

Pecyn Dogfennau



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

DYDD MERCHER, 17 GORFFENNAF 2019

AT: HOLL AELODAU'R PWYLLGOR CYNLLUNIO

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R
**PWYLLGOR CYNLLUNIO A GYNHELIR YN SIAMBR, - NEUADD Y SIR,
CAERFYRDDIN. SA31 1JP. AM 10.00 YB, DYDD IAU, 25AIN GORFFENNAF,
2019** ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA
SYDD YNGHLWM

Wendy Walters

PRIF WEITHREDWR



AILGYLCHWCH OS GWELWCH YN DDA

Swyddog Democrataidd:	Martin S. Davies
Ffôn (llinell uniongyrchol):	01267 224059
E-bost:	Democraticservices@sirgar.gov.uk
Cyf:	AD016-001



EICH CYNGOR arleinamdani
www.sirgar.llyw.cymru
YOUR COUNCIL doitonline
www.carmarthenshire.gov.wales

PWYLLGOR CYNLLUNIO

20 AELOD

Y GRŴP PLAID CYMRU – 10 AELOD

1. Y Cynghorydd Mansel Charles Aelod o Gyngor Cymuned Llanegwad
2. Y Cynghorydd Tyssul Evans Aelod o Gyngor Cymuned Llangyndeyrn
3. Y Cynghorydd Jeanette Gilasbey Aelod o Gyngor Tref Cydweli
4. Y Cynghorydd Ken Howell
5. Y Cynghorydd Carys Jones
6. Y Cynghorydd Alun Lenny Aelod o Gyngor Tref Caerfyrddin
(Cadeirydd)
7. Y Cynghorydd Jean Lewis
8. Y Cynghorydd Dorian Phillips
9. Y Cynghorydd Gareth Thomas
10. Y Cynghorydd Eirwyn Williams

Y GRŴP LLAFUR – 4 AELOD

1. Y Cynghorydd Penny Edwards Aelod o Gyngor Tref Pen-bre a Phorth Tywyn
2. Y Cynghorydd John James Aelod o Gyngor Cymuned Llannon
3. Y Cynghorydd Dot Jones Aelod o Gyngor Tref Cwmaman
5. Y Cynghorydd Kevin Madge

Y GRŴP ANNIBYNNOL – 4 AELOD

1. Y Cynghorydd Sue Allen Aelod o Gyngor Tref Hendy-Gwyn
2. Y Cynghorydd Ieuan Davies
3. Y Cynghorydd Joseph Davies
4. Y Cynghorydd Irfon Jones (Is-Gadeirydd) Aelod o Gyngor Cymuned Bronwydd

Y GRŴP ANNIBYNNOL NEWYDD – 2 AELOD

1. Lle Gwag
2. Lle Gwag

NI CHANIATEIR EILYDDION MEWN CYFARFODYDD O'R PWYLLGOR YMA

AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGAN BUDDIANNAU PERSONAL.
3. RHANBARTH Y DWYRAIN - PENDERFYNU AR GEISIADAU CYNLLUNIO 5 - 24
4. RHANBARTH Y DE - PENDERFYNU AR GEISIADAU CYNLLUNIO 25 - 64
5. RHANBARTH Y GORLLEWIN - PENDERFYNU AR GEISIADAU CYNLLUNIO 65 - 112

Mae'r dudalen hon yn wag yn fwriadol

**ADRODDIAD PENNAETH
CYNLLUNIO, CYFARWYDDIAETH YR
AMGYLCHEDD**

**REPORT OF THE HEAD OF
PLANNING,
DIRECTORATE OF ENVIRONMENT**

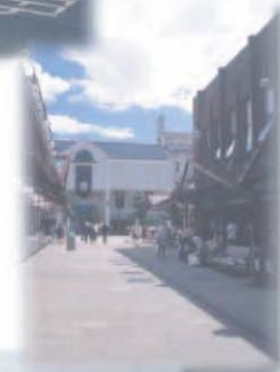
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 25 GORFFENAF 2019
ON 25 JULY 2019**

**I'W BENDERFYNU
FOR DECISION**

*Ardal
Dwyrain/
Area East*



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:	25 JULY 2019
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	E/38833
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Application Type	Variation of Planning Condition(s)
Proposal & Location	VARIATION OF CONDITION'S 2 AND 13 OF E/33695 AT GODRE GARREG, LLANGADOG, SA19 9DA

Applicant(s)	TV HUGHES AND CO - EIFION HUGHES, GODRE GARREG, LLANGADOG, SA19 9DA
Agent	ROGER PARRY & PARTNERS CARMARTHEN - GAIL JENKINS, C/O 1 GREAT OAK STREET, LLANIDLOES, LLANIDLOES, SY18 6EQ
Case Officer	Kevin Phillips
Ward	Llangadog
Date of validation	14/05/2019

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 is an area of highway verge opposite two dwellings known as Dolgarreg and Bwlchagored, south-west of Llangadog Common, Carreg Sawdde. The road fronting the application site is the unclassified 4502 road that ends at Devanah farm and Dolau farm, Llangadog. The proposed site is approximately 60 metres west along the aforementioned highway from the previously approved siting for the passing bay.

Proposal

The application is for the amended siting of a highway passing bay that is required by planning conditions 2 and 13 of planning permission E/33695 for a free range poultry unit at Godre Garreg farm, Llangadog, which required the passing bay, measuring 15m x 5.5m, to be provided prior to the commencement of the use of the poultry unit. The proposed passing bay will be increased to 20 metres in length and 2.7 metres in width, tapering at each end into the highway and as the business is now in operation will now be considered as a proposal following the commencement of the use of the poultry unit at the farm i.e. any permission granted shall require the provision of the passing bay within a set period. Condition 1 below refers to the passing bay having to be provided within 3 months.

Planning Site History

E/37954	Discharge of conditions of E/33695 Discharge of Conditions granted	21 January 2019
E/37720	Erection of a steel portal framed building, with concrete panel walls and box profile steel sheeting to the eaves for use of a covered manure store, together with all other associated works Full planning permission	02 October 2018
E/33695	Full planning for the erection of a poultry unit on farm to accommodate free range chickens (egg production) together with associated feed bins, internal farm access and associated works Full planning permission	31 May 2018

Planning Policy

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

Policy TR3 Highways in Developments - Design Considerations

Summary of Consultation Responses

Head of Transportation & Highways - No observations.

Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement and the developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical works on site, shall be met by him.

Local Member(s) - Councillor A James has declared an interest in the application.

Llangadog Community Council - No comments received to date.

Summary of Public Representations

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

Nine representations were received objecting to the proposal, and the matters raised are summarised as follows:-

- There is doubt that the land is owned by the Council.
- Residents at the dwelling "Bwlchagored" park at the proposed site of the passing bay and will prevent the use of the passing bay.
- The need for the passing bay at the revised location is questioned.
- There are highways safety concerns regarding the revised siting of the passing bay.

- The passing bay at this location will cause a noise problem for local residents.
- The provision of the passing bay removes the ability for pedestrians, cyclists and horse riders to escape from the road.
- The verge is an important area of ecology.
- The construction of the poultry unit before the provision of the passing bay is unacceptable.

All representations can be viewed in full on the Authority's [website](#).

Appraisal

Principle of Development

The application is submitted in order to consider a revised location for a passing bay required by conditions 2 and 13 of the Full planning permission E/33695 for a free range poultry unit at Godre Garreg farm. Whilst the application was submitted to consider the revised siting of the passing bay, with an increase in the length of the passing bay to that approved within the poultry unit application E/33695, it now also requires the provision of the passing bay after the commencement of the use of the poultry unit at the farm. From an enforcement investigation, the Local Planning Authority is aware that the poultry unit is up and running and therefore it needs to be determined whether it is acceptable that the proposed passing bay is provided following the commencement of the operation of the poultry unit.

Impact upon Character and Appearance of the Area

The passing bay was a requirement of planning permission E/33695 and it falls to be considered whether the revised location away from Llangadog Common is appropriate. It is considered that the siting of the passing bay opposite to two dwellings will not have any significant harm to the character and appearance of the locality.

Highway Impacts

As noted in the summary of consultations, the Head of Transport having duly considered the highway safety implications of the revised location of the passing bay offers no objection to the proposal.

Response to the Issues of Objection Received

There is doubt that the land is owned by the Council

The land has been confirmed by the Highways section as highway verge and any works will require a Section 278 Agreement of the Highways Act 1980 from the Local Authority.

Residents at the dwelling "Bwlchagored" park at the proposed site of the passing bay and will prevent the use of the passing bay

Bwlchagored has appropriate parking provision within the residential curtilage and there will be no apparent necessity to park on the highway or highway verge. It is known that a business did operate from the site with the previous owners, however this is no longer the case. Once the passing bay is constructed and approved by the Local Highway Authority,

it will be a matter for the police to determine whether there is a highway safety matter to resolve.

The need for the passing bay at the revised location is questioned

As noted above, the need for the passing bay arises from the conditions imposed on the planning permission for the poultry unit and the Head of Transport has raised no observations or objection to the revised siting. It is considered that the proposed location of the passing bay will provide a reasonable alternative to the passing bay previously approved.

There are highways safety concerns regarding the revised siting of the passing bay

It is reiterated that the Head of Transport has not offered any objection to the revised siting for the passing bay and there are not considered to be any highway safety issues as a result of the siting.

The passing bay at this location will cause a noise problem for local residents

The level of traffic generated by the poultry unit and the frequency of use of the passing bay will not result in any significant harm to the living conditions of local residents.

The provision of the passing bay removes the ability for pedestrians, cyclists and horse riders to escape from the road

It remains that pedestrians, cyclists and horse riders will be allowed to escape from the road onto the grass verge in the locality and the proposed passing bay adds as a benefit in terms of a refuge from the highway.

The verge is an important area of ecology

The verge is not considered an area of significant ecological importance

The construction of the poultry unit before the provision of the passing bay is unacceptable

Whilst it is acknowledged that this application is as a result of a delay in the provision of the passing bay because of the inability of establishing the ownership of the land where the previous passing bay was to be sited, it has been determined following consultation with the Highways section that there would be no significant harm through the provision of the passing bay at a later date following commencement of the use of the free range poultry unit.

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 revised siting of the passing bay, to be provided at a date following the commencement of the use of the poultry unit, will not be unacceptably harmful to highway safety in the locality or the living conditions of local residents. Therefore, the application is supported subject to the following conditions.

RECOMMENDATION – APPROVAL

Conditions

- 1 The passing bay as detailed in the 1:1250 scale Location Plan and 1:500 scale Site Plan, received 1 May 2019 shall be provided within 3 months of the date of this permission and thereafter shall be retained, unobstructed, in perpetuity.
- 2 The works hereby granted consent shall be carried out strictly in accordance with the following approved plans and documents:-
 - Section Through Loading Bay (010), received 8 February 2018;
 - Revised Location Plan (002), received 9 March 2018;
 - Revised site Plan (001), received 9 March 2018;
 - Proposed Elevations and Floor Plan Option 2 (GG003), received 19 March 2018;
 - Cross Section Site Levels (006), received 19 March 2018;
 - Figure 1-Landscape Proposals, received 19 March 2018;
 - Figure 2- Planting Specification, received 19 March 2018;
 - Drainage Plan (GEL/HUGH/GG011DP), received 19 April 2018.
- 3 The poultry unit building approved in planning permission E/33695 shall only be used for the purposes of agriculture as defined by Section 336 of the Town and Country Planning Act 1990.
- 4 The use of the poultry unit approved in planning permission E/33695 shall be for free range egg laying only; any change to the operation must first be approved in writing by the local planning authority.
- 5 Any external artificial lighting incorporated with the proposed poultry unit approved in planning permission E/33695 shall be installed in accordance with the relevant lighting engineers' guidance to reduce any potential light nuisance to neighbouring properties. Any such proposals for artificial lighting is to be agreed in writing by the local planning authority prior to installation.
- 6 Prior to its use by vehicular traffic, the new access road to serve the poultry unit approved in planning permission E/33695 shall be laid out and constructed with 5.0 metre carriageway for the initial 15.0m measured from the nearside edge of carriageway and 10.0 metre kerbed radii at the junction with the U4502 road.

- 7 Any access gates on the new access road to serve the poultry unit approved in planning permission E/33695 shall be set back a minimum distance of 15.0 metres from the highway boundary, and shall open inwards into the site only.
- 8 The existing means of vehicular access into the application site for the poultry unit approved in planning permission E/33695 shall be permanently stopped up, and the public highway reinstated to the written approval of the local planning authority, prior to the new means of vehicular access herein approved, being brought into use.
- 9 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 57 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access road to serve the poultry unit approved in planning permission E/33695 in relation to the nearer edge of carriageway. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
- 10 The access, visibility splays and turning area required to serve the poultry unit approved in planning permission E/33695, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 11 The parking spaces and layout shown on the plans approved in planning permission E/33695 shall be provided to the written approval of the local planning authority prior to any use of the approved poultry unit. Thereafter, they shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 12 The site access road to serve the poultry unit approved in planning permission E/33695 shall be hard-surfaced for a minimum distance of 15.0 metres behind the nearside edge of carriageway, in materials which shall be subject to prior written approval of the local planning authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.
- 13 No manure spreading in association with the poultry unit approved in planning permission E/33695 shall take place within a 10 metre wide buffer zone measured from any nearby water course bank top for the whole extent of the site (banked off is defined at the point at which the bank meets normal land levels). The buffer zone shall be without structure, hardstanding, footpath, fences or overhanging development.
- 14 During the operational lifetime of the poultry unit approved in planning permission E/33695 an annual updated manure management plan reflecting any changes in the operation is to be submitted to the local planning authority for their written approval. The nutrient management plan which informs the manure management plan is also to be updated and submitted in conjunction to the local planning authority for their written approval.
- 15 All vehicles used for the movement of manure in association with the poultry unit approved in planning permission E/33695 shall be sheeted and/or fully covered.

- 16 Poultry waste from the unit the poultry unit approved in planning permission E/33695 will be managed in line with the approved Revised Manure Management Plan Rev 13 12 17, received 8th February 2018.
- 17 The rating level of the noise emitted from the poultry unit approved in planning permission E/33695 as a whole shall not exceed the 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.
- 18 If the authority receives a justified complaint with respect to the development, 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 17 above. The assessment shall be undertaken under the supervision of the local authority.
- 19 In the event that Condition 17 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in Condition 17. The development shall then be undertaken in accordance with the approved details.
- 20 Deliveries and collections associated with the poultry unit approved in planning permission E/33695 shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 21 Any associated works with the poultry unit approved in planning permission E/33695, such as cleaning, maintenance shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 22 Fans approved in planning permission E/33695 shall not operate between the hours of 23:00 and 07:00.
- 23 The detailed landscaping and planting of the site as approved within Condition 2 of planning permission E/33695 shall be fully implemented during the first available planting and seeding season following the commencement of the development.
- 24 In reference to condition 23 above, any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within the lifetime of the approved development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3-5 To prevent any separate use on the site, and to ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.
- 6-12 In the interest of highway safety.
- 13-14 To ensure that there is no significant effect to any designated site.
- 15 In the interest of protecting the living conditions of local residents.
- 16 In the interest of protecting the living conditions of local residents and to prevent pollution of the environment.
- 17-22 In the interest of protecting the living conditions of local residents.
- 23-24 In the interest of the visual amenity of the locality.

Notes/Informatives

- 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).
- 2 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.

- 3 The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

- 4 The burning of waste on the site should at no time be permitted which is likely to emit dark or black smoke, or smoke which would constitute a smoke nuisance at the nearest sensitive residential property.
- 5 All waste manure must be stored in a satisfactory manner/covered to ensure it does not give rise to an odour nuisance beyond the site boundary.
- 6 Appropriate methods of clearing the waste and cleaning the unit must be adopted to minimise the effect of dust / odours affecting neighbouring properties.
- 7 All dead stock must be stored in appropriate containers to reduce the potential for odours and flies.
- 8 Adequate procedures must in place for controlling flies if necessary.
- 9 Appropriate methods must be in place for the control of vermin if required.
- 10 Adequate procedures must be adopted to ensure the litter/manure inside the unit is kept dry and in such a condition as to reduce the ammonia produced.
- 11 It should be noted that the proposed development should be adequately controlled with regard to other emissions or deposits so that the development does not at any time constitute a statutory nuisance as defined by Section 79 of the Environmental Protection Act 1990.
- 12 Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Highway Authority.
- 13 The applicant should take due care and attention to avoid the deposit of mud on the road from construction vehicles using the access.
- 14 No drainage from the development site shall be connected to or allowed to discharge into the road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the road.

Application No	E/38956
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Application Type	Full Planning
Proposal & Location	2.8 METRE HIGH FENCE TO LEFT, REAR AND RIGHT BOUNDARY AT 2 PARC Y LLAN, LLANDYBIE, AMMANFORD, SA18 3HY

Applicant(s)	ANDREW MORGAN, LLYS TEG, 2 PARC Y LLAN, LLANDYBIE, AMMANFORD, SA18 3HY
Case Officer	Andrew Francis
Ward	Llandybie
Date of validation	11/06/2019

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 consists of the existing dwelling known as 2 Parc y Llan, Llandybie. The fairly modern Parc y Llan estate is accessed off Heol Gwilym which forms part of the main A483 trunk road that runs through the village.

The existing dwelling is detached with neighbours to both sides and the rear of the property backing onto Heol Gwilym. The modest rear garden of the dwelling has tall Leylandii hedges on two of its 4 sides, namely the east and south boundaries facing onto Heol Gwilym and No. 3 Parc y Llan respectively. Fairly established trees are situated close to the garden's northern boundary with No. 1 Parc y Llan.

Proposal

The application seeks Householder planning permission for the provision of 2.8 metre tall garden fencing around the inside rear perimeter of the garden of the existing dwelling. The reason given for requesting the fencing is to help protect the existing hedgerow, which is getting damaged by the children's footballs and to stop the balls from going over into the neighbouring gardens. Privacy is also given as a reason.

The proposed 2.8 metre fence is shorter than the existing hedgerows, so the proposal will not be seen or have an effect upon the occupiers of No. 3 Parc y Llan and the pedestrians walking on the pavement of Heol Gwilym. The proposed fence will be situated inside the existing boundary wall that separates the gardens of No. 1 and No. 2 Parc y Llan. The garden level of No. 1 Parc y Llan is elevated compared to that of No. 2 and as such, there is approximately a 0.7 metre difference between the levels of the two gardens. As such, whilst the 2.8 metre fence will appear as 2.8 metres from the garden of No. 2 Parc y Llan, it will look like it is only approximately 2.1 metres tall from the garden of No. 1 Parc y Llan or 1.3 metres above the existing 0.8 m boundary wall from the perspective of the occupiers of No. 1 Parc y Llan.

The proposed fence is to be of timber construction with vertical featherboard edges.

Planning Site History

E/36086	Tree works subject to TPO - TPO/E27 (T2) Tree Works subject to a Preservation Order granted	21 September 2017
E/34049	Works to trees subject to TPO/27 Tree Works subject to a Preservation Order granted	4 August 2016
P6/15297/89	House and garage Full planning permission	23 March 1989
P6/12971/87	Infrastructure works and residential dwelling plots Outline planning permission	07 January 1988

Planning Policy

In the context of the Authority's current Development Plan the application is for a householder development and as such, the development limits are not relevant to this development. The following policies are of relevance to the proposal:-

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

Summary of Consultation Responses

Llandybie Community Council – Offers no observations on the proposal.

Local Member - County Councillor A W Davies has not commented to date. County Councillor D Nicolas objects to the proposal raising the following issues:-

- The fence seems high given the proximity to the adjoining properties.

Summary of Public Representations

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

Two representations were received, both objecting. The matters raised are summarised as follows:-

- The 2.8 metre fence will affect right to light.
- Prevent access to the existing boundary wall.
- Prevent access to property in the case of maintaining the fence.
- Reduce access to allow hedge cutting. The trees and hedgerows should be cut to a reasonable height before a reasonable sized fence is erected.
- Exceed the legal requirement for a fence.
- Reduce the market value of the neighbouring house.

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

Appraisal

Principle of Development

The proposed fence has been justified by the applicants having young children who enjoy playing sport in the back garden. As a result, the existing hedgerows, which are taller than the proposed fence, are getting damaged by the footballs and other youthful paraphernalia as the children play. Furthermore, a shed once stood on the boundary with No. 3 Parc y Llan which has further caused damage to the base of the hedgerow. In addition to this, as there is only a fairly low boundary wall between the applicant's garden and No. 1 Parc y Llan, the proposed fence will serve to retain the children's toys and balls as well as offer privacy to the applicants. They advise they would like this as the occupiers of No. 1 Parc y Llan have a CCTV camera which is positioned to face the boundary and overlook the neighbouring garden. As the applicants have 2 young children, they would like them to be able to play in the sanctuary of their garden without them being watched and filmed.

As noted above, and as shown on the submitted plans, there is a difference in height of the ground levels between No. 1 and No. 2 Parc y Llan, which is approximately 60-70 cm. As such, the 2.8 metre fence will appear as a 2.10m – 2.20m fence to the occupiers of No. 1 Parc y Llan, only 10 – 20 cm more than what permitted development would allow.

Privacy and Amenity Impacts

The responses from both objectors claim that the proposed fence will negatively affect the amount of light currently enjoyed. In considering this point carefully, the existing hedgerow is taller than the proposed fence so when considering the effect of the proposal upon No. 3 Parc y Llan, the proposed fence will be no more harmful than the existing hedgerow. If the hedgerow was cut back and reduced in height, given the type of feature it is, it would unlikely be cut below 2.8 metres in height and if it was, given the quick growing nature of this tree, it will exceed the height of the fence in a short amount of time.

With regard to the issue of light and No.1 Parc y Llan, although there is no boundary hedge between the properties, there are two fairly mature trees in the garden of No. 2 that will currently affect light. These are being retained. Furthermore, the height of the fence from the perspective of No. 1 will only be approximately 10-20 cm taller than what would be allowed via permitted development. As such, it is not considered that what is proposed will harm the levels of light received significantly more than the current situation does.

Effect on Future Property Maintenance

Several of the points of objection relate to the concern that the proposed fence may cause issues when it comes to the future maintenance of the neighbouring boundary features for the neighbouring properties. Primarily, the issue of boundary maintenance is a civil matter to be agreed between neighbours.

Given that the fence will be erected immediately adjacent to the fence, on the garden side of No. 2 Parc y Llan, it should not affect access to the neighbours' side of the hedgerow for them to cut their side of the hedge. It will still be up to the applicants to maintain their side of the hedgerow. The applicants assert that they have employed a professional landscape gardener to cut the hedges around their garden and will continue to do so and it will be for their neighbours to trim the hedge from their side.

Similarly with the boundary wall, the neighbour retains access to their side of the wall for maintenance and there should be no need to access the wall from No. 2 Parc y Llan's side. Should access to the applicant's side be required, the wooden panel fence is not so substantial a feature that it cannot be removed and replaced in the even the boundary wall needed essential maintenance.

Other Matters

With regard to the other matters raised as objections, these cannot be considered to be material planning matters. Specifically, although it might be a concern to the neighbours, the loss of property values is not a material planning concern.

With regard to the objection made that the fence exceeds the 'legal' requirement, this term is not accurate. The proposed fence exceeds the height of a fence allowed by permitted development – 2 metres. Any fence that exceeds that height requires planning permission, as the applicants have quite rightly applied for. It is then for the Local Planning Authority to consider whether the proposal is acceptable or not, as we do with all other applications for planning permission.

Planning Obligations

There are no planning obligations relevant to this application.

Well-being of Future Generations (Wales) Act 2015

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

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

Conclusion

After careful consideration of the proposal as submitted it is concluded on balance that given the existing height of the hedgerows and the difference in heights of the garden levels, the proposed 2.8 metre garden fence is considered to be an acceptable form of householder development. As such, the application is recommended for approval.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans:-
 - Front Elevation Left Rear Plan (NTS) received on the 17 May 2019;
 - Front Elevation Rear Boundary (NTS) received on the 17 May 2019;
 - Front Elevation Right Rear (NTS) received on the 17 May 2019;
 - Location Plan 1:1250 @ A4 received on the 17 May 2019;
 - Plan Elevation (NTS) received on the 17 May 2019;
 - Side Elevation (NTS) received on the 18 June 2019.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.

Reasons for Granting Planning Permission

The decision to grant planning permission 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.

- It is considered that the proposed development complies with policy GP1 of the Carmarthenshire Local Development Plan (LDP) in that the proposal conforms with and the character and appearance of the site, it would not have an unacceptable impact upon the amenity and privacy of adjacent land uses or the residents of the properties.
- It is considered that the proposed development complies with policy GP6 of the Carmarthenshire Local Development Plan (LDP) in that the proposal is compatible to the size, type and character of the existing development, is constructed of suitable

materials, the amenities of neighbouring developments would not be adversely affected.

Notes/Informatives

- 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.

- 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).

Mae'r dudalen hon yn wag yn fwriadol

*Ardal Del/
Area South*

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 25 GORFFENNAF 2019
ON 25 JULY 2019**

**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:	25 JULY 2019
REPORT OF:	HEAD OF PLANNING

INDEX - AREA SOUTH

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S/38535	Expansion of traveller site S/34755 (approved 20.03.2018) to allow a third pitch for a family member, plus changes to the landscaping scheme and to allow the site to have a permanent consent at land at Hillside View, Hendy, Llannon, Llanelli, SA14 8JX	39-48
S/38787	Construction of two detached, two storey houses at Former Bowls & Social Club, 38 Lady Street, Kidwelly, SA17 4UD	49-54
S/38899	Single storey front extension as part of a disability grant application at 8 Penybryn, Llanelli, SA14 8PS	55-59
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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/37922
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Application Type	Full Planning
Proposal & Location	ROAD LAYOUT TOGETHER WITH THE RETENTION OF INERT FILL MATERIAL REQUIRED TO RAISE SITE LEVELS IN ORDER TO FACILITATE ON-SITE DRAINAGE FOR FUTURE RESIDENTIAL DEVELOPMENT AT LAND TO THE REAR OF Y GARREG LLWYD, EBENEZER ROAD, LLANEDI, LLANELLI

Applicant(s)	ANTON DEVELOPMENTS LTD, 73A NEWTON ROAD, MUMBLES, SWANSEA, UNITED KINGDOM, SA3 4BL
Agent	ASBRI PLANNING - MR RICHARD BOWEN, SUITE D 1ST FLOOR, 220 HIGH STREET, SWANSEA, SA1 1NW
Case Officer	Zoe James
Ward	Hendy
Date of validation	16/10/2018

Reason for Committee

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

Site

The application site is irregular in shape, measuring approximately 0.8 hectares and is situated to the rear of Y Garreg Llwyd, Llanedi. The site is accessed off the B4297 Ebenezer Road and is located within the village of Llanedi. The site is relatively flat land and comprises a combination of vacant grassland and gravel surfaced area, albeit inert material has already been deposited on site. The northern boundary of the site is formed by a small watercourse and tree belt and the western boundary comprises the site access and existing properties and gardens of Y Garreg Llwyd. To the south is the existing children's play area beyond a line of mature trees, there is no formal western boundary at present with the site adjoining the adjacent field.

The village of Llanedi is to the south east of the site and is primarily residential in character consisting of large detached properties, particularly in the adjacent Y Garreg Llwyd development. There are areas of countryside to the north, west and south of the site.

The site has previously been the subject of enforcement action regarding fly tipping.

Proposal

The proposal seeks full planning permission for the construction of the new internal road layout together with the retention of inert fill material required to raise site levels to facilitate on-site drainage for future residential development. The scheme initially included reference to plot layout for 8 dwellings on site, but has subsequently been amended to allow an application for full planning permission to be granted for the internal road layout and subsequent applications for full planning permission to be submitted for residential plots at the site.

The application proposes to secure the vehicular and pedestrian access alongside the internal road network for the site. Vehicular and pedestrian access is proposed to be created off Ebenezer Road with a simple priority junction. Visibility splays of 2.4m and 70m are proposed, which is adequate given the speed limit for Ebenezer Road. The internal access road is proposed to be 5.5metres wide with dedicated pedestrian footways either side of 1.8metres. The road is proposed to run from the site access at the east across the site in a south westerly direction to the western boundary. The land to the west of the application site is within the applicant's ownership but is not included within the current application.

A 3m watercourse buffer is proposed along the northern boundary of the site between the development and watercourse, as shown on the Proposed Highway Layout.

A drainage strategy has also been submitted as part of the application which includes an attenuated connection into the existing sewer. A privately maintained attenuation tank is proposed to the north of the internal access road and underground storage tanks beneath road network to be adopted by Dwr Cymru Welsh Water are also proposed. In terms of foul drainage, a new system, to be adopted by Dwr Cymru Welsh Water, will collect all foul discharge from the development at the site entrance.

Planning Site History

S/20208	Detached two storey five bedroom dwelling Full planning refused Appeal dismissed	31 December 2008 02 September 2009
D5/5506	Residential Refused	14 May 1981

Planning Policy

In the context of the Authority's current Development Plan the site is located within the Development Limits of Llanedi and allocated for residential development for 7 dwellings under Policy H1 the adopted Local Development Plan (LDP). Reference is drawn to the following policies of the Plan:-

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

SP1 Sustainable Places and Spaces
SP2 Climate Change
SP3 Sustainable Distribution- Settlement Framework
SP9 Transportation
SP14 Protection and Enhancement of the Natural Environment
GP1 Sustainability and High Quality Design
GP2 Development Limits
TR2 Location of Development- Transport Considerations
TR3 Highways in Developments- Design Considerations
EQ4 Biodiversity
EQ5 Corridors, Networks and Features of Distinctiveness
EP1 Water Quality and Resources
EP2 Pollution
EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Head of Transportation & Highways - No objections in principle, subject to conditions.

Llanedi Community Council – Responded to initial application proposal raising concerns regarding local drainage problems and impact on adjacent properties as a result of raising ground levels. Also highlighting that the local park does not contain adequate equipment and a contribution should be sought through a Section 106 agreement.

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

Natural Resources Wales – no observations on the application.

Dwr Cymru/Welsh Water – no objections subject to conditions.

Ecology – Initial comments provided requesting provision of watercourse buffer and Construction Environmental Management Plan for consideration. No further comments following submission of CEMP/revised plans incorporating buffer, advised that an Appropriate Assessment is likely to be required and approved by Natural Resources Wales prior to determination. Other initial comments included condition requirements in respect of protected species, Japanese knotweed and a Landscape Design Scheme.

Land Drainage – Awaiting comments following submission of revised plans.

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 notices posted at the site boundaries.

Five representations were received, four of which object, and 1 raises concerns, the matters raised are summarised as follows:

- Impact on highway safety through the creation of a new junction onto on a dangerous bend. Re-consideration of site access is suggested in one response.
- Existing drainage problems experienced by properties at Y Garreg Llwyd. Concerned that raising ground levels further will exacerbate this problem and lead to flooding in adjacent gardens.
- Questions whether there is adequate electricity and water to serve the additional properties and prevent disruption of services to existing properties.
- Loss of privacy and outlook – reference to original scheme which included residential layout.
- Waste/material has been deposited on the land recently and adjacent land was part of former landfill site and used for commercial/industrial purposes. Considers further information is required to asses this.
- Japanese Knotweed is present on site.
- Proposals fail to protect the residential amenity of neighbouring residents and future occupiers of the proposal – reference to original scheme which included residential layout.
- Ecological Survey is outdated and there has been a noticeable reduction in the number of bats, owls and bird species at the site.

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

Appraisal

The current application submission seeks permission for the creation of a new internal road layout alongside retention of inert material to create suitable drainage scheme for future residential development. As such, the residential plot layout or details of each individual dwelling are not proposed under the current application and will be the subject of future planning applications at the site.

Highways and Transportation have confirmed that they have no objections to the proposed scheme in principle subject to specific condition requirements. Therefore, the proposed development is considered not to be detrimental to highway safety and to comply with the relevant requirements of Policy TR3 in so far as they are relevant.

The proposed drainage scheme has been considered in detail by the Authority's Sustainable Drainage Approval Body (SAB) and also Dwr Cymru Welsh Water (DCWW). DCWW have confirmed that they are satisfied with the scheme subject to conditions, whilst

comments from the Authority's SAB are presently outstanding and expected shortly in advance of Planning Committee consideration.

An Extended Phase 1 Habitat Survey was submitted in support of the application and a further supporting letter following re-assessment of the site. Further to a request from the Authority's Planning Ecologist a Construction Environmental Management Plan was also submitted. It was also requested that the layout incorporate a 3m watercourse buffer along the northern boundary of the site. This has been included as evident on the submitted plans and will ensure protection of the watercourse. Further comments on the details of the Construction Environmental Management Plan and confirmation on the need for an Appropriate Assessment is currently outstanding from the Planning Ecologist. It is likely that an Appropriate Assessment will be required to be undertaken which will be subject to Natural Resources Wales ratification prior to the granting of planning permission. Otherwise, conditions are required to be imposed regarding protected species, removal of Japanese Knotweed and a Landscape Design Scheme.

Details regarding the material previously deposited on site have been provided as part of this planning application.

In terms of the concerns raised regarding privacy, the current scheme does not include details of the residential layout or individual dwellings. Future planning applications will be required at the site for residential development and details concerning the siting, scale and appearance will be provided and considered at this stage.

Given the position of the application site and proximity to a former landfill site, a condition regarding the submission of Preliminary Risk Assessment is recommended to be imposed on any permission granted. This is required in order to ensure that former land uses are fully considered.

Planning Obligations

None as part of this application.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposal for creation of a new road layout and retention of inert fill material to raise site levels to facilitate on-site drainage is acceptable when considered against relevant local and national policies. The proposal is acceptable on highway grounds and is not considered to be detrimental to highway safety. A satisfactory drainage scheme has been

submitted and assessed and is accepted by both the Authority's drainage engineers and Dwr Cymru Welsh Water.

Ecological impacts have been assessed and the proposal satisfies environmental requirements, within both the LDP and the Environment Act Wales 2016 as per confirmation from the Council's Planning Ecologist. Relevant conditions are suggested to deal with Japanese Knotweed and the proximity of the site to potential contaminated land.

The current scheme does not include residential layout or seek planning permission for residential development. This will be sought through subsequent planning applications at the site when details concerning siting, scale and appearance will be considered alongside the impact on amenity of adjacent occupiers.

In light of the foregoing, the application is put forward with a favourable recommendation subject to the below conditions and Natural Resources Wales ratification of an Appropriate Assessment undertaken by the Authority's Planning Ecologist prior to consent being granted.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Site Location Plan scale 1:1250 drawing no. C-SK04 received 9 May 2019;
 - Proposed Highway Layout scale 1:500 drawing no. C-SK01 Rev E received 20 June 2019;
 - Proposed Highway Longsection drawing no. C-SK02 Rev B received 20 June 2019;
 - Proposed Drainage Strategy scale 1:500 drawing no. C-SK03 Rev D received 20 June 2019;
 - Proposed Site Plan and Site Sections drawing no. C-SK06 Rev A received 20 June 2019;
 - Construction Environmental Management Plan Rev 3 prepared by Asbri Planning received 4 July 2019;
 - Extended Phase 1 Habitat Survey prepared by Hawkswood Ecology received 15 September 2018;
 - Further Ecological Assessment letter prepared by Hawkswood Ecology received 15 September 2018;
 - Design Brief prepared by Asbri Planning (January 2019) received 9 May 2019.
- 3 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.5 metre carriageway and 1.8 metre footways, and 6.0 metre kerbed radii at the junction with the B4297 road.
- 4 The gradient of the vehicular access serving the development shall not exceed 1 in 20 for the first 10 metres from the edge of the carriageway.

- 5 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 59 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.
- 6 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 7 Prior to the commencement of any other work or development, 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.
- 8 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow onto any part of the public highway.
- 9 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 10 Use of the development shall not commence until the drainage system for the site has been completed in accordance with the details as shown on Drawing Number C-SK03. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 11 The development must be carried out in strict accordance with:-
 - Construction Environmental Management Plan Rev 3 prepared by Asbri Planning received 4 July 2019;
 - Extended Phase 1 Habitat Survey prepared by Hawkswood Ecology received 15 September 2018;
 - Further Ecological Assessment letter prepared by Hawkswood Ecology received 15 September 2018.
- 12 Prior to commencement of development, any vegetation removal must be supervised by a dormouse-licensed ecologist. A written summary should be provided by the ecologist and submitted for approval in writing to the local planning authority prior to the commencement of development.
- 13 Prior to the commencement of development, a scheme for the eradication and control of Japanese Knotweed shall be submitted and approved in writing by the local planning authority. The scheme will include post-treatment monitoring of the site to ensure continuous 12 month period of where no Japanese Knotweed is identified growing on the whole site. In the event that any Japanese Knotweed is identified as growing during the 12 month monitoring period then treatment shall resume and continue until a 12 month period of no growth of Japanese Knotweed occurs. The agreed Statement shall thereafter be implemented.

- 14 A Landscape Design Scheme shall be submitted to the local planning authority and approved in writing prior to the commencement of development. The scheme shall include retention of existing trees/hedgerow along the site boundaries, mitigation for the loss of scrub vegetation and comprise native species hedgerows with native standard trees. The development shall be carried out in accordance with the approved Landscape Design Scheme and retained thereafter.
- 15 Prior to any construction work at the site, the 3m watercourse buffer shall be provided and the fence line in place as shown on the Proposed Highway Layout scale 1:500 drawing no. C-SK01 Rev E.
- 16 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'.

- 17 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 planning authority prior to importation].

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt as to the extent of this permission.
- 3-9 In the interest of highway safety.
- 10 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.
- 11 To ensure an appropriate landscape scheme at the site and protection of biodiversity.
- 12 To ensure the protection of any dormouse should they be encountered on site.
- 13 To control the spread of invasive plant species.
- 14 To ensure an appropriate landscape scheme is provided.
- 15 To ensure the watercourse buffer is in place prior to any construction work commencing.
- 16+17 To ensure all ground contamination is adequately dealt with.

Notes/Informatives

- 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.

- 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).

 - Please see the relevant responses from Dwr Cymru/Welsh Water and the Council's Planning Ecologist, Minerals and Waste Officer and Sustainable Drainage Body and refer to the recommendations and advice contained therein.

Application No	S/38535
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Application Type	Full Planning
Proposal & Location	EXPANSION OF TRAVELLER SITE S/34755 (APPROVED 20.03.2018) TO ALLOW A THIRD PITCH FOR A FAMILY MEMBER, PLUS CHANGES TO THE LANDSCAPING SCHEME AND TO ALLOW THE SITE TO HAVE A PERMANENT CONSENT AT LAND AT HILLSIDE VIEW, HENDY, LLANNON, LLANELLI, SA14 8JX

Applicant(s)	MR ADAM EVANS & FAMILY, HILLSIDE VIEW, HENDY, LLANON, SA14 8JX
Agent	HAYSTON DEVELOPMENTS & PLANNING LTD, MR ANDREW VAUGHAN-HARRIES, THE PLANNING STUDIO, HAYSTON BRIDGE, JOHNSTON, HAVERFORDWEST, SA62 3HJ
Case Officer	Zoe James
Ward	Hendy
Date of validation	11/03/2019

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 consists of an irregular shaped parcel of land located on the south westerly flank of the B4306 in a countryside location to the north of the village of Hendy. The site is located approximately 1.4 kilometres to the north of the built form of the village and extends to approximately 0.5 of a hectare in area.

The southern part of the site presently comprises residential accommodation in the form of two no. static caravans, two mobile caravans, utility/day room and timber stable building. The excavation works and siting of the residential accommodation was granted planning permission at Planning Committee for a temporary period under permission reference. S/34755 in March 2018.

Access is via the B4306 at the southern end of the site. Timber boarded fencing is erected around the southern element of the site along its boundary with the B4306. Initial excavation work has begun at the northern part of the site to create the additional hardstanding area for the third pitch proposed as part of this application.

The surrounding area is of a rural character and appearance consisting of field enclosures interspersed with wooded areas. The roadway has no footways or pedestrian facilities. The site is approximately 2.7 kilometres from the centre of the village of Hendy and its facilities and services while the village of Llannon is located some 4 kilometres to the north along the B4306.

Proposal

The current planning application seeks planning permission for the siting of a third additional pitch comprising one residential caravan, a utility/day room, parking for one touring caravan and two vehicle parking spaces with new timber perimeter fencing to the north of the existing two pitches at the site. In addition, the application seeks to remove reference to named occupiers of the site as specified by condition 3 of the approved scheme and remove the temporary four year period as referred to under condition 4 of the approved scheme for a permanent permission. The application also includes details regarding the landscaping and future management plan as referred to within conditions 8 and 9 of the previous permission. Floor plans and elevations of the proposed utility/day rooms are also provided as part of this submission, as required by condition 14 of the previous scheme.

The Planning Statement submitted with the application states that the extension and additional pitch is required to accommodate the applicant's eldest daughter, Nicole Lee (formerly Evans) who has recently married Mr Jordan Lee, a member of long-established local Romany Gypsies. At present they have no permanent accommodation and are residing in a temporary caravan on the driveway of Mr Jordan Lee's father's property in Llanelli. The additional pitch is proposed to allow Nicole Lee and her husband to live alongside her parents and grandparents and continue living her gypsy lifestyle.

The new touring caravan is proposed to be located to the north east along the boundary with the B4306. The static caravan is proposed along the northern boundary with parking spaces to the west and the proposed day/utility room adjacent. The day/utility room is proposed to be sited on a concrete pad with doors on the east and west elevation. The walls are composite cladding walling in grey or light brown colour, windows and doors are proposed to be powder coated metal or uPVC in grey or light brown with rain water goods in grey uPVC. The style and appearance of the additional day/utility room is proposed to be of similar style and design as the existing day/utility room presently at the site.

Foul water from the additional pitch is proposed to connect to the existing foul drainage system within the southern part of the site and then be disposed of via the existing septic tank located in the southern corner of the site close to the access. Surface water is disposed of via soakaways as per the existing development at the site.

The remaining northern half of the site is to remain as a field paddock and is accessed from the hardstanding area via a gated entrance adjacent to the stable building. The applicant is also currently renting a further 4 hectares of land to the south of the site on the opposite side of the B4306 to graze his horses.

Hedgerow translocation works were undertaken at the site in order to improve visibility. Conditions 8 and 9 of the previous permission required the submission of details and a method statement regarding the translocation of the hedgerow together with a landscape scheme within 2 months from the date of the permission (March 2018). Unfortunately details were not provided and the works were carried out in advance of the conditions being discharged. The current submission includes details of the work undertaken and landscape management and maintenance plan.

Planning Site History

S/34755	Two static residential caravans together with the erection of a day/utility room, two touring caravans and a stable block (partly retrospective) Full planning permission	20 March 2018
S/33962	Closure of existing road entrance and opening a new road entrance Full planning permission	15 August 2016

Planning Policy

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

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

SP1 Sustainable Places and Spaces
SP3 Sustainable Distribution- Settlement Framework
GP1 Sustainability and High Quality Design
GP2 Development Limits
H7 Gypsy and Traveller Sites
TR3 Highways in Developments – Design Considerations
EQ4 Biodiversity
EQ7 Development within the Caeau Mynydd Mawr SPG Area
EP3 Sustainable Drainage

[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.

National policy advice relating to gypsy and traveller caravan sites is set out in Welsh Assembly Government Circular 005/2018.

Summary of Consultation Responses

Head of Transportation & Highways - No observations subject to same conditions as recommended on planning permission S/34755.

Llanedi Community Council – Object to the application due to it be unsustainable development in the open countryside and requests that the temporary consent is extinguished at the end of the allocated period.

Local Member(s) – No response received to date.

Natural Resources Wales – No objection, comments make reference to potential requirement for environmental permit.

Dwr Cymru/Welsh Water – No comments/objections.

Sustainable Drainage Approval Body – Highlights new requirements regarding sustainable drainage systems introduced from 7 January 2019.

Forward Planning – The Revised Local Development Plan (LDP) is currently being prepared and progressing with identifying a Gypsy and Traveller site with anticipation that it will be defined as an allocation within the Deposit LDP to be published later this year.

Planning Ecology – Satisfied with the ecological recommendations provided within the submitted documents. Should permanent consent be granted then a contribution of £1043 per dwelling would be required towards Caeau Mynydd Mawr in line with the SPG.

Housing – Currently considering potential new sites in the Llanelli area with the aim of satisfying the current need and new pitches as part of the LDP.

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 posted on the entrance to the site. In response, one third party letter of concern has been submitted on behalf of 5 separate neighbours which raises the following concerns:-

- Application is considered unacceptable.
- The land is remote and within an area of previously unblemished countryside.
- The development is unsightly and not in keeping with the surrounding area.
- Applicant is actively trying to purchase more land to use for caravans, lorries and rubbish scrap which will ruin the existing green valley.
- Reference is made to lies being told to community regarding electricity connection.

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

Appraisal

Principle of Development

The use of the site for gypsy and traveller accommodation has previously been accepted through the granting of planning permission reference. S/34755, albeit for a temporary period of four years from March 2018. The extension currently proposed seeks an additional pitch to allow the applicants daughter and husband to reside at the site also. The Planning Statement submitted in support of the application confirms that Mr Jordan

Lee is a member of the long-established local Romany Gypsies, and similar to the applicant and his father, Mr and Mrs Lee wish to continue their gypsy lifestyle.

On the basis of the information provided, it is considered that the gypsy status of the applicant and intended occupier for the additional pitch is confirmed. Furthermore, the use of the site for a gypsy and traveller pitches has been accepted through the granting of temporary planning permission for a period of four years, of which it is presently year 1 with another three years remaining on that permission.

Circular 005/2018 requires that the Authority make provision for gypsy and traveller caravan sites in the County through site allocation where a need is identified, along with criteria-based policies. Ongoing work is being undertaken by the Council's Forward Planning team to identify and allocate new site within the Deposit LDP expected later this year. Similarly, the Authority's Housing team have advised they are undertaking an update to the Gypsy and traveller Needs Assessment this summer to inform the LDP and are considering potential new sites within the Llanelli area, of which they aim to progress with in advance of formal LDP adoption. Notwithstanding this there are currently no allocated sites in the Llanelli area at present with the LDP relying on a criteria based policy whereby proposals for new sites are considered against the requirements of Policy H7 of the Plan, as referred to above.

Circular 005/2018 advises that the granting of a temporary permission may be justified in respect of gypsy proposals where, firstly, there is a reasonable expectation that new sites are likely to become available at the end of the period in the area which will meet the identified need and, secondly, there are no overriding objections on other grounds. Whilst the applicant is seeking to establish a new privately owned site in the absence of the availability of a suitable existing site or allocation, given the Authority's intention to identify and designate a new site in the revised LDP to meet the identified need in the Llanelli area, it is considered reasonable in this instance to grant a temporary permission for a four year period. This approach is consistent with the Circular advice in that there is an expectation that a new site will be allocated in the LDP and ultimately provided by the Authority thereby allowing the consolidation of such developments on a suitable site rather than having individual piecemeal developments in countryside locations in the wider Llanelli area.

Turning to the matter concerning unrestricted use of the site, the Planning Statement argues that this is no longer appropriate given it restricts the freedom of movement within the Gypsy community. In this case, given the additional pitch is specifically sought to allow Mrs Nicole Lee and husband to move closer and reside alongside her parents and grandparents, it is considered that the imposition of a condition referring to the occupants does not restrict the applicant from achieving their desired outcome. A similarly worded condition to condition 3 of the previous consent is suggested to be included with specific mention to Mr & Mrs Jordan and Nicole Lee.

Other Matters

Turning to other matters, the Highway Authority have confirmed that they have no comments or objections to the scheme subject to the imposition of the same conditions as per the previous permission. The impact on Biodiversity has been considered and the Planning Ecologist is satisfied with the ecological recommendations provided within the submitted documents. The recommendations meet the LDP policy objectives listed above

and the requirements of the Environment Act Wales 2016, a relevant condition is required to ensure compliance with the recommendations.

A common theme of objection from neighbours and the Community Council is the unsustainable location and landscape and visual impact. Whilst the site is located in an area of countryside, as referred to above, the use of the site for gypsy and traveller pitches has previously been accepted by the Authority. Furthermore, advice contained in Circular 005/2018 provides that gypsy sites in the countryside, away from existing settlements, can be considered suitable for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries. The site is not located within an area subject to any landscape or environmental designations, albeit it fronts a public highway. The current application proposes provision of an additional pitch and the visual and landscape impact is not considered to unacceptably challenge the objectives of the Circular or policies H7 or GP1 of the LDP, given the level of the land and existing hedgerow along the site provides screening.

Planning Obligations

The Authority's Planning Ecologist has advised that the site is located within the Caeau Mynydd Mawr SPG area whereby developments that will potentially impact upon the Caeau Mynydd Mawr Special Area of Conservation are required to make a financial contribution to mitigate for the loss of habitat that will occur as a result of the development. However, in this instance it is considered unreasonable to request such a contribution given the intention to grant a temporary permission and the requirement to re-instate the land following this period. Should a permanent consent be granted then a contribution is required.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted, together with the representations received to date, it is concluded on balance that the proposal accords with the objectives of the aforementioned policies and is therefore presented with a recommendation for approval.

The use of the site for Gypsy and Traveller pitches has previously been accepted by Authority through the granting of planning permission (ref. S/34755) for two pitches by the Planning Committee in March 2018. In light of the current and ongoing work by the Authority's Housing and Forward Planning teams to identify a new gypsy and traveller site, granting of a temporary permission for a period of four years is considered reasonable in this instance.

The provision of an additional pitch is specifically required to accommodate the applicant's daughter and husband and therefore reference to Mr & Mrs Jordan and Nicole Lee within a similarly worded condition to condition 3 of the previous consent is considered appropriate in this instance.

The details submitted regarding the landscape, hedgerow and future maintenance are accepted by the Council's Ecologist subject to a new condition in place of conditions 8 and 9 of the previous permission. Finally, the floor plans and elevations of the day/utility room, as required to be submitted under condition 14 of the previous permission, are considered satisfactory.

In light of the foregoing, the application is put forward with a favourable recommendation subject to the imposition of the following conditions.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development shall begin no later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the details shown on the following schedule of plans and documents:-
 - Expanded Location and Block Plans (drawing no. 01d) scale 1:5000 received 1 February 2019;
 - Site and location plan (02d) received 1 February 2019;
 - Site Plan (drawing no. 03d) scale 1:200 received 1 February 2019;
 - Proposed Floor Plan and Elevations of New & Consented Utility/Day Rooms (x 2) (drawing no. 04e) received 1 February 2019;
 - Existing & Proposed Context Sections - South-West to North-East (drawing no. 05d) scale 1:100 received 1 February 2019;
 - Consented Scheme - Site Plan (drawing no. 06c) scale 1:200 received 1 February 2019;
 - Consented Scheme - Context Section (drawing no. 07c) scale 1:200 received 1 February 2019;
 - Floor Plan and Elevations of Portacabin Utility/Day Room Consented Scheme (drawing no. 08c) received 1 February 2019;
 - Consented Scheme - Floor Plan and Elevations of Store / Stable Block (drawing no. 09c) scale 1:100 received 1 February 2019;
 - Consented Scheme - Septic Tank Installation Details (drawing no. 10c) scale 1:20 received 1 February 2019;
 - Consented Scheme Plan Showing Overall Visibility Splays to Both Side of Entrance (drawing no. 11c) scale 1:500 received 1 February 2019;
 - Consented Scheme Plan Showing Area Affected by Improved Visibility/Translocation Works to LHS on Plan of Entrance (drawing no. 12c) scale 1:100 received 1 February 2019;
 - Consented Scheme Plan Showing Area Affected by Improved Visibility/Translocation Works to RHS on Plan of Entrance (drawing no. 13c) scale 1:100 received 1 February 2019;

- Consented Scheme - Expanded Plan Showing Area Affected by Improved Visibility/Translocation Works to LHS on Plan of Entrance Sheets 1-5 (drawing nos. 14c, 15c, 16c, 17c & 18c) received 1 February 2019;
- Consented Scheme - Expanded Plan Showing Area Affected by Improved Visibility/Translocation Works to RHS on Plan of Entrance Sheets 1-6 (drawing nos. 19c, 20c, 21c, 22c, 23c & 24c) received 1 February 2019;
- Appendix A Landscape Plan (drawing no. ARW1052:01 Rev B) received 8 March 2019;
- Landscape Plan Implementation and Maintenance details received 8 March 2019;
- Planning Statement & Justification Report prepared by Hayston Developments & Planning Ltd received 1 February 2019.

- 3 The site shall not be occupied by any persons other than gypsies and travellers as defined in Section 108 of the Housing (Wales) Act 2014 and Paragraph 2 of Circular 005/2018 – ‘Planning for Gypsy, Traveller and Showpeople Sites’ or any subsequent replacement circular/document.
- 4 The development hereby approved shall only be occupied by the following and their resident dependents: Mr Adam Evans; Miss Leane Evans; Mr Clarence Charles John Evans, Ms Jean Clarke, Mr Jordan Lee and Mrs Nicole Lee.
- 5 When the land ceases to be occupied by those named in condition number 4 above, the use shall cease and all caravans, structures, materials and equipment brought onto or erected on the land, or works undertaken to it in connection with the use (with the exception of the hedge translocation works, planting proposals and new field entrance previously approved under planning application reference S/33962), shall be removed and the land shall be restored to its condition before the development took place within six calendar months of that date.
- 6 The permission hereby granted is for a temporary period of four years from the date of this planning permission following which the use shall cease and all caravans, buildings, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the use (with the exception of the hedge translocation works, planting proposals and new field entrance previously approved under planning application reference S/33962) shall be removed, and the land restored to its condition before the development took place within six calendar months of this date.
- 7 No more than three static and three touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.
- 8 No commercial or business activities shall take place on the land, including the storage of materials, nor shall any vehicle over 3.5 tonnes be stationed, parked or stored on the site.
- 9 The development must be carried out in strict accordance with Appendix A of the Planning Statement and Justification Report and Landscape Plan Drawing No - ARW1052:01 RevB.

- 10 Any access gates shall be set back a minimum distance of 12.0 metres from the highway boundary, and shall open inwards into the site only.
- 11 A visibility splay of 2.4 metres by 160 metres shall be provided either side of the site access within 4 months of the date of this planning permission and shall be retained thereafter in perpetuity.
- 12 The parking spaces and layout shown on the plans herewith approved shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 13 The site access road shall be hard-surfaced for a minimum distance of 10 metres behind the nearside B4306 carriageway edge. The hard surfacing shall be fully carried out within 4 months of the date of this planning permission and retained thereafter in perpetuity.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3+4 To restrict the occupancy of the site.
- 5 To ensure the restoration of the site when the use ceases.
- 6+7 To restrict the occupancy of the site and confirm the extent of the permission.
- 8 In the interests of visual amenity and safeguard the amenity of adjacent occupiers and land users.
- 9 In the interest of visual amenity and to safeguard/retain existing landscape features.
- 10-13 In the interests of highway safety.

Notes

- 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.

- 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).

 - Please see the relevant responses from Dwr Cymru/Welsh Water, Natural Resources Wales and the Council's Planning Ecologist and Sustainable Drainage Body and refer to the recommendations and advice contained therein.

Application No	S/38787
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Application Type	Outline
Proposal & Location	CONSTRUCTION OF TWO DETACHED, TWO STOREY HOUSES AT FORMER BOWLS & SOCIAL CLUB, 38 LADY STREET, KIDWELLY, SA17 4UD

Applicant(s)	EDWARDS PROPERTIES - DELYTH AND WYN EDWARDS, TY BRYNBEDW, CYNHEIDRE, LLANELLI, SA15 5YF
Case Officer	Gary Glenister
Ward	Kidwelly
Date of validation	30/04/2019

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 site is the car park of the Bowls and Social Club, Lady Street, Kidwelly. The site is the car park to a commercial premises, so has historically been open to the public with space for up to approximately 20 cars.

The club has been closed for some time and is currently vacant having been bought by a small local developer. The Club has a flat at first floor, however it is understood that an application to change the use of the rest of the building to residential is imminent.

The parking area is to the South East of the Club and is within an area characterised by long burgage plots. The shortest rear garden backing onto the site to the South East is approximately 30m in length. It is noted that the houses backing onto the site have a collection of outbuildings and glass houses between the dwellings and the existing car park so the views are obscured.

Proposal

The application seeks outline permission to establish the principle of two dwellings to the rear of the Bowls & Social Club. The indicative plan shows two detached dwellings with rear gardens of approximately 18m and parking to the front forming a courtyard with the parking for the rest of the site. The Club is understood to be subject to an imminent

change of use application so without prejudice to the application, it will potentially have a reduced parking requirement.

The applicants have submitted a unilateral undertaking setting out the affordable housing contribution.

Planning Site History

S/32540	Proposed single storey kitchen extension, minor alterations to existing toilet facilities and bar area and refurbishment of ground floor Full planning permission	01 October 2015
S/30840	Change of use to restaurant to sell hot food and alcohol (there is already a drinks licence) Full planning permission	27 October 2014
GW/02128	Proposed cellar and function room extension Full planning permission	25 September 2002
D5/10883	Change of use to social and bowls club Full planning permission	03 October 1988
D5/8256	Flat extension to existing premises Full planning refused	28 March 1985
D5/7377	Projecting sign Full planning permission	27 October 1983
D5/6960	Amusement centre Full planning permission	19 May 1983
D5/4047	Dwelling house and garage Full planning refused	25 June 1979
D5/3641	Dwelling house and garage Full planning refused	15 March 1979
D5/1741	Change of use of former workingmen's club to hairdressing salon and clothes shop Full planning permission	26 July 1976
D5/1146	Change of use from car park to mushroom growing Outline planning permission	20 October 1975

Planning Policy

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

SP1	Sustainable Places and Spaces
GP1	Sustainability and High Quality Design

Error! Reference source not found.	Development Limits
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Error! Reference source not found. Considerations	Location of Development- Transport
Error! Reference source not found. Considerations	Highways in Developments- Design

[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

Head of Transportation & Highways – Has queried the use of the Club if planning is granted for the car park and where future parking would be situated. A final response is awaited.

Head of Public Protection - No observations received to date.

Kidwelly Town Council – Has no objection to the proposal.

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

Dwr Cymru/Welsh Water – Has no objection to the proposed development.

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/site notice/publication in the local newspaper.

2No. representations were received objecting and the matters raised are summarised as follows:

- Loss of amenity through overbearance.
- Devaluation of property.
- Loss of view of the castle.

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

Appraisal

Loss of Amenity

There is concern that the properties on an elevated site to the rear of the club would have an adverse impact on the amenity of neighbouring properties. It is however noted that the area is the car park of a commercial premises, so there could be comings and goings and public presence within close proximity to the boundaries. The presence of houses would be a permanent feature and there could be overlooking of garden areas from bedroom windows, however the neighbouring properties have rear gardens in excess of 30m with outbuildings including a large glass house present. It is likely that the separation distance between the new houses and neighbouring houses would be in excess of 40m and obscured by existing outbuildings. This is not considered likely to result in an unacceptable loss of amenity through overbearance.

The boundary to the East of the access road is currently open so there could be loss of amenity through the coming and going of residents, however as noted elsewhere in this report, the site is currently a car park, so the residential use is likely to have less traffic movements than the existing commercial usage. If boundary reinforcement is deemed necessary, a means of enclosure up to 2m would not require planning permission.

Car Parking

The Head of Transport has queried the future use of the Club and where parking would be situated moving forward. It should be noted that the rest of the site does not form part of this proposal, however it is understood that an application for residential use is imminent. The merits of any redevelopment will be considered through the separate application, however a parking plan for the Club has been submitted. It is noted that even if the residential redevelopment of the Club does not take place, the site is in an urban setting with other establishments which do not have the benefit of parking so the reduction in car parking would not be critical.

Other Matters e.g. loss of view and devaluation are not material planning considerations.

Planning Obligations

A Unilateral Undertaking has been submitted to secure an affordable housing contribution in accordance with Policy and Supplementary Planning Guidance.

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 re-use of the Club car park for residential purposes would be a beneficial re-use of a disused parcel of land for residential purposes. The site is large enough to accommodate two dwellings and the separation distances between the houses and the surrounding

properties is such that it is not likely to have an unacceptable adverse impact. The access currently serves a commercial car park so the residential use is likely to be less intensive. Whilst there are two objections, it is considered on balance that the proposal is in accordance with the above policies.

RECOMMENDATION – APPROVAL

Conditions

- 1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
 - a) the expiration of five years from the date of this outline planning permission;
 - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 3 Development shall not commence until detailed plans of the layout, appearance and landscaping of the development, together with the means of access thereto, have been submitted to and been approved in writing by the Local Planning Authority.
- 4 The land subject to this permission is as identified on the 1:500 scale Site Plan dated 11th July 2019.
- 5 Any reserved matters application shall include a scheme of parking and turning facilities within the site dedicated to serve the proposal. The approved scheme is to be fully implemented prior to commencement of any other part of the development and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 6 Any gates shall be set back a minimum of 5m from the back edge of the pavement.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 The application is in outline only.
- 3-4 In the interests of visual amenity in accordance with Policy GP1.
- 5-6 In the interests of highway safety in accordance with Policy TR2 & TR3.

Notes/Informatives

- 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 if 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.

- 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).
- 3 The applicant/developer's attention is drawn to the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution of £51.35 per square metre internal floor area.

Application No	S/38899
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Application Type	Full Planning
Proposal & Location	SINGLE STOREY FRONT EXTENSION AS PART OF A DISABILITY GRANT APPLICATION AT 8 PENYBRYN, LLANELLI, SA14 8PS

Applicant(s)	KEVIN THOMAS, 8 PENYBRYN, LLANELLI, SA14 8PS
Agent	PRIME ARCHITECTURE LTD - CELLAN JONES, UNIT 4, 3 LLANDEILO ROAD, CROSS HANDS, LLANELLI, SA14 6NA
Case Officer	Zoe James
Ward	Swiss Valley
Date of validation	29/05/2019

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 consists of the curtilage of a semi-detached single storey house located in the Penybryn estate in Swiss Valley. The dwelling is set towards the front of the plot with a small stepped amenity area to the front, sloped car parking area to the east of the dwelling in front of a detached garage and grassed garden to the rear. The dwelling fronts onto Penybryn with three windows on the front elevation and the main access door to the side elevation to the east. The house has a rendered finish and the surrounding estate consists of a mix of semi-detached and detached bungalows, albeit these are of differing design.

The subject property is situated forward of the adjacent attached property, no. 6 Penybryn and the building line of the neighbouring properties steps back from no. 10 to the east along to no. 2 to the west.

Proposal

The application seeks full planning permission for a single storey extension to the front of the dwelling. The proposed extension is the width of the existing property and will project forward 3m from the existing dwellinghouse. It is to allow internal reconfiguration to the

front of the property to include a larger second bedroom and wetroom for the applicant's disabled son, alongside a reconfigured master bedroom.

The extension will comprise a gable roof with the external finish of the extension to consist of a smooth rendered finish to match that of the existing property. The roof will be clad with matching grey roof tiles. A new retaining wall is proposed just beyond the extension with new block paving proposed to the front of the dwelling to match the existing driveway.

Planning Site History

D5/5290 Erection of garage
Approved

02 October 1980

Planning Policy

In the context of the Authority's current Local Development Plan (LDP) the site is located within the Development Limits of Llanelli. 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 [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Llanelli Rural Council – Objects to the scheme with concerns that the proposal will be regarded as an incongruous form of development when compared to neighbouring dwellings in the streetscene.

Local Member - Councillor Giles Morgan has confirmed no objection subject to there being no detrimental impact to the amenity and privacy of 6 Penybryn or the roof/ridgeline being extended upward.

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

Sustainable Drainage Approval Body – No comments on the application.

Planning Ecology – No objection, issued but advisory.

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

Summary of Public Representations

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

Three representations were received, all of which object and the matters raised are summarised as follows:-

- Proposal does not fit in with bungalows in the area.
- Front elevation will block light from attached property.
- Potential to cause damp issues for attached property.
- Construction of the extension would require encroachment onto the neighbouring property.
- Ground levels would result in windows being close to ground level of neighbouring property.
- Extension would impact on the mental wellbeing of the neighbouring occupant as majority of natural light would be lost.
- Plans are misleading as attached property is not shown.
- Proposal will detract from property value of no. 6.
- Size is excessive compared to the original building footprint.
- Remaining front garden would require excavation to allow light to extension resulting in a hazard to anyone walking on the public pavement.

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

Appraisal

The proposed extension extends from the front elevation of the existing dwelling by 3m and is therefore not considered excessive or to result in overdevelopment of the site, as stipulated by Policy GP6. The dwelling will still be set back some 4.5m from the boundary with the road network at the closest point extending to 6.5m and the greatest. Furthermore, the building line of the property will remain set back from the adjacent property to the east no. 10. The size of the proposed extension will allow the applicant to achieve the internal alterations/improvements required.

The design and roof form of the proposed extension seeks to harmonise with that of the existing dwellinghouse and neighbouring properties. The front elevation will appear similar to that of adjacent no. 10 which also has a gable on the front elevation.

The materials proposed for the external finishes of the proposed development complement the existing dwelling. Based on the above it is considered that the proposal complies with the relevant policy criteria within GP1 and GP6.

Objections from third parties raise concerns regarding the impact on amenity of adjacent occupiers. The proposed extension does not result in the loss of privacy or overlooking for any neighbouring properties. The extension is to the north of the property and combined with the lower level of the application property, will safeguard against any unacceptable impacts by way of loss of light.

When reviewing the other objections raised, these are not material planning issues and are therefore not considered further.

The proposal does not impact upon the highway network and there are no ecological/environmental considerations, a bat advisory has been issued to the applicant.

The proposal is therefore considered to be in accord with the objectives of policies GP1 and GP6 in terms of its likely impact upon the residential amenity of neighbouring occupiers.

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, the site and its surrounding environs, together with the representations received to date it is concluded on balance that the scale and design of the proposed extension is considered to be acceptable and have no detrimental impact on the character and appearance of the existing property and surrounding residential area. The extension is subordinate and compatible to the size, design and character of the host dwelling and the amenities of adjacent occupiers will not be adversely affected by the development.

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.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the following plans:-
 - Site Location Plan and Site Block Plan scale 1:1250 and 1:200 drawing no. 04 received 17 May 2019;
 - Proposed Site Plan scale 1:200 drawing no. 03 received 17 May 2019;

- Existing Floor Plans and Elevations scale 1:50 and 1:100 drawing no. 01 received 17 May 2019;
 - Proposed Floor Plans and Elevations scale 1:50 and 1:100 drawing no. 02 Rev A received 4 July 2019;
- 3 The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity and to confirm the extent of the permission.
- 3 To protect the integrity of the public sewer and avoid damage thereto.

Notes

- 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.

- 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.
- Please see the relevant responses from Dwr Cymru/Welsh Water and the Council's Planning Ecologist and refer to the recommendations and advice contained therein.

Application No	S/38916
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Application Type	Full Planning
Proposal & Location	SINGLE STOREY SIDE EXTENSION, INCLUDING ROOF LIGHTS, AS REPLACEMENT OF EXISTING ADJOINED OUTBUILDING, RAISED DECK AREA AND REPLACEMENT FLAT ROOF AT TRE NEDDYN, PONTARDDULAIS, SWANSEA, SA4 0FP

Applicant(s)	HELEN GROOM, TRE NEDDYN FARM, CROSSHANDS ROAD, PONTARDDULAIS, SA4 0FP
Agent	DIMENSION DRAWING SERVICES - IAN JONES, 15 STEBONHEATH TERRACE, LLANELLI, SA15 1NE
Case Officer	Gary Glenister
Ward	Llannon
Date of validation	04/06/2019

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 is a detached farm house in an elevated position immediately West and overlooking Pont Abraham services at a distance of approximately 400m. The farmhouse had a complex of traditional stone barns associated with it which have incrementally been sold off to third parties and converted to form residential dwellings. The barn closest and attached to the dwelling had planning permission in 2007 for three holiday lets under reference S/16376, however this permission was never implemented. The northernmost part of the original barn can still be seen, however most of it has been removed.

The site has a converted barn to the North and South East with the remains of the original barn still standing between the proposal and northern barn.

Proposal

This application seeks retrospective planning permission for the demolition of the attached barn and replacement with a single storey side extension and external decking area, along with the replacement of an existing flat roof to an extension to the rear.

The extension has been built up to wall plate level and a ridge beam has been installed, however all works ceased when enforcement action was initiated.

The proposed extension is 6m deep by 6.8m long with a ridge height of 5.6m given the sloping nature of the site.

A raised decking protruding 2.9m from the end of the extension is proposed with a floor height 1.2m above ground and a privacy screen to protect the adjacent barn to the South East.

Planning Site History

S/16376	Change of use from redundant milking parlour to 3 no. holiday lets Full planning permission	28 August 2007
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Planning Policy

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

GP1 Sustainability and High Quality Design

[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

Llannon Community Council - No observations received to date.

Local Member - Councillor E Dole has not commented to date.

Local Member - Councillor D Jones is a member of the Planning Committee and has made no prior comment.

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

Summary of Public Representations

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

2No. representations were received objecting and the matters raised are summarised as follows:-

- The application is retrospective.
- The extension is to allow the applicant extra space to do B&B.
- Traffic generation.
- Loss of privacy.
- Unauthorised caravans.

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

Appraisal

The application is a household extension in place of an attached barn which had the benefit of planning permission in 2007 for holiday units. The application is therefore being considered as a domestic extension to a residential dwelling.

Retrospective Nature of the Application

It is noted that the proposal has been constructed to wall plate level and a steel beam has been installed to support the roof. The retrospective nature of the development is such that the impact on the neighbouring properties can be clearly assessed.

Potential Use of the House as a B&B

The potential future use as a B&B is not relevant to the proposal for an extension. It is noted that the site previously had permission for a barn conversion for holiday purposes, so the principle of 3 units of holiday accommodation has been established. There appears to be access and parking which could be used for any such use, however the use of the house for a small scale B&B would not require planning permission.

Traffic Generation

The proposal has been submitted as a householder application with no reference to any commercial activity. Notwithstanding the domestic use proposed, there was an historic application for 3No. holiday units, so the principle of additional traffic was considered acceptable. As noted above, a small scale B&B would not require permission should the applicant have commercial intension once built.

Privacy Impacts

It is noted that there is a barn to the north that would be clearly seen from the proposal. The barn however is at a distance of 18m measured directly in front of the window which is considered acceptable.

Other Matters

The presence and use of residential caravans is noted and is subject to separate enforcement investigation. This is not material to the consideration of the extension.

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 extension is subordinate to the main dwelling and is not likely to have an unacceptable adverse impact on third parties. Whilst there is third party concern, the extension replaces a barn that had planning for 3No. holiday units in 2007 and the impact on privacy and amenity is considered to be less than the previous scheme. On balance, the proposal is considered to be acceptable and in accordance with the above policies.

RECOMMENDATION – APPROVAL

Conditions

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 4 June 2019.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans dated 3 June 2019:-
 - 1:100 scale Existing and Proposed Floor Plans and Elevations [hel-01 Rev 0A];
 - 1:1250 & 1:500 scale Location and Block Plans.
- 3 External wall and roof materials shall match those of the original house.
- 4 The privacy screen on the raised decking shall be no less than 1.8m tall and be of an obscure material. The screen shall be erected prior to the beneficial use of the proposal and shall be retained in perpetuity.

Reasons

- 1 To comply with Section 73A of the Town and Country Planning Act (as amended).
- 2-3 In the interests of visual amenity in accordance with Policy GP1.

- 4 To protect the amenity of the adjacent property in accordance with Policy GP1.

Notes/Informatives

- 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 if 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.

- 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).

*Ardal
Gorllewin/
Area West*

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR AMGYLCHEDD**

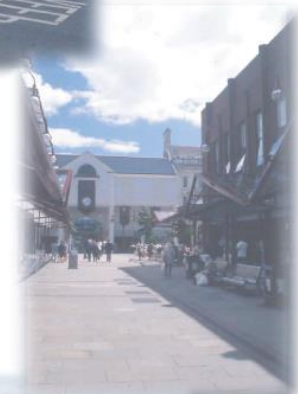
**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 25 GORFFENAF 2019
ON 25 JULY 2019**

**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:	25 JULY 2019
REPORT OF:	HEAD OF PLANNING

INDEX - AREA WEST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL	PAGE NO'S
W/37120	Development of site with the erection of both a freestanding restaurant and a freestanding coffee shop, both with associated drive through facility. Installation of access road, associated car park, patio areas, extraction equipment and wider associated works to the site at land at St Clears Roundabout, Old Tenby Road, St Clears, Carmarthen, SA33 4JW	70-94
W/38412	Change of use from agricultural storage to a local needs 4 bedroom dwelling including rear extension, following planning application W/13476 at Cystanog, Capel Dewi, Carmarthen, SA32 8AY	95-102

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL	PAGE NO'S
W/38722	Retention of works to a listed building not carried out in accordance with listed building consent reference W/08409 at Yr Hen Ty Fferm, Penrallt, Login, Whitland, SA34 0TL	104-112

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	W/37120
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Application Type	Full Planning
Proposal & Location	DEVELOPMENT OF SITE WITH THE ERECTION OF BOTH A FREESTANDING RESTAURANT AND A FREESTANDING COFFEE SHOP, BOTH WITH ASSOCIATED DRIVE THROUGH FACILITY. INSTALLATION OF ACCESS ROAD, ASSOCIATED CAR PARK, PATIO AREAS, EXTRACTION EQUIPMENT AND WIDER ASSOCIATED WORKS TO THE SITE AT LAND AT ST CLEARS ROUNDABOUT, OLD TENBY ROAD, ST CLEARS, CARMARTHEN, SA33 4JW

Applicant(s)	DRAYCOTT INVESTMENTS & DEVELOPMENTS, C/O AGENT,
Agent	PLANWARE LTD - MR BENJAMIN FOX, THE GRANARY, 37 WALNUT TREE LANE, SUDBURY, CO10 1BD
Case Officer	Paul Roberts
Ward	St Clears
Date of validation	20/04/2018

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 consists of an irregular shaped parcel of land located adjacent and to the north of the roundabout of the A40 and A477 in St Clears. It measures approximately 0.9 hectares and forms part of two large field enclosures that are located to the north of Tenby Road (A4066) which leads into St Clears from the roundabout.

The main part of the site is located in the westernmost field enclosure immediately to the north of the roundabout with the remainder being included for the purposes of creating a new access road from Tenby Road. The area of land between the main part of the site and the access road falls outside the site with the exception of a narrow strip which is included to enable the creation of a direct pedestrian link to the development. The western and southern boundaries of the main part of the site are bounded by mature trees and hedgerows which separate the land from the A40 and the roundabout as well as an unoccupied derelict dwelling located adjacent to the latter. It has no defined northern or

eastern boundaries and the area to the north consists of further field enclosures. There is a small watercourse running along the southern boundary of the site which continues along the northern side of Tenby Road. The land slopes up gently towards its northern boundary.

The eastern part of the site wherein the new vehicular access is to be created is located adjacent to and opposite a number of residential properties that front onto Tenby Road. There is a Travelodge hotel and Starbucks coffee shop on the opposite southern side of Tenby Road adjacent to the residential properties and the neighbouring roundabout. Tenby Road extends eastwards from the site towards the centre of St Clears and is characterised by a frontage of residential properties as well as a number of industrial units located in St Clears Business Park which is a short distance from the site.

The centre of St Clears, wherein its main services and facilities are located, is some 500 metres to the east of the site. The site is partially fronted by a footway adjacent to the roundabout, however, this does not extend eastwards along Tenby Road towards the proposed new access.

The land to the west of the site beyond the A40 is primarily rural in character with a petrol station and a small cluster of residential properties located to the west of the roundabout off the A477. The neighbouring settlement of Pwll Trap is located some 400 metres to the north of the site.

Proposal

The application seeks full planning permission for the erection of a freestanding restaurant and coffee shop (mixed A1/A3 use class) together with associated drive through facilities, new access road, car parking, outdoor seating areas and associated external works.

Site Layout and Design

Access to the development is to be achieved via a new access road located in the eastern part of the site that will extend northwards from Tenby Road adjacent to the existing tree line before turning westwards in a 'n' shaped alignment to serve the main part of the site where the new restaurant and coffee shop are to be erected. The wider field enclosure wherein the access road is located is allocated for residential development purposes in the Authority's LDP and has previously had the benefit of outline planning permission for the same. The access road proposed to serve the restaurant and coffee shop includes an easterly spur at its northern end into the remainder of the field enclosure whereby it will also provide access to the future residential development of this land. The area of land between the new access road and the proposed restaurant and coffee shop is shown as a potential 'future development' area in the details submitted and is bisected by a footway that will provide a direct pedestrian access to the development from the access road to the east rather than pedestrians having to walk the entire route of the new access road. The access road itself will be flanked by footways on either side along its northerly arm from Tenby Road with this reducing to the one side on its westerly and southerly approach to the two new commercial units.

The restaurant and coffee shop are to be located in the main western part of the site. The coffee shop will occupy the northern area while the restaurant is to be constructed on the larger area of land to the south. The applicants have confirmed that Costa Coffee will occupy the coffee shop while McDonalds will occupy the restaurant. Both premises will

have a separate accesses leading off the new access road with the layouts incorporating a drive through arrangement around both buildings. The finished floor levels of the development will reflect the prevailing ground levels of the site.

The coffee shop is to be of a single storey design and will be fronted by a car parking area which will provide 39 spaces. It is of modest proportions having an internal floor area of 167 square metres and its external elevations will consist of a mix of white render, horizontal timber cladding, aluminium panels and large glazed openings. The building is to have a low monopitch roof that will be clad with grey aluminium panels. The elevations are to include the occupier's branded signage. The coffee shop is to be open between the hours of 5:30 and 22:30 every day of the week and will provide seating for up to 70 customers.

The restaurant building is to have a larger floor area of 404 square metres and will accommodate up to 100 customers. It is to be of a single storey design with a flat roof. Its elevations will consist of a mix of natural stone facing, brickwork, composite aluminium cladding and timber cladding. Similar to the restaurant it will also include McDonalds' branded signage. The building is to have a parking area that will include 47 spaces as well as cycle store facilities. Provision is made for air extraction systems in the kitchen facility to minimise odours from the development with these mainly being located discretely on the roof of the building. Provision is also made for an outdoor seating and play area to the north of the building. The building will be open to customers 24 hours a day and 7 days a week.

The proposal includes a landscape design scheme which provides for the retention and protection of existing hedgerows and trees bordering the site with the exception of a small number trees and sections of hedgerow that need to be removed to create the new access road into the development. The alignment of the road has been designed to allow the retention of the existing tree line that separates both field enclosures while new mixed native hedge and trees are proposed along the northern boundary and eastern boundaries of the site to provide a defined natural boundary and screening to the development. New planting is also to be provided within the development which will include new shrubs and trees.

The application has been accompanied by the following supporting information certain of which are appraised below:-

- Design and Access Statement.
- Transport Statement.
- Planning and Sequential Statement
- Litter Management Plan
- Landscape Concept Scheme & Arboricultural Report
- Archaeological Report.
- Noise Impact Assessment
- Ecological Assessment
- Drainage Report

Drainage Report

The drainage report sets out a strategy for the disposal of surface from the development via either an infiltration solution within the development with the use of soakaways or alternatively by means of an attenuated discharge to the existing watercourse that runs

contiguous with the southern boundary of the site and Tenby Road. In the event that the ground conditions within the site preclude the use of soakaways, the applicant's drainage strategy shows the surface water from the western part of the site, including the buildings and car parks, being attenuated via cellular storage tank under the restaurant car park before discharging to the watercourse to the south at an attenuated rate. Similarly, the surface water from the access road in the eastern part of the site will be attenuated in a separate box culvert system below the new road before discharging to the same watercourse at a separate discharge point to the east. The watercourse is to be culverted below the new access road. The surface water scheme will be designed to accommodate flows generated by a 1 in 100 year storm event and include a 30% allowance for climate change. It will also include pollution prevention measures to protect the water quality in the receiving watercourse and wider drainage catchment.

Turning to foul drainage, the drainage strategy shows the foul water from the development being disposed of to the existing public sewer located in Tenby Road. Pre-application discussions between the applicant and Welsh Water have revealed capacity problems in the Sewerage Treatment Works serving the wider area and the applicant has agreed to undertake a feasibility assessment of the constraints in conjunction with Welsh Water to establish what improvements are required to the treatment works so that they can be undertaken as part of the development.

Transport Statement

The transport assessment considers the highway impacts of the development upon the surrounding road network while also providing an assessment of the parking provision within the site.

The assessment utilises observed traffic data from comparable McDonald's restaurants and Costa coffee shops as well as customer surveys in order to determine the additional trip generation resulting from the development. The assessment also includes an allowance for the potential future residential development of the land to the east of the site which will be accessed via the same access road. The allowance relates to the development of up to 50 dwellings.

The assessment opines that the restaurant would generate 158 vehicle movements during AM peak hours and 160 during PM peak hours. These would increase to 239 vehicles on a Saturday. However, it demonstrates that the majority of these movements would consist of existing traffic on the road with only a small proportion being additional trips. For example, it demonstrates that during a Friday peak period 78% of the vehicular trips to the development would consist of existing traffic on the road network while the remaining 22% could be expected to additional trips to the restaurant and coffee shop. Similarly, on a Saturday, 26% would be additional trips and 74% would consist of existing traffic on the road network calling at the development.

On this basis, the assessment opines that the additional trips on the road network would be 6 vehicles and 30 vehicles during the weekday AM and PM peak periods respectively, and 50 additional trips on a Saturday. The statement concludes that this additional volume of traffic, combined with that expected from the residential development of the neighbouring land, could be accommodated by the new access onto Tenby Road as well as the wider road network without causing any unacceptable capacity or safety impacts. The statement also demonstrates that the visibility achieved from the new access along

Tenby Road will be acceptable and in accordance with the standards set out in TAN 18 based upon surveyed traffic speeds.

With regard to vehicle parking, the statement confirms that the parking provided exceeds that required by the Authority's parking standards while the proximity of development to existing bus services and pedestrian facilities is also highlighted. In connection with the latter, and following discussions with colleagues in the highway service, the development will provide a new footway link extending eastward from the new access to an existing footway on the northern side of Tenby Road to improve pedestrian links to and from the centre of St Clears, as well as a new pedestrian crossing point to the immediate east of the access which will improve links to the roundabout and areas to the west of the site. Moreover, the proposal will also provide a widened footway along Tenby Road some 190 metres to the east of the new access to, again, improve pedestrian links between the development and the centre of St Clears.

In addition to the above, the applicant has agreed to provide a financial contribution towards the cost of introducing a pedestrian phase to the northern arm of the signalised junction in the centre of St Clears to further improve pedestrian facilities to and from the development. The cost of this improvement is the subject of current discussions between officers of the highway service and the applicant and will be secured via a Section 106 agreement.

Planning and Sequential Statement

The statement draws reference to the requirements of Planning Policy Wales in relation to the need to undertake a sequential approach to site selection starting with those located within established town centres before considering edge of centre and out of centre sites. In this regard, the applicant draws reference to the operational requirements of the development as drive through premises whereby the provision of the buildings, parking areas and circulation routes require a large site area. With this in mind they opine that there are no sequentially preferable sites available within the development limits of St Clears.

In addition, the applicant places significant emphasis on the primary purpose of the development in meeting the needs of passing traffic rather than becoming a destination in its own right. This is reflected in its location close to the strategic road network of the A40 and A477 and whilst being on the edge of the settlement, the proposal will be within walking distance of the centre of St Clears. The statement also opines that the nature of the development in targeting passing traffic will ensure it will not unacceptably impact upon businesses in St Clears.

The economic benefits of the development to the surrounding area are highlighted in the statement as are the policy objectives of TAN23 in ensuring that the planning system recognises the economic aspects of new development. The statement confirms that the McDonalds restaurant will employ approximately 65 full and part time staff while the Costa coffee shop will employ approximately 18 full time and part time staff.

Other Supporting Documents

The ecological assessment confirms that the site consists of agriculturally improved grassland that is of low biodiversity interest and the impact of the proposal upon local

ecology will therefore be minimal. Notwithstanding this, the assessment recommends appropriate mitigation measures to minimise the impact of the development upon boundary hedges and trees and the watercourse that runs along the southern boundary of the site.

The archaeological report assesses the potential for buried archaeological remains within the site to be low-medium and the significance of any such finds is deemed to be medium-high. It concludes that further archaeological works may be required as part of the development as groundworks could expose, damage or destroy remains of archaeological significance.

The noise assessment considers the impact of the development upon nearby noise sensitive residential properties both in terms of plant noise and vehicular movements. It concludes that the development will have no adverse effect upon nearby properties and is therefore acceptable in noise terms.

The litter management plan submitted relates to the McDonalds restaurant and sets out a series of measures designed to address any littering resulting from the development. The measures include the implementation of 'litter patrols' within a 100 metres of the boundary of the site to remove any discarded litter from the restaurant. There will be a minimum of one patrol per day, however, the frequency will be monitored and adjusted accordingly.

Planning Site History

W/31167	Variation of condition 3 on W/21675 (to extend the outline planning permission for a further 9 months) Variation of planning condition granted	18 December 2014
W/28769	Variation of condition no 3 of planning permission W/21675 - (extension of time period) Variation of planning condition granted	09 October 2013
W/21675	Residential development including affordable units Outline planning permission	15 November 2010
W/04738	Renewal of outline planning reference W/02043 Outline planning permission	13 November 2001
W/02043	Siting of a bungalow and garage Outline planning permission	27 October 1998

Planning Policy

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

SP1 Sustainable Places and Spaces
SP3 Sustainable Distribution – Settlement Framework
SP8 Retail
SP9 Transportation
SP14 Protection and Enhancement of the Built and Historic Environment
SP14 Protection and Enhancement of the Natural Environment
GP1 Sustainability and High Quality Design
GP2 Development Limits
GP3 Planning Obligations
GP4 Infrastructure and New Development
H1 Housing Allocations
RT1 Retail Hierarchy
TR2 Location of Development – Transport Considerations.
TR3 Highways in Developments – Design Considerations.
SP13 Protection and Enhancement of the Built and Historic Environment.
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance.
EQ4 Biodiversity
EP1 Water Quality and Resources.
EP2 Pollution
EP3 Sustainable Drainage.

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

Head of Transportation & Highways – No objection subject to the imposition of suitable conditions and the completion of a section 106 Agreement securing a financial contribution towards the provision of a pedestrian phase to the traffic signals at St Clears square (A/4066/B4299/High Street).

Head of Public Protection – Has responded in relation to a number of considerations.

Noise – Having considered the findings of the noise impact assessment submitted with the application, they have raised no objection to the application subject to the imposition of suitable conditions relating to the level of noise from the plant associated with the development.

Air Quality – Has confirmed that the development will not have an adverse impact on air quality in the surrounding area.

Ground Contamination – No objection based on the former and current uses of the site.

Other Matters - Comments are made in relation to matters such as kitchen extraction systems which are covered by separate legislation.

Head of Waste and Environmental Services (Land Drainage) – No objection subject to conditions. Has confirmed that the drainage strategy provides a viable and acceptable

scheme for the disposal of surface water from the development but requests that the infiltration potential of the site be investigated to inform the design of the detailed scheme.

St Clears Town Council – Has objected to the proposal on the following grounds:-

- The proposal in combination with the potential future phase for a pub/restaurant and residential development on adjoining land should have been screened in accordance with the Environmental Impact Assessment (EIA) Regulations (2017).
- The extent of the application site is not clear on the site and layout plans.
- The application fails to explain why the proposal, beyond the development limits is a justified exception to Policy GP2 of the LDP.
- The proposal lacks the characteristics of a services type development that would justify a location adjacent to the highway.
- The applicant has failed to satisfactorily demonstrate that there are no suitable or available sequentially better locations than the application site.
- The applicant has provided no meaningful evidence as to the impact of the proposal on the centre of St Clears and the likely change in trade patterns.
- The drainage strategy is reliant on works being undertaken on land outside the red line application site and is not therefore deliverable.
- Matters relating to capacity of the waste water treatment works which are currently overloaded will need to be addressed as part of the development.
- No detail of how excavated material from the proposed drainage works and installation of cellular tanks is provided with the application.
- No detail of how the existing stream to the front of the site will be culverted or bridged is provided with the application. This is essential to understand the local flooding effects of the proposal.
- The application is not accompanied by a flood consequence assessment.
- Details of the existing levels of the site are required to understand the drainage of the site.
- Insufficient buffers to existing trees and streams bordering the site.
- Lack of landscaping details with application and loss of existing trees and the need for a bat survey of these trees.
- The noise assessment does not provide an assessment of the potential future commercial development of adjoining land or the impact upon potential future housing development on land to the east of the site.

- Excessive parking spaces proposed which exceed to the Authority's maximum parking standards.
- Lack of pedestrian and cycling facilities within the development.
- Lack of parking and turning facilities for HGV vehicles in the development.
- The lack of electric charging points.
- Inaccuracies in the application.

Local Member - County Councillor P Hughes has reservations regarding the development and in particular the impact of the extra traffic generated on the highway network in and around St Clears. On this basis, he has requested the Planning Committee undertake a site visit to fully assess the impact of the development.

Dyfed Archaeological Trust – Confirm that they are satisfied that the potential impact on the historic environment is not sufficient to preclude the development of the site and that further mitigation could be undertaken post-determination. They therefore recommended the imposition of a condition requiring the submission and approval of a written scheme of investigation of the site prior to the commencement of the development.

Cadw – No objection.

Natural Resources Wales – No objection.

Dyfed Powys Police Liaison Officer – Highlights that their only concern would be the management of traffic turning across the oncoming lane to access the site. Otherwise, they have no objection to the application.

Welsh Government (Transport) – Have confirmed that the proposal would not significantly impact on the nearby trunk road roundabout junction. They therefore have no objection to the proposal.

Dwr Cymru/Welsh Water – Initially objected to the application on the basis of concerns regarding a lack of capacity at St Clears Waste Water Treatment Works to accommodate the foul discharges from the development. Subsequent discussions with the developer have resulted in them withdrawing their objection subject to the imposition of a condition securing the submission and approval of a scheme for the upgrading of the St Clear's Waste Water Treatment Works to allow it to accommodate the foul discharges from the development without increasing the risk of breaches to the discharge consent for treatment works.

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

Summary of Public Representations

The application has been publicised with the posting of a number of site notices within the vicinity of the site. Subsequent amendments to the development as part of the application process and the submission of additional supporting information by the applicant also required further re-consultation exercises whereby further site notices were posted.

As a result of these publicity exercises a large volume of objection letters (approximately 270) have been received in respect of the proposal which raise the following issues of concern:-

- Impact upon local food outlets and businesses.
- There are already enough food and coffee outlets in St Clears and the surrounding area.
- Fast food and drive through outlets do not help people's health.
- The proximity to local schools and the impact upon children's health and obesity problems.
- The type of food provided does not promote a healthy diet.
- Increased traffic congestion on the nearby roundabout and surrounding road network and impact upon highway and pedestrian safety.
- Impact upon wildlife with the loss of trees and habitats for foxes, badgers, frogs, newts and bats.
- Lack of pedestrian facilities.
- Proximity to schools.
- Adverse impact upon the character of the area.
- Jobs created will be offset by jobs lost in existing businesses.
- Extra litter, noise and vermin.
- The 24 hour nature of the development will potentially lead to increased crime, late night noise and anti-social behaviour.
- The public sewerage system has no capacity.
- Lack of public consultation.
- The site is located outside the Local Development Plan.
- The development will consist of a large out of town development that is not appropriate to this rural residential area and will harm the rural character of the town.
- Consideration should be given to developing existing retail sites rather the green spaces proposed.
- The need to consider the health and well being of the local population as part of the planning process.
- Poor quality employment provided by the proposal.

- Reduce footfall into the town.
- De-valuation of property prices.
- Impact upon the amenity of neighbouring houses in terms of noise, smells, litter and loss of privacy.
- Access to the proposal from a residential street.
- Local GP's are against the proposal on health grounds.
- Increased air pollution from additional traffic.
- Due to the site's location, visitors will only visit the site and head off to their intended destination bringing no benefit to the town.
- Lack of parking and impact upon highway safety.
- The jobs provided are likely to be poor quality and part time and based upon zero hours contracts.
- Loss of village community feel.
- The introduction of a big chain restaurant/company will affect local independent traders.
- Negative impact upon the landscape.
- Overshadowing of existing properties.
- The job numbers are misleading in that they do not relate to full time jobs.
- Large companies do not use local suppliers for produce.
- Flooding and drainage problems to neighbouring properties.
- There is already a "Starbucks" coffee shop close to the site.
- Unsustainable development.
- Already have similar existing facilities in Carmarthen, Haverfordwest and Pembroke Dock in addition to existing facilities in St Clears.
- Urbanise the area.
- Lack of public transport facilities in the area.
- Lack of/poor pedestrian facilities to St Clears with narrow footways.
- The land is outside the development limits of the LDP.

- Reference in the application to an additional public house development which will also affect existing businesses.
- The proposal would not help the Well-being of Future Generations (Wales) Act 2015.
- Contrary to the objectives of the LDP to promote health and recreation and a good quality environment.
- Large signage will impact upon the local landscape.
- No regard to sustainability principles and to minimise the need to travel.
- Impact upon the development potential development of the neighbouring housing allocation in terms of impact upon amenity, drainage further increase in traffic.
- Unskilled jobs.
- Planning previously refused for a children's nursery in a nearby property on the basis of traffic problems.
- Small part of site zoned for residential development.
- Implications of the proposal on the housing allocation in terms of access, sewer capacity, traffic etc.
- Impacts on ecology and their habitats.
- Drainage problems.
- Loss of view.
- Lack of pedestrian facilities serving the development.

In addition, a number of letters of support have been received in respect of the proposal which raise the following issues of support (28):-

- The proposal will create much needed visitors and footfall to St Clears and the surrounding area to the benefit of local businesses.
- More job opportunities for local people.
- More choice of food outlets will benefit the area.
- St Clears is a dying town and new businesses are welcomed given there is a lack of jobs in the area.
- The land is currently unused and the proposal would put it to good use bringing people to the town.
- More jobs for younger people.

- Competition is healthy.
- Existing food businesses are only open at set times.
- Boost tourism in the area.
- Help regenerate the area.
- More jobs including contractor work carrying out the development.
- Bring people to the area.

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

APPRAISAL

The main issues in the determination of the application are appraised below.

Principle of the Development & Impact upon the Character and Appearance of the Area

A common concern amongst respondents is the site's location outside the development limits of St Clears and that the proposal would represent an unjustified extension into the countryside that would harm the character and appearance of the area. Respondents question the need for the development and suggest that it will adversely affect existing businesses in St Clears while others suggest that the applicant has failed to satisfactorily demonstrate that there are no suitable sequentially better locations than the application site.

The application site is largely located outside the development limits of St Clears as defined in the LDP albeit the northerly arm of the access road leading from Tenby Road is located within the limits and forms part of a larger area designed for residential development under housing allocation reference T2/5/h4. St Clears is designated as a Service Centre in the Plan under Policy SP3 in recognition of its location on sustainable transport routes (A40 & A477) and its level of services and facilities which include, amongst others, a primary school, shops, surgery and leisure centre. It has a defined town centre which, as highlighted above, is located some 500 metres to the east of the application site wherein the majority of these services and facilities are located.

Whilst being partly outside the settlement limit, the site is nonetheless located between a housing allocation of some 50 dwellings (T2/5/h4) and the A40 trunk road to the west. The site's position close to the strategic road networks of the A40 and A477 is a key locational requirement of the proposal as is the need for a large site of approximately 1 hectare to accommodate the operational requirements of the new drive-through restaurant and coffee shop. The development is primarily intended to meet the needs of passing traffic on these roadways similar to the Travelodge hotel and Starbucks coffee shop on the opposite side of Tenby Road, while also being easily accessible from St Clears. This is evidenced in the transport statement supporting the application which confirms that the majority of the development's road-borne trade will originate from existing traffic flowing through the A40 roundabout whereby drivers will divert off their original direction into the development and continue onwards following their visit. Some 84% of the peak hour trips visiting the development on a Friday and Saturday are shown to originate from the A40.

The need to be close to the strategic road network and the size and operational requirements of the development preclude it from being located within or adjacent to the existing town centre of St Clears. Moreover, large parts of the town centre and adjacent land fall within a zone C2 flood risk area that would prevent their development. Whilst the application doesn't provide an assessment of other potential sites, officers are nonetheless satisfied that there are no preferable sites within or adjacent to the town centre that could reasonably accommodate the development.

The creation of the new access into the development will not only serve the new development but will also provide the necessary highway infrastructure to access and develop the adjacent housing allocation. Although the proposal will inevitably alter the existing rural character of the site, its location between the housing development and the route of the A40 mean that its development represents a logical extension of the existing urban form of the settlement. The site is well contained by existing hedgerows and trees

that are to be retained as part of the development with those on its western boundary, together with the route of the A40, providing a defined natural boundary to the development and wider settlement. Moreover, the proposal will not result in the coalescence of the settlement or fragmented development pattern.

The retention of the existing trees and hedgerows bordering the site combined with the single storey design of the buildings will mean that the development will be well screened from the wider area. The scale and layout of the development is largely influenced by the operational demands of the new facilities and will complement and be compatible with the scale of the neighbouring Travelodge and Starbucks development on the opposite side of Tenby Road. The buildings are of a modest size having a contemporary appearance with a mix of flat and low sloping roofs. They have been designed to incorporate materials and measures to maximise their sustainability which, combined with the provision of the new landscaping proposals both within the development and bordering its northern boundary, will ensure the development will respond well to the site's setting and not result in unacceptable harm to the character and appearance of the area.

Whilst the development will inevitably result in the erection of advertisement signage within the site, the acceptability of these will be considered as part of a separate application for advertisement consent.

Turning to the impact of the proposal upon existing businesses and food outlets in St Clears and the surrounding area. St Clears town centre contains a number of food and drink outlets including public houses, cafes and a range of hot food takeaways. Whilst competition is not a valid reason to refuse planning permission, the nature of the proposal whereby it will attract mainly vehicle-borne passing trade from the strategic road network and in particular those travelling along the A40, will mean that it will not attract a significant level of trade from existing businesses in the town centre. Those travelling along the A40 would, in the main, be unlikely to visit St Clears to visit a restaurant or takeaway facility unless it was part of their trip or their intended destination. It is acknowledged that the development will attract some trade from the wider St Clears area, nonetheless it will primarily be reliant on passing trade.

The location of the site on the outskirts of St Clears could potentially benefit local businesses in the town whereby customers would decide to visit the town centre after calling at the development. Its proximity to the development would mean that customers could either drive or walk to the town centre and the improvement of existing pedestrian facilities as part of the proposal will assist in encouraging the latter more sustainable option.

In addition to the above, the proposal will provide significant economic benefits to the local area with the creation of some 83 full and part time jobs.

Whilst the proposal is partly located outside the development limits of St Clears, it nonetheless represents an acceptable form of development that will be sustainable and well related to the existing settlement while causing no unacceptable harm to the character and appearance of the surrounding area. Moreover, it will not have an unacceptable impact upon the vitality of the existing town centre. The proposal is therefore in accord with the objectives of policies SP1, GP1 and SP8 of the LDP. Furthermore, it will provide a significant level of new employment opportunities in accord with the policy objectives of TAN23.

Highway Impacts

Concerns regarding the highway safety implications of the development are raised in the objections with respondents' expressing views on the increased traffic generation and the lack of pedestrian facilities while others suggest that the scheme incorporates excessive parking which exceed the Authority's parking standards.

The application and accompanying Transport Assessment has been the subject of a thorough analysis by the Head of Transport who has offered no objection to the application subject to the imposition of appropriate conditions. He is satisfied that the development will result in no unacceptable impacts upon the wider road network and that the level of parking provision is sufficient to meet the requirements of the development. He recommends the imposition of conditions securing, amongst others, the improvement of existing pedestrian facilities along Tenby Road to improve sustainable links with the town centre as well as existing public transport facilities. He has also requested the payment of a financial contribution to introduce a pedestrian phase to the northern arm of the signalised junction in the centre of St Clears. The latter is to be secured via a Section 106 agreement.

Tracking details provided by the applicant demonstrate that large HGV vehicles can safely access and egress the development and the Head of Transport has recommended the imposition of a further condition securing the implementation of a suitable delivery management plan as part of the development.

The Welsh Government have also raised no objection in terms of the likely traffic impact upon the wider trunk road network.

The proposal is therefore considered to be in compliance with Policies SP1, SP9, GP1, TR2 and TR3 of the LDP in terms of its sustainability and highway impacts upon the surrounding area.

Drainage

Turning to concerns regarding surface water drainage within the development, colleagues in the Authority's Land Drainage team have confirmed that the proposed strategy of disposing surface water to the existing watercourse at an attenuated rate is acceptable. Notwithstanding this, they recommend that the applicant investigates the infiltration potential of the site to inform the design of the detailed scheme, the submission of which will be secured via a suitably worded condition. NRW have also raised no objection to the proposed drainage strategy.

With regard to foul drainage, Welsh Water have advised that there is currently a lack of capacity at St Clears Waste Water Treatment Works to accommodate the flows from the development. They have therefore recommended the imposition of a planning condition securing the submission, approval and implementation of a scheme for the upgrading of the St Clear's Waste Water Treatment Works to allow it to accommodate the foul discharges from the development without increasing the risk of breaches to the discharge consent for treatment works. The permission will be conditioned in accordance with their advice.

The proposal is therefore in accord with the objectives of policies EP2 and EP3 of the LDP in that it will dispose of foul and surface water in an acceptable and sustainable manner.

Suggestions by the respondents that the application must be accompanied by a flood consequence assessment are misjudged in that the site is not located in an area at risk from flooding.

Ecology

In terms of the respondents' wildlife and habitat concerns, the ecological assessment confirms that the site is of low biodiversity interest and the Authority's Planning Ecologist and NRW concur with its conclusions. They've both raised no objection to the proposal subject to the imposition of suitable conditions which secure, amongst others, the retention and protection of the existing boundary trees and the implementation of suitable pollution prevention measures as part of the development to protect the surrounding environment including the watercourse running along the southern boundary of the site. The permission will be conditioned in accordance with their advice in the interest of complying with the ecological objectives of Policy EQ4 of the LDP.

Furthermore, in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017, the Authority has undertaken an Appropriate Assessment of the impact of the development upon the Carmarthen Bay and Estuaries Special Area of Conservation (SAC) which concludes that, with the implementation of the pollution prevention measures, the development will not have a detrimental effect upon water quality within the SAC either alone or in combination with other development. NRW have confirmed their acceptance of the conclusions of the Appropriate Assessment.

Living Conditions and Amenity

The layout of the development and separating distances to adjacent residential properties will ensure the development will cause no unacceptable to existing living conditions in terms of loss of privacy and overshadowing. Whilst the derelict dwelling to the south of the site is located close to the site boundary, the intervening trees and hedgerow will provide adequate screening between both should the dwelling be renovated and occupied in the future. The separating distance from the front windows of existing bungalow on the opposite side of Tenby Road to the proposed new access will also prevent an unacceptable level of headlight glare from vehicles accessing and egressing the development.

Colleagues in Public Protection have confirmed their acceptance of the findings of the noise assessment which concludes that the development will have no adverse effect upon nearby properties in terms of vehicular movements and plant noise and recommend the imposition of planning conditions limiting the noise from the latter. Furthermore, they are satisfied that cooking odours from the development would be kept to acceptable levels by ventilation and extraction equipment and that the development will not have an adverse impact on air quality in the surrounding area.

Concerns have been expressed by residents about the likely level of litter from the proposed restaurant. Whilst it is acknowledged that this can be a problem with take away premises, litter bins are to be provided outside the restaurant and the proposal will include the implementation of a litter management plan where staff will carry out litter patrols within

a 100 metres of the boundary of the site. Its implementation will be secured via a suitable planning condition.

Concerns regarding anti-social behaviour resulting from the development are outside the scope of planning control. Nonetheless, it is noteworthy that Dyfed Powys Police have raised no objection to the proposal in this regard.

The proposal is therefore in accord with the objectives of policies GP1 and TR3 of the LDP in that it will not materially harm the living conditions of nearby occupants.

Health and Well-being

To the extent that this may be considered to be a material planning consideration, a further common ground of concern amongst respondents is the perceived health impacts of fast food and drive-through outlets with many referring to the proximity of the proposal to local schools and the impact upon children's health and obesity levels. However, there is no conclusive evidence to show that the proposal would result in any significant increase in obesity or health problems in the surrounding area. Moreover, the primary school in the St Clears is located a significant distance of some 1.4kms from the site being located off station road to the east.

In addition, information submitted in support of the application demonstrates that McDonalds provide nutritional information to help customers make informed choices while also extending its choice of meal options to include 'healthy options'. They have also reduced fat and salt content in their food and drinks to encourage healthier lifestyles.

On the basis of the above, the proposal will not have an unacceptable effect on the health and well-being of those living in the surrounding area and is in accord with the objectives of Policy SP1.

Other Material Considerations

Concerns regarding the accuracy of the plans submitted are mistaken in that they clearly and accurately show the development proposed. Similarly, suggestions that the Authority should have screened the proposal in accordance with the Environmental Impact Assessment (EIA) Regulations (2017) are misjudged given that the site falls below the relevant site area threshold of 1 hectare.

A number of respondents have raised concerns regarding the potential future development of the land between the restaurant and coffee shop and the new access road, however, this area does not form part of the current application.

Whilst concerns regarding the lack of electric charging points within the development are noted, this would not be a sound basis upon which to refuse permission.

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

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the Development Plan unless material considerations indicate otherwise.

Whilst the development falls partly outside the development limits of St Clears, weight must be given to other material considerations whereby the development will occupy a sustainable location on the edge of the settlement, be compatible with neighbouring developments and cause no unacceptable harm to the character and appearance of the area. It will also provide new employment opportunities through the creation of a large number of full and part time jobs.

Furthermore, and as outlined in the appraisal above, there are no sustained ecological, highway or amenity objections to the development. There are no sequentially preferred sites that could realistically accommodate the development within or adjacent to the town centre and the nature of the proposal and reliance on passing trade from the A40 will safeguard against any unacceptable impacts on the town centre. The proposal will also support the provision of highway infrastructure for the development of the neighbouring housing allocation

For these reasons, it is concluded on balance that the proposal represents an acceptable form of development that will be in general accordance with the objectives of the LDP as a whole as well as those of national planning policy. The application is therefore put forward with a favourable recommendation subject to the completion of a Section 106 agreement securing a financial contribution towards the improvement of the signalised traffic junction in the centre of St Clears.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents:-
 - Block plan (2002N) received on 7 May 2019;
 - Existing site plan (2003H) received on 7 May 2019;
 - Location plan (2001J) received on 7 May 2019;
 - Proposed site plan (2004P) received on 7 May 2019;
 - Site masterplan (2067L) received on 7 May 2019;

- Arboricultural development report dated April 2019 received on 7 May 2019;
- General arrangement and planting plan (210) received on 7 May 2019;
- Landscape concept scheme dated March 2019 received on 7 May 2019;
- Transport Assessment Summary Report dated 9 May received on 10 May 2019;
- Sections A, B and C plan (8180424/4200) received on 15 November 2018;
- Site survey plan (sheet 1 of 2) (8180424/4101) received on 15 November 2018;
- Site survey plan (sheet 2 of 2) (8180424/4102) received on 15 November 2018;
- Drainage report dated September 2018 received on 31 October 2018;
- Drainage strategy (sheet 1 of 2) (SK05 P4) received on 31 October 2018;
- Drainage strategy (sheet 2 of 2) (SK06 P4) received on 31 October 2018;
- Litter management plan received on 1 June 2019;
- Noise impact assessment dated May 2018 received on 22 May 2018;
- Archaeology Report dated July 2017 received on 24 April 2018;
- Fencing details with photo received on 6 March 2018;
- McDonalds proposed elevations (2005A) received on 6 March 2018;
- McDonalds proposed internal layout (2006A) received on 6 March 2018;
- Proposed lighting layout and schedule (DWG01) received on 6 March 2018;
- Typical barrier and lamp post details received on 6 March 2018;
- Outdoor play equipment received on 6 March 2018;
- Design and access statement (Final V5) received on 6 March 2018;
- Planning and sequential statement (Final V5) received on 6 March 2018;
- Transport assessment (February 2018 Part 1 of 2) received on 6 March 2018;
- Transport assessment (February 2018 Part 2 of 2) received on 6 March 2018;
- Costa Balustrade (Balustrade-01) received on 14 November 2017;
- Costa COD DT Canopy received on 14 November 2017;
- Costa elevations (1800(side)-01C) received on 14 November 2017;
- Costa general arrangement plan (1800(side)-02C) received on 14 November 2017;
- Costa roof plan (1800(side)-03B) received on 14 November 2017;
- McDonalds Kitchen Extract schematic (1001) received on 14 November 2017;
- Brochure – December 2016 – Alpine – square edges received on 14 November 2017;
- EQ003 Play frame received on 14 November 2017;
- McDonalds euroline patio furniture received on 14 November 2017;
- Mitsubishi Cassette unit – typical details received on 14 November 2017;
- The Poseidon tensile umbrella received on 14 November 2017;
- The Poseidon tensile umbrella speech sheet received on 14 November 2017;
- UHS bench mill, stool and table received on 14 November 2017;
- Ecological assessment dated July 2017 received on 14 November 2017;
- McDonalds Kitchen Extract Odour Control received on 14 November 2017;
- McDonalds HVAC Roof layout with attenuation drawing (02) received on 5 July 2019.

- 3 Prior to the occupation of the development herewith approved, the required access roads, footways and footpaths 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.
- 4 Prior to any use of the access by vehicular traffic, visibility splays of 2.4 metres x 43 metres to the west side and 2.4 metres x 57 metres to east side of the centre line of

the access in relation to the nearer edge of carriageway, shall be formed and thereafter retained in perpetuity. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.

- 5 The access, 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 access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 6 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 7 Prior to any part of the development being brought into use, a detailed Delivery Management Plan for the development shall be submitted to and approved in writing by the local planning authority. The plan is to be implemented in full in accordance with the approved details.
- 8 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.
- 9 Prior to the commencement of development, details of the proposed pedestrian improvements along the A4066 Old Tenby Road, as set out in the Transport Assessment Summary Report dated 9 May received on 10 May 2019 shall be submitted to and approved in writing by the local planning authority. The improvements shall be constructed in accordance with the approved details prior to the occupation and beneficial use of the development.
- 10 No development shall commence until a scheme for the upgrading of the St Clear's Waste Water Treatment Works to allow it to accommodate the foul discharges from the development without increasing the risk of breaches to the discharge consent for the waste water treatment works has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation and beneficial use of the development.
- 11 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained in perpetuity.
- 12 All site operations shall be undertaken in compliance with the approved landscape constraint and protection information, as defined in the Arboricultural development report dated April 2019 and landscape concept scheme dated March 2019 received on 7 May 2019.

Any construction operations and/or access within the defined construction exclusion zone(s) (CEZ) shall be limited to those undertaken in compliance with the recommendations of BS5837.

CEZ(s) shall be fully implemented prior to the commencement of any works associated with the development; and thereafter maintained in entirety, throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site. Any existing landscape elements, identified for protection, or part thereof, which, within a period of 5 years after implementation, are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the existing landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification and in such positions as may be agreed with the local planning authority, and thereafter likewise conditioned for a further period of five years.

- 13 No development or site clearance shall take place until an appropriate and comprehensive detailed Landscape Design Scheme (LDS), has been submitted to and approved in writing by the local planning authority. The LDS shall deliver proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions. The LDS shall be in compliance with relevant guidance as provided by the local planning authority and the principles of the landscape and ecological information submitted within the Arboricultural development report dated April 2019 and landscape concept scheme dated March 2019 received on 7 May 2019, and Section 6.2 of the Ecological Assessment dated July 2017 received on 14 November 2017.

The approved Landscape Design Scheme (LDS) shall be fully prior to the occupation of the development. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved LDS which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

- 14 The cumulative rating level of the noise emitted from all plant/machinery associated with the proposed development shall not exceed the existing background noise level, which shall be determined at the nearest noise sensitive property or at another location that is deemed suitable by the authority. The background noise levels are defined as follows:-

- 49dB between the hours of 07:00 and 19:00
- 40dB between the hours of 19:00 and 23:00
- 34dB between the hours of 23:00 and 07:00

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.

- 15 The plant shall be suitably designed in order to ensure it exhibits no features that require a character correction as defined in BS 4142: 2014 Methods for rating and assessing industrial and commercial sound, as a result of any tonality, impulsivity,

other specific characteristics and/or intermittency internally or externally to any noise sensitive property.

- 16 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 complies with conditions 14 and 15 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Conditions 14 and 15 are not complied with then the submitted survey shall also include mitigation measures to ensure compliance with these conditions. The development shall then be undertaken in accordance with the approved details.
- 17 The plant and machinery associated with the proposed development shall be as set out in the Noise Impact Assessment dated May 2018 received on 22 May 2018 and the McDonalds HVAC Roof layout with attenuation drawing (02) received on 9 July 2019 and should provide the following levels of noise attenuation:

Plant Reference	Item Model Reference	Required Sound Reduction of Plant Items	
Daytime Operation (07:00 to 19:00)		Night Time Operation (19:00 to 07:00)	
AC01C1	MUZ-SF25VE	5 dB	5 dB
AC02C1	MUZ-SF25VE	5 dB	5 dB
S1	IDF2BDX150	25 dB	30 dB
S2	IDF2BDX150	25 dB	30 dB
E1	BW10-500	15 dB	15 dB
EF1	BW10-500	N/A	8 dB
EF1	BW10-500	N/A	8 dB

- 18 No development shall take place until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local planning authority. This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved.
- 19 No development approved by this permission shall be commenced until a Pollution Prevention Method Statement detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the local planning authority. The details of the PPMS shall be implemented as approved.

As a minimum the PPMS must include the following points.

- Storage facilities for all fuels, oils and chemicals.
- Any water features on the site and how they will be protected.
- How any watercourses will be crossed or confirmation that this is not applicable.

- Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
- Details of the nature, type and quantity of materials to be imported on to the site.
- Measures for dealing with any contaminated material (demolition waste or excavated waste).
- Details on waste types that will be produced and how they will be managed.
- Details on any invasive species on site and how they will be managed.
- Identification of any buried services, such as foul sewers, so that they are protected.
- Details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0300 065 3000.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission
- 3-9 In the interests of highway safety (Policies GP1 & TR3).
- 10+11 To ensure the installation of an appropriate drainage scheme and to prevent the pollution of the environment. (Policies GP1, EP2 & EP3)
- 12+13 To protect existing landscape and ecological features and ensure the provision, establishment and maintenance of an appropriate landscaping scheme. (Policy GP1)
- 14-17 In the interests of safeguarding residential amenity. (Policy GP1)
- 18 To protect historic environment interests whilst enabling development. (Policies EQ1 and SP13)
- 19 To prevent the pollution of the environment. (Policies GP1 and EP3)

Notes

- 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.

- 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).
- 3 The planning permission hereby granted is subject to a legal agreement pursuant to Section 106 of the Town and Country Act 1990 (as amended) to secure the provision of a financial contribution towards the cost of introducing a pedestrian phase to the northern arm of the signalised junction in the centre of St Clears to further improve pedestrian facilities to and from the development.

Application No	W/38412
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Application Type	Full Planning
Proposal & Location	CHANGE OF USE FROM AGRICULTURAL STORAGE TO A LOCAL NEEDS 4 BEDROOM DWELLING INCLUDING REAR EXTENSION, FOLLOWING PLANNING APPLICATION W/13476 AT CYSTANOG, CAPEL DEWI, CARMARTHEN, SA32 8AY

Applicant(s)	SIMON MCCALL, SWN Y NANT, CAPEL DEWI, CARMARTHEN, SA32 8AY
Case Officer	John Thomas
Ward	Llangunnor
Date of validation	12/02/2019

Reason for Committee

This application is being reported to the Planning Committee as the applicant is closely related to the Local Member, and the local member has an interest in the application site.

Site

The application site comprises a dilapidated farmhouse set amongst a collection of farm buildings associated with Cystanog Farm, Capel Dewi. A modern storage extension adjoins the farmhouse forming an L shape footprint. The site is accessed via a narrow track off Capel Dewi Road and is located approximately 3 miles to the east of Carmarthen. The farm buildings around the derelict farmhouse showed little sign of use upon inspection by the case officer.

Approximately 90m to the south east of the derelict farmhouse is a modern detached bungalow set within spacious grounds. The planning history for the site reveals that the detached bungalow was approved in 1999 (application ref. W/02153) as a replacement to the farmhouse which is the subject of this pending application, albeit located some distance from the farm complex adjacent to the private access lane. The committee report relating to this decision details that the detached bungalow was justified in accordance with Policy CH12 (“Replacement Dwellings”) of the then development plan and that a legal agreement was considered necessary to rescind the residential rights to the existing farmhouse, albeit retaining the building. The then S.106 legal agreement was entered into by the applicant to ensure the owner covenants to cease the use of the existing farmhouse prior to construction of the bungalow. The legal agreement also states that the former farmhouse shall only be used of agricultural storage.

An application to modify the aforementioned S. 106 agreement, seeking to lift the legal restriction on any possible re-use of the former farmhouse for residential purposes, was submitted to the council under application reference W/37164. The Planning Committee considered the application at its meeting on the 2018, when it was resolved to grant the modification to the legal agreement, subject to the submission of a full planning application for the re-instatement of the former farmhouse, the occupancy of which shall then be limited to that of a person(s) satisfying the Council's local needs criteria and secured as an affordable dwelling. The current application has been submitted in accordance with that resolution.

Proposal

The application seeks planning permission to renovate, modify and extend the existing redundant former farmhouse to create a four bedroom family home. The house has remained empty for the past circ. 20 years, since when planning permission was granted for the replacement bungalow which is itself located a short distance away from the house and sharing the same access track.

While the former farmhouse was retained with the intention of serving a purpose as an agricultural store, it has not fulfilled any meaningful purpose as such. Consequently, it stands as a potentially underutilised resource on the farm complex, which despite its long period of vacancy remains in a relatively stable structural condition. The application is supported by a structural survey appraisal which shows the original farmhouse remains structurally sound and capable of re-instatement, albeit the more modern flat-roof rear wing of the house will require rebuilding. The detailed drawings show the re-built rear wing being built slightly narrower, but deeper with a more traditional ridged roof. A further small single-storey rear mono-pitch extension is also proposed off the side wing of the house, with the introduction of a modest eaves dormer window to the front roof plane. The symmetry and proportions of the window and door openings onto the principle elevation of the farmhouse will, in the main, be retained.

In view of the buildings age and potential to harbour ecological interest, the application is also supported by a Bat & Owl Survey, as well as an Ecological Impact Assessment. Both reports have served to inform the preparation of various Barn Owl and Bat mitigation measures incorporated into the detailed design of the re-instatement.

Another material consideration of the application has been the highway and access implications of the proposal. With the proposed intensification of the use made of the access track/lane, with the development of a further residential dwelling, the current access onto the B4300 currently suffers from insufficient forward visibility. To address this, the applicant commissioned a Speed Survey & Access Appraisal to inform possible improvements. Consequently, improvements which will see a doubling in the forward visibility onto what is a 50 mph stretch of road, is seen as a significant improvement which justifies a conditional approval from the Highways & Transportation Section. In addition to which, the proposed creation of three new passing places along the private access lane to allow 2-way vehicle flow is seen as a further highway safety improvement.

Lastly, given the anticipate timescale for the proposed renovation works which the applicant intends undertaking as a "self-build" project, the application also seeks permission for the temporary siting of caravan/mobile home on the site for the duration of the works.

Planning Site History

W/37164	Modification to Section 106 Legal Agreement	Pending
W/03095	Breswylfa ailosod/Replacement dwelling Reserved Matters Granted	10 January 2000
W/02153	Replacement farmhouse Outline planning permission (Section 106)	30 June 1999

Planning Policy

In the context of the Authority's adopted Carmarthenshire Local Development Plan (LDP) the application site occupies a remote rural location, well detached from the nearest identified settlement. As such, the proposed development is considered against one of the limited policy exceptions to the otherwise policy presumption against new residential development in the open countryside. Reference is drawn to the following policies of the Plan:-

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

SP5 Housing
SP6 Affordable Housing
SP9 Transportation
H5 Adaptation and Re-use of Rural Buildings for Residential Use
H8 Renovation of Derelict or Abandoned Dwellings
AH2 Affordable Housing – Exceptions Sites
TR2 Location of Development – Transport Considerations
EQ4 Biodiversity
EQ5 Corridors, Networks and Features of Distinctiveness

[Carmarthenshire Supplementary Planning Guidance – Adaptation and Re-use of Rural Buildings for Residential Use](#)

[Planning Policy Wales](#) (PPW) Edition 10 (December 2018) paragraph 3.72

[Technical Advice Notes](#) (TAN) 12 – Design paragraph 5.8.3

[Technical Advice Notes](#) (TAN) 6 – Planning for Sustainable Rural Communities paragraph 4.2.3 & 4.2.4

Summary of Consultation Responses

Head of Transportation & Highways - No objection, subject to the imposition of conditions.

Llangunnor Community Council - No objection.

Local Member - Councillor E Williams has declared a personal interest in this application.

SuDS Approval Body – No objection.

Natural Resources Wales – No objection.

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

Summary of Public Representations

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

No representations were received in response to such publicity.

Appraisal

Landscape and Visual Impact

The application building and curtilage are existing built forms in the landscape, with the detailed scheme of renovation/re-instatement serving to respect and retain the buildings local distinctiveness.

Privacy Impacts

The application site occupies a remote rural location with no privacy or amenity implications arising from the proposal.

Biodiversity Impacts

The planning application is accompanied by two separate ecological reports which have served to inform the preparation of various mitigation measures incorporated into the detailed design of the renovation.

Highway Impacts

In view of the severely restricted visibility afforded by the existing access onto the B4300, where the statutory speed limit is 50 mph. A Speed Survey & Access Appraisal was commissioned which informed a scheme of works to significantly improve the forward visibility, as well as identify points along the private access road for the creation of passing places to facilitate 2-way traffic flow.

Planning Obligations

The applicant has agreed to enter into a Section 106 agreement to ensure the occupancy of the proposed dwelling shall be limited to both that of a person(s) satisfying the Council's "local need" criteria, as well as the initial and any re-sale value being capped at an affordable level.

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 planning permission be granted for the re-instatement of the former farmhouse, subject to the applicant completing a S 106 legal agreement securing the occupancy of the dwelling is limited to that of a person(s) who's accommodation needs satisfy the LDP definition of "local need", and the benefit of the initial affordability of the dwelling will be retained for all subsequent occupants.

RECOMMENDATION – APPROVAL

Conditions

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The approved development relates to the following plans and documents and all works should be carried out strictly in accordance with the following schedule, unless otherwise amended by any conditions below:-
 - 1:1250 scale Location Plan (Rev. A) received 09 May 2019;
 - 1:500, 1:1250 & 1:2500 scale Proposed Single-track Layout Plan received 14 March 2019;
 - 1:1250 & 1:500 scale Surface Water Drainage Plan received 26 February 2019;
 - 1:2500 & 1:200 scale Proposed Caravan Location Plan received 05 February 2019;
 - 1:100 scale Proposed Elevations Plans received 10 January 2019;
 - 1:100 scale Proposed Floor Plans received 10 January 2019;
 - 1:100 scale Proposed Bat Mitigation Plan received 10 January 2019;
 - 1:100 scale Proposed External Lighting for Bat Mitigation Plan received 10 January 2019;
 - 1:100 scale Proposed Barn Owl Mitigation Plan received 10 January 2019;
 - 1:100 scale Existing Elevation Plans received 10 January 2019;
 - 1:100 scale Existing Floor Plans received 10 January 2019;
 - Bat & Owl Survey Report by Biodiversity Solutions (completed 8th October 2018) received 10 January 2019;
 - Ecological Impact Assessment by Biodiversity Solutions (completed 6th May 2019) received 08 May 2019;
 - Structural Appraisal (Ref. 20275) by Roger Casey Associates received 10 January 2019;
 - Speed Survey & Access Appraisal by ACSTRO (May 2019) received 08 May 2019.

- 3 Prior to the commencement of development the applicant shall submit for the written approval of the local planning authority full details of all external materials and finishes, which the development shall then be built and completed strictly in adherence with.
- 4 Prior to any use of the access by vehicular traffic, the proposed visibility splays as shown on the Proposed Access Improvement Plan in Appendix 4 of the accompanying Speed Survey & Access Appraisal dated May 2019 (1288-005-A) shall be formed and thereafter retained in perpetuity, to the west side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.
- 5 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 6 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 7 The proposed 3 no. passing bays, giving a carriageway width of 5.5 metres over a 10 metres linear length of the road, shall be provided within the private access road to the site at the locations identified on the 1:500, 1:1250 & 1:2500 scale Proposed Single Track Layout Plan. This shall be implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 8 A detailed landscaping scheme for the site indicating species size and number of trees and/or shrubs to be planted, together with boundary treatment shall be submitted to and specifically approved in writing by the Local Planning Authority prior to the commencement the development, and shall following approval of such a scheme be implemented in the first planting season following commencement of the development.
- 9 The development must be carried out in strict accordance with:-
 - 1:100 scale Proposed Bat Mitigation Plan received 10th January 2019;
 - 1:100 scale Proposed External Lighting for Bat Mitigation Plan received 10th January 2019;
 - Sections 7 of the Bat & Owl Survey Report by Biodiversity Solutions (completed 8th October 2018).
- 10 No development or site clearance shall take place until a method statement for the verge removal/translocation of the existing hedge/hedgerow(s) to the west of the existing access onto the B4300 as identified on the plan hereby approved has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include an implementation programme and shall be in compliance with relevant guidance as provided by the Local Planning Authority.

- 11 The verge removal/hedge/hedgerow translocation method statement as submitted to discharge condition 10 above shall be fully implemented in accordance with the approved implementation programme. Any section of existing hedge/hedgerow translocated in accordance with the approved method statement which, within a period of 10 years from the date of implementation is removed; dies; becomes diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the existing hedge/hedgerow(s) in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification.
- 12 The existing attached garage shown to be retained as part of this permission shall be retained and used solely for the purposes of garaging/storing of the owners private vehicles, and shall not be used for any commercial or business purposes.
- 13 Notwithstanding the provisions of schedule 2, part 1, classes A & E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission.
- 14 The proposed static caravans, as shown on the 1:200 Proposed Caravan Location Plan, shall only be granted for a temporary period of three years from the date of this consent, or the completion of the development whichever is the sooner, after which time it shall be permanently removed from the site.

Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt as to the extent of this permission.
- 3 In the interests of visual amenity.
- 4-7 In the interests of highway safety.
- 8-12 To ensure the proposed development complies with the LDP policy objectives concerning biodiversity and the requirement of the Environment Act Wales 2016.
- 13 To ensure the use remains within the scope of the permission.
- 14 Consent for developments of this nature are only granted for temporary periods commensurate to the period of construction.

Notes/Informatives

- 1 This permission is subject to a Section 106 Agreement to tie the occupancy of the dwelling to those that can demonstrate a genuine identified Local Need as defined in the Glossary of Terms within the Carmarthenshire Local Development Plan (Adopted 2014), and at an affordable value to meet that need.

- 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.

- 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).

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	W/38722
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Application Type	Listed Building
Proposal & Location	RETENTION OF WORKS TO A LISTED BUILDING NOT CARRIED OUT IN ACCORDANCE WITH LISTED BUILDING CONSENT REFERENCE W/08409 AT YR HEN TY FFERM, PENRALLT, LOGIN, WHITLAND, SA34 0TL

Applicant(s)	GEOFFREY LEWIS, PENRALLT, YR HEN TY FFERM, LOGIN, WHITLAND, SA34 0TL
Agent	CJ CONSULTING - MS CAROLINE JAMES, 2 LOWER PORTLAND, HERMON, GLOGUE, PEMBROKESHIRE, SA36 0DX
Case Officer	Charlotte Greves
Ward	Llanboidy
Date of validation	12/04/2019

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Dorian Philips, Local Member for the Llanboidy Ward and member of the Planning Committee.

Site

The site is located in a rural location to the north east of Login. The site is accessed via a track which runs south from the C class Login to Llanglydwen road.

Formerly known as Penrallt Fawr, in the 19th Century it is understood that the site comprised a traditional farmhouse and range of outbuildings. The house was abandoned in the 1960's with a new brick dwelling built on site with the new dwelling now known as Penrallt and the former dwelling being referred to as the "old farmhouse" (Hen Ty Fferm) which is the subject of the current application.

The building comprises a late 18th Century, early 19th century Grade II listed former farmhouse, which is now in separate ownership to the modern farmhouse of Penrallt and also the previously converted mill. The building was designated in 2001 due to its "remarkable unaltered C19th range farmhouse and outbuildings in a single roofed long range, echoing the earlier long house tradition"

The following extract from the listing description describes the exterior of the building as follows:-

“Farmhouse and lofted stable in one range, whitewashed rubble stone with slate roofs. One stone stack on ridge at left of main house, but corresponding right end stack has gone. Two storeys, three-window house to right, the facade offset to left, then 1-window service range, all 12-pane sashes, with stone lintels and sills. At left under continuous roof, is stable with door between 2 square windows. On end wall are outside steps to loft door with slate lintel. Attached small outbuilding at right end with corrugated iron roof and door.”

Proposal

The application seeks listed building consent to retain works carried out to a listed building which have not been carried out in accordance with a previous listed building consent reference W/08409 granted 6th February 2006. The permission granted consent for the works required to facilitate the reinstatement of the former farmhouse to a dwelling and conversion of the adjoining former stable/agricultural building incorporating this as part of the domestic living space.

It is understood that some of the works have been undertaken to meet requirements of Building Regulations. In addition, works were implemented prior to the discharge of conditions which, due to the specific wording of the conditions imposed, required agreement of alternatives prior to their installation/replacement. This evidently did not occur and in combination with the extent of the works undertaken and the breach of the relevant conditions, this has necessitated the submission of this application.

The extent of the unauthorised works that the Authority is aware of comprise the following:-

- The removal of the white-wash.
- The introduction of roofing felt.
- The introduction of a stone capping, lead tray and other leadwork to the chimneys;
- The use of concrete lintels;
- The introduction of steel handrails;
- The replacement of the windows;
- Change of design of the doors;
- Vents to walls and roof;
- Change of size of window openings;
- Bat slates.

Planning Site History

W/35312	Discharge of planning condition 18 of W/07906 Granted	13 March 2018
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It should also be noted that Conditions 15, 16 and 20 of the consent are also accepted as discharged by correspondence dated 7th January 2011.

W/08409	Restoration of unused farmhouse including conversion of adjacent cow shed and loft. Rebuilding timber clad extension and internal alterations. Electrical, plumbing, heating and drainage installation. Rebuild chimneys. New staircase and internal alterations Listed Building Consent granted	06 February 2006
W/07906	Restoration of listed farmhouse and conversion of adjoining cow shed and loft to extend dwelling Full planning permission	06 February 2006

Planning Policy

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

SP13 Protection and Enhancement of the Built and Historic Environment
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

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.

Technical Advice Note (TAN) 24: The Historic Environment (2017).
Managing Change to Listed Buildings in Wales (May 2017).

Summary of Consultation Responses

Local Member - Councillor Dorian Phillips is a member of the Planning Committee and has made a request for the application to be presented to planning committee. His reasons for requesting the application is presented to Planning Committee are as follows:-

Health & safety insofar as it is affected by:-

- Hand rails to external steps; and
- Air vents for fire appliances.

Councillor Phillips considers that the above are building regulations requirements that should be in place. In addition, Councillor Phillips considers that:-

- The bat slates installed are required as per the ecology report.

Dyfed Archaeological Trust – No objection.

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

Summary of Public Representations

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

No third party representations have been received as a result.

Appraisal

Impact on the historic environment

A key element in the consideration of the application is Paragraph 5.11 of Welsh Government Guidance Managing Change to Listed Buildings states that:

‘Applications can be made to retain unauthorised works. To assess an application, local planning authorities will follow the same procedures described for listed building consent and they will consider the merits of the case against the same tests. If consent is granted it is not retrospective; the works are authorised only from the date consent. If consent is not approved, enforcement might follow to put right any damage or remove works’.

In considering the application proposals local planning authorities are required by Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possess; and Welsh Government and Local Planning Authority own Guidance relating to the historic built environment.

Dealing with the unauthorised works in turn:-

Whitewash:

Exposing stone walls is not a traditional method, and is a late 19th and early 20th Century fashion. Stone buildings in Carmarthenshire are traditionally whitewashed for practical, as well as aesthetic reasons. The whitewash coating protects a stone building from penetrating damp, its permeable allowing water within the structure to evaporate through the surface. This tradition was evident both physically and from historic photographs of the building and other traditional buildings which formed the historic context of the site. A whitewash finish is intrinsic to the character of the site and building and part of its special interest.

There are a number of reasons provided in the Heritage Impact Assessment for not reinstating a whitewash including examples of other historic buildings however these buildings did not have a whitewash finish at the time of listing and it is unclear when these were removed. Furthermore, there are a number of listed buildings in the Llanboidy Community with a whitewash finish which illustrates the important vernacular traditions of Carmarthenshire.

Others reasons given include maintenance and health & safety issues, however, all buildings need to be inspected and maintained on a regular basis and therefore would need to take precautions to allow so. This is not fully considered in the Heritage Impact Assessment.

The building has been subject to lack of maintenance over the decades and this is an obvious factor in the possible deterioration of the whitewash. Although photographs taken by the Local Planning Authority in 2004 indicate that the building had a substantial coating of a whitewash finish.

Other possible factors which contribute to the deterioration of a whitewash is poor preparation, application and past repairs. If the correct procedure is followed and well-applied then it may be the case that re-application may only be required every five years.

Chimneys:

Chimney stacks are an important part of a buildings character and a traditional chimney (photographs 2004) was evident prior to the works being carried out. The proposed stone capping is not a traditional method and is considered to be an alien feature on the building. The reconstructed chimneys fail to respect the architectural detail such as tabling, flaunching, mortar fillets which are important characteristics of traditional chimneys in Carmarthenshire. Traditional chimneys form part of the architectural and historic character of the listed building and its special interest.

The Heritage Impact Assessment provides a number of reasons for the proposals including water ingress and the lack of maintenance of the building which it is accepted are important factors. However, a traditional chimney that is well-maintained and in use would alleviate the concerns of water ingress (if there was an issue previously). Nonetheless, a lead-tray (which serves the purpose of stopping water penetrating down the flue) has been used in the reconstruction of the chimneys. Therefore, negating the need for the stone capping and allowing the reconstruction of traditional chimneys.

The Heritage Impact Statement has considered other alternatives such as not to remove the stone capping which includes examples of cowls and pots and it is agreed that these examples of design and construction are detrimental. However, these examples are the extreme and there are sympathetic alternatives. For instance, bespoke chimney pots, slate or stone ridge tile, a discreet ventilated cap, all held in place by a mortar flaunching. It is considered that these sympathetic alternatives could be considered a traditional chimney reconstruction whilst preserving part of the building's special interest.

The Heritage Impact Assessment discounts the use of pots as an alien intrusion but the use of pots was introduced from the 18th Century and whilst not evident at this building, is a vernacular tradition which would be in-keeping with the character of the building.

In relation to other examples highlighted in the Heritage Impact Assessment, these are not examples in the County of Carmarthenshire.

Example buildings in Carmarthenshire, used in the Heritage Impact Assessment to justify not reinstating whitewash illustrate chimneys of design and construction traditional to the County.

Felt:

The traditional design and construction of a roof is an important part of a buildings character and its special interest; and this is evident here. The breathable felt has introduced an alien feature and is not considered to preserve the character of the roof structure and part of the building's special interest.

There appears to be a number of reasons given for the introduction of felt in the Heritage Impact Assessment, and examples include the area being subject to heavy rainfall and resulting water ingress. The latter is probably due to the known fact that the building has suffered from a lack a maintenance over the decades. If heavy rainfall is an issue i.e. penetrating damp then this appears to be at odds with the reasons given for not reinstating a whitewash.

Other reasons include the acceptance by other local planning authorities; however, it is not known what the specific circumstances of these cases were, and if the proposals were sufficiently justified.

The Local Planning Authority has accepted the use of a second barrier on numerous of occasions but on each occasion its use has been sufficiently justified.

Roofs should always be water-tight and felt or modern breathable felt are often not necessary. It is important to point out that the 'concept' of such a barrier is relatively new in historic building terms. For instance, bitumen felt an innovation of the 1930's did not become common practice until the 1950's. It is preferable to carry out regular maintenance wherever possible, rather than change the performance of a historic building, bearing in mind that the building has performed well and survived, in some cases, for centuries without these barriers.

However, in this instance it would appear that the reason provided is merely a means of standard practice.

Traditionally constructed roofs require sufficient ventilation and it is important to appreciate that these new roofing felts have not been tried and tested over a significant period of time; and whilst ventilation has been provided this alteration still possess a risk i.e. inhibit the free flow of air, cause condensation, decay and fungal attack to the structural timbers of the roof.

The risk is exacerbated by the introduction of insulation and the increased humidity caused by modern lifestyles.

Other works:

There are numerous other proposals which also fail to respect the character of the building, and elements which make up its special interest. Examples include the introduction rigid elements 'concrete lintels' into a relatively flexible structure in place of traditional alternatives. The use of vents to the walls and protruding from the roof (however, it is noted that the application details that some of these are to be amended to slate vents).

The proposed replacement of the windows has caused harm; however, the Officer accepts their replacement in this instance. The 'concept' of providing a means of protection for the external stair case is accepted but the use of traditional materials such as cast or wrought iron would be more in-keeping with the buildings character.

The change of design of the doors and a new window opening is also considered acceptable. Historic buildings are important for what they tell us about the past and technology employed in traditional construction methods is therefore an important aspect of a buildings character and its special interest. The unauthorised works have employed modern methods which it is considered fail to respect the vernacular traditions of the building and elements which make up its special interest. It is considered that the works undertaken have caused significant harm to the building's character and elements which make up the special interest of the listed building contrary to both the duty placed upon the local planning authority in the Listed Buildings and Conservation Areas Act 1990 and local development plan policies SP13 and EQ1 of the Carmarthenshire LDP.

Advice has been provided to the applicant and their agent providing alternatives that would limit/reverse the impact of the works, however, the advice given has not been followed. If the advice of the Officer was taken on board and proposals were put forward to limit the impact of the works i.e. reinstating traditional chimneys, the whitewash and a handrail constructed of iron then some of the works may be reluctantly been accepted due to the damage which could be caused in seeking to rectify the works. However, as a consequence of the cumulatively significant harmful effect it is recommended that this application is refused.

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 unauthorised works have caused significant harm to the character and elements which make up the special interest of the building. In terms of the reasons and justification provided in the application, it is not considered that these are sufficient to outweigh the harm caused to the listed building. As such the application is recommended for refusal.

RECOMMENDATION – REFUSAL

Reasons for Refusal

1 In having special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as required by Section 16(2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the County Council finds that the unauthorised works:-

- The removal of the white-wash.
- The introduction of roofing felt.
- The introduction of a stone capping, lead tray and other leadwork to the chimneys;
- The use of concrete lintels;
- The introduction of steel handrails;
- The replacement of the windows;
- Change of design of the doors;
- Vents to walls and roof;
- Change of size of window openings;
- Bat slates,

have caused significant harm to the architectural and historic character and elements which make up the special interest of the listed building. The justification for the works are not considered reasonable to outweigh the harm caused.

- 2 The proposals are not in-keeping with Paragraph 6.2.1 of Welsh Government policy document 'Planning Policy Wales' (December 2018) which sets out the Government objective that the historic environment is to safeguard the character of historic buildings and manage change so that their special architectural and historic character is preserved; in that unauthorised works have caused significant harm to the architectural and historic character and elements which make up the special interest of the listed building. The justification for the works are not considered reasonable to outweigh the harm caused.
- 3 Paragraph 2.3 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states that the materials used in a historic building and the finish is an important component of their character and interest. Retain all historical and materials and finishes wherever practicable; repair where necessary; respect inherited character in any renewal.
 - The unauthorised works do not respect the buildings architectural and historic character or elements which make up its special interest.
- 4 Paragraph 2.4 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states to the design and craftsmanship invested in a building may be an important part of its special interest. Retain historical details wherever possible; repair where necessary; reinstate where appropriate and respect historic character in any replacement.
 - The unauthorised works do not retain the building's architectural and historic character or elements which make up its special interest.
- 5 Paragraph 4.3 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states that renewal of any building element should be visually and physically compatible with the existing fabric to retain the architectural character of the building and to respect its traditional performance.
 - The unauthorised works do not retain the buildings architectural and historic character or elements which make up its special interest.
- 6 Paragraph 4.5 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states new work or alteration may sometimes be necessary or appropriate to keep a historic building in long-term viable use or to give it a lease of life. The quality of design and execution should enhance the aesthetic value of the building and its setting, and additions should not dominate.
 - The unauthorised works fail to enhance the character of the listed building and elements which make up its special interest.
- 7 The proposals are contrary to SP13 of the Local Development Plan of the Built and Historic Environment states proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets

and where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- Sites and features of recognised Historical and Cultural Importance;
- Listed Buildings and their setting;
- Scheduled Ancient Monuments and other sites of recognised archaeological importance

Proposals will be expected to promote high quality design and that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

- The unauthorised works are considered to have caused significant harm to the architectural and historic character and elements which make up the special interest of the listed building. The justification for the proposals are not considered reasonable to outweigh the harm caused.

SUMMARY FOR REASONS FOR REFUSAL

In having special regard to the desirability of preserving the building and its setting, and any features of special historic interest which it possess and to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation as required under Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority finds that the proposed works would cause significant harm to the character of the listed building known as Yr Hen Ty Fferm and the elements which make up its special interest. The proposal is therefore contrary to Policies SP 13 (Protection and Enhancement of the Built and Historic Environment) and EQ1 (Protection of Buildings, Landscapes and Features of Historic Importance) of the Carmarthenshire Local Development Plan adopted December 2014. In terms of the reasons and justification by the applicant's agent it is not considered that these are sufficient to outweigh the harm caused to the listed building. As such the application is recommended for refusal.