based non this information, it is satisfactory to allow the condition to be partially discharged and can be fully discharged when the plans are fully implemented. The proposal does not to seek to absolve the developer of the requirements to have to provide the details as suggested in the objections.

Condition 8

Prior to the installation of any lighting, a detailed lighting plan, focusing particularly on minimising lighting impacts to features of importance to nocturnal wildlife and maintaining flight lines and dark corridors, shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved lighting plan.

The submitted plan shows that one ceiling mounted external light with PIR activation is proposed under the porch canopy, whilst two further wall mounted cowl top external lights are shown on the front elevation, either side of the garage opening, a further two of the same light are proposed on the rear elevation either side of the rear utility door and a further two of the same cowled light are proposed either side of the bi-fold door to the sun-room on the dwelling's north side elevation, all at ground floor elevation.

As above, this information is sufficient to partially discharge this condition and can be fully discharge when implemented.

Condition 9

Prior to the commencement of site works, a protective fence (of minimum height 1.2 metres), in accordance with BS 5837 and to the approval of the local planning authority is to be erected to effectively protect all trees, groups of trees and hedgerows to be retained, and this fence is to be both positioned to the local planning authority's approval and maintained for the duration of the construction period.

The submitted site plan shows that a tree protection fence is shown on the plans, stated to be at a 1.2 metre height at minimum and located such that it is to protect all the Root Protection Areas (RPA's) of the existing mature trees and the hedgerow also. As mentioned above in relation to condition 3, the applicant isn't seeking to remove the requirement to provide the fence, instead, the application is providing the details as required by that condition. As such, the objections submitted do not actually tie in with what has been submitted, and it is apparent that they have been submitted due to the dispute that is

occurring between the parties and with no reference to the actual details of this application, which they were not formally consulted on.

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

Members may appreciate after this why they may not see many discharge of condition applications presented before them at Planning Committee. Such applications are seeking to look specifically at the requirements of individual conditions that have been imposed on planning permissions, which include requirements for further details to be considered, often technical and requested by statutory consultees. They do not go to the heart of the permission and as such, the consultation process for such applications typically only includes the parties that requested the condition(s) in the first instance and does not include members of the public.

The neighbours to this application became aware of this submission and, due to their continued unhappiness at the development sought to object to this application, even though they appear to have failed to understand what the application was actually for. It is perhaps a good example of why the public aren't consulted on such applications and as a result, not many will need to be presented at Planning Committee. It is essentially a post permission technical administration process.

After careful consideration of this discharge of condition application proposal, the details submitted provide what the conditions request and it is recommended that it allows these conditions to be partially discharged until such a time the works have been implemented when they can be fully discharged.

Reasons for Discharging Planning Conditions

The decision to discharge the planning condition has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposal complies with Policies SP1, GP1 and H2 of the Carmarthenshire Local Development Plan in that the proposed hard and soft landscaping details and boundary treatments are deemed acceptable and would not have a detrimental effect on visual amenity or residential amenity. Condition 3 of Planning Permission E/40464 can therefore be partially discharged in so far as the details associated with the proposed hard and soft

landscape details and boundary treatments only are satisfactory. The hard and soft landscape details and boundary treatments shall be provided and erected in accordance with the approved details and implemented prior to the beneficial occupation of the replacement dwelling. The boundary treatments shall thereafter be retained as approved in perpetuity.

- The proposal complies with Policies SP1, SP14, GP1, H2 and EQ4 of the Carmarthenshire Local Development Plan in that the proposed lighting plan is, on balance, acceptable and would not have a detrimental effect on ecology/biodiversity interests. Condition 8 of Planning Permission E/40464 can therefore be partially discharged in so far as the details associated with the lighting only are satisfactory. Full discharge of the condition is subject to the lighting being installed in accordance with the approved lighting plan
- The proposal complies with Policies SP1, GP1, H2, EQ4 and EQ5 of the Carmarthenshire Local Development Plan in that the details of the proposed protective fence at a minimum height of 1.2 metres is shown to effectively protect all trees, groups of trees and hedgerows to be retained. Condition 9 of Planning Permission E/40464 can therefore be partially discharged in so far as the details associated with the fence are acceptable. Full discharge of the condition is subject to the fencing being installed in accordance with the approved plan and being maintained for the duration of the construction period.

The site shall be developed in full accordance with the following plans received on 8 December 2020;

- Proposed Location, Site and Block Plans [1527-02 Rev D] scale 1:1250, 1:250, 1:500 @ A2;
- Proposed Elevations and Floor Plans [1597-01 Rev-B] scale 1:100, 1:50 @ A1.

Application No	PL/01196
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Application Type	Full Planning
Proposal & Location	PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 33NO. DWELLINGS AND 84-BED CARE HOME WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND INFRASTRUCTURE WORKS - FORMER YSGOL YR YNYS, YNYS LAS, LLANELLI, SA14 9BT

Applicant(s)	Padda Care Ltd
Agent	Asbri Planning Ltd – Richard Bowen
Case Officer	Zoe James
Ward	Llwynhendy
Date registered	12/02/2021

Reason for Committee

This application is being reported to the Planning Committee as the County Council has a significant financial interest in the application.

Site

The application site comprises a vacant parcel of land located within the residential area of Cefncaeau within Llwynhendy. The site comprises the former Ysgol Yr Ynys primary school accessed off Ynys Las. The site is bordered to the north, east and west by estate road of Ynys Las, with Parc Y Scarlets located beyond to the west. To the south lies sites vacant land with the A484 highway network beyond. The site is rectangular in shape and measures approximately 1.4ha. The site has a gentle slope to its southern boundary. The site has been vacant and not in beneficial use since the school buildings were demolished, following prior notification for demolition granted in 2011.

Vehicular access to the site is presently via its north-eastern corner, with pedestrian access via gates on the north and western boundaries. New vehicular accesses are proposed as part of the development. Given its former use, the site includes a number of areas of hardstanding alongside low lying vegetation.

The area surrounding the site is predominantly residential in nature to the north and east, with commercial and industrial uses to the south and west including retail beyond Parc Y Scarlets and Trostre Steelworks. The village of Llwynhendy is situated to the north of the site and offers a number of existing local services including library, post office, pharmacy,

medical centre and retail shops. Residential dwellings surrounding the site comprise two-storey semi-detached and terraced housing. External appearance includes mixture of pebbledash render and brickwork.

The site is allocated within the Carmarthenshire Adopted Local Development Plan (LDP) under site reference GA2/H41 for 45 dwellings. The site is within development limits identified in the LDP and partly lies within the Coal Authority Development High Risk Area. Public Right of Way runs to the south of the adjacent site. The site bordering the site to the south is allocated in the LDP as part of a wider development site under reference GA2/H35 for 300 dwellings.

Proposal

The application seeks full planning permission for residential development of 33 dwellings at the site and an 84-bed care home along with associated access, car parking, landscaping and infrastructure works. The proposal involves a care home in the northern part of the site which is identified as Phase 1, with 33 residential dwellings comprising mix of detached, semi-detached and terraced properties in the southern part, Phase 2.

The proposed care home building is 'H' shaped with the front elevation to the northern boundary of the site. Vehicular access and visitor and staff car parking is proposed to the north and east of the building with a SUDS drainage pond within a residential garden area to the south and west of the building. The vehicular access on the western side of Ynys Las is proposed to be utilised for delivery vehicles to the care home, with a car park comprising of 35 dedicated visitor and staff spaces. An additional access is proposed further east on Ynys Las to serve visitors to the care home and the residential element of the scheme.

The proposed care home building seeks to work with the topography of the site and is three storeys to the north with four storeys on the southern elevations. The floor plans submitted with the scheme show that the care home accommodation will be provided over all floors, with six bedrooms at lower ground floor, 22 at ground floor and 28 respectively at first and second floors. Each bedroom will have its own ensuite. Lounge/TV room/snug areas are also proposed at each floor, with a large kitchen, dining and lounge area leading to a covered outdoor seating area at ground floor. At ground floor, there is also reception area, day room/visitor area, nurse/pharmacy office, managers office and three other office rooms. A lift is located centrally within the building with staircases provided at each of the four corners of the proposed building.

The Planning, Design and Access Statement submitted with the application highlights that the building will use sustainable building methods to create a modern design. The positioning of the building is lightly set back from Ynys Las with car parking provided between the building and site boundary. The residents garden is proposed to provide users of the care home an opportunity to enjoy outdoor setting without having to travel far. A Landscaping scheme is proposed to be submitted to include details of the proposed landscape arrangements for this area.

Phase 2 proposed includes 33 no. residential dwellings of the following house type:

- 2no detached dwellings;
- 3no terraced dwellings;
- 28no semi-detached dwellings

The dwellings are a mix of 2, 3 and 4 bedroom dwellings. Of 33 dwellings, six are proposed to be social housing, with 27 market housing. House type A and B are proposed to be social houses, the remaining units comprise house types C, D, E and F:

- House type A – 4 x (5 person) 3 bedroom semi-detached;
- House type B – 2 x (4 person) 2 bedroom semi-detached;
- House type C – 2 x 3 bedroom detached house;
- House type D – 18 x 3 bedroom semi-detached;
- House type E – 4 x 3 bedroom semi-detached;
- House type F – 3 x 3 bedroom terraced house.

The layout seeks to provide a positive relationship with existing properties on Ynys Las and the submitted site layout plan shows plots 4-7 and 28-33 fronting Ynys Las with vehicular and pedestrian access direct from the highway. Similarly, plots 1-3 front Heol Hen to the south. All of the dwellings are proposed to have their own dedicated parking provision, the majority of this is provided via linear parking on a driveway to the side of the dwelling. Similarly, each dwelling has its own private rear garden.

The main access to the site is achieved to the east from Ynys Las this then leads through the site in south and westerly direction. The main access road through the site is proposed to be adopted highway. A private shared drive is proposed for plots 17 to 19.

All of the proposed dwellings are two storey, materials proposed include parex render and brick plinth alongside fairfaced brick, with the brick colour to be confirmed. The roof is proposed to be Marley Modern roof tile with the doors and windows in PVCu coloured grey. The Planning, Design and Access Statement indicates that the materials proposed are modern whilst also ensuring that the development is in keeping with the character and context of the surrounding area.

Revised plans have been submitted during the course of the application following discussion with the Authority and Forward Planning. The amendments sought to improve permeability through the site and create a more cohesive sense of place and relationship between the two elements alongside the wider relationship with Ynys Las and any future development on the adjoining site to the south.

The submission has been accompanied by a range of supporting information which includes the following:

- Planning, Design & Access Statement;
- Arboricultural Report;
- Coal Mining Reports;
- Drainage Strategy;
- Ecological Appraisal;
- Pre-Application Consultation (PAC) Report;
- Site Investigation Report;
- Transport Statement;
- Travel Plan.

The site is located within Zone A as defined under Technical Advice Note (TAN) 15: Development and Flood Risk (2004) whereby it is considered to be at little or no risk of fluvial or tidal flooding. The submitted Drainage Strategy report sets out proposed strategy for disposal of surface water which is via the existing storm receiver of the former school located in Maes ar Ddafen Road. The strategy states various SuDS techniques will be implemented at the site including water butts below downpipes, roof downpipes to discharge into plot's private porous driveways, combined driveway/roof runoff and adoptable access road runoff to be conveyed through bio-retention systems or swales with final discharge into detention basin. Runoff surface water for the care home is to be attenuated with permeable subbase where possible, with connection into the detention basin prior to an offsite discharge. The report states that due to the site arrangement several flow control devices will be required to serve the development and maximise source control. A detailed drainage scheme is indicated to be provided and agreed with relevant adoption authorities.

For foul drainage, a sewer diversion is required to divert the combined sewer onsite to the public sewer along the northern boundary, this is also proposed to provide a foul connection point for plots 1-7 and 28-33. Due to the site levels, a gravity connection into the existing public sewer to the southeast corner of the site is anticipated, this will serve the remaining residential units and the care home. The report indicates Dwr Cymru Welsh Water confirmed adequate capacity in the public sewer system for the development site as part of the PAC request in November 2020.

The report also provides details in relation to the proposed developments surface water removal in compliance with the Memorandum of Understanding (MoU). The site is served by an existing combined connection into the public sewer. An estimate of the hard paved run off area discharging into the combined sewer is calculated to be 3,647m². For the residential development of 33 dwellings, in line with the requirements of the MoU the equivalent area to be removed equates to 297m². For the care home, the calculated area to be removed, including x2 betterment equates to 1,653m². As a result, the total impervious area to be removed from the combined sewer is calculated to be 1,950m².

The Ecological Design Scheme details the findings from a combination of desk and field studies undertaken at the site. The site comprises hardstanding foundations and improved grassland with a small area of poor semi-improved grassland with standard trees bordered by species poor hedgerow. The report states the majority of the site was recorded to be of limited ecological interest. However, the grassland, scrub and hedgerow were considered to be of local ecological interest and were likely to be utilised by a variety of species such as birds, foraging and commuting mammals and potentially populations of reptiles. The report makes recommendations for retention and enhancement of planting on the boundary, sensitive vegetation clearance to a suitable habitat for reptiles, provision of bird and bat boxes and clearance works to take place outside of the bird breeding season.

The Transport Statement submitted reviews the existing highway conditions at the site and surrounding area, policy position, accident data alongside the proposed development and traffic generation and resultant impact on the local highway network. The statement utilises TRIC rates to calculate the trip generation of the proposed development and it concludes the proposed development has the potential to generate around 234 arrivals and departures per day, with the development likely to be at its busiest during the afternoon between 14:00-15:00. The statement concludes that the highway network can satisfactorily accommodate

the predicated traffic flows when the development is operational. In terms of parking, the statement confirms that onsite parking will be provided in line with the requirements of relevant parking standards and given the sustainable location of the development, the report states the number of spaces will be more than adequate.

The Arboricultural Report submitted details the findings of the tree survey carried out at the site in July 2020. No category A trees were identified, only 3 category B trees were identified, 29 category C trees and 4 category U trees.

A Site Investigation Report prepared by Spectrum Geo Services (SGS) confirming no ground gas protection measures considered necessary and contamination testing shown there to be no elevated common determinands. The report summarised that significant and widespread contamination at the site is considered unlikely and the risk to end users is considered to be low. A Coal Mining Risk Assessment was also prepared by SGS which identified from the historical information there is risk of presence of workings on site. However, the report identifies a series of recommendations including further investigations at the site to identify the impact of historic workings.

In line with the requirements for major applications, the submission included a Pre-Application Consultation (PAC) Report for the proposed development. This set out the pre-application consultation undertaken and also the responses received. In total, three responses were received from third parties, 1 in support, 1 objecting and 1 providing comments.

Planning Site History

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

S/25730 - DEMOLITION OF ALL THE SCHOOL BUILDINGS
Demolition Notification Granted 15/12/2011

S/11113 - SITING OF 1 NO. SINGLE STOREY DEMOUNTABLE CLASSROOM FOR
NURSERY USE
Withdrawn 24/10/2005

S/09400 - SITING OF 2 NO. SINGLE STOREY DOUBLE AND 1 NO. SINGLE
CLASSROOMS ALL WITH TOILETS - DEMOUNTABLE BUILDINGS (ON A TEMPORARY
BASIS) FOR EDUCATIONAL PURPOSES
Full Granted 28/03/2005

S/01026 - PALISADE FENCE TO EXTERNAL PERIMETER WALL OF SCHOOL
Full Granted 27/03/1998

D5/16100 - RESIDENTIAL DEVELOPMENT OF 4.5 ACRES
Outline Refused 24/02/1994

Planning Policy

In the context of the Authority's current Development Plan the site is located within the Development Limits of Llanelli and is allocated for residential use in the adopted Local

Development Plan (LDP) under reference GA2/H41 for 45 dwellings. Reference is drawn to the following policies of the Plan:-

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

SP3 Sustainable Distribution- Settlement Framework

SP5 Housing

SP6 Affordable Housing

SP9 Transportation

SP14 Protection and Enhancement of the Natural Environment

SP16 Community Facilities

SP17 Infrastructure

GP1 Sustainability and High Quality Design

GP2 Development Limits

GP3 Planning Obligations

GP4 Infrastructure and New Development

H1 Housing Allocations

AH1 Affordable Housing

TR2 Location of Development- Transport Considerations

TR3 Highways in Developments- Design Considerations

EQ4 Biodiversity

EQ5 Corridors, Networks and Features of Distinctiveness

EQ6 Special Landscape Areas

EP1 Water Quality and Resources

EP2 Pollution

EP3 Sustainable Drainage

REC2 Open Space Provision and New Developments

[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 – initial comments received confirming no objection subject to conditions and contributions towards highway improvements.

Public Rights of Way Officer - No observations to provide on the application.

Valuations Manager - No observations received to date.

Head of Public Protection - No objection subject to condition.

Environmental Health Noise – standard response and guidance issued.

Environmental Contaminated Land – no objection subject to imposition of requested conditions for further site investigations.

Sustainable Drainage Approval Body (SAB) – SAB approval is required for the proposal.

Forward Planning – latest response notes the applicant's proactive approach responding to comments previously raised is welcome.

Llanelli Rural Council - No objection providing SAB approval is obtained, there is no detrimental impact on local highway safety and S106 agreement is entered into to provide highway, education and recreational improvements to the area.

Local Member(s) - Councillor Sharen Davies provided comments highlighting residents' concerns regarding the development, in particular parking, access and speeding problems in the surrounding area. Reference is also made to congestion in the area during matches at Parc Y Scarlets and a requirement for off-road parking for residents in the area. Reference is made to residential development previously refused at the site in 1994. Request that if application is to be approved a S106 agreement is entered to secure contribution towards developing Llwynhendy library and affordable homes and bungalows are provided as part of the development.

Local Member(s) - Councillor Fozia Akhtar has not commented to date.

Natural Resources Wales – no objection to the application, highlight requirement to comply with the MoU.

Dwr Cymru/Welsh Water – highlight the site is crossed by a public sewer, confirm no objection to the application subject to conditions being imposed on the permission. Also include standard conditions for development near water mains.

Coal Authority – no objection subject to the imposition of specific conditions for further investigations.

Planning Ecology – require an alternative sensitive clearance area for reptiles to be identified and proposed. Otherwise, no objection subject to the imposition of specific 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 neighbouring letters to adjoining property, site notices posted in the vicinity of the site and publication in the local newspaper.

Two representations were received, 1 in support, and one providing a copy of the comments submitted at PAC stage, the comments are summarised as follows:

- Land is currently being wasted and will be positive to see it being used positively to provide more housing and a care home.

- Land adjoining the site is under separate ownership and benefits from resolution to grant outline planning permission for residential development. Concerns raised regarding access arrangements, further details regarding drainage and boundary treatment.

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

Appraisal

Principle of development

The principle of residential development at the site has previously been accepted through the site's allocation within the Local Development Plan under Policy H1 for residential development of 45 dwellings (reference. GA2/h41) following independent examination of the Plan by an Inspector.

Furthermore, the site is proposed to be reallocated in the forthcoming Revised Local Development Plan 2018-2033. The Deposit Plan identifies the site under Policy HOM1 for residential development (allocation reference. PrC2/h16) for 45 dwellings, 7.6 of which are to be affordable.

As such, it is considered that the principle of residential development at the site has been accepted previously and is proposed to be carried forward by the Authority in the Revised LDP. Furthermore, the site is located within an established residential area in close proximity to existing services and community facilities.

Impact upon character and appearance of the area

The site presently comprises vacant hardstanding and grass following the demolition of the former school. The proposal involves development of a large residential care home on the northern element of the site and 33 no. dwellings on the southern part.

The care home element which comprises phase 1, is three and part four stories, taking account of the topography of the site. Fronting Ynys Las, the care home is three storeys with four storeys to the southwest. Whilst larger in height than nearby existing residential development and the proposed residential units to the south, it is considered that the scale is acceptable given the topography and the larger scale Parc Y Scarlets stadium to the northwest of the site. There is a large area of green space, including the attenuation pond for the SUDS scheme to the west of the proposed care home and adjacent development site to provide for suitable separation distance and a sensitive buffer between the care home and any future development.

In terms of the residential element, the dwellings are proposed to be 2 storeys in height and a mix of detached, semi-detached and terraced properties. Plots 4-7 and 28-33 front onto Ynys Las and 1-3 front Heol Hen to ensure that a positive relationship is maintained with existing properties, as required by the Planning Brief prepared for the site. The materials proposed include a Parex render and brick plink alongside fairfaced brick for the walls, with the roof to be a Marley Modern roof tile and PVCu grey windows and doors. The materials are considered to be contemporary yet classic and in keeping with the style and appearance of residential development surrounding the site.

The internal access road which runs along the southwest boundary also results in the creation of an 'outward' looking scheme toward the adjacent development site by providing a strong street frontage which again will assist to ensure adequate privacy distances can be maintained between the site and any future development on the adjacent site.

Following review of the initial site layout and a meeting with the agent, the site layout was amended to improve the permeability of the site and the two elements of the proposed development by providing a through road. Street scenes were also provided for the proposal showing the relationship of the proposed development with the surrounding area.

In summary, the proposal is considered to comply with the requirements of Policy GP1 in that it conforms with the character and appearance of the site and surrounding area in terms of the appearance, scale and elevation detailing. The site layout also takes account of the topography of the site and seeks to work with the change in levels.

Landscape and Visual Impact

The site does not benefit from existing extensive landscaping given its history, there are a number of trees located within the site and on parts of the south and western boundaries. The submitted scheme shows new tree planting on the site, particularly along the southern boundary. The Planning Ecologist considers that this indicates appropriate compensatory hedgerow and tree planting. However, it is acknowledged that there is some conflict between the submitted Arboricultural Report and Preliminary Ecological Appraisal (PEA) and the proposals shown on the Drainage Plan and Proposed Site Plan. As such, further information has been requested by Planning Ecology to ensure that a comprehensive landscape and ecology design scheme is implemented at the site in line with the requirements within the submitted PEA. This is covered by conditions included at the end of the report.

Subject to the conditions and provision of a detailed landscape and ecology design scheme for the site, the proposal is considered to comply with relevant policy requirements and will provide opportunities to enhance biodiversity and ecological connectivity as part of the development.

Biodiversity Impacts

In terms of biodiversity, as highlighted above the application has been reviewed in detail by both the Authority's Planning Ecologist and Natural Resources Wales (NRW), both of whom have no objection to the development, subject to planning conditions. The grassland and scrub on site were identified as potentially suitable to support isolated common reptiles, as such, a sensitive clearance area for retained habitats is required. The area originally proposed within the submission to the south is not suitable as this is subject to planning application ref. S/34991. As a result, an alternative suitable area has been requested to be provided for review, at present this is still outstanding. In addition, a condition is proposed for a sensitive clearance strategy for any reptiles encountered on site.

The submission also identified hedgerows and scrub as suitable habitat for breeding birds, the Planning Ecologist has requested a condition to ensure vegetation clearance is undertaken outside of the bird breeding season. Details of an external lighting scheme have also been requested to be provided via condition to ensure an appropriate lighting scheme is provided at the site, in line with the recommendations within the PEA.

Given the site's proximity to the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), the Burry Inlet Special Protection Area (SPA) and Ramsar site, the

impacts of the development on the European sites are required to be considered under the Habitats Regulations. Planning Ecology have reviewed the proposal and confirm it is not likely that the development will cause any adverse effects and as such a full Test of Likely Significant Effects (TSLE) has not been undertaken.

In summary, there are not considered to be ecological concerns and subject to conditions, the development will provide the opportunity to deliver the required mitigation and enhance biodiversity at the site, as required by LDP Policy EQ4.

Highway Impacts

Highway safety concerns have been raised by Local Member Cllr Davies in her comments on the application. The application proposes improved access to the site from Ynys Las for both the residential development (phase 2) and for staff and visitors to the care home (phase 1). For deliveries to the care home, a separate access is proposed to be formed off Maes-Ar-Ddafen, approximately halfway down the site boundary. It is noted by the Highway Authority that the access off Maes-Ar-Ddafen Road will require the bollards and gate to be moved towards the end on the site boundary and the double yellow road markings will have to be extended.

Thirteen of the plots will have direct frontage access to Ynys Las and Heol Hen, with the remainder being served via the internal access road. The submission shows visibility splays of 2.4m x 43m can be provided at the junctions, although the Highway Authority advise the requirement for streets with a 20mph speed limit as set out in Manual for Streets (MfS) is 2.4m x 25m (adjusted for bonnet length). Vehicle parking is proposed as part of the scheme and includes 35 spaces (20 visitor and 15 staff) for the care home and the required number of parking spaces for each dwelling, as per the adopted CSS Wales Parking Standards.

In terms of the location, the site is acknowledged to be sustainably located with footways and shared paths in the surrounding streets and nearby bus stops providing regular services throughout Llanelli and the wider area. The Highway Authority concluded that the site is in a sustainable location and that there are good opportunities for future residents and staff/visitors of the site to utilise more sustainable transport and avoid single occupancy vehicle trips.

The Highway Authority have reviewed the traffic impact associated with the proposed development on the surrounding transport network, this includes a review of the likely level of vehicular trips generated by both the previous and proposed land uses. To determine the likely number of vehicle trips the previous land use (Primary School) could generate and also the proposed development, an interrogation of the latest TRICS database was undertaken. The assessment reported that during the AM peak period there would be notably less trips taking place as a result of the proposed development. However, across the day there are more trips expected as a result of the proposed development, including a notable increase during the traditional PM peak (1700-1800).

Following the identification of an increase in trips during the PM peak period, contributions are requested from the Highway Authority towards the proposed improvements at the Halfway and Morrisons Traffic Signals and Trostre Roundabout. The proposed improvements will improve traffic conditions on key routes leading to / from the proposed development site whilst the proposals to enhance active travel provision will improve connectivity between the site and spinal route of the Llanelli Active Travel Masterplan. The operational improvements will assist in mitigating the traffic impact of the development on

the surrounding road network and the active travel enhancements will maximise the opportunity for site travel by non-car modes.

As a result, the Highway Authority have advised that they would not object to the proposed development subject to specific conditions and the contribution toward the improvements identified above. On this basis, the proposal is considered to comply with LDP Policies TR1 and TR2 in relation to its impact on the wider highway network and Policy TR3 relating to the design and layout of the site and access arrangements.

Flood Risk Implications

The application site is located within Flood Zone A on Natural Resources Wales Development Advice Maps.

The application has been supported by a Drainage Strategy for the proposed development. This indicates various SuDS techniques will be implemented at the site and a detailed drainage scheme is to be provided and agreed with relevant adoption authorities. As confirmed in the response from the Sustainable Drainage Approval Body (SAB) the proposal will be subject to separate SAB approval prior to the commencement of development.

Dwr Cymru Welsh Water have reviewed the application and submitted information in relation to the proposed surface water and foul drainage for the development. Their response confirms no objection to the development subject to planning conditions and further conditions highlighted in relation to any development near watermains. The response received also confirms no problems are envisaged in relation to water supply or with the wastewater treatment works for the treatment of domestic discharge from the site.

In accordance with the requirements of Memorandum of Understanding (MoU), entered into between this Council, City & County of Swansea, Natural Resources Wales and Welsh Water for the catchment area of the Burry Inlet. The MoU requires that foul flows generated by a development will only be allowed to connect to the sewerage system for disposal once existing flows (surface water or foul) have been removed from the system to create additional capacity, as well as an additional requirement for betterment. The submission confirms betterment required as part of the MoU can be achieved for the development by removal of the existing surface water from the site into the combined public sewer. The submission indicates in order to deliver the required betterment, the total impervious area to be removed from the combined sewer is calculated to be 1,950m². An estimate of the hard paved run off area discharging into the combined sewer is calculated to be 3,647m², as such the proposal will provide above the required betterment.

The proposal is not considered to have an adverse impact in relation to flood matters and further details of surface water drainage strategy for the site is covered under separate SAB legislation. On this basis, the proposed development is considered to comply with requirements of LDP Policy EP3 in relation to sustainable drainage.

Ground Stability & Contaminated Land

In recognition of the application site's location partly within the Coal Authority Development High Risk Area, and the legacy of coal mining in the area a site investigation was undertaken. The report indicates that currently the site is a risk to the proposed development as a result of shallow coal workings beneath the site. In order to confirm the actual ground conditions recommendations are made in the report that intrusive ground investigations are

required. The Coal Authority agree with the recommendations and consider that the findings of the site investigations should enable the applicant's technical consultants to design an appropriate mitigation strategy, if deemed necessary, to ensure the safety and stability of the proposed development. As a result, they do not object to the development subject to imposition of conditions requiring further investigations. The response from the Coal Authority also highlights that permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

In terms of contaminated land, the submission was accompanied by a Site Investigation Report. Whilst the report summarised that significant and widespread contamination at the site is considered unlikely and the risk to end users is considered to be low, the Authority's Environmental Health Contaminated Land Officer has recommended that conditions are imposed. The conditions require preparation of a Preliminary Risk Assessment, followed by, where necessary, a detailed scheme for investigation and recording of contamination and detailed proposals for site remediation.

Other Matters

Comments were received on the application from Turley on behalf of Tata Steel, who are landowners for the neighbouring site. A copy of the comments submitted to the developer as part of the PAC process were provided to the LPA in March 2021 as part of the statutory consultation period with reference to further comments being submitted in due course. No additional comments have been provided and it is considered that the submission and amendments to the layout seek to address the comments provided on behalf of Tata Steel at PAC stage. Firstly, in terms of reference to a shared access point, this is not included as part of the current application. The highway Maes-ar-ddafen Road will provide access for the care home and the adjacent site under Tata's ownership. Albeit as this is highway land there is not considered to be a conflict. The location of the bollards on Maes-ar-ddafen Road have been amended on the revised plans in accordance with the proposal for the adjacent site.

Further details have been provided for the drainage scheme for the site and as confirmed above, the development will be subject to separate SAB approval to confirm the detailed drainage arrangements. In terms of any impact on the SAC, the Authority's Planning Ecologist has assessed this and does not consider the development to have an adverse effect. In terms of planting, a detailed landscape and ecological design scheme is proposed to be conditioned to ensure adequate landscaping is provided for amenity purposes and also to enhance biodiversity at the site.

Planning Obligations

The Council has adopted Supplementary Planning Guidance (SPG) in relation to Planning Obligations. The SPG requires financial contributions towards a variety of essential facilities and services, in this instance contributions are sought as follows:

- 20% on site affordable housing
- Financial contribution towards Education
- Financial contribution towards highway improvements on the surrounding network.

Given the application site is under the Authority's ownership the above contributions cannot be secured via a legal agreement and will instead need to form part of future sales agreement for the land.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted, together with the representations received to date, it is concluded on balance that, the proposal represents an acceptable form of development that will respect the site and the general character and appearance of the surrounding area. The site is allocated for residential development in the adopted and emerging Local Development Plan. The proposed development for residential care home and 33 dwellings is considered to comply with the policy objectives of the Authority's adopted Local Development Plan and National Planning Policy.

The general scale, design and layout of the scheme seeks to respect the character and appearance of the surrounding area whilst working within the site's constraints. The revised layout seeks to address the requirements within the Planning Brief and deliver a permeable and cohesive development that integrates with existing properties on Ynys Las. The development will provide a range and choice of housing types and sizes, alongside a large care home that will be well related to the existing services and facilities in Llwynhendy and the wider Llanelli areas.

The development will also secure a range of community benefits in the local area which will include the provision of affordable dwellings, as well as contribution to existing education facilities and local highway improvements.

No objections have been received from statutory consultees. Highways have advised the submitted information is sufficient, subject to conditions and contribution requirements, with final formal comments to be received shortly. DCWW are satisfied with the drainage details, in line with new separate drainage requirements approval is required from the Authority's SAB team. Information has been provided to demonstrate compliance with the Memorandum of Understanding. The Coal Authority and the Authority's Public Health team have no objection to the development and advise subject to further investigations being undertaken in relation to coal mining legacy and contamination matters, it is considered that a safe and suitable development can be achieved. Planning Ecology also have no objection, subject to conditions requiring additional information in relation to protection and enhancement of biodiversity at the site.

In light of the comprehensive detail provided in the submitted application the recommendation of officers is that planning permission should be granted for the proposed

development, subject to the recommended conditions and community contributions being secured as outlined above.

The recommendation is therefore to grant conditional planning permission.

Conditions and 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 following approved plans and documents:-

- Site Location Plan drawing no. LP01 received 25 January 2021;
- Existing Site Block Plan and Sections drawing no. 01 received 25 January 2021;
- Proposed Site Block Plan drawing no. 02 Rev B received 27 May 2021;
- Proposed Streetscene drawing no. 10 received 27 May 2021;
- Proposed Phasing Plan drawing no. 07 received 5 July 2021;
- Proposed Care Home Lower Ground Floor Plan drawing no. 962.CH.01 Rev B received 25 January 2021;
- Proposed Care Home Ground Floor Plan drawing no. 962.CH.02 Rev B received 25 January 2021;
- Proposed Care Home First Floor Plan drawing no. 962.CH.03 Rev B received 25 January 2021;
- Proposed Care Home Second Floor Plan drawing no. 962.CH.04 Rev B received 25 January 2021;
- Proposed Care Home Elevations 1 of 2 drawing no. 962.CH.05 Rev B received 25 January 2021;
- Proposed Care Home Elevations 2 of 2 drawing no. 962.CH.06 Rev B received 25 January 2021;
- House Type A – Floor Plans and Elevations drawing no. R01 received 25 January 2021;
- House Type B – Floor Plans and Elevations drawing no. R02 received 25 January 2021;
- House Type C – Floor Plans and Elevations drawing no. R03 received 25 January 2021;
- House Type D – Floor Plans and Elevations drawing no. R04 received 25 January 2021;
- House Type E – Floor Plans and Elevations drawing no. R05 received 25 January 2021;
- House Type F – Floor Plans and Elevations drawing no. R06 received 25 January 2021;
- Swept Path Analysis Plan drawing no. AP01 received 25 January 2021;
- Drainage Strategy Plan drawing no. C-SK03 Rev Breceived 25 January 2021;
- Preliminary Ecological Report prepared by Bay Ecology ref. Doc 01 – 15/10/2020 received 25 January 2021;

- Drainage Strategy Report prepared by CB3 ref. C1669 received 25 January 2021;
- Coal Mining Risk Assessment prepared by Spectrum Geo Services ref. 20106/R2 received 25 January 2021;
- Con29M Coal Mining Report received 25 January 2021;
- Transport Statement prepared by LvW Highways ref. 2020-553 received 25 January 2021;
- Travel Plan prepared by LvW Highways ref. 2020-553 received 25 January 2021;
- Planning, Design and Access Statement prepared by Asbri Planning ref. S20.206 received 25 January 2021;
- Site Investigation Report prepared by Spectrum Geo Services ref. 20106/R1 received 25 January 2021;
- Arboricultural Report prepared by Arboricultural Technician Services Ltd received 25 January 2021.

Reason:

For the avoidance of doubt as to the extent of this permission.

Condition 3.

Residential Estate Road:

Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.5 metre carriageway, 1.8 metre footways, and 6.0 metre kerbed radii at the junction with the Ynys Las road.

Reason:

In the interest of highway safety.

Condition 4.

The gradient of the vehicular accesses serving the development shall not exceed 1 in 20 for the first 15.0 metres from the edge of the carriageway.

Reason:

In the interest of highway safety.

Condition 5.

The vehicular accesses into the site shall at all times be left open, unimpeded by gates or any other barrier.

Reason:

In the interest of highway safety.

Condition 6.

There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole Maes-Ar-Ddafen and Ynys Las Road frontages within 2.4 metres of the near edge of the carriageway.

Reason:

In the interest of highway safety.

Condition 7.

Prior to any use of the accesses by vehicular traffic, visibility splays of 2.4 metres x 25 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the accesses in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.6 metres within this splay area.

Reason:

In the interest of highway safety.

Condition 8.

The accesses, visibility splays and turning areas 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 accesses, visibility splays, or turning areas, is to be obstructed by non-motorised vehicles.

Reason:

In the interest of highway safety.

Condition 9.

Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.

Reason:

In the interest of highway safety.

Condition 10.

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

Reason:

In the interest of highway safety.

Condition 11.

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

Reason:

In the interest of highway safety.

Condition 12.

No development shall take place until a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and as agreed.

Reason:

In the interest of highway safety.

Condition 13.

No development for the care home element shall take place until a detailed Delivery Management Plan (DMP) is submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and as agreed.

Reason:

In the interest of highway safety.

Condition 14.

Works shall not take place until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

Reason:

To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction.

Condition 15.

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

- Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.
- Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
- Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.

If, during development, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted to the Local Planning Authority.

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

Reason:

To ensure suitable site investigations are undertaken and adequate remedial measures identified and implemented.

Condition 16.

Any soil imported must be suitable for use and any soil arising from elsewhere on the development site must be subject to same requirements as imported materials. The following aspects of imported materials require validation:

- A copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual [topsoil must be approved in writing by the Local Authority prior to importation].
- A declaration of compliance with BS 3882: 2007 specification for topsoil and requirements for use [approved in writing by the Local Authority prior to importation]. Plus source of the imported material. Details of the source or supplier must be documented and supported by appropriate documentation. Sampling 1/100m³ [@150 tons] material from "green field" 1/50m³ from unknown/potentially contaminated source. Minimum of 3 samples must be tested. Alternative sampling frequency considered if supported by appropriate justification or a risk assessment. The volume of imported material should be supported by appropriate documentation such as purchase records. It's advisable to sample at the above frequency prior to importation to ensure that the material is suitable for its intended use.

Reason:

To ensure any material imported is suitable for use.

Condition 17.

No development shall commence until;

- a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason:

In order to mitigate the risk and inform the extent of remedial / mitigatory measures that may be required to ensure that the development is safe and stable.

Condition 18.

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:

To ensure that the development is safe and stable.

Condition 19.

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

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

Condition 20.

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason:

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

Condition 21.

No development shall commence until a comprehensive Landscape and Ecological Design Scheme (EDS), is submitted to and approved in writing by the Local Planning Authority. The EDS scheme shall deliver detailed design proposals which effectively integrate appropriate site-specific landscape, ecological and biodiversity objectives and function.

Reason:

To ensure the necessary protection of the environment, ecological features and habitats in line with Environment Act Wales 2016 and LDP Policies SP1 – i, SP14, GP1 – f

Condition 22.

No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features for 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.

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

Reason:

In the interest of visual amenity and to ensure the necessary protection of the environment, ecological features and habitats in line with Environment Act Wales 2016 and LDP Policies SP1 – i, SP14, GP1 – f

Condition 23.

Prior to the commencement of development on the site, an external lighting scheme shall be submitted for the consideration and written approval of the local planning authority. The scheme shall take into account the mitigation requirements detailed in the submitted Preliminary Ecological Appraisal, Section 5.3. The scheme shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas.

The scheme shall include:

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

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

Reason:

To ensure suitable lighting is installed to minimise the risk of light spillage into ecologically sensitive areas.

Condition 24.

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

Reason:

To ensure protection of reptiles.

Condition 25.

Vegetation clearance must be undertaken in accordance with section 5.6 of the Preliminary Ecological Appraisal by Bay Ecology dated 15/10/20.

Reason:

To ensure protection of habitats on site.

Condition 26.

Before phase 2, residential dwellings development hereby permitted are first brought into use the first floor bathroom windows of the proposed dwellings (as shown on Proposed Floor Plans drawing nos. R01-R06) shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter.

Reason:

In the interest of privacy.

Condition 27.

Prior to commencement of phase 2, residential dwellings development, details of boundary treatment measures for the site shall be submitted and approved in writing. Thereafter, the measures shall be retained in accordance with the approved details.

Reason:

In the interest of privacy and visual amenity.

Notes/Informatives

Note 1.

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

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

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

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

Note 2.

Any prospective purchaser(s) of the land referred to in the Planning Permission PL/01196 will be required in the Contract of Sale to enter into a Section 106 Agreement with Carmarthenshire County Council for the provision of a contribution towards Education, Highways improvements and the provision of 20% onsite affordable housing.

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).

- Please see the relevant responses from Dwr Cymru/Welsh Water, Natural Resources Wales, Coal Authority and the Council's Planning Ecologist, Landscape Officer, Sustainable Drainage Body, Environmental Health and Public Protection Team, Highway Authority and refer to the recommendations and advice contained therein.

Application No	PL/01621
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Application Type	Householder
Proposal & Location	REMOVAL OF EXISTING LEAN-TO STORAGE SHED, RETENTION OF SUNROOM FOR ANCILLARY ACCOMMODATION AND ALTERATIONS TO DWELLING TO FACILITATE INTERNAL LAYOUT CHANGES AND ADDITIONAL HEADROOM - 13 LLYS Y CROFFT, WHITLAND, SA34 0HG

Applicant(s)	David Walsh
Agent	GP Architecture Studio – Geraint Phillips
Case Officer	Charlotte Greves
Ward	Whitland
Date registered	31/03/2021

Reason for Committee

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

Site

The application site comprises an end of terrace dwelling situated within an existing cul de sac located off Spring Gardens road in the settlement limits of Whitland. The cul de sac comprises a mixture of terraced, semi detached and detached single and two storey dwellings with a modern, relatively uniform character and appearance.

The layout of the cul-de sac is such that a number of dwellings are set back from the estate road and have front gardens comprising a mixture of hard and soft landscaping. The dwelling subject to this application has a large front garden and much smaller rear garden and is located centrally within the site with dwellings located to the front, side and rear. There is a hardstanding area within the front garden for off street parking and turning to serve the dwelling. The boundary of the curtilage of the site is currently delineated by a 1m high timber close boarded fence.

Proposal

The application proposal is partly in retrospect and has been amended since first submitted in that the proposal no longer seeks retention of 'Structure 1', a building stated to be used as a store and exercise area. The application description and plans have therefore been

amended and the proposal the subject of a re-consultation and publicity exercise. The amended application therefore comprises the following three elements:

- Removal of existing lean-to storage shed/exercise area;
- Retention of sun room for ancillary accommodation; and
- Alterations to dwelling to facilitate internal layout changes and additional headroom.

The existing lean-to storage shed/exercise area ('Structure 1') to be removed is a timber and metal structure located in the south western corner of the front garden.

The existing timber sun room ('Structure 2'), also located within the front garden of the property, is proposed to be retained in its existing location and to be used as ancillary accommodation to the existing dwelling.

The proposed extension would be located to the side of the existing dwelling and would involve the raising of the existing single storey side section of the dwelling to two storey height thus increasing the head height available within the existing bedroom at first floor.

The plans also include proposals to remove the existing timber fence to the boundary of the site and replace it with a 1.2m high boundary wall and also the construction of a retaining wall feature at the side garden boundary between number 13 Llys Y Crofft and the adjoining property number 12 Llys Y Crofft to the west. A new pedestrian access into the rear garden is also proposed as part of the application.

Planning Site History

There has been no relevant planning history for this property since the granting of full planning permission for the estate of dwellings in 2001 (reference TM/00030).

Planning Policy

In the context of the Authority's current Local Development Plan (LDP) the site is located within the Development Limits of Whitland. Reference is drawn to the following policies of the Plan:-

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

GP1 Sustainability and High Quality Design

GP6 Extensions

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Head of Transportation & Highways – No objection, conditions recommended.

Whitland Town Council – Object to the proposal (as originally submitted) on the grounds of overdevelopment of the plot, loss of amenity and privacy impacts, impact on highway

safety and safety of pedestrians and the setting of a precedent for future similar “back yard” developments within the housing estate. Whitland Town Council also raise concern that the application for planning permission is made in retrospect and that the proposal would result in the existing dwelling being “turned” around in order to take advantage of permitted development.

Whitland Town Council has also responded to re-consultation and object to the proposal on the following grounds:

- Major over development of the plot – even with the removal of part of the structure the Council consider that there will still be major overdevelopment of a plot in a residential housing estate.
- The structures are considered to be overpowering to neighbouring properties, being built on the borders of such.
- Loss of amenities and privacy to existing properties, this could also include noise pollution to neighbouring properties.
- The positioning of the structures and proposed trees will potentially obscure the line of sight for vehicle drivers and the possibility of shadows masking pedestrians with potential catastrophic results if a child should get hit by a vehicle which was unable to see it.
- This will set an unwelcome presidency for future ‘back yard’ development within this housing estate
- The manipulation regarding the ‘front and back’ of this property on this plot again is considered a concern with the possibility of future development under permitted development in rear gardens.

Local Member(s) - Councillor Sue Allen, is a member of the Planning Committee, did not comment on the scheme as originally submitted but has since responded to the re-consultation on the amended proposal raising concern that where front gardens are considerably larger than rear gardens within housing developments, this limits what might be considered typical use of a rear garden. Residents living in these properties may find they have need of the extra space to enjoy their environs highlighted by this covid year. Housing developments need to take account of future needs and enable sufficient private space for people to carry out home based hobbies, leisure, park vehicles/bikes and enjoy their own patch of green space.

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.

Twelve representations from different households were received to the initial publicity exercise based on the plans as originally submitted. 8 representations object to the development on the following grounds:

- Concern regarding loss of light and views.
- Concern regarding the impact of the development on the appearance of the site and estate.
- The development is not in keeping with the existing dwellings.
- Concern in respect of the intended purpose of the structures.
- Concern regarding the height and scale of the structures.

- Concern regarding changing the front garden to the rear garden.
- Privacy impacts.
- Safety of pedestrians and highway users due to impact of the garden structures on visibility for vehicles.
- Land ownership issues and the area originally being proposed as a communal play area for the estate.
- Impact on mental health and anxiety.
- Increased surface water and flooding impacts.
- Concern that the development would set a precedent for others.
- Effect of the development on property values.

One of the 12 letters of objection received specifies that they do not object to Structure 2 (sun room) or the extension proposed but object to Structure 2.

Three representations have been submitted in support of the proposal as the development is considered to improve the overall appearance of the property and provides a valuable space for the occupiers of the dwelling.

One representation neither objects nor supports the proposed development.

Three representations have been received to the re-publicity exercise recently carried out following the submission of amended plans detailing the removal of structure 1. 2 representations were from households that had previously objected but one had not responded to the application previously. The most recent representations object to the development on the following grounds:

- Creation of a new principle access behind the property will identify the front garden as the back garden and vice versa setting a precedent for other dwellings and would allow manipulation of planning regulations.
- Concern that the larger, lean to structure will re-appear in the future.
- Impact on the character of the property and site and neighbouring occupiers.
- Concern that neighbouring occupiers will move out of properties on the estate as a result of the impact of the structures.

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

Appraisal

In terms of the principle of development, the planning application proposes an extension to an existing dwelling and the retention of a detached sunroom that has been erected within the curtilage and to the front of the same dwelling. Local Development Plan (LDP) Policy GP6 is of relevance. The policy supports residential extensions where they are compatible to the size and character of the existing development and do not adversely affect the amenity of neighbouring properties.

As explained above, the application and plans has been amended since first submitted with the removal of the existing Structure 1 (Store and Exercise area) is now proposed following the advice from the Authority that the design and scale of this structure is such that it is considered to have a significant adverse impact on the character and appearance of the dwelling and site within which it is located. The agent has therefore amended the plans to

confirm the removal of Structure 1. A condition will be included on any planning permission requiring the removal of Structure 1 within 6 months of the date of the permission.

Structure 2 (sun room) is proposed to be retained as part of the amended scheme. This structure is in the southern portion of the garden and is a single storey timber clad structure with a sloping roof. The structure has a footprint of approximately 5m x 3m (15m²) and measures approximately 2.5 m high at the highest point reducing to 2.3m at the lowest. There is a window and door in the front elevation of the structure which faces towards the existing dwelling and also a higher level window in the rear elevation facing the estate road. Whilst this structure, being located in the front garden of the dwelling and in a prominent location within the wider site, would alter the appearance of the street scene due to the scale and design of the structure and the additional landscaping proposed it is not considered that the impact on the character and appearance of the site and area would be significantly adverse. A condition will be included in any planning permission requesting further details regarding the landscaping of the site and the height and materials of proposed boundary treatments to ensure that the impact of the building within its context is reduced as far as possible.

In terms of the impact of structure 2 on the amenity of neighbouring occupiers, given the scale and single storey height of the structure, the distance from the nearest dwellings and the ancillary use of the building it is not considered that there would be any significant adverse impact upon residential amenity having regard to loss of privacy, loss of light or overbearing impact.

The proposed extension to the side of the existing dwelling is considered to be acceptable in terms of design, scale, height and materials proposed and would not result in any significant adverse impacts on the character and appearance of the host dwelling and area within which it is located. Similarly, the extension is not considered to pose any significant adverse impacts upon the residential amenity enjoyed by neighbouring occupiers.

The proposed development does not affect the ability of vehicles to park and turn within the site and in addition the retention of Structure 2 (sun room) is not considered to have an impact on visibility from the existing access or any neighbouring accesses. The Head of Highways and Transportation has responded to consultation on the application and has no objections to the proposals but has recommended a condition to safeguard visibility at the access onto the estate road following the construction of the replacement boundary wall, which will be included in any planning permission. The proposal is therefore acceptable with regard to highway safety impacts.

The proposal is therefore considered to be in accordance with the objectives of policies GP1 and GP6 in terms of its scale and appearance and impact upon the residential amenity of neighbouring occupiers, subject to specific conditions.

Having regard to other matters raised within the Town Council response and third party representations to this application, a number of objections raise concern with regard to the creation of a new principal access at the rear of the property identifying the front garden as the back garden and vice versa setting a precedent for other dwellings and thus allowing manipulation of planning regulations. The plans detail the creation of a set of steps into the rear garden of the property and this is labelled on the plans as the "new principal access". In terms of permitted development legislation for householder developments, any development forward of the principal elevation of the dwelling requires planning permission. The creation of a new pedestrian access to the rear garden of the dwelling would not have

the effect of determining the rear elevation as the “principal” elevation of the dwelling and therefore the existing front elevation and front garden as the rear elevation and rear garden. Therefore, it would not be the case that the dwelling would benefit from permitted development rights that would allow development to take place to the front of the existing dwelling without requiring planning permission. Further information concerning what determines the principal elevation of a dwelling can be found in the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (As amended) and its associated Welsh Government guidance.

Concern regarding land ownership has been raised however the applicant has submitted the application declaring that the land subject to the application is within his ownership and the Authority has no reason to dispute this.

It has also been claimed that the original plans for this residential estate detail the use of what is now part of the curtilage of number 13 Llys Y Crofft as a communal play area to serve the estate. Notwithstanding what the original plans detail, it would appear that the land has formed part of and been used as the curtilage of the property for a considerable period of time.

In terms of the impact of the development on surface water and increasing flood risk, the development does not propose an increase in the amount of impermeable surface within the site and therefore the amended proposal does not raise any concern in respect of increased surface water and/or flooding issues.

Finally, the loss of views and impacts on property values has been raised but these are not material planning considerations.

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, along with third party objections received it is concluded on balance that the retention of Structure 2 (sun room) and the proposed extension are acceptable. The development is considered to be compatible to the character and appearance of the existing property and the amenities of adjacent occupiers will not be adversely affected by the proposal subject to specific conditions which are listed below.

The proposal is in accordance with the policies of the adopted Local Development Plan and is therefore put forward with a favourable recommendation subject to the below conditions.

Conditions and Reasons

Condition 1

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

Reason:

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

Condition 2

The development hereby permitted shall be carried out strictly in accordance with the details shown on the following plans:-

- 1:1250, 1:500 Scale Site and Location Plan drawing no. (028-01) received 25th March 2021;
- 1:200 Scale Existing Site Plan drawing no (028-08) received 25th March 2021
- 1:50, 1:200 Scale House – Existing Floor Plans and Elevations and Existing Site Layout Plan drawing no. (028-02) received
- 1:50, 1:100 Scale Structure 1 and 2 – Existing Floor Plan and Elevations and Existing Site Layout Plan drawing no (028-03) received 25th March 2021
- 1:50, 1:200 Scale Existing Sections and Site Layout drawing no (028-04a) received 25th March 2021;
- 1:50, 1:200 Scale Proposed Sections and Site Layout Plan received 6th July 2021
- 1:50, 1:200 Scale House – Proposed Floor Plans, Elevations and Site Layout Plan drawing no (028-05a) received 25th July 2021
- 1:50, 1:100 Structure 2 Proposed Floor Plan and Elevations and Site Layout Plan drawing no (028-06b) received 6th July 2021

Reason:

In the interests of visual amenity and to confirm the extent of the permission.

Condition 3

Within 6 months of the date of this permission, Structure 1 (storage/exercise area) as detailed on the following submitted plans,

- 1:200 Scale Existing Site Plan drawing no (028-08) received 25th March 2021
- 1:50, 1:200 Scale House – Existing Floor Plans and Elevations and Existing Site Layout Plan drawing no. (028-02) received
- 1:50, 1:100 Scale Structure 1 and 2 – Existing Floor Plan and Elevations and Existing Site Layout Plan drawing no (028-03) received 25th March 2021
- 1:50, 1:200 Scale Existing Sections and Site Layout drawing no (028-04a) received 25th March 2021;
- 1:50, 1:200 Scale House – Proposed Floor Plans, Elevations and Site Layout Plan drawing no (028-05a) received 25th March 2021

shall be removed from the site in its entirety and the land restored to its former condition in accordance with details first submitted to and approved by the Local Planning Authority.

Reason:

In the interest of the character and appearance of the area and to accord with Policies GP 1 and GP 6 of the Carmarthenshire Local Development Plan 2014.

Condition 4

Structure 2 (sun room) hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 13 Llys Y Crofft, Whitland, SA34 0HG.

Reason:

In the interest of clarity as to the extent of the permission.

Condition 5

Within 3 months of the date of this permission, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include further details of proposed planting including species, supply sizes, proposed numbers and an implementation programme.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interest of visual amenity.

Condition 6

Prior to the replacement of any existing boundary treatments hereby approved details of the material finishes and appearance of the replacement boundary walls to be erected shall be submitted to and approved by the local planning authority. The boundary treatments shall be completed as approved.

Reason:

In the interest of visual amenity.

Condition 7

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

Reason:

In the interest of highway safety.

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 responses received from consultees and third parties can be found on the Authority's website (www.carmarthenshire.gov.uk). They may also relate to other permissions or consents required or include further advice and guidance

Application No	PL/02036
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Application Type	Full Planning Permission
Proposal & Location	EXTENSION TO THE EXISTING OFFICE BLOCK AT CROWN BUILDINGS, CHURCH STREET, LLANELLI, SA15 3TH

Applicant(s)	Hacer Developments Ltd
Agent	Geraint John Planning Ltd
Case Officer	Gary Glenister
Ward	Elli
Date registered	13/07/2021

Reason for Committee

This application is being reported to the Planning Committee as Carmarthenshire County Council has a financial interest in that Crown Precinct subject to demolition as part of the scheme is in Council ownership.

Site

The application site is the former Civil Service office known as Crown Buildings, centrally located within Llanelli. The six storey building (plus part basement) was built in the late 1970s and has a functional office design which is typical of it's era. The office has been empty for several years since the Civil Service vacated the building. The site also includes Crown Precinct which is a three storey block comprising commercial units at ground floor with two floors of flats above. The latter has been vacant for quite some time and was subject to a demolition notice in 2018 however is still evident on site.

The site lies to the North East of the Magistrate's court, which is another example of a functional civic building. The building is to the South West of the Parish Church Hall, which was built approx. late 1800s and is of a traditional design with random rubble stone walls under a slate roof. The hall is historic, however the building is not listed and was subject to conversion to offices in the early 2000s. The site backs onto Frederick Street which is a remnant of an older street pattern which has now been largely lost and is now primarily dedicated to rear servicing of the shop units which face onto Stepney Street and Vaughan Street. Frederick Street does however have the rear of the Listed Arcade opening onto the space.

The site was granted planning permission in 2019 for an extension which is extant and forms a fall-back position, however constraints are such that implementation would have practical difficulties which has led to this alternative scheme being put forward for consideration.

Proposal

The application proposes an alternative extension to the South Western side of the main building. The extension is a 3 storey high void internally to form a studio for a local television production company that is currently located in Llanelli Town Centre and is seeking premises to relocate. The main body of the building is proposed to provide office accommodation for the company, however an uninterrupted void is required to be able to accommodate the main studio.

The extension is proposed to be an irregular shape with maximum dimensions of 22m by 26.5m and protrude 7.506m out from the side of the widest part of the original building and would fill the available space on the site. However it does not extend as far back into the site as approved, so there would be more space between the extension and the Listed Arcade. 452sqm of floorspace is proposed to be created. This is an increase from the 400sqm previously approved.

Externally, the extension is of a functional design. By necessity, given the nature of the use there are no windows so that a sound proof environment can be created inside. A corrugated tin cladding system is proposed which would be a contrast to the grey bricks of the surrounding buildings. This is relieved by the "Tinopolis" signage which is proposed. The lift and utility towers on the frontage along with the first floor extension to the Crown Precinct side are proposed to be painted with the Tinopolis corporate colours to contrast with the grey brickwork of the main building.

The extension is proposed as an alternative to the extant scheme but retains its character being from first to fourth floor above an under croft parking area.

A secondary element is the replacement of the three storey Crown Precinct Building with a secure garage building for the parking of the company's six operational vehicles and also an additional eight parking spaces. The garage has two elements to accommodate four larger vehicles and a subordinate section to accommodate two smaller vehicles, with maximum dimensions of 19m by 9m and a maximum height of 5.15m.

Planning Site History

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

S/39745 - An extension to the existing office block over the first floor with voided floor space on the second and third floor to create one large room.
Full Planning Permission - 30 December 2019.

S/36477 - Proposed Demolition of Building. Demolition Notification
Granted - 17 January 2018.

Planning Policy

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

GP1 Sustainability and High Quality Design

TR3 Highways in Developments - Design Considerations

EQ4 Biodiversity

EMP3 Employment- Extensions and Intensification

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in Future Wales and [Planning Policy Wales](#) (PPW) Edition 11 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways – has no objection subject to the imposition of appropriate conditions.

Head of Public Protection – has no objection to the proposed development.

Llanelli Town Council - No observations received to date.

Local Member - Councillor J Jenkins has not commented to date.

Natural Resources Wales – has not commented to date however had no objection to the original scheme.

Dwr Cymru/Welsh Water – has no objection, however highlights the presence of infrastructure crossing the site and the need for appropriate easements.

Sustainable Drainage Approval Board – Highlights the fact that the site is in a C2 flood zone and that SAB approval is required.

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

Summary of Public Representations

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

No objections have been received to date.

Appraisal

The principle of development

The proposal is an alternative to an extant scheme of the same nature but with a different design to accommodate utility constraints. The extension to the side is proposed to accommodate a studio which extends from the first to fourth floor in height and fills the space

to the South West of the building. The design is different to that approved, however the principle of this type of development has already been established.

Scale, Form and Massing

The proposal would protrude to the side of the existing building and fill the available space. It is noted that the Magistrate Court adjacent is lower than the existing, so the proposal would form a step in between. The design is modern and functional and provides what is required for the retention of the studio in the town centre.

Built Heritage

The proposal would reduce views of the back of the Arcade from Church Street, however this elevation is not of architectural significance in the same way as the frontage onto Stepney Street. The extension has a greater separation distance from the Listed building than that previously approved and therefore the scheme is likely to have a lesser impact than the extant fall back position. The historic Parish Church hall is not Listed and has been altered to accommodate offices. It does nevertheless have local historic value. The demolition of Crown Precinct would open up views of the hall and therefore have a beneficial impact on its setting.

Flooding

The site is classed as C2 in respect of the Development Advice Maps produced by NRW. The application includes a Drainage Strategy which includes flood risk. The following should be noted.

Firstly, there is a ground floor element to the building that is proposed to be removed and replaced with undercroft car parking. There is further removal of development at Crown Precinct. The proposed extension is elevated, so would not displace any water at the ground floor apart from the supporting structures. Any flood events would therefore not affect, or be affected by the proposal. In terms of flood capacity, the removal of the ground floor elements would be a betterment.

Secondly, an extension of this nature has extant permission, so the principle of this development is well established and forms a fall back position.

Thirdly, the applicant has produced plans showing that in a flood event, the only part of the building affected to the extent that would be of concern is the part basement level at the front of the existing building. The proposed extension does not affect this existing feature. At a worst case scenario the rest of the site would be less than 0.3m depth which is acceptable for a non vulnerable use and provide betterment in terms of flood capacity.

Highways

The extant scheme has been accepted previously and the Head of Transport has no objection to the amendments to the scheme subject to the same conditions previously imposed.

Planning Obligations

Not applicable.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposal would secure high quality employment within the town centre and re-use a building which is currently vacant and has a substantial amount of commercial floorspace.

The extension is a bold addition to the building, however is within a frontage which is dominated by Crown Buildings itself and the Magistrate's Court which are both relatively modern and of their time. The extension is not considered likely to have a detrimental impact on the street scene or amenities of third parties.

A secondary element of the scheme would be the removal of Crown Precinct which is empty and delapidated and is already subject to a demolition notice.

The application is considered to be in accordance with the local and national planning policies and is therefore recommended for approval.

Conditions and Reasons

Condition 1

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

Reason:

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

Condition 2

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans received 7 June 2021.

- 1:1250 scale Location Plan. Drawing No. 03-001A

- 1:200 scale Site Layout. Drawing No. 02-001 Rev4
- 1:100 scale Front Elevation [Option J1]
- 1:100 scale Rear Elevation [Option J1]
- 1:100 scale Side Elevation [Option J1]
- 1:100 scale Elevation Towards Crown Precinct [Option J1]
- 1:100 scale Proposed Ground Floor Plan. Drawing No.02-010
- 1:100 scale Proposed First Floor Plan. Drawing No. 02-011
- 1:100 scale Proposed Second Floor Plan. Drawing No. 02-012
- 1:100 scale Proposed Third Floor Plan. Drawing No. 02-013
- 1:100 scale Proposed Fourth Floor Plan. Drawing No. 02-014
- 1:100 scale Proposed Fifth Floor Plan. Drawing No. 02-015
- 1:200:1:1250 scale Block Plan, Sections and 3D Perspective. Drawing No. 01-002C

and the following plan dated 30 July 2021:

- 1:100 scale Proposed Technical Vehicle Garage and Crew Compound Floor Plan and Elevations. Drawing NO. SP-18-33 [03]-22A

Reason:

In the interest of visual amenity in accordance with Policy GP1 of the LDP.

Condition 3

Prior to the construction of the extension and garage building hereby approved samples of the materials to be used in the construction of the external surfaces of the extension and garage building should be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of visual amenity in accordance with Policy GP1 of the LDP.

Condition 4

The fencing surrounding the crew compound shall be of a welded wire mesh design, not palisade fencing, details of which should be submitted to and approved in writing by the Local Planning Authority prior to the construction of the garage building and compound. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of visual amenity in accordance with Policy GP1 of the LDP.

Condition 5

No development shall take place until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

Reason:

To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction.

Condition 6

The rating level of the noise emitted from the proposed development shall not exceed the existing background noise level. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound. Where the background noise levels shall be expressed as LA90 1hr and the ambient noise levels shall be expressed at Laeq 1hr.

Reason:

To ensure that the amenity of local residents/businesses is adequately protected in accordance with Policy GP1 of the LDP.

Condition 7

If a justifiable complaint is received, then at the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for rating and assessing industrial and commercial sound to determine whether noise arising from development exceeds the level specified in condition 6 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 6 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 6. The development shall then be undertaken in accordance with the approved details.

Reason:

To ensure that the amenity of local residents/businesses is adequately protected in accordance with Policy GP1 of the LDP.

Condition 8

During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours of 07:30 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays.

Reason:

To ensure that the amenity of local residents/businesses is adequately protected in accordance with Policy GP1 of the LDP.

Condition 9

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

Reason:

In the interest of highway safety in accordance with Policy TR3 of the LDP.

Condition 10

Prior to the commencement of development, a detailed Construction Traffic Management Plan shall be submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and in accordance with the approved details.

Reason:

In the interest of highway safety in accordance with Policy TR3 of the LDP.

Condition 11

The development shall be undertaken in strict accordance with the recommendations made in Section 4 of the Drainage Strategy produced by CB3 Consult received by the Local Planning Authority on the 13th July 2021.

Reason:

To ensure a satisfactory form of drainage in accordance with Policy SP2 of the LDP.

Condition 12

Prior to commencement of development a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include a specification of any planting, along with a timetable for implementation. The scheme shall be implemented as approved.

Reason:

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

NOTES

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.

<p>APPLICATIONS RECOMMENDED FOR REFUSAL</p>
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Application No	PL/01992
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Application Type	Householder
Proposal & Location	RETENTION OF DETACHED DOMESTIC OUTBUILDING – 4 MAES YR EGLWYS, LLANSAIN, KIDWELLY, SA17 5JE

Applicant(s)	Mr and Mrs B & J Stone
Agent	Evans Banks Planning Limited
Case Officer	Charlotte Greves
Ward	St Ishmael
Date registered	27/05/2021

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by the Local Member as "the application is in a conservation area where there is a variety of scale and design of outbuildings. The proposed application does not seem out of keeping with its environs".

Site

The application site comprises a terraced property, known as 4 Maes Yr Eglwys, which is located in the settlement and Conservation Area of Llansaint. The dwelling has a long rear garden which terminates at Heol Gwermont. The detached outbuilding which is the subject of this application has been erected at the end of the rear garden and immediately fronts Heol Gwermont with direct access off the highway.

Proposal

The application seeks planning permission for the retention of the detached outbuilding. The single storey building has a pentagonal footprint and comprises a mixture of materials, including a combination of blockwork and timber walls, white UPVC windows and a door, a metal roller shutter door and a metal sheet roof. The use of the outbuilding is shown on the submitted plans as a garage, stated to be for domestic purposes.

The plans and supporting information submitted with the application suggest that the building is unfinished and that the Authority is requested to determine the application on the basis that the existing timber walls are to be painted a dark brown colour and the lower wall to be finished in local stone to match adjoining boundary walls.

Planning Site History

- PL/01542 Householder planning permission refused for the retention of detached domestic outbuilding on the 30th April 2021 for the following reason:

“The proposal is contrary to Policy SP13, GP1 and EQ1 of the Carmarthenshire Local Development Plan in that the scale, height, massing and materials of the garage is of a design and appearance that is not acceptable within a conservation area. The proposal is therefore considered to be detrimental of the character and appearance of the site and context within the historic environment.”

- W/34508 Householder planning permission was granted on 16th November 2016 for a two storey extension to rear and construction of detached garage.

Planning Policy

In the context of the Authority’s current Local Development Plan (LDP) the site is located within the Development Limits and Conservation Area of Llansaint. Reference is drawn to the following policies of the Plan:-

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

SP 1	Sustainable Places and Spaces
SP 13	Protection and Enhancement of the Built and Historic Environment
GP1	Sustainability and High Quality Design
GP6	Extensions
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

St Ishmael Community Council – Has not responded to consultation.

Local Member – County Councillor and Deputy Leader of the Council Mair Stephens has made no prior comment.

Built Heritage – Recommendation of refusal on the grounds that the design, scale, height, appearance and materials would fail to preserve or enhance the character and appearance of the Llansaint Conservation Area or reinforce its local distinctiveness and as such would

be contrary to Section 72 of the Planning Listed Buildings and Conservation Areas Act 1990, sections 3.9, 3.10 and 6.1.15 of Planning Policy Wales 11th edition (2021), Section 6.13 of TAN24, and LDP policies, SP1, SP13, GP1, and EQ1.

Head of Highways and Transport – No objections subject to the building being utilised for domestic purposes only.

Sustainable Drainage Approval Body – SAB approval is not required as the development is less than 100m².

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. No third party representations were received as a result.

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

Appraisal

As stated above, an application for the same proposal has recently been refused by the Local Planning Authority. The current application is for the same proposal and nothing has changed in respect of the development proposed to be retained.

The design of the detached outbuilding, including its scale, height, massing and materials, which is visible from within the Conservation Area of Llansaint from the south, east and west of the site would have a harmful impact on the character and appearance of the site and Conservation Area within which it is located. The proposed development would neither preserve nor enhance the conservation area or its setting and is therefore considered contrary to Policies SP 13, GP 1, GP 6 and EQ 1 of the Local Development Plan for Carmarthenshire adopted December 2014.

The proposed stone and painted timber finishes to the walls would fail to overcome the harmful impact of the development. While the supporting information submitted with the application draws attention to similar neighbouring developments, the application has been considered based on its own merits and the information provided does not provide sufficient evidence or reason to overcome the heritage concerns and to allow the development.

Planning Obligations

Not applicable.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

The principal consideration in the determination of applications for development in conservation areas is the statutory duty placed upon the local planning authority at Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. This is reflected at paragraph 6.1.6 of 'Planning Policy Wales Ed.11' (February 2021) that sets out the Government objective to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved.

The design of the building, visible from within the Conservation Area of Llansaint from the south, east and west of the site would have a harmful impact on the character and appearance of the site and Conservation Area within which it is located. The proposed development would neither preserve nor enhance the conservation area, or its setting. The proposal is therefore contrary to policies SP 13, GP 1, GP 6 and EQ 1 of the Local Development Plan for Carmarthenshire, adopted December 2014.

After careful consideration of the scheme as submitted it is concluded on balance that the proposal fails to comply with the relevant policies as set out in the local development plan and is therefore recommended for refusal.

Refusal Reasons

The design of the detached outbuilding, including its scale, height, massing and materials, which is visible from within the Conservation Area of Llansaint from areas to the south, east and west of the site would have a harmful impact on the character and appearance of the site and Conservation Area within which it is located. The proposed development would neither preserve nor enhance the conservation area or its setting and is therefore considered contrary to Policies SP 1, SP 13, GP 1, GP 6 and EQ 1 of the Local Development Plan for Carmarthenshire adopted December 2014.

Notes/Informatives

Note 1.

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).