

# Pecyn Dogfennau



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
*Chief Executive,*  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

**DYDD MERCHER, 8 TACHWEDD 2017**

**AT: HOLL AELODAU'R PWYLLGOR CYNLLUNIO**

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R  
**PWYLLGOR CYNLLUNIO** A GYNHELIR YN **Y SIAMBR, NEUADD Y SIR** AM  
**10.00 AM, DYDD IAU, 16EG TACHWEDD, 2017** ER MWYN CYFLAWNI'R  
MATERION A AMLINELLIR AR YR AGENDA SYDD YNGHLWM

*Mark James* DYB

**PRIF WEITHREDWR**



**AILGYLCHWCH OS GWELWCH YN DDA**

<b>Swyddog Democrataidd:</b>	<b>Michelle Evans Thomas</b>
<b>Ffôn (Ilinell uniongyrchol):</b>	<b>01267 224470</b>
<b>E-bost:</b>	<b>Democraticservices@sirgar.gov.uk</b>
<b>Cyf:</b>	<b>AD016-001</b>



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# PWYLLGOR CYNLLUNIO 20 AELOD

## Y GRŴP PLAID CYMRU – 10 AELOD

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

## Y GRŴP LLAFUR – 6 AELOD

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

## 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-Cadeirydd) Aelod o Gyngor Cymuned Bronwydd

NI CHANIATEIR EILYDDION MEWN CYFARFODYDD O'R PWYLLGOR YMA

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**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 16 TACHWEDD 2017  
ON 16 NOVEMBER 2017**

**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 yn rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>16 NOVEMBER 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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<b>E/36077</b>	<b>Proposed two storey dwelling house &amp; detached garage at Land Opposite, Brodawel, Llandeilo, SA19 7TA</b>	<b>16-24</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**



<b>Application No</b>	<b>E/35318</b>
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<b>Application Type</b>	Reserved Matters
<b>Proposal &amp; Location</b>	RESERVED MATTERS FOLLOWING OUTLINE PLANNING E/29537 DATED 25/03/2014 - DETAILS OF THE SITING, DESIGN, EXTERNAL APPEARANCE, LANDSCAPING AND MEANS OF ACCESS TOGETHER WITH THE DISCHARGE OF CONDITION NUMBERS 5,6,9,10 AND 11 AT LAND ADJACENT TO NO. 24, WOODLANDS PARK, AMMANFORD, SA18 2HF

<b>Applicant(s)</b>	MR JONATHAN GARLAND, MAES Y FALLEN, WAUN GRON ROAD, BETWS, AMMANFORD, SA18 2HY
<b>Agent</b>	
<b>Case Officer</b>	Andrew Francis
<b>Ward</b>	Betws
<b>Date of validation</b>	28/03/2017

## CONSULTATIONS

**Head of Transport** – Offers no objection to the proposal subject to conditions.

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

**Betws Community Council** – Offers no objections to the proposal.

**Local Members** – Former County Councillor D J R Bartlett had questions relating to the design of the dwellings and whether a third dwelling was proposed. County Councillor B Jones has only recently been consulted. If she wishes to make any comments, they will be presented in the Addendum Report.

**Neighbours/Public** – The application was advertised by means of a Site Notice. Two letters of objection have been received as a result. The points of objection are summarised as follows:

- The proposal will affect privacy due to topography.
- The site drainage water will potentially run into a ditch outside 26 Woodlands Park which cannot handle the water from the existing site – with heavy rain, the water can flood over the kerb into a neighbour's garage. Other times that water will remain stagnant instead of joining the stream at the rear. Due to this, the gardens get very wet.

- Where does the main drainage go? It appears to into the drains further up the road.
- The access serving the new properties will create a junction adjacent to 26 and opposite 25 which could create a bottleneck for the existing accesses in the area.
- The Woodlands Park site road in this area has no traffic calming or a pathway on it. Vehicles speed down it and turn in this area so extra properties will make the situation worse.
- The estate is prominently older and retired people who have to walk on the road, but is also used by children on bikes too. The extra traffic may cause problems without pavements.

## RELEVANT PLANNING HISTORY

E/29537	Two New Dwellings Outline Permission Granted	25 March 2014
P6/12856/87	Residential Development (Phase 4) Full Permission Granted	2 July 1987
P6/11286/85	Residential Development Outline Permission Granted - Sec 106 (52)	30 October 1985
P6/10871/85	Residential Development Full Refusal	14 May 1985
P6/3540/77	Residential Development Withdrawn	22 December 1974

## APPRAISAL

### THE SITE

The application site consists an area of a sloping area of land measuring 42.15 metres in width with a depth of 32.6 metres to the south and west of 23-25 Woodlands Park, Betws, Ammanford. The existing Woodlands Park site consists mainly of bungalows built in the 1980's and 1990's in a cul-de-sac layout and has mostly been completed, though the application site itself has remained vacant.

The application site is elevated, sloping downwards from the south east to the northwest towards the road level. Existing bungalows are situated to the east and north of the site, whilst the land to the south and west is undeveloped as it is outside of the development limits for the settlement. The application site enjoys the benefit of outline planning permission for two dwellings under reference E/29537.

### THE PROPOSAL

This application proposes the development of two detached bungalow dwellings sited on the above described land. Each of the proposed dwellings is identical, offering an inverted 'L' shaped footprint with a gable frontage. Each dwelling has a maximum width of 15 metres and a maximum depth of 11.25 metres, providing three bedrooms (one en- suite) a bathroom, a lounge area, a kitchen/dining area, a hallway and a utility room.

In terms of external finishes, the dwellings are to have brown concrete tiles on the roof, brown facebrick detailing, with white roughcast render to the walls, mahogany coloured uPVC doors, windows, fascias and soffits and brown guttering. The design and finish of the proposed bungalows is in keeping with those established on the existing site.

## **PLANNING POLICIES**

In the context of the current development control policy framework, any proposal of this nature falls to be considered against the general criteria of a number of Carmarthenshire Local Development Plan (LDP) policies. Given that this is a proposal to develop residential dwellings within the residential limits of Betws, policy H2 is particularly relevant. This states that proposals for such developments on unallocated sites will be permitted provided they are in accordance with the principles of the Plan's strategy, policies and proposals.

General policy GP1 in this instance requires that the development should conform with and enhance the character and appearance of the site in terms of siting, appearance, scale, height, massing, elevation treatment and detailing; utilises materials appropriate to the area; it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community; an appropriate access can be provided which does not give rise to any parking or highway safety concerns on the site within the locality and it ensures for or provides for the satisfactory generation, treatment and disposal of both surface and foul water.

Policy GP3 states that the Council, where necessary, will seek developers to enter into Planning Obligations or secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new developments.

In light of the above, policy AH1 seeks a contribution to affordable housing and will be sought on all housing allocations and windfall sites. On this site, a contribution is to be sought through a commuted sum towards the provision of affordable housing based on the sum of £41.98 per sq metre of new living space provided.

## **THIRD PARTY REPRESENTATIONS**

The application was advertised by means of a Site Notice. Two letters of objection have been received as a result. The points of objection are summarised and can be split into three main areas – drainage concerns, highways concerns and privacy/amenity concerns. The issues are discussed as follows:

- The site drainage water will potentially run into a ditch outside 26 Woodlands Park which cannot handle the water from the existing site – with heavy rain, the water can flood over the kerb into a neighbour's garage. Other times that water will remain stagnant instead of joining the stream at the rear. Due to this, the gardens get very wet.
- Where does the main drainage go? It appears to go into the drains further up the road.

Looking first at the issues of drainage, these are split into surface water and foul water. The main concern appears to revolve around the issue of surface water and in particular

the surface water that is generated by the proposed access road that leads down to the proposed soakaway adjacent to 23 Woodlands Park and how well this might be able to accommodate the extra generation of water that will occur from this development. In order to deal with this issue, a condition is to be imposed to ensure that an adequate sustainable drainage system is to be employed on site that will deal with the surface run-off from the site to the satisfaction of the Local Planning Authority.

In terms of foul water, each dwelling is to connect to the mains sewer, as required and accepted by Dwr Cymru Welsh Water who consider there is adequate capacity to deal with the two new dwellings.

- The access serving the new properties will create a junction adjacent to 26 and opposite 25 which could create a bottleneck for the existing accesses in the area.
- The Woodlands Park site road in this area has no traffic calming or a pathway on it. Vehicles speed down it and turn in this area so extra properties will make the situation worse.
- The estate is prominently older and retired people who have to walk on the road, but is also used by children on bikes too. The extra traffic may cause problems without pavements.

Turning to the issues relating to access, the Authority's Head of Transport has been consulted on this application and offers no objection to the proposal. There is acknowledgement that there are no footpaths on this section of Woodlands Park, however, this does not warrant the refusal of this application, given this is a vacant plot that has always been intended to be developed.

As such, subject to the imposition of planning conditions, the Head of Transport is satisfied with the highways proposals contained within this proposal and as such, the highways objections cannot be sustained.

- The proposal will affect privacy due to topography.

With regard to this final point, there is some inevitability that given the topography of the area there will be some potential for overlooking. However, all the houses in question are single storey bungalows which means boundary treatments can be utilised to mitigate against the perceived harm. In addition, the proposed dwellings are to be at minimum some 27 metres from the nearest part of the existing dwellings, a distance that is considered to be more than acceptable in terms of separation distances.

## **CONCLUSION**

Further to the above discussion, the application site is a fairly generous size, and acceptably accommodates the two proposed dwellings and the requisite amenity and utility space. The appearance of the dwellings are acceptable as are the scale in relation to the plot and the other dwellings on the site.

The plot layout is logical and makes effective use of the site whilst not causing any significant detriment to amenity or privacy for the occupiers of the neighbouring dwellings. Furthermore, the landscaping and boundary treatments appear to be visually acceptable and would serve to enhance the site. The access is also acceptable, subject to conditions.

As such, it is considered that, on balance, the development of this site will help to improve the overall amenity and character of the area by formalising and developing a long standing empty plot with bungalows that fit with the design and character of those that existing on the site.

In terms of policy GP1, the proposed residential development is situated within a residential area that would not harm the existing residential or visual amenity of the area.

Taking the above into account, the application is considered to be an acceptable form of development and 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 unless amended by any of the following conditions:
  - The 1:2500 and 1:500 scale Location & Block Plan received on the 24 March 2017
  - The 1:200 scale Existing and Proposed Site Plans (JG02) received on the 24 March 2017
  - The 1:200 scale Proposed Drainage Plan (JG04) received on the 24 March 2017
  - The 1:200 scale Proposed Landscaping Plan (JG05) received on the 24 March 2017
  - The 1:100 and 1:200 scale Proposed Layouts, Elevations & Site Sections (JG03) received on 24 March 2017
- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the commencement of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variations and thereafter shall be retained in perpetuity.
- 4 Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.
- 5 Prior to its use by vehicular traffic, the new private shared driveway shall be laid out and constructed with at least a 4.1 metre carriageway up to the junction with Woodlands Park.
- 6 Prior to the commencement of development the approved scheme of parking is to be fully implemented prior to any part of the development being brought into beneficial use, and thereafter shall be retained, unobstructed, in perpetuity.

- 7 No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include:-

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2-3 In the interest of visual amenity.
- 4-6 In the interest of highway safety.
- 7 To ensure an acceptable form of surface water drainage.

## **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 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](http://www.carmarthenshire.gov.uk))

## **SUMMARY REASONS FOR APPROVAL**

In accordance with Article 3 of the Town and Country Planning (General Development Procedure) (Wales) (Amendment) Order 2004, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan (comprising the Carmarthenshire Unitary Development Plan 2006) and material considerations do not indicate otherwise. The policies, which refer, are as follows:

- The proposed development accords with policy GP1 of the LDP in that the proposed development represents an acceptable form of development which is appropriate to the character and appearance of the surrounding area, is of an acceptable design and will not have an unacceptable impact upon the residential amenity of nearby properties and provides an acceptable access and parking facilities.
- The proposed development accords with policy H2 of the LDP in that the land is situated within the settlement limits for Betws and the proposal does not conflict with other policies within the plan.

<b>Application No</b>	<b>E/36077</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	PROPOSED TWO STOREY DWELLING HOUSE & DETACHED GARAGE AT LAND OPPOSITE, BRODAWEL, LLANDEILO, SA19 7TA

<b>Applicant(s)</b>	MR & MRS JAMES, 3 CEFN ROAD, GLAIS, SWANSEA, SA7 9EZ
<b>Agent</b>	DAVIES RICHARDS DESIGN LTD - GARETH RICHARDS, 42 RHOSMAEN STREET, LLANDEILO, SA19 6HD
<b>Case Officer</b>	Kevin Phillips
<b>Ward</b>	Manordeilo & Salem
<b>Date of validation</b>	08/09/2017

## CONSULTATIONS

**Manordeilo and Salem Community Council** –.the Council had no objection in principle to the outline planning application E/34841 for one residential dwelling but did note at the time that any detailed plans should be in proportion and in keeping with surrounding properties. A number of complaints have been received from local residents and the Council is of the opinion that any development should be single storey only

**Local Members** - County Councillor J Davies is a member of the Planning Committee and has made no prior comment.

**Head of Transport** – Any permission shall be subject to the imposition of conditions recommended.

**Neighbours/Public** – A site notice has been posted and 6 letters of objection have been received as a result. The issues of objection raised are;

- The proposed two storey dwelling will be out of character with the locality.
- The proposal will impact upon the bats in the locality.
- The proposed dwelling will over shadow and result in a loss of privacy.
- The siting of the access to the site is inappropriate.
- The level details submitted with the application only consider Brodawel and do not consider Neuadd Deg and Llys y Grug.
- The application form conveys that it will and will not be connected to the mains sewer.
- The application form conveys that it is not within 20 metres of a watercourse and there is a stream at the bottom of a wooded area.



- The application form conveys that there are no trees or hedgerow on the land adjacent.
- The proposal conflicts with the aims of the Outline permission in terms of the scale/height of the dwelling
- Surface water from the driveway and works will run onto the adjacent property.
- The proposal will result in damage to the trees within the woodland to the east of the site.
- The dwelling is too large for the plot.
- There is not information on the soakaway system proposed.
- There is no information on the application to show that the drainage will flow onto the road or adjacent land.
- The proposal conflicts with policies GP1, TR3 and EP3

## **RELEVANT PLANNING HISTORY**

E/34841      One residential dwelling  
 Outline Planning Permission

24 January 2017

## **APPRAISAL**

### **THE SITE**

The site is an area of land approximately 18 metres in depth at the southern boundary, 25 metres in depth at the northern boundary and 27 metres road frontage (unclassified 4038) with a 31.5 metre length rear boundary at the eastern side; at the northern end of the village of Penybanc, Llandeilo. There are two bungalows opposite the application site, Brodawel and Llys y Grug and a house, Neuadd Deg, at the southern side of the application site.

An unclassified road runs along the eastern side of the application site which is defined by a mature and low cut hedgerow, the eastern side has a woodland on a sloping bank that drops to the Nant gurry fach stream. Land along the northern boundary is agricultural land with the LDP settlement limits for the village identified by the curtilage boundary delineated on the application location and site plan for the application.

### **THE PROPOSAL**

This is a full planning application for a four bedroom dormer styled house and garage with render and brick elevational finishes and slate or grey flat tile roof covering. The dwelling is to be sited to the northern half of the plot and the garage at the southern half with the proposed access sited off centre to the northern side of the frontage with two parking spaces at the northern boundary of the plot.

The dwelling is 11.65 metres in length and 8.15 metres in depth, with a small porch on the front elevation and a 5.6 metres x 3.7 metres flat roof extension with a balcony style roof attached to the northern gable elevation. The eaves height of the dwelling is 4.6 metres and the ridge height of 7.5 metres with a chimney built on the southern gable elevation. The garage at the southern side of the plot will be 5.8 meters x 5.8 metres with a 4.8 metre ridge height.

### **PLANNING POLICY**

The application falls to be considered against Policies within the Carmarthenshire Local Development Plan (LDP). The relevant policies are:

In the context of the current development control policy framework, the site lies within the settlement limits. As such the proposal is assessed in accordance with Policy H2 of the LDP. This policy allows housing within settlement limits provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy GP1 Sustainability and High Quality Design is also applicable and relates to a number of criteria including character, amenity and access. Developments should conform with and enhance the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing. They should also utilise materials appropriate to the area within which it is located and should not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;

Policy AH1 applies in relation to affordable housing contributions. At this location a sum of £88.782 per sqm is required.

Policy EP1 Water Quality and Resources is applicable for development to ensure it does not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County.

Policy EP2 Pollution is applicable in terms of seeking to minimise the impacts of pollution. New developments will be required to demonstrate that they do not cause a deterioration in water quality

Policy EP3 Sustainable Drainage is applicable and relates to the requirement that development will need to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.

Policy EQ4 Biodiversity is applicable for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, will not be permitted, except where it can be demonstrated that the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements or there are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.

Policy EQ5 Corridors, Networks and Features of Distinctiveness is applicable for development which would not adversely affect those features which contribute to local distinctiveness/qualities of the County, and to the management and/or development of ecological networks (wildlife corridor networks), accessible green corridors and their continuity and integrity will be permitted. Proposals which include provision for the retention and appropriate management of such features will be supported.

## **THIRD PARTY REPRESENTATIONS**

The issues of objection are addressed herewith;

### **The proposed dwelling will over shadow and result in a loss of privacy**

It is considered that the distance between the proposed dwelling and existing dwellings at Brodawel and Llys y crug (30 metres) and Neuadd Deg (17 metres from house and 9.7 meters from the garage) is sufficient distant to not result in concern in relation to being overbearing/overdominant or result in overshadowing. The bungalows Brodawel and Llys y crug are 30 metres away from the proposed dwelling across a road and Neuadd Deg, although it has its rear elevation facing north towards the south gable elevation of the proposed dwelling, there is one small single window in the elevation for the bathroom and a condition will be applied to ensure the glazing is obscured.

### **The proposed two storey dwelling will be out of character with the locality.**

There are numerous two storey dwellings, bungalows and dormer dwellings in the village of Penybanc and this application is for a split dormer dwelling which is one and a half storeys in height. The two dwellings opposite the site are bungalows and the dwelling south of the application site is a two storey dwelling. There are a mixture of dwellings in the village and therefore it is not considered that the proposal will be out of character in the locality.

### **The proposal will impact upon the bats in the locality.**

The Planning Ecologist has been consulted and there are not objections to the proposal as a result of an impact upon any bats in the locality.

### **The siting of the access to the site is inappropriate.**

The original access was submitted at the south western corner of the plot, however following highways consultation the access has been moved, approximately 16 metres up the road away from the village and this has now received the support of the Head of Transport.

### **The level details submitted with the application only consider Brodawel and do not consider Neuadd Deg and Llys y Grug.**

There is a section plan submitted which compares the bungalow Brodawel opposite and the proposed dwelling (1505-02 Rev C) and a section drawing within plan number 1501-01 Rev A which indicates the proposed dwelling and garage, and Neuadd Deg to the south.

### **The application form conveys that it will and will not be connected to the mains sewer.**

The proposed dwelling will connect to the mains sewer.

### **The application form conveys that it is not within 20 metres of a watercourse and there is a stream at the bottom of a wooded area.**

Although the application form incorrectly conveys that the site is not within 20 metres of the stream (approximately 17 meters away), the application site is approximately 6.5 metres elevated above this minor stream and there would be no concern from any flooding from the stream for this plot.

**The application form conveys that there are no trees or hedgerow on the land adjacent and the proposal will result in damage to the trees within the woodland to the east of the site.**

The site has a hedgerow fronting the application site and this shall be translocated to the northern boundary of the application site in accordance with a scheme to be approved by the Local Planning Authority.

It is raised by the Planning Ecologist that the woodland to the east of the application site, down to the stream is an important habitat and it is required that a condition of any permission that a pollution prevention method statement is submitted.

**The proposal conflicts with the aims of the Outline permission in terms of the scale/height of the dwelling**

Whilst the Outline planning permission included a condition that the dwelling shall be a single storey building, this is a full planning application which includes sufficient detail in terms of drawings to determine that it is appropriate at this location and will not result in unacceptable harm to the living conditions of other residents in the locality or the visual amenity of the landscape.

**Surface water from the driveway and works will run onto the adjacent property.**

This is a matter that will be under the control of the developer in terms of the appropriate management of the scheme ensuring that there will not be any harm to the living conditions of the residents during construction.

**The dwelling is too large for the plot.**

The layout of the proposed development is such that there is sufficient space for the access, dwelling, garage, vehicular parking and with appropriate amenity space to the rear and northern side of the dwelling. Whilst the dwelling with the decking area at the rear will be approximately 3.5 metres at the south rear and 5.5 metres at the northern rear, from the boundary woodland, and has an larger amenity space to the rear of the proposed sun lounge, it remains that the proposed development has acceptable spatial standards to be able to support a residential unit.

**There is no information on the soakaway system proposed and does not show that the drainage will flow onto the road or adjacent land.**

The application form conveys that there will be a soakaway system to serve the surface water from the site and with the amenity area as referred to above it is considered that there is acceptable land around the dwelling for a soakaway system to serve the dwelling's requirements.

The scope and detail of the surface water soakaway system will be considered in detail in the Building Regulations application and there are highway regulations that prevent surface water from flowing onto the highway.

### **The proposal conflicts with policies GP1, TR3 and EP3**

The proposed development is considered to adhere to the aforementioned policies, with the matters raised by the policies covered in the aforementioned objection concerns, namely the design, access and drainage.

### **CONCLUSION**

The proposed development of a single residential dwelling at this location within the development limits of Penybanc, Llandeilo is an appropriate use of the site which is supported by policy H2 of the LDP which permits such development providing it does not generate any highway, amenity or utility service objections.

The site is at the edge of the settlement on a slightly sloping plot of land within a residential area. It is deemed that a suitable detailed design has been received following a previous outline permission for a bungalow. It is considered reasonable to permit the proposed development at this location which would not have an adverse effect on the character of the area or the general amenities of neighbouring properties or land at this location. The application includes an Unilateral Undertaking to pay the relevant affordable housing contribution.

The Rural conservation Manager has requested a Method Statement to ensure that the hedgerow fronting the site is appropriately translocated to the northern boundary of the application site, which shall be conditioned. The Planning Ecologist has requested detail in relation to the protection of the woodland to the east and specification detail for the protection of the woodland from pollution and construction at the site. This information has been provided and a response to the re-consultation is awaited.

The proposal is considered to be a sympathetic scheme that adheres to the relevant planning policies. The issues of objection have been addressed above and do not justify the refusal of the proposal. Therefore, the application in principle is considered to adhere to LDP policies and is supported subject to the following 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 above approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below;
  - Proposed Floor Plans and Elevations (1505-01A), received 16 October 2017

- Site, Block, Location and Section 2 Plans (1505-02C), received 16 October 2017
- Proposed Garage Plans & Elevations (1505-03A), received 16 October 2017

- 3 The new vehicular access shall be laid out and constructed in accordance with drawing 1505-02 Rev. C prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 4 Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.
- 5 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.
- 6 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole U4038 Road frontage within 2.4 metres of the near edge of the carriageway.
- 7 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.
- 8 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority 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.
- 9 The private access shall be hard surfaced for a minimum distance of 5.0 metres behind the nearside edge of carriageway, in materials which shall be subject to the 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.
- 10 Any vegetation clearance or construction related works must be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.
- 11 Notwithstanding the details approved in condition 2, the translocation of the hedgerow fronting the application site shall be carried out in accordance with the "Translocation of hedgerow-schedule of works", received 16 October 2017, within the first planting season following commencement of the development on site.

## **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

- 3-9 In the interest of highways safety
- 10 In the interest of protecting wildlife.
- 11 In the interest of visual amenity and protection of habitat and wildlife enhancement.

## **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 H2, AH1, GP1 and GP2 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that the dwelling is not detrimental to the character and appearance of the area and it is not considered there are any significant impacts in relation to amenity. Sufficient amenity space is provided for the proposed dwelling with appropriate parking and access provided.

## **NOTES**

- 1 This application has been determined within the scope of the delegated authority granted to the Head of Planning by the Meeting of Carmarthenshire County Council on 12 October 2011 (Minute No 7 refers).
- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk))
- 3 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.

It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.

- 4 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 5 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 6 This Planning Permission is tied to an Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 that an Affordable Housing Contribution (policy AH1 of the Carmarthenshire Local Development Plan) of £88.82 m<sup>2</sup> shall be payed to Carmarthenshire County Council upon beneficial occupation of the dwelling-house.



**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>E/35478</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	REPAIR AND CONVERSION OF SALEM CHAPEL IN TO 1 RESIDENTIAL DWELLING AT SALEM CHAPEL, CAMPBELL ROAD, LLANDYBIE, AMMANFORD, SA18 3UP

<b>Applicant(s)</b>	MS HAFIDA SARACHI, C/O AGENT,
<b>Agent</b>	LES STEPHAN PLANNING LTD, UNIT 9, SWEETLAKE BUSINESS VILLAGE, SHREWSBURY, SY3 9EW
<b>Case Officer</b>	Andrew Francis
<b>Ward</b>	Llandybie
<b>Date of validation</b>	04/05/2017

## CONSULTATIONS

**Head of Transport** – Offers 'no observations' on the application.

**Dwr Cymru Welsh Water** – Advises that the site is crossed by a public sewer and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

**Natural Resources Wales** – Having considered both the Flood Consequences Assessment and the supplementary information subsequently submitted, NRW maintain their objection to the proposed development and recommend that planning permission is refused as concerns regarding flood risk to the site cannot be overcome either by modifications to the proposed scheme or by planning conditions.

**Dyfed Archaeological Trust** – Recommend that a photographic record be taken before any work commences.

**Llandybie Community Council** – Offers no objections to the proposal.

**Local Members** - County Councillor W R A Davies has clarified that while the application refers to the chapel grounds having become a hot-spot for anti-social behaviour he has a thorough awareness of this part of the village and is clear that this is not the case and knows of no history whatsoever of any anti-social behaviour within the former chapel grounds. Cllr Davies attended the appeal hearing in 2015 to support the previous decision to refuse planning permission and is of the opinion that there has been no change in circumstance since that appeal was dismissed.

County Councillor D Nicholas supports requests that the application be presented before the Planning Committee as he considers that the applicant has a compelling case and the support of Jonathan Edwards MP

**Neighbours/Public** – The application was advertised by means of a Site Notice. No comments have been received as a result.

## RELEVANT PLANNING HISTORY

E/34338	Conversion of Existing Chapel (D1) Into 1 No Residential Dwelling (C3) Full Planning Refused	25 October 2016
E/31599	Change of Use from D1 to Domestic Dwelling Full Planning Refused	8 April 2015
	Appeal Dismissed	19 October 2015
E/26332	One Detached Residential Dwelling with Detached Garage Withdrawn	21 March 2014
E/14322	Residential Development - One House (Resubmission of E/11274) Outline Planning Refused	08 November 2006
E/11274	Residential Development - One House Outline Planning Refused	25 October 2005

## APPRAISAL

### THE SITE

The application site consists of the existing but closed Salem Chapel situated on the eastern flank of Campbell Road, Llandybie. The existing building is set within a generous, broadly rectangular plot largely laid to grass, with the chapel set towards the rear. The application site is bounded by Campbell Road to the front, residential properties to either side and the river Marlais to the rear, with the site being approximately midway between the upstream masonry arch bridge on Kings Road and the A483 (Ammanford Road) highway bridge. The road frontage is defined by a low, stone boundary wall topped with ornate iron railings, with a gateway at the left-hand end, aligned with the entrance doorway to the chapel, the two linked by a path.

The chapel is a simple rectangular structure, 11.8 metres in length by 8 metres in width and a height of 7.7 metres, with a small entrance porch on the north end wall. The application indicates that although most of the furniture, fixtures and fittings have been removed, the main chapel has an original parquet floor in pristine condition, with the porch having a decorative tiled floor.

Externally, the walls are rendered with a natural slate roof covering. There are two small red brick outbuildings with slated roofs at right angles to the south-east corner, but not joined to the chapel. These are likely to have been a boiler house and toilets.

The application site is situated within the development limits for Llandybie and is also situated within the C2 Flood Zone as defined in the Development Advice Maps issued by the Welsh Government as part of TAN15.

## **THE PROPOSAL**

This application seeks to convert the existing chapel building (Use Class D1) into a single three bedroom residential dwelling (Use Class C3). Externally, modest changes are proposed, the main change being the addition of a decking area onto the rear elevation and six roof lights/windows, three in each roof plane.

Internally, the ground floor is to remain fairly open plan with space for the kitchen, study, lounge, dining and circulation areas. The new first floor is to provide 3 bedrooms (one en-suite) and a bathroom.

The application is supported by a Design and Access Statement; Bat Survey and Mitigation report; Heritage Impact Statement; Flood Consequences Assessment (FCA) and a 46 signature petition of largely local households in support of the proposal.

The Flood Consequence Assessment (FCA) conveys that as part of the flood mitigation the ground floor level is proposed to be increased by 650mm.

## **PLANNING POLICIES**

In the context of the current development control policy framework, any proposal of this nature falls to be considered against the general criteria of a number of Carmarthenshire Local Development Plan (LDP) policies and national policies.

General Development Policy GP1 requires that the conversion conforms with and enhances the character and appearance of the building; would not significantly impact upon the amenity of the users of adjacent properties or the community, and protects and enhances the townscape and the historic and cultural heritage of the County.

Policy H2 states that housing developments on unallocated sites within development limits will be allowed, provided they are in accordance with the Plan's strategy, policies and proposals.

Policy SP2 relates to climate change and requires, in this instance, to avoid, or where appropriate, minimise the risk of flooding including the incorporation of measures such as SUDS and flood resilient design features. Proposals for development which are located within areas at risk from flooding will be resisted, unless they accord with the provisions of Technical Advice Note (TAN) 15 Development and Flood Risk.

With reference to TAN15, which transcribes national policy in Planning Policy Wales into practical guidance on flooding and land use planning. TAN15 defines both 'Less Vulnerable Development' and what would be a 'Highly Vulnerable Development', as well as defining the flood risk zones in the Development Advice Maps (DAM). Essentially, TAN15 states that no Highly Vulnerable Development, such as residential, should be

located within a C2 flood zone unless, a submitted FCA clearly shows that the application site would not flood in a 1 in 1000 year flood, or that any mitigation measures would detrimentally affect other properties.

As bats have been found in the building, policy EQ4 applies in the context of biodiversity, in particular priority species and states that, in this instance, development which affects these species will not be permitted, except where it can be demonstrated that the impacts can be satisfactorily mitigated, acceptably minimised, or appropriately managed to include net enhancements.

TAN5 is the Welsh Government's guidance that refers specifically to Nature Conservation and Planning. Taking into account the policy guidance, given the bat roost found, an European Protected Species (EPS) license from NRW will be required to do works to the building. No indication has been provided by NRW whether they would be prepared to issue a licence, given their fundamental objection they make regarding flood risk.

### **THIRD PARTY REPRESENTATIONS**

The application was advertised by means of a Site Notice with no representations having been received in response.

The applicant has spoken at a meeting with Llandybie Community Council who, following the meeting do not object. The applicant has also spoken with Jonathan Edwards MP who has subsequently submitted a letter in which he conveys that the applicant has informed him that since the building has remained empty since 2005, it has fallen into a state of disrepair; the changes will be mainly internal; a Historic Building Consultant has stated that the building is an undesignated heritage asset and converting it into a small home is the only viable option to secure its long term future; the applicant has received an insurance quote from the NFU which she believes demonstrates that the insurance industry does not consider the flood risk to be of serious concern; the chapel grounds are now a hotspot for anti-social behaviour and the applicant has provided a petition from local residents supporting the proposal.

Cllr Dai Nicholas echoes Jonathan Edwards MP's support for the proposal and his view that the application is heard by the Planning Committee.

As noted in the summary of consultation above, Cllr Anthony Davies conveys that there has been no change in circumstance since the applicant's appeal in was dismissed in 2015 and that he knows of no anti-social behaviour in the chapel grounds.

### **CONCLUSION**

The central issue in the determination of the application is whether the proposed residential use is acceptable in a known area of flood risk. This has been the principal consideration throughout the planning history of the application site with each of the five previous planning applications in respect of the proposed residential use of the site, that date back to 2005, having been refused or withdrawn due to the flood risk.

The applicant purchased the building at auction in September 2014, with an internet search revealing an auction guide price of £25,000, which would appear to clearly reflect the unsuccessful planning applications. While the case officer recalls that a number of enquiries were received shortly prior to the auction, there is no recollection of the applicant

having done so. Enquirers were advised of the planning history and informed that given the known flood risk, there was no policy support to convert the building into a dwelling. The application form in the applicant's three planning applications E/31599, E/34338 and this submission is completed on each occasion to confirm that no pre-application advice has been sought.

Having regard to the flood risk, NRW confirm that the application site lies within Zone C2 of the Development Advice Map associated with TAN15 - Development and Flood Risk i.e. "*Areas of the floodplain without significant flood defence Infrastructure*" within which "*...Emergency services and highly vulnerable development should not be considered*".

While TAN15 does not provide a definitive categorisation for all forms of development, the definition provided for 'highly vulnerable development' includes "*all residential premises including hotels and caravan parks...*" The 2015 appeal established that the former chapel use is a less vulnerable use and as such the development proposal falls to be determined with due regard to the considerations of TAN15, including a requirement for a FCA.

The submitted FCA conveys that the Welsh Baptist Union has previously undertaken an FCA for the site in January 2014 that included information on flow estimation and the development of a model to predict water levels, and that there is no reason to query the derivation of these. At the appeal all parties accepted the findings of the FCA (Supplementary Document) (June 2015) as they relate to the appeal site and agreed that a 1:100yr event would result in flooding: in the front garden to a depth of 400mm; in the chapel building to a depth of 600mm; and in the rear garden area to a depth of +1metre. Moreover, NRW indicated that their analysis of the site suggested that in a 1:100 event the area surrounding the appeal site would flood to a depth of up to 600mm with velocities of between 1-2m/s (metres/second) and that flooding of up to 1m deep with velocities of 2m/s would occur at the road junctions on Campbell Road. The current FCA conveys that "*In terms of water velocity this is likely to be quite high perhaps as high as 0.45m/sec for the 100yr + cc event. A higher corresponding figure may be anticipated during the 1000yr event.*"

The FCA advises that the ground floor of the chapel is raised by 650mm, to be above the predicted flood depth and to include freeboard - a contingency allowance to cater for hydrological discrepancies and uncertainties. A supplementary FCA document has also been submitted that largely refers to development in other areas where permission has been granted contrary to NRW advice.

The Design and Access Statement (DAS) proposes the following mitigation measures:

- Raising the floor level of the Chapel by up to 750mm which will take the level of the ground floor rooms above the 100yr level and potentially above the 1000yr level;
- Installation of a floodgate, in place of the existing gate adjoining Campbell Road;
- The occupants should register for the Flood Warnings Direct service from the Environment Agency;
- A Flood Management Plan needs to be prepared upon completion of the building which follows the relevant flood awareness advice provided by the NRW. This needs to cover what to do upon receiving a flood warning, the laying in of supplies in the event that an access route is not available, making sure mobiles are fully charged and that alternative sources of energy are available in the event of a power cut.

Having analysed both the FCA and the supplementary document NRW have responded that the supplementary advice note only seeks to compare the current application with other decisions across Wales, commenting, *“We would advise that each planning application should be discussed and assessed on its own merits and we would not accept a comparison of sites as a reason to recommend a no objection to a proposal. We refer your authority to the appeal decision reached by the Planning Inspectorate on 19 October 2015 in which it was concluded that the appeal should be dismissed due to concerns over flood risk”*

NRW conclude that they *“...maintain our objection to the proposed development and recommend that planning permission is refused as our concerns regarding flood risk to the site cannot be overcome by modifications to the proposed scheme or by planning conditions.”*

The applicant contends that the chapel could be converted to other uses that fall within the same planning use class, such as libraries, public halls or pre-schools that are listed as 'highly vulnerable development' without the need for planning permission. It is said that a controlled end-use is preferable, one which can be mitigated against accordingly and that would seek to reduce the flood risk and impact in the locality. It is also conveyed that the applicant has confirmed that she has an insurance quote from the NFU for the consideration of the building as three bedroom home, which she believes shows the insurance industry does not consider the flood risk is of a serious concern.

While the proposed mitigation would allow for the appeal building to remain dry, the findings of the FCA demonstrate that the site as a whole would flood. TAN15 at paragraph 6.2 explains that highly vulnerable development should not be permitted in a C2 zone and as such the proposal is therefore contrary to LDP Policy SP2 and national policy.

In noting the applicant's references in the supplementary FCA document to three permissions elsewhere in 2015/16, two very recent determinations by Welsh Government Ministers in respect of called-in appeals have placed clear emphasis on the in-principle TAN15 requirement that highly vulnerable development should not be permitted in zone C2 areas, with both having been refused planning permission by ministers. The first decision letter dated 6<sup>th</sup> October 2017 clearly conveys that there shall be no highly vulnerable development within C2 zones, even where there were significant benefits in terms of employment, tourism and investment at an otherwise derelict site. The second decision, dated 10<sup>th</sup> October, in respect of a mixed use development at a site of which approximately 13% fell within C2, albeit with the residential element indicated to be within that area, was refused in totality on the principle that highly vulnerable, residential development is not to be permitted within zone C2 areas.

While the potential re-use of one of an ever-increasing number of vacant churches and chapels throughout the county is acknowledged, the proposed residential conversion of Salem chapel is outweighed by the risk to life that is again confirmed in the expert opinion of NRW and which has formed the basis of each of the previous planning refusals; one of which has been examined at appeal with the Inspector's decision in September 2015 concluding, *“In reaching my decision [to dismiss the appeal] I have had regard to all other matters raised in support of the scheme including the deteriorating condition of the appeal building. However, none of these factors are sufficient to alter my overall conclusions. Whilst I consider that the proposal would not have an adverse effect on protected species, this does not outweigh my concerns regarding the effect of the proposed development in respect of flood risk”*.

As mentioned briefly above, as there is a bat roost in the building, an EPS Licence will be required to do the works to disturb the bats. Prior to the granting of planning permission, NRW should state whether they are likely to grant a Licence based on the information submitted within the application. However, they have not done so for this application given the fundamental objection regarding flood risk.

Having due regard to the material planning considerations outlined above, it is concluded, on balance, that the proposed residential use is contrary to both national and local policy in respect of flood risk and it is recommended that planning permission is refused.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy SP2 of the Carmarthenshire Local Development Plan, which states:

#### **SP2 Climate Change**

**Development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change will be supported. In particular proposals will be supported where they:**

- a) Adhere to the waste hierarchy and in particular the minimisation of waste;**
- b) Promote the efficient consumption of resources (including water);**
- c) Reflect sustainable transport principles and minimise the need to travel, particularly by private motor car;**
- d) Avoid, or where appropriate, minimise the risk of flooding including the incorporation of measures such as SUDS and flood resilient design;**
- e) Promote the energy hierarchy by reducing energy demand, promoting energy efficiency and increasing the supply of renewable energy;**
- f) Incorporate appropriate climate responsive design solutions including orientation, layout, density and low carbon solutions (including design and construction methods) and utilise sustainable construction methods where feasible.**

**Proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN 15.**

In that the proposed conversion of the former chapel building to a dwelling would convert a D1 use (less vulnerable development) to a C3 residential use (highly vulnerable development) within a C2 Flood Zone as defined in the Development Advice Maps (DAM) issued in association with TAN 15. Despite the proposed raising of the internal floor levels of the building 750mm, based upon hydraulic



modelling at this location, the chapel will become surrounded by floodwater with depths up to approximately 600mm and 1m during the 1% plus climate change and 0.1% scenarios respectively. In addition, the velocities across the site exceed 0.45m/s during both scenarios. Whilst the built development may remain flood free, the site as a whole does not comply with Tables A1.14 and A1.15 in TAN 15 given the significant depths of water and velocities shown to occur. The hydraulic model also does not include the potential impact should the bridges upstream and downstream of the site become blocked; therefore, there may be an increase in flood risk to the site as a result. In addition, access to the site is shown not to be compliant with Table A1.15. Depths greater than 600mm are shown at the junctions with Campbell Road and velocities along the length of Campbell Road are greater than 0.45m/s.

As such, the proposal in an area at risk of flooding fails to accord with the provisions of TAN 15.

**2 The proposal is contrary to Paragraph 6.2 of the TAN 15, which states:**

**6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted.**

In that the proposed conversion of the former chapel building to a dwelling would convert a D1 use (less vulnerable development) to a C3 residential use (highly vulnerable development) within a C2 Flood Zone as defined in the Development Advice Maps (DAM) issued in association with TAN 15. Despite the proposed raising of the internal floor levels of the building 750mm, based upon hydraulic modelling at this location, the chapel will become surrounded by floodwater with depths up to approximately 600mm and 1m during the 1% plus climate change and 0.1% scenarios respectively. In addition, the velocities across the site exceed 0.45m/s during both scenarios. Whilst the built development may remain flood free, the site as a whole does not comply with Tables A1.14 and A1.15 in TAN 15 given the significant depths of water and velocities shown to occur. The hydraulic model also does not include the potential impact should the bridges upstream and downstream of the site become blocked; therefore, there may be an increase in flood risk to the site as a result. In addition, access to the site is shown not to be compliant with Table A1.15. Depths greater than 600mm are shown at the junctions with Campbell Road and velocities along the length of Campbell Road are greater than 0.45m/s.

As such, the proposal in an area at risk of flooding fails to accord with the provisions of TAN 15.

Mae'r dudalen hon yn wag yn fwriadol

*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 16 TACHWEDD 2017  
ON 16 NOVEMBER 2017**

**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 yn rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>16 NOVEMBER 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/35450</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	PROPOSED RESIDENTIAL DEVELOPMENT INCLUDING 42 NO. DWELLINGS AT LAND ADJACENT TO LAUGHARNE PRIMARY SCHOOL, LAUGHARNE, SA33 4SQ

<b>Applicant(s)</b>	MR & MRS THOMAS, WOOFORD HOUSE, BROADWAY, LAUGHARNE, SA334NS
<b>Agent</b>	SAURO ARCHITECTURAL DESIGN LTD - PETER SAURO, 9 ELLISTON TERRACE, CARMARTHEN, SA311HA
<b>Case Officer</b>	Helen Rice
<b>Ward</b>	Laugharne Township
<b>Date of validation</b>	26/04/2017

## CONSULTATIONS

**Laugharne Township** – The township provided a detailed response raising significant concerns regarding the proposal and principally comment that the development should only proceed if the same “Community Benefits” that were secured by a Section 106 in a previous application are secured. The full response is provided below:

*The community council has been involved in discussions regarding this proposed development since 2002, when the land in question was outside the UDP. It was still outside the plan in 2008 when application W/09082 was submitted. At this stage the council was supportive of the proposal as the developer included a substantial community benefits package with the proposal.*

*These were included in a S106 agreement and were;*

- 1. Land given to CCC to construct a footpath from the site to Broadway*
- 2. The transfer of the rugby fields with freehold ownership to the Laugharne Athletic Club*
- 3. Part of this to be transferred by the Club to the school*
- 4. Laugharne Corporation would be given an adjacent woodland*

*These are now even more important for the community with the proposals to close a number of schools locally and develop a larger community school on the Laugharne School site. Members would expect to see the original or better community benefits*



*package that was part of the original application, included as part of this application. Unfortunately there is no mention of the community benefits in this current application.*

*Laugharne Township Community Council is extremely concerned about this and requests that the community benefits agreed in the previous application W/09082 and itemised in the signed S106, must be a condition of approval of this application. The council would wish to see these conditions implemented prior to any developments on the site. If this application is approved without the immediate implementation of these benefits as a condition, then there is a danger that a second application for development on the rugby fields itself would follow to the future detriment of the school and the health and wellbeing of the community.*

*In addition to the above, the Council has several concerns about details of the design and layout of the proposed development in the current planning application. A key concern was the deliberate formation of a social housing “ghetto” excluded from the remainder of the site. This has a separate entrance/exit through Cwrt Wooford into Orchard Park adjacent to the play area and members were extremely concerned about the extra traffic that would be generated through Cwrt Wooford and its implications for the safety of the children playing there and in the adjacent play area.*

*Members felt that there should only be one entrance and exit into and from the development, which should be the one from the main road as shown on the plans. Members also felt that this development together with other proposals at Pludd’s Meadows opposite would warrant a County Highways review of traffic management in this area and a possible roundabout at the junction of Orchard Park and these developments should be considered. They also agreed that the social housing proposed should be distributed around the site not grouped and isolated in one location in the corner of the site.*

*Members also expressed concern about the pre-application removal of hedgerows and mature trees. Although the landscaping scheme indicated that the hedgerows would be replaced and native tree species would be replanted, this should not have happened. The original hedgerows and the range of species in them had developed over hundreds of years, therefore the replacement programme needs to be intensive to ensure what has been lost is replaced and the ecology recovers as quickly as possible. The appropriate genetically correct native species should be replanted and the specimens must be of an acceptable size and maturity. The hedgebank itself should follow local vernacular construction methods. This work should be a condition of approval and must be carried out prior to the housing development.*

*The fact is that the site is included in the LDP is by default, as the original application was never implemented and the planning lapsed. Carmarthenshire County Council should ensure that this development will only proceed if there is a positive and substantial benefit to the community in terms of education, health, wellbeing and safety as discussed above.*

**Local Member** – No comments have been received from Cllr Tremlett on the application albeit Cllr Tremlett was involved in a meeting between the Planning Department and representatives from the Laugharne Athletic Club during the application process.

**Head of Transport** - TBC No objection subject to the imposition of conditions to safeguard the provision of adequate visibility splays, access dimensions, parking and turning areas and contributions towards highway improvements to include the provision of a pavement/footway along the entire frontage of the application site and land to the west up

towards the village of Broadway and a contribution towards the provision of driver feedback signs to enforce the speed limit in the area to be secured via a Section 106 agreement/Section 278 Highway Agreement.

**Public Protection Division** – Raise no objections to the development subject to the imposition of conditions to mitigate against the impact of noise and dust during the construction phase on local residents and businesses.

**Land Drainage** – Raise no objections subject to the imposition of a condition requiring the details of surface water drainage works to be submitted for approval prior to the commencement of development.

**Education Department** – A response received from the education department confirm the need for financial contributions totalling £26,000 towards both primary school (Laugharne and Griffith Jones Primary Schools - £9000 each) and secondary school (Ysgol Bro Myrddin and Ysgol Dyffryn Taf - £8000 each) based on the anticipated number of pupils generated by the development.

**Natural Resources Wales** - Whilst raising no fundamental objections to the development, NRW advise that none of the properties shall be occupied until the upgrading of the public sewerage system has been completed projected to be 31 March 2019. Furthermore, they advised the need for the Authority to undertake a Test of Likely Significant Effect (TLSE) given its proximity to the Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and the need for the development to be the subject of a pollution prevention method statement that would detail the necessary pollution prevention measures for the construction phase of the development.

**Dwr Cymru/Welsh Water** – Raised no objections to the development subject to the imposition of a condition requiring the submission of a detailed drainage scheme for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority, with consideration given to the use of sustainable drainage methods. Furthermore, DCWW confirm that at present there is insufficient capacity within the foul drainage network to receive additional flows from the development. However, DCWW have advised that the upgrading works to the sewerage system at Laugharne is included in their current capital investment programme and are scheduled for completion by 31 March 2019. They have therefore requested the imposition of a condition stating that none of the properties can be occupied until such time the upgrading works, currently scheduled for 31 March 2019 have been completed. DCWW have also confirmed that there is availability for connection to the public water supply.

**Dyfed Archaeology Trust** – Raised no objections to the scheme subject to the imposition of conditions. In particular the trust welcome the submission of an Archaeological Appraisal and Site Visit report which concluded that there were no recorded heritage assets within the application site and that the development would not have a visual impact on the historic core of Laugharne and its various heritage assets. The report concluded therefore that the site's potential as low to medium. Nevertheless, this does not rule out the possibility that there may be some archaeological remains within the site and therefore recommend a condition requiring a geophysical survey of the application site which could inform the need for any additional archaeological assessments.

**Cadw** – Confirm that the proposal would not affect the designated historic assets in the vicinity in particular Laugharne Castle Scheduled Ancient Monument and Laugharne

Castle and Castle House Registered Historic Park and Garden due to the presence of intervening existing buildings and vegetation and local topography screening views. The setting of these features will therefore not be affected by the development.

### **Third Parties Representations**

The application was the subject of notification by way of site notices and publication in the local newspaper. As a result a total of 103 representations were received from 95 households, all objecting to the development along with a signed petition of 300 signatures objecting to the application.

The clear majority of objections relate to the lack of commitment to enter into a "Community Benefits Package" Section 106 Legal Agreement as entered into when planning permission was previously granted for a similar development and the fear that this would result in the loss of the playing fields. Representations received from the organisations that utilise the playing fields namely Laugharne Athletic Club, Laugharne Cricket Club and Laugharne Rugby Football Club (Senior and Junior) provide detailed background to the matters as follows:

Laugharne Athletic Club had a 21 year term lease on the playing field land from September 1956 to September 1977 which they used principally for rugby and cricket. Following its expiry the Club continued occupation of the fields on the terms of the lease. Court proceedings relating to a new lease in 2002 were halted and discussions commenced on a joint agreement between the Club and owners. The agreement sought to effectively enable the landowners to make an application for residential development on the playing fields with the adjoining field [the subject of the current application] becoming the playing fields (subject to planning permission). This informed representations to the Unitary Development Plan process, during which the parties were recommended to revert to the agreement with the playing fields remaining in their position and the residential development located on the adjacent land.

This resulted in a Local Community Agreement that was entered into in November 2004 between Laugharne Athletic Club, Laugharne Corporation and the landowners, Mr & Mrs Thomas that resulted in the submission of a joint planning application for a similar residential development and various improvements to the adjacent playing fields and wider area with land transfer agreements as follows:

1. Transfer of land to Laugharne Athletic Club. This includes the present rugby pitch and adjacent land this would facilitate the provision of a new cricket pitch, additional rugby pitch, new changing rooms and parking area.
2. Transfer of land to Laugharne VCP school.
3. Transfer of land to Laugharne Corporation.
4. Transfer of land for the provision of footway between Laugharne and Broadway.

Whilst this Local Community Agreement was entered into independently to the subsequent planning application, the benefits referred to in the Local Community Agreement were put forward in the planning application and secured by way of Section 106 Legal Agreement. These benefits were considered to present a material consideration to warrant a departure to the then UDP as the application site fell outside the settlement boundary. Planning permission was granted in September 2008 but this expired in September 2013.

During this time the LDP was under preparation and as the site had, at the time of the initial draft LDP, extant planning permission it was included as an allocated site. A site selection pro-forma which identified those sites suitable for inclusion in the LDP commented that as the site, at that time, had extant planning permission it was considered acceptable for development and no further assessment was required by a Technical Officers Group.

The Club therefore believe that any future planning application should not go ahead unless Mr & Mrs Thomas fulfil their promise to the community and include the benefits detailed in the Local Agreement 2004 and referred to in the LDP review process. They also feel that the Council has an obligation to support the community to accomplish this based on the planning history and that without the previous planning permission the area of land in question would not have been included in the LDP.

To supplement the above objection, the Athletic Club submitted an Expert Advice Report prepared by Mr Owen Luder which provides further detail as to the background of the case and concludes that the previous planning permission is a material consideration that must be taken into account having regard to the requirement for all applications to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The report considers that to grant planning permission without the community benefits previously agreed represents a narrow interpretation of the planning obligations guidance and would result in the landowners achieving a significant increase in the site's land value without providing the community benefits. This report is available to view on the Council's website. This report has further been endorsed by a Legal Opinion on behalf of Laugharne Athletic Club.

A number of the objections from individuals echo the above and include the same wording as follows:

*I support Laugharne Athletic Club and strongly object to this development on the grounds that Mr & Mrs Thomas agreed to those community benefits that where signed up to in the Local Agreement and previous 106 Agreement and these are not included.*

In addition the signed petition which contains 300 signatures includes the statement:

*We the undersigned are fully aware of the history of the above Planning Application and its inclusion in the LDP and would like to support Laugharne Athletic Club in their bid to secure the promised benefits signed up to by the owners in the 2004 Local Agreement by strongly objecting to the application as they do not include these benefits.*

Further details pertaining to the previous history of the site, and particularly its evolution through the UDP/LDP process is set out in the "Relevant Planning History" section below.

Other objections raised include:

- The lack of a community benefits package would result in the loss of the playing fields and hence the Rugby, Football and Cricket Clubs in Laugharne as they would not have anywhere to train and/or play their matches. This would have a negative impact on the community and reduce the number of visitors to the town to the detriment of trade for local businesses.
- The existing playing fields should not be built on.

- Whilst a new development would be a good addition to the town given that hardly any new development has taken place this permission should only be granted if the previous “Community Benefits Package” is included.
- A residential development at this location is not ideal but the original community benefits offset the drawbacks and therefore this development should only proceed with those benefits intact.
- Proposals indicates further additional development to the west of the site into the countryside and close to Broadway.
- The development would result in ribbon development connecting Laugharne and Broadway.
- It is unlikely that any of the affordable units will be affordable for the young locals looking to purchase a property in the town and therefore the development offers little community benefit.
- Proposed access from Wooford Crescent to serve the proposed affordable dwellings would lead to increased traffic flows past the existing children’s playground and route to school and therefore the affordable housing element should be accessed from the proposed new access to the wider site.
- Support the additional housing to enable young people to get on the property ladder but this should not be at the expense of the playing fields.
- There is no obligation for the applicants to sell the properties to people who are currently living in, or who have been brought up in the area.
- The development would increase traffic through the town and have a negative impact on parking and access that would negatively impact upon local businesses.
- Concerns that the sewerage and surface water infrastructure would not be able to cope with additional flows.
- The doctor’s surgery is already at capacity.
- Object to the destruction of the tree line along with field’s boundary with the highway which has already taken place.
- Land is required for the expansion of the primary school.
- Request that should planning permission be granted that any Section 106 agreement includes a continuation of the footpath from Orchard Park, across the front of the development site and linking with the existing footpath in Broadway on land within the applicant’s ownership. With a further extension of the footpath from the primary school to provide a link with the footpath to Stoneway Road and down to Laugharne Town Square as a pedestrian link between the town and the development site.
- The submitted plans have no regard to a historic Public Right of Way (established prior 1835) and part of the route of the Laugharne Common Walk that has been recorded taking place every three years. The route of the right of way runs within the application site adjacent to the south west boundary, not indicated on the layout or any provision shown for it.
- The submitted plans indicate a route of an existing storm water drain and sewer not there are no such records with DCWW and there are no agreement for their adoption. The required connection to the main sewer crosses land within Third Party ownership (Laugharne Corporation) and the applicant has not had any discussion with the owner. There is no rights of passage and there is the risk that the property owner would not agree to such a passage.

## **RELEVANT PLANNING HISTORY**

The application site has been the subject of extensive history both through the Unitary and Local Development Plan process and the planning application process.

### **Unitary Development Plan (UDP)**

Representations were submitted at the time of the UDP to allocate the application site for residential development. During the course of the UDP process, it was sought to amend the representation to enable a land swap where the residential development would be located on the playing fields and the application site would become the playing fields. However, it was advised that the representation could not be changed and therefore the UDP was determined on the basis of the original representation as confirmed by the UDP Inspector's Report published in January 2006 (paragraph 19.065) which states:

*"The local planning authority recognised that, following much local discussion, the objectors' proposal had evolved since the objection was first made and it considered whether it could accept this alteration [the proposed land swap] to the duly made objection. It concluded however that the alteration would amount to a significant departure from the objection and that only the original objection had been duly made. In view of this the objectors accepted that the Inquiry was capable of considering only the original objection. I [the Inspector] have considered the case on this basis".*

As a result, the Inspector resolved not to allocate the application site for development and therefore the site remained to be located outside the development boundary of Laugharne. The playing fields were however allocated for Public Open Space to safeguard them.

### **Planning Application W/09082**

A joint planning application between the landowners, Laugharne Athletic Club and Laugharne Corporation was submitted in January 2005 for "*Proposed Housing Development, Extension and Alterations to Recreation Field, Together with Laugharne Community Benefits at OS field Nos. 7050,7167,8873,8463 adjacent to Laugharne V C School*". This application included both the application site and the adjacent playing fields and was submitted on the basis that despite being a departure from the then UDP, residential development of the application site could be considered acceptable on the grounds of a Community Benefits Package that would outweigh the departure from the UDP. The Community Benefits Package was to be secured by way of a Section 106 Legal Agreement and included the elements referred to in the response from Laugharne Athletic Club detailed above. The planning permission also included various alterations and improvements on the playing fields.

Given that the application site was not therefore allocated for development, any proposal for its development for residential purposes would have been a departure from the UDP. All planning applications must be considered in accordance with the policies of the Development Plan unless material considerations indicate otherwise. Following lengthy discussions, it was resolved that despite being located outside of the then UDP boundary, the community benefits that would accrue justified the granting of planning permission contrary to the UDP. Planning permission was duly granted in September 2008 subject to a Section 106 that secured these benefits. This planning permission was not implemented and thus expired (along with the related Section 106) in September 2013.

### **Local Development Plan**

The presence of the planning permission (W/09082) was taken into account when assessing site suitability to meet the County's needs during the LDP preparation. A 2011

LDP Site Assessment report concluded that the site had extant planning permission and therefore was considered suitable for allocation. As Members are aware, the LDP process is inherently lengthy and by the time the Inspector published her binding report on 16 October 2014, the planning permission had already lapsed. However, the Inspector noted this in her report with states at paragraph 4.47 that:

*The planning permission for residential development on the allocated site on land adjacent to Laugharne School (T3/1/h2) has lapsed. However, there are no insurmountable obstacles to development and I see no reason why the site would not come forward during the Plan period.*

Therefore, whilst it is acknowledged that the site was initially put forward as a site for development in the LDP on the basis that it had extant planning permission, upon adoption in December 2014, it had expired yet the Inspector concluded that it remained acceptable for allocation without any specific requirements or conditions.

The application site is therefore allocated in the LDP for residential development of circa 42 dwellings.

## **APPRAISAL**

**This application is being reported to the Planning Committee following the receipt of more than five objections from third parties and the recommendation is one of approval subject to a Section 106 agreement and conditions.**

## **THE SITE**

The application site comprises an agricultural field in an elevated position to the west of the historic centre of Laugharne. The site lies adjacent to the more recently developed parts of Laugharne (Orchard Park) and nearby Laugharne Primary School with the village of Broadway located approximately 150m to the south west. The site's north eastern boundary adjoins the Laugharne Playing fields and grounds of Laugharne Primary school, with its south eastern boundary wrapping around the existing Cwrt Wooford residential cul-de-sac and a residential property known as Mel Gwyn and fronting onto the A4066 for a distance of approximately 110m. The site's frontage was once delineated by trees and hedgerows however they have recently been removed and replaced with fencing. The south western boundary adjoins an agricultural field that was once strongly defined by a mature hedgerow and trees. The north western boundary adjoins a woodland area.

The application site falls gently from south east to north west with the woodland area to the north west beyond the site falling steeply down into a wooded valley. Access to the site is currently via an entrance from the A4066 next to the adjoining property known as Mel Gwyn. However, the Cwrt Wooford cul-de-sac turning head adjoins the site and would also provide access albeit this is currently fenced off with high security fencing.

The site is in close proximity to Laugharne Primary School which is located 120m to the north east with a playground area situated diagonally opposite the proposed entrance to the site with a range of play equipment.

The site falls within the settlement boundary for Laugharne and is allocated for residential development in the LDP. Despite this, the site is not within the Laugharne Conservation Area which concentrates on the town's historic core to the east and beyond, where there

are several listed buildings and Laugharne Castle and Castle House (Scheduled Ancient Monument and Registered Historic Park and Garden). The entire site is located within the Taf and Tywi Estuary Outstanding Registered Historic Landscape and the Carmarthen Bay and Estuaries Special Landscape Area designation.

The Carmarthen Bay and Estuaries Special Area of Conservation and Taf Estuary Site of Special Scientific Interest lies approximately 500m to the east with its boundary following the shoreline of the estuary.

## THE PROPOSAL

This planning application seeks Outline Planning Permission for the erection of 42 no. residential dwellings, with Access and Layout to be considered now, with matters relating to detailed Landscaping, Scale (i.e. detailed size of dwellings) and Appearance (i.e. detailed design of the dwellings and wider site) reserved for future consideration.

Of the 42 no. dwellings, 13 no. dwellings would be affordable and accessed independently from the neighbouring Cwrt Woodford site. The remaining dwellings would be accessed via a new improved access directly onto the A4066, and be arranged in a cul-de sac layout, with proposed properties fronting onto the proposed internal road. 6 no. plots would be located along the site's frontage with the A4066, with their rear elevations and rear gardens fronting onto the highway behind a proposed new hedgebank planted with native hedgerow species and extended pavement along the site's entire frontage with the A4066. A new hedgerow would be planted along the site's boundary with the playing fields to the north east, with the existing vegetation and hedgerow between the site and the property known as Mel-Gwyn and along the sites south western boundary with the adjoining agricultural land reinforced and supplemented.

Whilst the detailed design of the properties would be considered at the reserved matters stage, maximum parameters for the dwellings have been included on the plans to including maximum ridge height of 10m, maximum eaves height of 6m, with a maximum width of 16.5m and maximum depth of 14m.

The application was supported by various reports including a Transport Statement, Archaeological Appraisal, Ecological Appraisal Report, Air Quality Assessment, Landscaping details and Drainage Strategy.

## PLANNING POLICY

This application has been considered against relevant policies of the Carmarthenshire Local Development Plan (Adopted December 2014) ("the LDP") and other relevant Welsh Government Guidance. The application is allocated for residential development in the LDP and therefore lies within the settlement of Laugharne which is classed as a Local Service Centre.

The following LDP policies are of key relevance to the proposal:

**Policy SP1 Sustainable Places and Spaces** stipulates that proposals for development will be supported where they reflect sustainable development and design principles by concentrating developments within defined settlements, making efficient use of previously developed land, ensuring developments positively integrate with the community and reflect



local character and distinctiveness whilst creating safe, attractive and accessible environments that promote active transport infrastructure

**Policy SP3 Sustainable Distribution Settlement Framework** seeks to concentrate development in sustainable locations within existing defined settlements such as identified growth areas, service centres, local service centres and other defined sustainable communities. This policy is further supplemented by **Policy GP2 Development Limits**.

**Policy SP5 Housing** refers to the requirement for housing development within the County over the plan period and specifies that 13,352 units are allocated on land included within the LDP with the remaining requirement being delivered on site of less than 5 dwellings. **Policy H1 Housing Allocation** allocates land for residential development for the plan period to 2021. The application site is allocated for a residential development of 42 dwellings (reference T3/1/h2).

**Policy SP17 Infrastructure**, as supplemented by **Policy GP4 Infrastructure and New Development** states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

**Policy GP3 Planning Obligations** stipulates that the Council will, where necessary seek contributions towards improvements to infrastructure, community facilities and other services to meet requirements arising from new developments, including future and ongoing maintenance of such provision as necessary in compliance with the legislative requirements. Allied to this, **Policy AH1 Affordable Housing** states that a contribution towards affordable housing will be required on all housing allocations and windfall sites. The application site falls within the St Clears and Rural Hinterland sub-market area whereby a 30% proportion of affordable housing is sought for development proposals.

**Policy SP9 Transportation** promotes the provision of an efficient, effective, safe and sustainable integrated transport system while Policy SP13 requires that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets, and, where appropriate, their setting in accordance with national guidance and legislation.

**Policy TR3 Highways in Developments – Design Considerations** relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

**Policy EP3 Sustainable Drainage** requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

**Policy GP1 Sustainability and High Quality Design** is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

**Policy SP14 Protection and Enhancement of the Natural Environment** requires that development should reflect the need to protect, and wherever possible enhance the County's natural environment in accordance with national guidance and legislation.

**Policy EQ4 Biodiversity** states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made. Furthermore, **Policy EQ5 Corridors, Networks and Features of Distinctiveness** seeks to ensure that existing ecological networks, including wildlife corridor networks are retained and appropriately managed.

**Policy EP2 Pollution** states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

**Policy REC2 Open Space Provision and New Developments** requires that all new development of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards unless there is sufficient existing provision available.

**Policy SP13 Protection and Enhancement of the Built and Historic Environment** seeks to ensure that development proposals preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets and their setting.

Other Welsh Government Guidance of relevance include:

- Planning Policy Wales (9<sup>th</sup> Edition) November 2016
- Technical Advice Note 5 (TAN 5) - Nature Conservation and Planning (2009)
- Technical Advice Note 12 (TAN) 12: Design (2014)
- Technical Advice Note 18 (TAN) 18: Transport (2007)
- Technical Advice Note 24 (TAN) 24: The Historic Environment (2017)

## **PLANNING CONSIDERATIONS**

### **Principle of Development**

The application site is allocated in the LDP for residential development and therefore this proposal is considered acceptable in principle subject to adherence with other LDP policies and other material considerations.

However, Officers are mindful of the significant public feeling regarding this application and in particular the lack of a Section 106 agreement to secure a package of Community Benefits as previously agreed. As documented above, the planning history of the site is extensive, including its consideration for inclusion in the UDP and subsequently the LDP and the granting of a planning permission at the same time.

Whilst the site history has to be taken into account, the current application must be considered on the basis of the current LDP policy and legislative position. The site is now allocated in the LDP and therefore, its development for residential development is considered acceptable in principle. It is acknowledged that the site was initially put forward for inclusion in the LDP as it had extant planning permission, however, that permission

lapsed before the LDP was adopted. Had it been the case that the site would only have been considered acceptable on the grounds that the benefits would be secured, the Inspector could have made it a requirement when allocating the land. However, the Inspector comments that there were no insurmountable reasons not to allocate the land for residential development.

Furthermore, since the previous planning permission was granted, legislation regarding Section 106 agreements has changed considerably. In particular, the Community Infrastructure Levy Regulations 2010 placed limitations on the use of Section 106 Planning Obligations, and specifies that:

*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is —*

*(a) necessary to make the development acceptable in planning terms;*

*(b) directly related to the development; and*

*(c) fairly and reasonably related in scale and kind to the development.*

Requests from the community for the application to be the subject of the same Community Benefits, particularly the land ownership transfer of the playing fields to the Athletic Club as previously agreed must therefore be considered on the basis of the current policy and legislation.

On this basis, the land ownership transfer is not considered necessary to make the development acceptable in planning terms as the site is allocated for development in the LDP and as the development does not directly impact upon the playing fields, such an obligation would also fail against test (b). In addition, the benefits being sought relate to landownership matters which fall outside of the planning remit. It appears that the community is relying on the planning system to resolve a long-standing landownership matter that is normally resolved through the civil legal process. It should be noted that the land was recently up for sale and had the land been purchased by a different owner then there would be no option for the community as the benefit being sought via the application can only be potentially realised as a result of the applicant being both the owner of the application site and the adjacent playing fields. It therefore falls that such a benefit would no longer meet with test (c) in that it is not fairly and reasonably related in scale and kind to the development.

Whilst Officers are sympathetic to the issues raised by Laugharne Athletic Club and wider community given the previous promises put forward to secure the ownership of the playing field, it is not considered that such requests can legally be requested now in light of current policy and legislation. It is not for the planning system to rectify civil landownership matters. The matters concerning landownership are therefore matters for the relevant parties to resolve through civil proceedings.

However, a Section 106 Agreement will remain to be required that meets the above legislative tests. These include a contribution of £26,000 towards primary and secondary school education within the site's catchment area to meet with the additional demand for education provision directly from the development site; mechanisms to secure the provision of 13 of the dwellings for affordable housing purposes; and, highway improvements to include the provision of a footpath along the site's frontage and further

along into the village of Broadway and a contribution towards highway improvements. The Authority's Parks Manager has not requested to date a commuted payment towards the provision or improvement of play or open space facilities in the local area. An update will be provided should this situation change ahead of the Planning Committee.

### **Impact upon character and appearance of the area, including historic assets**

Whilst located within the settlement boundary for Laugharne, given its elevated position the site is somewhat visually divorced from the historic core of Laugharne which centres around Laugharne Castle and the Grist. It is therefore not considered that the development site would have a significant impact upon the setting of the historic assets in Laugharne, including the Castle, Listed Buildings and Conservation Area.

However, the site lies adjacent to the more recent development of Orchard Park which itself is located in an elevated position with Laugharne Primary School and the Playing Fields located beyond. The site would be viewed as an extension to this area. However, development of the site would bring this area closer to the settlement of Broadway which at present is visually separated from Laugharne by existing agricultural fields. This site therefore needs to be carefully developed to avoid the feeling of coalescence with neighbouring Broadway. As such, the proposal to reinstate the hedgerow boundary along the highway is supported, as well as setting the residential dwellings back from the main road so that the transition between the settlement's edge and the countryside is softened. The layout appears to provide relatively generous plot sizes for dwellings which reflect the neighbouring area whilst respecting the site's "edge of settlement" location.

It is therefore considered, subject to consideration of the details at the reserved matters stage, that the proposal would not have an unacceptable impact upon the character and appearance of the area nor upon the setting of nearby historic assets.

### **Impact on Residential Amenity**

The development site is located in proximity to existing residential properties and therefore has the potential to have an impact upon residential amenity, particularly upon the neighbouring property at Mel-Gwyn and houses along Cwrt Wooford. However, based upon the submitted layout, it is considered that adequate siting of the proposed dwellings can be achieved without having an unacceptable impact on existing amenity.

Concerns have been expressed by some third parties concerning the impact of additional highway traffic utilising the existing cul-de-sac and the impact upon the amenity of the existing residents along Cwrt Wooford. Whilst this is acknowledged and no doubt the development would result in an increase in traffic along this road, it is not considered that the additional traffic would be so detrimental to warrant a refusal of the application.

There will be short term impacts upon amenity associated with the construction of the site however it is considered that these can be adequately controlled by condition.

### **Impact on Highway Safety**

The proposal involves improving the existing site access onto the A4066, providing an extended pavement along the site's boundary with the A4066 and extending the existing access at Cwrt Wooford into the application site to service 13 no. plots. The supporting transport statement concludes that whilst the development could generate an additional 201 trips per day, the likely traffic impact of the proposed development can be satisfactorily accommodated on the surrounding highway network.

In response to the application, the Highway Authority initially raised concerns with the originally proposed location of the access due to its proximity to the existing junction. Consequently, the access, as now proposed, has been moved slightly further to the west to ensure that sufficient junction separation is achieved. The Highway Authority has confirmed that this revised location is acceptable and that sufficient visibility splays can be achieved. In addition, the Highway Authority has requested that on the basis of the increased pedestrians from the development site, that a footpath/pavement is created along the entire application site boundary with the A4066 as well as further along on land within the applicant's control to provide a pedestrian link between the application site and the village of Broadway further west. This request is considered essential having regard to the requirements placed on the Highway Authority under the Active Travel Wales Act 2013 which makes it necessary for Local Authorities in Wales to consider the needs of walkers and cyclists. Furthermore, the highway authority has also requested a contribution towards the installation of two driver feedback signs to further enforce the speed limit at this location in the interests of pedestrian safety.

It is considered that these requirements are directly related to the development and are of a reasonable scale and kind, proportionate to the proposed development and would inevitably improve highway safety for both pedestrians and users of the highway. The applicant has confirmed that they would be willing to enter into a Section 106 agreement to secure these requirements.

### **Impact on Biodiversity**

The application is supported by an Ecological Appraisal report which concludes that the site has low ecological value but does provide foraging opportunities for badgers from the adjacent woodland. As such a suite of recommendations are provided, including locating any badger setts within the adjacent woodland area and providing the necessary mitigation measures to avoid impacts, retention of remaining hedge-banks for reptiles and strong recommendation for the reinstatement of the hedge-banks which have been removed. Given the site's proximity to the SAC and SSSI a Pollution Prevention Method Statement was also prepared and sets out measures which would be employed to ensure that any potential impacts upon the SAC/SSSI during construction are adequately managed and mitigated.

The Authority's Planning Ecologist has not raised any objections to the proposal subject to the imposition of conditions to require the submission of an Ecological Design Scheme for approval and adherence with the submitted Pollution Prevention Method Statement. In addition, the Planning Ecologist has completed a TLSE which concludes that there will be no likely significant effects on the Carmarthen Bay and Estuaries SAC features and their conservation objectives both alone or in combination provided that the proposal accords with the submitted Pollution Prevention Method Statement.

### **Impact on Landscaping & Trees**

Whilst the site was once characterised by mature hedgerows and vegetation along the site's boundary with the A4066, these were removed shortly before the application was submitted. However, as indicated on the submitted Landscape Concept Plan and subsequent landscape details, plans include the reintroduction of a native hedgerow along this boundary which is welcomed. In general, the Landscape details are considered acceptable and allows potential to soften the impact of the development on the wider area and assist with the visual transition between the main built up area of Laugharne and the adjoining countryside. It is considered important to ensure that this is achieved to avoid the sense of coalescence with neighbouring Broadway and that adequate management and maintenance of the landscape is secured. Any subsequent reserved matters applications would need to be submitted in accordance with the overall concept set out in the submitted landscaping plan.

### **Drainage**

As recognised by the response from DCWW above, there is currently no capacity for additional flows within the Wastewater Treatment Works (WwTW) at Laugharne. However, improvements to the WwTW are earmarked for completion by 31 March 2019 and therefore, on this occasion, it is considered reasonable to impose a condition that specifies that none of the proposed dwellings shall be occupied prior to 31 March 2019. Should the works be completed prior to this date, then dwellings could be occupied provided that written confirmation from the Local Planning Authority (in consultation with DCWW) is received.

The application is supported by an initial drainage strategy which indicates preferred options and connection points. Whilst it is noted that concerns have been raised by neighbouring landowners concerning the location of existing connection points, and the need for agreement to be reached between parties, this is a matter for consideration and discussion between the relevant parties. Further detailed information will be required once the full details of the scheme are known and as such a condition requesting the submission of such details is recommended.

### **Archaeology**

An archaeological appraisal of the site by the applicants conclude that no designated archaeological sites would be either directly or visually affected by the proposed development. Historical data indicates that the land has remained as open fields throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries and as such it is suggested that there is a low-medium possibility of archaeology to be encountered on the site. However, this would need to be confirmed by way of a geophysical survey to confirm presence either way and duly inform any required mitigation measures. In response to the submitted report, Dyfed Archaeological Trust have confirmed that given the low-medium potential, it is considered acceptable on this occasion to impose a condition for works to be carried out in accordance with a Written Scheme of Investigation to be approved prior to the commencement of any development.

### **Response to third party representations**

The majority of issues raised by third parties have been addressed in the above report. A number of objections appeared to suggest that the development would lead to the loss of the playing fields. This is not the case in that the application site does not directly impact upon the playing fields. It is only assumed that these objections relate to the perceived impact upon the playing fields due to the lack of a community benefits package as previously agreed. As referred to above, this largely relates to a landownership matter which is not a matter for the planning system to resolve.

Concerns regarding references towards further development to the west are noted however, the development for determination solely relates to the application site area. Any proposal for further development to the west would have to be the subject of planning permission and consideration against the policies and legislative position at that time.

Laugharne Corporation refer to the presence of a longstanding historic public right of way across the land. However, no such right of way is registered on the Definitive Map and therefore whilst there may be a permissive right of way across the land, this again relates to a landownership matter.

Concerns regarding the availability and affordability of the affordable homes are noted. The provision of the affordable units would be the subject of a Section 106 Legal Agreement which will impose clauses to ensure that only qualifying persons who are in need of housing will be able to reside in the properties and that they will be for affordable housing purposes only.

## **CONCLUSION**

After careful consideration of the scheme as submitted, and having regard to the site's planning history and the current planning policy and legislative position, on balance the proposal is considered acceptable. The objections referring to the lack of a Community Benefits Package, as previously agreed, have been considered, however, it is not considered that such a package would meet with the required statutory tests now in place and such requirements were not a definitive pre-requisite for the site's allocation for residential development within the LDP.

The submitted information indicates that the site is capable of being developed without having an unacceptable impact upon the character and appearance of the area, setting of nearby historic assets and residential amenity. The site would be served by a suitable access and traffic generated by the development would not have an adverse effect on highway safety subject to contributions towards highway improvements for new signage and the provision of a new footpath/pavement along the A4066. The development would not have an unacceptable impact upon protected species and nearby designated sites and sufficient safeguards are in place to mitigate against any impacts upon archaeological assets. The submitted information indicates that there are appropriate drainage options for the site and safeguards are imposed to ensure that the development would not overload the existing wastewater treatment works. The applicant/developer has confirmed that they are willing to contribute towards education and highway improvements in the area along with the provision of affordable housing secured through a planning obligation that meets the required statutory tests.

## **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 Development shall not commence until detailed plans of appearance; landscaping; and scale of each building stated in the application have been submitted to and agreed in writing by the Local Planning Authority.
- 3 The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:
  - 1:2500 scale Location Plan (LP-01) received 25 April 2017
  - 1:500 scale Site Layout Plan and Scale Parameters (696/01B) received 16 October 2017
  - 1:500 scale Proposed Drainage Strategy Plan (C-SK01 B) received 31 October 2017
  - 1:500 scale Proposed Landscape Concept (RS044-01-02) received 31 October 2017
  - 1:250 scale Site Sections (696/02B) received 16 October 2017
  - Pollution Management Plan prepared by Sauro Architectural Design dated 7 May 2017
  - Air Quality Assessment (Section 7) by WYG dated March 2017
  - Ecological Appraisal Report (Section 5 – Recommendations and Conclusions) by I & G Ecological Consulting dated February 2017
  - Archaeological Appraisal (Section 5) by Archaeology Wales dated April 2017
  - Transport Statement by LvW dated 16 October 2017
- 4 Any reserved matters application shall include a Detailed Landscaping Design Scheme that accords with the Proposed Landscape Masterplan (drawing RS044-01-01) for written approval. The approved scheme shall be fully implemented in the first planting season following commencement of the development. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within a period of 5 years after implementation (with the exception of the new hedgerow along the A4066 which shall be retained in perpetuity) 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.



- 5 Cross sections taken through the site detailing the finished floor levels of the proposed dwellings in relation to the existing ground levels of the site and adjacent properties shall be submitted as part of any reserved matters application. The development shall be carried out in accordance with the approved details.
- 6 No dwelling(s), hereby approved, shall be occupied earlier than 31 March 2019, unless the upgrading of the Laugharne Wastewater Treatment Works has been completed and written confirmation of the completion of works from the Local Planning Authority is received prior to the occupation of any dwelling(s).
- 7 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 8 No development shall take place until a scheme for the control of noise and dust has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the guidance found in the BS5228: Noise Vibration and Control on Construction and Open Sites. The development shall be carried out in accordance with the approved scheme.
- 9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The written scheme of investigation shall be undertaken by a qualified archaeological contractor and shall include details on how the developer intends to mitigate against any adverse effects on the historic environment and shall include a phased archaeological investigation commencing with a geophysics survey of the site. The development shall be carried out in accordance with the approved scheme.
10. No development or site clearance shall take place until an appropriate and comprehensive Ecological Design Scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions. The scheme shall be in compliance with the principles of the landscape and ecological information submitted with the following approved application documents section 5 of the Ecological Appraisal Report by I & G Ecological Consulting dated February 2017 and relevant guidance as provided by the Local Planning Authority.
11. Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.5 metre carriageway, 1.8 metre footways, and 8.0 metre kerbed radii at the junction with the A4066 road.
12. There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole A4066 road frontage within 2.4 metres of the near edge of carriageway.

13. There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole estate road frontages within 2.0 metres of the near edge of carriageway.
14. Prior to any use of the new 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 road in relation to the nearer edge of the A4066 carriageway. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
15. A scheme of parking and turning facilities shall be provided as part of any reserved matters submission. The approved scheme shall be fully implemented prior to any part of the development the subject of that reserved matters submission being brought into use, 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.
16. Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To clarify the nature of the remaining details that must be submitted for approval prior to the commencement of any works.
- 3 For the avoidance of doubt as to the extent of this permission.
- 4-5 In the interests of visual amenity and to safeguard an appropriate visual transition between the site and the neighbouring countryside.
- 6-7 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.
- 8 To ensure that the amenity of local residents/businesses is adequately protected from dust during construction.
- 9 To protect historic environment interests whilst enabling development.
- 10 In the interests of biodiversity.
- 11-16 In the interests of highway safety.

## **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 Policies SP1, SP3, SP5, SP9, SP13, SP14, SP17, GP1, GP2, GP3, GP4, H1, AH1, TR3, EQ3, EQ4, EQ5 EP2 and REC2 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the application site is allocated for residential development in the LDP and the submitted details indicate that the proposal is capable of accommodating the intended development without having an unacceptable impact upon the character and appearance of the area, setting of nearby historic assets and residential amenity. The site would be served by a suitable access and traffic generated by the development would not have an adverse effect on highway safety subject to contributions towards highway improvements. The development would not have an unacceptable impact upon protected species and nearby designated sites subject to adherence with the recommended conditions and sufficient safeguards are in place to mitigate against any impacts upon archaeological assets. The submitted information indicates that there are appropriate drainage options for the site and safeguards are imposed to ensure that the development would not overload the existing wastewater treatment works. The application is the subject of a planning obligation to secure contributions towards education, along with highway improvements in the area and the provision of affordable housing

## NOTES

- 1 The applicant/developer is advised that this consent is subject to a legal agreement with the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. This agreement includes the provision of affordable housing as part of the development and financial contributions towards education and highway improvements.
- 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](http://www.carmarthenshire.gov.uk))

<b>Application No</b>	<b>W/35655</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSTRUCTION OF A TYRE RECYCLING WAREHOUSE WITH ASSOCIATED OFFICES, OPERATIONAL YARD, STORAGE COMPOUNDS AND ANCILLARY INFRASTRUCTURE AT LAND OFF ALLTYCNAP ROAD, JOHNSTOWN, CARMARTHEN, SA31 3QY

<b>Applicant(s)</b>	TD TYRE RECYCLING LIMITED, MID WAREHOUSE, OLD BRS DEPOT, ALLTYCNAP ROAD, JOHNSTOWN, CARMARTHEN,
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	12/06/2017

## CONSULTATIONS

**Head of Transport** – Has not responded to date

**Carmarthen Town Council** – Has responded stating they have no objections to the proposal.

**Local Member** - County Councillor G John and A Lenny (Chair of the Planning Committee) have not commented to date.

**Land Drainage** – Has commented that the front of the site and access is at risk of fluvial flooding. They acknowledge that as it is from a main river it falls within the remit of NRW. In relation to surface water drainage advice is given in the response and a condition recommended requiring full details of the drainage system to be submitted and agreed prior to construction.

Further to this response the applicant submitted additional information. The response to these additional details is currently outstanding.

**Dwr Cymru / Welsh Water** – Has not raised any objection to the proposal. They have provided advice and details of the location of a pipe crossing the front of the site.

**Public Protection Division** – Has commented in relation to a number of aspects of the proposal.

In relation to Air Quality the response has stated that the existing business premise is on the same industrial estate as the application site and whilst the business seeks to expand the increased vehicle movements associated with the business expansion is unlikely to be significant in terms of the existing vehicle numbers accessing the industrial estate. Llansteffan Road is the main access route to the estate and it is known to suffer severe congestion at peak periods with some vehicles travelling through the Carmarthen Air Quality Management Area (AQMA). The extra number of vehicles associated with the proposed development is unlikely to impact significantly on the AQMA, and it is hoped that the Carmarthen Western Link road will alleviate some of the congestion issues. The response also refers to environmental controls regulated by Natural Resources Wales. There is no objection and no conditions suggested.

In relation to noise there has been correspondence with the agent and their consultants regarding information provided in relation to noise and potential impacts from the development. Following this dialogue a number of planning conditions have been suggested.

**Neighbours/Public** - The application has been publicised by the posting of Site Notices with 1 response having been received to date raising the following matters:

- Reference is made to a mature planted “buffer zone” to screen the estate and query over its retention
- Questions over whether there would be any burning of tyres done at the site and what the proposed use entails

The responded subsequently confirmed that this was not an objection and that they had found the details within the submission.

## **RELEVANT PLANNING HISTORY**

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

W/09102	Proposed new offices and workshops Full planning permission	13 April 2006
D4/22463	Siting of residential development (regulation 5) County permission under regulation 4	30 June 1992
D4/22462	Siting of residential development (regulation 5) County permission under regulation 4	30 June 1992
D4/22461 -	B1/B8 development - light industrial warehousing offices (Regulation 5) Full planning refused	30 June 1992
D4/22460	B1/B8 development - light industrial offices warehousing (Regulation 4) Full planning refused	30 June 1992

D4/6395	Erection of a factory for the manufactures of interlocking concrete blocks Full planning refused	6 August 1979
D4/5576	Access Approved with conditions	14 February 1979
D4/4912	Formation of dual access Approved with conditions	11 July 1978

## **APPRAISAL**

**The application is presented to the Planning Committee as Carmarthenshire County Council have an interested in the site in terms of land ownership**

## **THE SITE**

The application site is an area of land currently part of a larger field enclosure without any buildings at present. The site is located at the western end of the Cillefwr Industrial Estate. The site is located off the southern flank of Alltynap Road in Johnstown, Carmarthen. Land and premises associated with the industrial estate are located opposite to the site and to the east. The site does not extend to the whole of the field with the undeveloped areas being to the south and west. To the west of the field itself there are residential properties. The land slopes towards the road and there is an existing vehicular access at the eastern end of the road frontage. There are trees and hedgerows to the field boundaries with a grassed verge between the front of the site and the road.

The site is located within development limits as delineated by the Carmarthenshire LDP. The field as a whole, and land opposite it to the north, form part of an allocation as Proposed Employment Land in the LDP.

## **THE PROPOSAL**

The application seeks full planning permission for the construction of a tyre recycling warehouse with associated offices, operational yard, storage compounds and infrastructure.

The proposal would create a new access to the field on the eastern side of the frontage but further from the eastern boundary than the current one. The building is located centrally in the application site with the internal road surrounding the building. The initial access road is 5.5m wide narrowing to between 4.6m-4.8m internally. There is a row of parking spaces to the front of the building between the access road and the hedgerow along the frontage boundary. An area for external storage is shown at the rear of the building. The proposal would require alterations to land levels to create a relatively level site. A landscape bund is proposed to the western side of the site. A new profiled bank to the rear of the site is also proposed. A weigh bridge is located to the east of the building.

The proposed building would have a maximum height of 6.8m with a catslide roof 3.5m to the eaves on the front elevation and 4.6m to the rear elevation. The rear elevation of the building has the larger vehicle access doors with the front of the building having smaller openings. The footprint of the building measures 30.5m by 18.3m. The floor plan shows a workshop area to the eastern boundary and main part of the building being a warehouse.

The front element of the building would accommodate offices and staff facilities. The roof would be covered in steel cladding with polycarbonate rooflights. The walls would be coloured profile sheet cladding also.

The application was accompanied by a Phase 1 Habitat Survey. A drainage report was also submitted. A Noise Impact Assessment was submitted during the application. Additional information was submitted during the course of the application in relation to the existing landscape features and proposed details. The proposals include retention of the roadside hedgerow/trees with 2m palisade fencing behind and retention of other trees on the eastern boundary. Additional planting/landscape works are proposed with the bund on the eastern side and planting on the new profiled bank behind the building.

The Company currently trades from an existing premises at the eastern extremity of the Cillefwr Industrial Estate, approximately 600 metres from the application. The Planning Statement gives further details of the nature of the activities at the premises stating the company specialises in the collection and safe disposal of waste tyres, and has operated from a base in the town of Carmarthen for more than 6 years. Currently approximately 9600 tyres per week are currently collected from customers, and returned to the Carmarthen depot for sorting. Tyres are sorted into categories with “green” tyres (worst condition of used tyre) classed as contaminated and thus are exported to an out-of-county incineration site, which represents a process converting waste to energy. Waste tyres that have no wiring exposed are baled and used in the construction industry. Waste tyres with exposed wiring are baled into “scrap bales” and are shipped and exported to South Korea for shredding and mixed with tarmac for road surfacing. Other tyres with certain degrees of tread remaining, with certain specifications such as makes and sizes, are shipped to Germany to a remoulding processing plant. Lorry tyres are cut into three pieces, the sidewalls are sold by TDTRL to farmers and used on silage pits replacing old waste tyres. The resultant tread is shipped to Lithuania and used for construction of blast mats. Tractor and Earth mover tyres are cut and also exported to South Korea for shredding and mixed with tarmac for road surfacing. It is stated that the Company need immediate relocated premises to cater for the additional tyre demand, and in doing so will be looking to recruit an additional 10 employees to implement this project. It is proposed to operate the yard between the hours of 07:00 to 19:00 Monday to Friday, and 07:00 to 13:00 on Saturdays, and not at any time on Sundays and Bank Holidays.

Additional information in relation to drainage at the site has also been submitted. Originally a condition was suggested by the Land Drainage Officer however the applicant wished to provide the information prior to determination.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is located within the defined development limits as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014.

Policy EMP3 Employment – Extensions and Intensification states that proposals for extensions and/or intensification of existing employment enterprises will be permitted provided that the development proposals are not likely to cause environmental damage or prejudice other redevelopment proposals, the proposal does not extend and/or intensify a use or activity that might result in adverse amenity issues, or may not be compatible, with neighbouring uses and that the development proposals are of an appropriate scale and form compatible with its location.



Proposals for the expansion of existing rural enterprises will be supported subject to the above provisions and the policies and proposals of this Plan.

SP14 Protection and Enhancement of the Natural Environment states development should reflect the need to protect, and wherever possible enhance the County's natural environment.

SP2 Climate Change states that development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change will be supported. In particular proposals will be supported where they comply with a number of criteria including adhering to the waste hierarchy and in particular the minimisation of waste, promote the efficient consumption of resources (including water), reflect sustainable transport principles and minimise the need to travel, particularly by private motor car, avoid, or where appropriate, minimise the risk of flooding including the incorporation of measures such as SUDS and flood resilient design, promote the energy hierarchy by reducing energy demand, promoting energy efficiency and increasing the supply of renewable energy and incorporate appropriate climate responsive design solutions including orientation, layout, density and low carbon solutions (including design and construction methods) and utilise sustainable construction methods where feasible. Proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN 15.

Policy SP3 Sustainable Distribution – Settlement Framework states that the provision for growth and development will be at sustainable locations in accordance with the Settlement Framework identified in the LDP.

SP7 Employment - Land Allocations states that sufficient land is allocated for the provision of 111.13 hectares of employment land for the plan period 2006 – 2021 in accordance with the Settlement Framework.

Policy SP9 Transportation states that provision is made to contribute to the delivery of an efficient, effective, safe and sustainable integrated transport system in a number of ways including reducing the need to travel, particularly by private motor car, addressing social inclusion through increased accessibility to employment, services and facilities, supporting and where applicable enhancing alternatives to the motor car, such as public transport (including park and ride facilities and encourage the adoption of travel plans), and active transport through cycling and walking, re-enforcing the function and role of settlements in accordance with the settlement framework, promoting the efficient use of the transport network and the use of locational considerations for significant trip generating proposals, with design and access solutions within developments to promote accessibility by non car modes of transport.

Transport routes, improvements and associated infrastructural facilities which deliver the objectives and priorities of the Regional Transport Plan for South West Wales will be supported. Furthermore, maintaining and enhancing good traffic flows and the attractiveness and viability of more sustainable transport modes which support the strategy and its sustainable objectives will also be supported. Development proposals which do not prejudice the efficient implementation of any identified improvement or scheme will be permitted.

Policy SP17 Infrastructure states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily provided. The LDP

therefore supports the economic provision of infrastructure by allocating sites in identified settlements and in accordance with the Settlement Framework. Renewable energy generation and associated utility connections will be encouraged, in appropriate locations, subject to other Plan policies. Planning Obligations relating to developer contributions towards necessary infrastructure improvements may be sought subject to policy GP3.

Policy EP1 is Water Quality and Resources. This states that proposals for development will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County.

Policy EQ4 Biodiversity states proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation.

Policy EQ5 Corridors, Networks and Features of Distinctiveness requires proposals for development which would not adversely affect those features which contribute local distinctiveness/qualities of the County, and to the management and/or development of ecological networks (wildlife corridor networks), accessible green corridors and their continuity and integrity will be permitted.

Policy EP2 Pollution states that proposals for development should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate that they:

- a. Do not conflict with National Air Quality Strategy objectives, or adversely affect to a significant extent, designated Air Quality Management Areas (permitted developments may be conditioned to abide by best practice);
- b. Do not cause a deterioration in water quality;
- c. Ensure that light and noise pollution are where appropriate minimised;
- d. Ensure that risks arising from contaminated land are addressed through an appropriate land investigation and assessment of risk and land remediation to ensure its suitability for the proposed use.

Policy EP3 Sustainable Drainage states proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that *“it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing”*, *“it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community”* and *“an appropriate*

*access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality”.*

Policy TR3 Highways in Developments - Design Considerations outlines a number of matters to be considered included suitable access and parking and to ensure highway safety is not adversely affected for users of the roads/streets.

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles. This relates to a number of factors including by distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements; promoting, where appropriate, the efficient use of land including previously developed sites; integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations; respecting, reflecting and, wherever possible, enhancing local character and distinctiveness; creating safe, attractive and accessible environments which contribute to people’s health and wellbeing and adhere to urban design best practice; promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling; utilising sustainable construction methods where feasible; improving social and economic wellbeing; and protect and enhance the area’s biodiversity value and where appropriate, seek to integrate nature conservation into new development.

Policy GP4 Infrastructure and New Development states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider’s improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by (or an appropriate contribution is provided by) the developer.

The following TAN’s are also applicable along with Planning Policy Wales:

- Technical Advice Note (TAN) 23: Economic Development (2014)
- Technical Advice Note (TAN) 12: Design (2016) are also of relevance.
- Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)
- Technical Advice Note (TAN) 11: Noise (1997)
- Technical Advice Note (TAN) 15 Development and Flood Risk (2004).
- Technical Advice Note (TAN) 18 Transport (2007);

### **THIRD PARTY REPRESENTATIONS**

There has been 1 representation received to date. This raised questions over buffer vegetation and the nature of the activities at the site rather than objecting to the proposal. The respondent later confirmed that they did not wish for this to be treated as an objection and that they were satisfied that the questions had been answered in the documents submitted. The application is before the Planning Committee as the site is in the ownership of the Authority.

The site is located on land which is allocated as Employment Land in the Local Development Plan. The nature of the commercial use is one that sites within the LDP definition of employment uses. The use is considered to be a B1/B8 use being light industry and storage. The tyres are batched and stored at the site and no other works or treatments carried out at the site. There is no reference to tyres being burnt or other

activities taking place. Therefore in principle the nature of the use is considered acceptable and complying with the LDP allocation.

The proposal sought pre-application advice where the need for supporting information was alluded to. This included information/details relating to highways considerations, drainage, landscape and ecology.

The scale of the building has increased in size since the pre-application. However it is still considered acceptable. The site does not comprise the whole of the field. The building is set back from the road frontage and set in from the western boundary of the site where the nearest residential properties are located. Overall the design of the building is considered appropriate and typical of such commercial buildings and of the wider industrial estate.

The proposal would involve works to land levels. Details have been provided in relation to ecology, landscape features and the change in levels required. It is indicated that the existing roadside hedgerow is to be removed and new planting to take place behind the visibility splay for the new access. Trees/hedgerow to the eastern boundary are located close to the proposed internal road. Details have been provided in relation to the works in this area. Planting is proposed on the new banks that would be created from the excavation works to the south and western ends of the site. A landscape bund is proposed along the western edge of the site. The development does not cover the whole of the field and therefore the trees along the western boundary of the field are not affected or within the application site. The Landscape Officer and Planning Ecologist have requested further details regarding the works near these boundary features.

The site is located at the western end of the estate and in within the last field between the estate and the residential properties further along Alltynap Road. Therefore the potential for impacts on amenity from noise and disturbance need to be taken in to consideration. A noise assessment was provided and the Public Protection Division have responded. There have been subsequent discussions regarding noise levels and hours of opening. The conclusion of these are that conditions are suggested. There may be some level of disturbance from the creation of the new premises however it is considered that the nature of the proposed use, in an allocated site, with the conditions suggested would prevent any significant impacts on amenity. The site is also set in from the western boundary closest to the residential properties.

The land drainage section have responded requesting a condition to provide full details of the drainage scheme. Further details have been provided recently however the response to these from the Land Drainage Section has not been received. Therefore the recommendation still includes the imposition of this condition.

The Head of Transport had not responded at the time of the report and therefore the recommendation is subject to a favourable response.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

As such the application is put forward with a recommendation of approval subject to a favourable response from the Head of Transport and the receipt of appropriate details relating to ecology/landscape.

## **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 shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
  - 1:500, 1:200 and 1:25 scale Proposed Landscaping and Fencing Plan (0072G)
  - 1:2000 and 1:250 scale Site Location and Layout Plan (007DR2)
  - 1:250 scale Hedgerow Survey (0078A)  
received on 19<sup>th</sup> July 2017
  
  - Noise Impact Assessment  
received on 15<sup>th</sup> June 2017
  
  - 1:200 scale Section (GENPL/RB/0078AR1)
  - Phase 1 Habitat Survey – May 2017
  - Drainage Report – May 2017  
received on 1<sup>st</sup> June 2017
  
  - 1:500 scale Topographical Survey
  - 1:50 scale Ground Floor Plan (A101 B)
  - 1:100 scale Elevations (A102 B)  
received on 22<sup>nd</sup> May 2017
- 3 There shall be no external storage at the site other than on the area annotated as “external yard” on the 1:250 scale Site Layout Plan (007DR2) received on 19<sup>th</sup> July 2017.
- 4 The rating level of the noise emitted from the proposed development shall not exceed the existing background noise level. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound. Where the background noise levels shall be expressed as LA90 1hr and the ambient noise levels shall be expressed at Laeq 1hr.
- 5 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 based upon the methodology of 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 4 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 4 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 4. The development shall then be undertaken in accordance with the approved details.

- 6 Prior to their installation details of any proposed ventilation louvres or access doors shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the beneficial use of the development hereby approved and shall be retained in perpetuity.
- 7 The earth bund as shown on the 1:500, 1:200 and 1:25 scale Proposed Landscaping and Fencing Plan (0072G) and the 1:2000 and 1:250 scale Site Location and Layout Plan (007DR2) shall be put in place prior to the beneficial use of the building hereby approved and shall be retained in perpetuity.
- 8 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented prior to construction.

## **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 In the interest of visual amenity.
- 4-7 In order to protect amenity levels for occupants of nearby dwellings.
- 8 In order to prevent the increased risk of flooding and pollution by ensuring the provision of a satisfactory means of suitable surface water disposal.

## **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.

- The proposed development complies with Policy GP1, TR3, EQ4, EQ5, SP17, SP1, SP14, GP4, EP1, EP2, EP3, SP9, SP14, SP3, and EMP3 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that on balance the proposal is acceptable. The site is located on land allocated for employment in the LDP. The proposal is to relocate business currently operating from elsewhere on the estate to allow its expansion. It is not considered that the proposal would have a significant impact on the amenity of adjacent land uses, properties, residents or the community. There are no highway safety concerns. There are no objections in relation to ecology and

sufficient information is provided in relation to landscape. The design and scale of the development is considered appropriate.

## 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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>W/35783</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	NEW ARCHIVE REPOSITORY FACILITY TO REAR OF EXISTING LIBRARY. INCLUDES NEW RAMPED STAFF ENTRANCE FROM PUBLIC CAR PARK. NEW BLUE PENNANT PAVING TO ARCHIVE STAFF ENTRANCE. PROPOSALS TO INCLUDE FOR NEW FIRE STAIR WITHIN EXISTING LIBRARY AT LAND ADJACENT TO, CARMARTHEN LIBRARY, ST PETERS STREET, CARMARTHEN, SA31 1LN

<b>Applicant(s)</b>	DIRECTOR SOCIAL CARE AND HOUSING - JAKE MORGAN, CARMARTHENSHIRE COUNTY COUNCIL, COUNTY HALL, CARMARTHEN, SA31 1JP
<b>Agent</b>	ACANTHUS HOLDEN - MRS LINDA JONES, ACANTHUS HOLDEN ARCHITECTS, THE GREEN, PEMBROKE, SA71 4NU
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	05/07/2017

## CONSULTATIONS

**Head of Transport** – Has recommended a condition with any approval relating to a construction management plan.

**Carmarthen Town Council** – Have responded stating they support the application.

**Local Members** – Cllr Gareth John has not commented to date.

Cllr A Lenny is the Chair of the Planning Committee and has also not made any prior comment.

**Dyfed Archaeological Trust** – Has not raised any objection to the proposal and have recommended a condition regarding a written scheme of investigation.

**Natural Resources Wales** – Have raised no objection and not requested any planning conditions.

**Public Protection Division** – Have raised no objection and not requested any planning conditions.



**Wales and West Utilities** – Have provided details showing the location of their apparatus.

**Dwr Cymru Welsh Water** – have requested a condition be imposed requiring full details of the foul and surface water drainage scheme.

**Land Drainage Section** – have responded stating have they no adverse comments to make regarding the proposals.

**Waste Services** – have not responded to date.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and at press with 1 response having been received to date making the following comments:

The response was from the Carmarthen Civic Society who stated that in general they consider this scheme to be an imaginative architectural solution and also applaud the proposal to return this important facility to the town centre in a well-crafted bespoke building associated with the existing public library.

They strongly agree with the applicant's analysis of how important this development is to the success of the "cultural quarter". However they consider that better management of the car park is key to the success of this venture.

They comment that they feel the public transport links to St Peter's CP are exaggerated in the supporting information, in particular as the car park is not currently suitable for large buses/coaches. They suggest that the Council look to improve public access to ensure the revitalisation of this part of Carmarthen.

They comment that they would have liked to see a wider redevelopment such as including the Community Centre and improvements to signage etc.

Concerns are raised in relation to the impact of the proposed pile foundations on archaeology. They also strongly agree with Dyfed Archaeological Trust that there needs to be full excavation of the site before construction work begins. Suggestions are made for how for how the works etc could be used as part of tourist attractions.

In design terms, they comment that they generally applaud the neutral approach taken with regard to this extension and consider it an appropriate architectural solution for this site in terms of massing and proportion.

They disagree with the treatment of the lower two-storeys in render although they appreciate that render is a local vernacular material and feel this makes the building stand out too much. They feel that horizontally emphasised rain-screen cladding to the lower section, in a darker colour might be a more effective solution.

## **RELEVANT PLANNING HISTORY**

W/36010 Decoration of elevation of Grade II listed building, replace aluminium windows with timber sash windows & redecorate entrance doors. Re-pave courtyard area and approach ramp in blue pennant stone to match paving on Peter Street. New frameless glass balustrading to top of basement lightwell. Existing floodlights removed,

new floodlights to be located in basement lightwell. railings and dwarf walls to be redecorated. New dwarf walls at disabled access courtyard. Existing dwarf walls to be rendered, with new cast stone copings added. Listed - Pending

W/36009 Decoration of elevation of Grade II listed building, replace aluminium windows with timber sash windows & redecorate entrance doors. Re-pave courtyard area and approach ramp in blue pennant stone to match paving on Peter Street. New frameless glass balustrading to top of basement lightwell. Existing floodlights removed, new floodlights to be located in basement lightwell. railings and dwarf walls to be redecorated. New dwarf walls at disabled access courtyard. Existing dwarf walls to be rendered, with new cast stone copings added. Full - Pending

## **APPRAISAL**

**The application is presented to the Planning Committee as Carmarthenshire County Council have an interested in the site in terms of land ownership.**

## **THE SITE**

The application site is Carmarthen Library which is located off the northern flank of St Peters Street, Carmarthen. The site is located to the west of St Peters Car Park with a Community Centre to the north. There are commercial and residential properties to the west of the site. The site is located within the Town Centre of the Carmarthen as delineated in the Carmarthen Local Development Plan (LDP). The library is a listed building. While the front of the library building is within a Conservation Area the rear part of the building is not. Currently at the rear of the building there is an area used for car parking between the library building and community centre. The land at the car park is part of a Scheduled Ancient Monument. The application site in part overlaps this area.

There is an associated listed building consent submission also before the Planning Committee.

Furnace House is a Grade II listed building and was listed despite rebuilding as an imposing 18<sup>th</sup> Century façade with ironwork railings of exceptionally early date and high quality.

The facade to the former town house, now a public library and the remainder of the building was unsympathetically extended in the late 20<sup>th</sup> Century. The building is three storeys in height with basement and has a 5 window front which has a cement render finish with raised stucco quoins to angles, stone sills and fine ashlar porch. There are 4 stone steps which lead to the Porch which has 2 Corinthian columns with carved capitals and moulded bases supporting entablature and cornice and 20<sup>th</sup> Century door. There are cast iron railings matching those dated 1761 to each side of the steps; column on vase type with square bases and large column newels with ball finials. There are handrails ramped down posts. The basement has 9 pane timber sashes with stone sills flanking porch, with lower, similar 6 pane sashes with stone sills to outer bays. Ground floor and first floor windows all renewed 15 pane horned sashes, second floor has matching 12 pane sashes. Raised plain course above second floor under parapet with stone coping. Forecourt is bounded on 2 sides by rendered walls with ashlar coping and raised piers to front. Two large pineapple finials on pedestals, the front finial on stepped pedestals the rear ones on higher swept pedestals. Slightly inward of centre each side is an ashlar niche with plain raised piers, arch surround and keystone. Each niche incorporate a seat

with panel below set between raised piers. Across front are cast iron railings on 2 ashlar low walls. Railings are fluted column on turned pedestal and have gadrooned urn finials. Two sets each side of piers of 4 similar linked rails with cap and larger urn finial, ashlar plinth broken forward under each set. Inner gateposts are cast iron columns with 4 similar rails around, on high pedestals and with entablature block that carry sets of 4 grouped rails with cap and 4 urn finials from which springs a twisted iron overthrow with lamp bracket of scrolled iron. Entablature block inscribed 1761 and M. Busted fecit. Gates have similar rails with urn finials above ramped down top rails, the lower part with open ironwork to concave lozenge with centre circle.

## **THE PROPOSAL**

*The application seeks full planning permission for the construction of a new archive repository facility to rear of existing library. This would include a new ramped staff entrance from public car park. There would be a new blue pennant paving to the archive staff entrance and new fire stair within existing library.*

*The extension is three storeys where it adjoins the existing building and allows a connection between the reference floor of the library to the new archive. The three-storey element is restricted to the public search room and lift only and the remainder of the proposed building limited to two storeys.*

*A repository is by definition a building with few openings as they make it difficult to control temperature and humidity as well as security and as such the building design has been influenced by this. The top floor of the proposed extension will contain the public search room. The floor below would have workspace where the archivist team can work. The western and northern elevations will have limited fenestration, located to give light and ventilation but not views, protecting the privacy of the Little Water Street residents.*

*The archivists' accommodation is proposed to have walls clad in zinc cladding with a random width vertical emphasis. The colour of zinc proposed is not yet to be decided. The majority of the proposed building, the repositories are clad in render again with a vertical emphasis via vertical ashlar grooves and movement joints to create random width vertical panels. The roof is to be covered with a light grey single ply roofing material laid to fall behind minimal parapets. It is proposed that new paving up to the staff entrances would be blue pennant paving matching with that used in King Street.*

*No additional car parking is proposed as part of this proposal with some existing spaces at the rear of the library at present being lost. Staff parking is said to be available at Parc Myrddin and that is where staff will be encouraged to park. The St Peters Carpark adjacent would provide public car parking facilities.*

*It is proposed that a small area of the car park is reserved for library vans to collect and deposit books and for deliveries to the archive. This would result in the loss of five disabled parking spaces which it is intended would be replaced elsewhere within the car park. This would mean the loss of 7 standard parking spaces elsewhere from the car park.*

*The main part of the proposal is the new archive repository. The submission comments that "There is a need for such a building in Carmarthen. The building that previously contained the archives does not provide sufficient temperature and humidity control to cater for the standards archives should be stored in these days. The Carmarthenshire Archive, which is a well-regarded collection is currently stored outside Carmarthenshire.*

Although various records are not available digitally, much is not. In addition to this many historians like to view the original documents and indexes. At present they cannot access these easily. The proposal is therefore to build a new purpose built archive building to contain the archives. This will also then allow the archive team to provide a better service to the public and the various specialist groups which use the archive service as well as care for the county's records. By linking the archive to the library it is hoped that new users will be attracted to the facility."

## **PLANNING POLICY**

In the context of the current development control policy framework the site lies within the development limits of the LDP, within a Conservation Area and within the defined Town Centre of Carmarthen. The site also overlaps on to the adjacent Scheduled Ancient Monument.

*Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.*

*Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.*

*Paragraph 6.2.1 of Welsh Government policy document 'Planning Policy Wales' (November 2016) sets out the Government objective to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved.*

*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.*

*EQ1 Protection of Buildings, Landscapes and Features of Historic Importance states that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.*

*Policy TR3 Highways in Developments - Design Considerations refers to a number of highways considerations including parking, access and traffic generation.*

*Policy SP1 Sustainable Places and Spaces that proposals for development will be supported where they reflect sustainable development and design principles in relation to distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements, promoting, where appropriate, the efficient use of land including previously developed sites, integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations, respecting, reflecting and, wherever possible, enhancing local character and distinctiveness; creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice; promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling; utilising sustainable construction methods where feasible; improving social and economic wellbeing; and protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.*

*Policy SP9 Transportation states that provision is made to contribute to the delivery of an efficient, effective, safe and sustainable integrated transport system through reducing the need to travel, particularly by private motor car; addressing social inclusion through increased accessibility to employment, services and facilities; supporting and where applicable enhancing alternatives to the motor car, such as public transport (including park and ride facilities and encourage the adoption of travel plans), and active transport through cycling and walking; re-enforcing the function and role of settlements in accordance with the settlement framework; promoting the efficient use of the transport network; and the use of locational considerations for significant trip generating proposals, with design and access solutions within developments to promote accessibility by non car modes of transport.*

*Transport routes, improvements and associated infrastructural facilities which deliver the objectives and priorities of the Regional Transport Plan for South West Wales will be supported. Furthermore, maintaining and enhancing good traffic flows and the attractiveness and viability of more sustainable transport modes which support the strategy and its sustainable objectives will also be supported. Development proposals which do not prejudice the efficient implementation of any identified improvement or scheme will be permitted.*

*Policy SP14 Protection and Enhancement of the Natural Environment states development should reflect the need to protect, and wherever possible enhance the County's natural environment. All development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of this Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas, and a list of these are provided.*

*Policy SP16 Community Facilities states the LDP will support the provision of new facilities, along with the protection and enhancement of existing facilities, in accordance with the settlement framework and based upon evidence of need. Proposals for new education and training related developments will be supported where it supports the settlement framework and accords with the policies of this Plan. Any proposals that will result in the loss of an existing facility will be permitted where it can be clearly demonstrated that the facility is no longer viable and that a suitable alternative is*

*accessible within the settlement or sustainable community (where applicable). In order to mitigate the impacts of particular developments, and to facilitate the delivery of the Plan's strategic objectives, community contributions may be sought through planning obligations as and where appropriate.*

*Policy GP1 Sustainability and High Quality Design states that development proposals will be permitted where they accord with a number of criteria including that it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing; it incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges; utilises materials appropriate to the area within which it is located; it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community; it retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity; it achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement); an appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality; it protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment; it ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water; it has regard to the generation, treatment and disposal of waste; it has regard for the safe, effective and efficient use of the transportation network; and it provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all.*

*Policy GP4 Infrastructure and New Development states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by (or an appropriate contribution is provided by) the developer. Planning obligations and conditions will be used (where appropriate) to ensure that new or improved facilities are provided to serve the new development.*

*Policy RT4 Principal Centres (Growth Areas): Town Centre Zone states proposals for the change of use and/or re-development for non-retail uses within a Town Centre Zone (excluding areas identified as within the Primary Retail Frontage and Secondary Retail Frontage) as defined in respect of a designated Principal Centre (Growth Areas) will be permitted where it achieves a diversity of uses appropriate to a town centre location and does not have an adverse impact on its function, visual character and quality.*

*Policy EP2 Pollution states proposals for development should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate that they do not conflict with National Air Quality Strategy objectives, or adversely affect to a significant extent, designated Air Quality Management Areas (permitted developments may be conditioned to abide by best practice); do not cause a deterioration in water quality; ensure that light and noise pollution are where appropriate minimised; and ensure that risks arising from contaminated land are addressed through an appropriate land*

*investigation and assessment of risk and land remediation to ensure its suitability for the proposed use.*

### **THIRD PARTY REPRESENTATIONS**

There has been 1 representation received to date which was from the Carmarthen Civic Society.

*The site is located centrally within Carmarthen and is an extension to an existing facility. There have been no objections to the principle of the development from consultees or members of the public. Carmarthen Civic Society have commented on matters of design and these are addressed in the Conservation Officers response below. The principle of the development in this location is considered acceptable. The proposal is primarily for a new archive centre and links to the existing library building are clear. The proposed extension would provide a modern and suitable location for the archives.*

Carmarthen Civic Society have referred to a need to include additional elements in the wider regeneration of the area. The proposal needs to be assessed as it stands on the basis of what is included in the submission. Whether there would be benefits from the wider regeneration of the area is not a matter that can be considered here. Similarly the better use of the adjacent car park and increasing access to coaches etc may provide wider benefits but fall outside the scope of this application. The site is located adjacent to a car park and there are good public transport and pedestrian links.

Comments are made in relation to archaeological impacts. Pile foundations are referred to in the submission however as there are implications in terms of archaeology this may alter and the applicant has indicated that raft foundations are being considered. Therefore a condition is recommended to ensure that final details of any foundations are submitted for agreement. Dyfed Archaeological Trust have not objected to the application and have recommended a condition in relation to a written scheme of investigation.

*The site is located in relatively close proximity to some residential properties to the west of the proposed extension. The extension is of a large size however it is comparable to the main library building. It is acknowledged that the proposed extension to the rear would be closer to the rear of these properties. There are no windows overlooking these properties and there will be some impacts in terms of amenity/light. However it is felt that there is sufficient separation so that the proposed extension would not be significantly overbearing or have impacts to a degree to warrant refusal of the application. No objections have been received from any residents adjacent to the site. A condition is recommended in relation to construction working hours to protect amenity. No objections have been raised by the Public Protection Division.*

*The Head of Transport has not objected to the proposal and a condition is recommended in relation to a Construction management Plan being submitted and agreed.*

*The site is a listed building within the ownership of the Authority. Therefore any recommendation for the associated listed building consent must be sent to Welsh Government to them to determine, who will then consult with Cadw. The Conservation Officer has been consulted and has recommended approval of the listed building consent. His report contains the following comments:*

“As a consequence of environmental issues at Carmarthen Archives there has been a serious outbreak of mould. The collection has been moved to another County which means there is a limited service.

Works to the Archive building would not alleviate the issues and therefore, the building is not considered fit for purpose and the County Council has aspirations to relocate this service to Carmarthen Library and proposes an extension to accommodate it.

Furnace House has been subject to facadism and extension (side and rear) to allow it to accommodate Carmarthen Library. The proposed location of the archive building is to the rear attached to the unsympathetic 1970's extension which forms part of the listing of Furnace House as a consequence of the definition of a listed building under Section 1 (5) of the 1990 Act.

In considering the application proposals Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places statutory duties on local planning authorities to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

The proposal would not preserve the building or its setting and the ‘**concept**’ of adding an extension to the unsympathetic 1970's development would exacerbate the harm already caused to the traditional character of Furnace House and its setting. Therefore, the Officer is disappointed that consideration was not given by the applicant for improvements to the modern building as part of the scheme to lessen the harm already caused.

However, the Authority's Built Heritage Officer is of the opinion that the proposed location means that there would be no harm to Furnace House status and integrity as building of special architectural or historic interest.

The immediate area of the proposed building has been subject to modern additions i.e. buildings, a car park and the scale, massing, design, materials and its construction which is modern is sympathetic to the area which it is located. The building could be perceived as an improvement to the past development. Access and egress to the building would be via the library but principally St Peter's car park. The latter would be achieved by removing a section of boundary wall; and new paving and boundary wall introduced.

Notwithstanding the above, the area surrounding the building is sensitive as it is adjacent to a scheduled ancient monument, two conservation areas which contains a high concentration of listed buildings and the archive building would cause harm i.e. character and setting. However, the Officer acknowledges that these (character and setting) have been diluted by previous past developments.

In light of the above, the next consideration is whether the proposals bring substantial benefits for the County and if so, will the benefits outweigh the harm caused to the character and setting of listed buildings and to the adjacent conservation areas?

The removal of the historical records from Carmarthen Archive to another County means that there is no access to these records which has caused harm to a part of the heritage of the County. Therefore the Officer welcomes the ‘concept’ of bringing these historical records back to Carmarthen.



The justification for a new archive (existing building is not fit for purpose) is accepted. In terms of the location the Officer is of the opinion that an archive which is more central rather on the periphery (as was the case with Parc Myrddin) should have benefits for allowing easy access for all to use the service, and customers knowing where the building is, ample parking are examples. Also, the new building could encourage more users to the library or vice-versa. Therefore, a central location for the building is considered reasonable and within Carmarthen the proposed location is likely to be the only viable option i.e. lack of available development land. In addition, it could be argued that if other sites were available in the Town that these could be more sensitive to change.

Other benefits of the location of the archives is that the County Council proposes a scheme of works to improve the character and appearance of the front elevation of Furnace House (the buildings special interest) which is subject to a separate application for listed building consent.

In light of the above, the Officer is of the opinion that the benefits in the particular case outweigh the harm caused to character and setting of listed buildings and adjacent conservation areas.

Whilst the special interest of Furnace House would not be affected further harm would be caused to the buildings traditional character and its setting. However, the design, construction, materials of the proposed building are sympathetic to the immediate area it's located.

Notwithstanding the above, the area surrounding the proposed location is sensitive i.e. listed buildings, scheduled ancient monument, conservation areas. The character and setting of some of these designated historic assets would be affected and harm caused.

The Officer acknowledges the benefits of a new archive building such as historical records returning to the Town, easy access for all, improvements to the condition and appearance of Furnace House.”

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

As such the application is put forward with a recommendation of approval for the following reasons.

## **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:

- 1:100 scale Level 0 Plan (P101-D)
- 1:100 scale Proposed Plans Level 1 (P102-D)
- 1:100 scale Proposed Plans Level 2 (P103-D)
- 1:100 scale East and South Elevations (P200-F)
- 1:100 scale North and West Elevations (P201-G)

received on 30<sup>th</sup> August 2017

- 1:500 scale Proposed Site Plan (P002-C)

received on 18<sup>th</sup> August 2017

- 1:1250 scale Location Plan (P001-B)
- 1:100 scale Long and Link Sections (P003-C)

received on 30<sup>th</sup> June 2017

- 3 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.
- 4 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 5 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 to be implemented in full and as agreed.
- 6 Details of foundation design to take account of the archaeological resource shall be submitted to and approved in writing by the local planning authority before the commencement of the development. Development shall thereafter take place in accord with the approved details.
- 7 During the demolition and construction phases, no works or demolition or construction shall take place other than within the hours of 07:30 – 18:00 Monday – Friday, 08:00 – 14:00 on Saturday and not at all on Sundays, Bank or Public Holidays.

- 8 No development shall commence until details of colour of the external cladding are submitted to and agreed in writing by the Local Planning Authority. The material shall be used as agreed.

## **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 To protect historic environment interests whilst enabling development.
- 4 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.
- 5 In the interest of highway safety.
- 6 To ensure that the archaeological resource is protected in situ or fully investigated.
- 7 To reduce impacts from noise and in the interest of protecting amenity of nearby properties.
- 8 In the interest of visual amenity.

## **REASONS FOR DECISION**

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 SP1 in that the site is located in a sustainable location. The proposal also integrates with the character of the area and is accessible by foot and cycling and public transport.
- It is considered that the proposed development complies with Policy SP13 and EQ1 in that while the harm caused to the buildings traditional character and its setting are acknowledged the design, construction, materials etc of the proposed building are sympathetic to the immediate area it's located and outweigh any harm to the character of the Conservation Area or the setting of listed buildings or Scheduled Ancient Monument.
- It is considered that the proposed development complies with S.66 and S.72 of the Listed Buildings and Conservation Areas Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. In that whilst the special interest of Furnace House would not be affected further harm would be caused to the buildings traditional character and its setting. However, the design, construction, materials of the proposed building are sympathetic to the immediate area it's located and outweigh any harm to the character of the Conservation Area or the setting of listed buildings or Scheduled Ancient Monument.

- It is considered that the proposed development complies with Policy GP4 in that appropriate infrastructure is available and/or provided as part of the scheme.
- It is considered that the proposed development complies with Policy GP1 in that the site confirms with and enhances the character and appearance of the site and the surrounding area. The proposed materials are appropriate. There would not be significant impacts on amenity, highways considerations or the environment. Appropriate infrastructure is available and/or is to be provided as part of the scheme. The proposal protects and enhances the historic townscape.
- It is considered that the proposed development complies with Policy TR3 in that appropriate access to the site and no significant concerns over highways safety. The site is located in a sustainable location and justifies a low level of parking provision. The site is easily accessible by foot, cycle and public transport.
- It is considered that the proposed development complies with Policy EP2 in that sufficient information is provided and/or conditioned to ensure that the proposal would not lead to significant increase risks or occurrences of pollution.
- It is considered that the proposed development complies with Policy SP16 and RT4 in that the proposal is a justified extension to an existing community facility located in a sustainable location. The nature of the use is considered appropriate to a town centre location.
- It is considered that the proposed development complies with Policy SP14 in that the proposal gives due consideration to nature conservation and would not have any significant impact on species or their habitats.

## NOTE(S)

- 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](http://www.carmarthenshire.gov.uk)).



<b>Application No</b>	<b>W/35784</b>
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<b>Application Type</b>	Listed Building
<b>Proposal &amp; Location</b>	NEW ARCHIVE REPOSITORY FACILITY TO REAR OF EXISTING LIBRARY. INCLUDES NEW RAMPED STAFF ENTRANCE FROM PUBLIC CAR PARK. NEW BLUE PENNANT PAVING TO ARCHIVE STAFF ENTRANCE. PROPOSALS TO INCLUDE FOR NEW FIRE STAIR WITHIN EXISTING LIBRARY AT LAND ADJACENT TO CARMARTHEN LIBRARY, ST PETERS STREET, CARMARTHEN, SA31 1LN

<b>Applicant(s)</b>	DIRECTOR SOCIAL CARE AND HOUSING - JAKE MORGAN, CARMARTHENSHIRE COUNTY COUNCIL, COUNTY HALL, CARMARTHEN, SA31 1JP
<b>Agent</b>	ACANTHUS HOLDEN - MRS LINDA JONES, ACANTHUS HOLDEN ARCHITECTS, THE GREEN, PEMBROKE, SA71 4NU
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	05/07/2017

## CONSULTATIONS

**Carmarthen Town Council** – have responded stating they support the application.

**Local Members** – Cllr Gareth John has not commented to date.

Cllr A Lenny is the Chair of the Planning Committee and has also not made any prior comment.

**Dyfed Archaeological Trust** – have requested not raised any objection to the proposal and have recommended a condition regarding written scheme of investigation.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and at press with 1 response having been received to date making the following comments:

The response was from the Carmarthen Civic Society who stated that in general they consider this scheme to be an imaginative architectural solution and also applaud the proposal to return this important facility to the town centre in a well-crafted bespoke building associated with the existing public library.

They strongly agree with the applicant's analysis of how important this development is to the success of the "cultural quarter". However they consider that better management of the car park is key to the success of this venture.

They comment that they feel the public transport links to St Peter's CP are exaggerated in the supporting information, in particular as the car park is not currently suitable for large buses/coaches. They suggest that the Council look to improve public access to ensure the revitalisation of this part of Carmarthen.

They comment that they would have liked to see a wider redevelopment such as including the Community Centre and improvements to signage etc.

Concerns are raised in relation to the impact of the proposed pile foundations on archaeology. They also strongly agree with Dyfed Archaeological Trust that there needs to be full excavation of the site before construction work begins. Suggestions are made for how for how the works etc could be used as part of tourist attractions.

In design terms, they comment that they generally applaud the neutral approach taken with regard to this extension and consider it an appropriate architectural solution for this site in terms of massing and proportion.

They disagree with the treatment of the lower two-storeys in render although they appreciate that render is a local vernacular material and feel this makes the building stand out too much. They feel that horizontally emphasised rain-screen cladding to the lower section, in a darker colour might be a more effective solution.

## **RELEVANT PLANNING HISTORY**

W/36010 DECORATION OF ELEVATION OF GRADE II LISTED BUILDING, REPLACE ALUMINIUM WINDOWS WITH TIMBER SASH WINDOWS & REDECORATE ENTRANCE DOORS. REPAVE COURTYARD AREA AND APPROACH RAMP IN BLUE PENNANT STONE TO MATCH PAVING ON PETER STREET. NEW FRAMELESS GLASS BALUSTRADING TO TOP OF BASEMENT LIGHTWELL. EXISTING FLOODLIGHTS REMOVED, NEW FLOODLIGHTS TO BE LOCATED IN BASEMENT LIGHTWELL. RAILINGS AND DWARF WALLS TO BE REDECORATED. NEW DWARF WALLS AT DISABLED ACCESS COURTYARD. EXISTING DWARF WALLS TO BE RENDERED, WITH NEW CAST STONE COPINGS ADDED. Listed Pending

W/36009 DECORATION OF ELEVATION OF GRADE II LISTED BUILDING, REPLACE ALUMINIUM WINDOWS WITH TIMBER SASH WINDOWS & REDECORATE ENTRANCE DOORS. REPAVE COURTYARD AREA AND APPROACH RAMP IN BLUE PENNANT STONE TO MATCH PAVING ON PETER STREET. NEW FRAMELESS GLASS BALUSTRADING TO TOP OF BASEMENT LIGHTWELL. EXISTING FLOODLIGHTS REMOVED, NEW FLOODLIGHTS TO BE LOCATED IN BASEMENT LIGHTWELL. RAILINGS AND DWARF WALLS TO BE REDECORATED. NEW DWARF WALLS AT DISABLED ACCESS COURTYARD. EXISTING DWARF WALLS TO BE RENDERED, WITH NEW CAST STONE COPINGS ADDED. Full Pending

## **APPRAISAL**

**The application is presented to the Planning Committee as Carmarthenshire County Council have an interested in the site in terms of land ownership.**

## **THE SITE**

The application site is Carmarthen Library which is located off the northern flank of St Peters Street, Carmarthen. The site is located to the west of St Peters Car Park with a Community Centre to the north. There are commercial and residential properties to the west of the site. The site is located within the Town Centre of the Carmarthen as delineated in the Carmarthen Local Development Plan (LDP). The library is a listed building. While the front of the library building is within a Conservation Area the rear part of the building is not. Currently at the rear of the building there is an area used for car parking between the library building and community centre. The land at the car park is part of a Scheduled Ancient Monument. The application site in part overlaps this area.

There is an associated full planning application also before the Planning Committee.

Furnace House is a Grade II listed building and was listed despite rebuilding as an imposing 18<sup>th</sup> Century façade with ironwork railings of exceptionally early date and high quality.

The facade to the former town house, now a public library and the remainder of the building was unsympathetically extended in the late 20<sup>th</sup> Century. The building is three storeys in height with basement and has a 5 window front which has a cement render finish with raised stucco quoins to angles, stone sills and fine ashlar porch. There are 4 stone steps which lead to the Porch which has 2 Corinthian columns with carved capitals and moulded bases supporting entablature and cornice and 20<sup>th</sup> Century door. There are cast iron railings matching those dated 1761 to each side of the steps; column on vase type with square bases and large column newels with ball finials. There are handrails ramped down posts. The basement has 9 pane timber sashes with stone sills flanking porch, with lower, similar 6 pane sashes with stone sills to outer bays. Ground floor and first floor windows all renewed 15 pane horned sashes, second floor has matching 12 pane sashes. Raised plain course above second floor under parapet with stone coping. Forecourt is bounded on 2 sides by rendered walls with ashlar coping and raised piers to front. Two large pineapple finials on pedestals, the front finial on stepped pedestals the rear ones on higher swept pedestals. Slightly inward of centre each side is an ashlar niche with plain raised piers, arch surround and keystone. Each niche incorporate a seat with panel below set between raised piers. Across front are cast iron railings on 2 ashlar low walls. Railings are fluted column on turned pedestal and have gadrooned urn finials. Two sets each side of piers of 4 similar linked rails with cap and larger urn finial, ashlar plinth broken forward under each set. Inner gateposts are cast iron columns with 4 similar rails around, on high pedestals and with entablature block that carry sets of 4 grouped rails with cap and 4 urn finials from which springs a twisted iron overthrow with lamp bracket of scrolled iron. Entablature block inscribed 1761 and M. Busted fecit. Gates have similar rails with urn finials above ramped down top rails, the lower part with open ironwork to concave lozenge with centre circle.

## **THE PROPOSAL**

The application seeks full planning permission for the construction of a new archive repository facility to rear of existing library. This would include a new ramped staff



entrance from public car park. There would be a new blue pennant paving to the archive staff entrance and new fire stair within existing library.

The extension is three storeys where it adjoins the existing building and allows a connection between the reference floor of the library to the new archive. The three-storey element is restricted to the public search room and lift only and the remainder of the proposed building limited to two storeys.

A repository is by definition a building with few openings as they make it difficult to control temperature and humidity as well as security and as such the building design has been influenced by this. The top floor of the proposed extension will contain the public search room. The floor below would have workspace where the archivist team can work. The western and northern elevations will have limited fenestration, located to give light and ventilation but not views, protecting the privacy of the Little Water Street residents.

The archivists accommodation is proposed to have walls clad in zinc cladding with a random width vertical emphasis. The colour of zinc proposed is not yet to be decided. The majority of the proposed building, the repositories, are clad in render again with a vertical emphasis via vertical ashlar grooves and movement joints to create random width vertical panels. The roof is to be covered with a light grey single ply roofing material laid to fall behind minimal parapets. It is proposed that new paving up to the staff entrances would be blue pennant paving matching with that used in King Street.

No additional car parking is proposed as part of this proposal with some existing spaces at the rear of the library at present being lost. Staff parking is said to be available at Parc Myrddin and that is where staff will be encouraged to park. The St Peters Carpark adjacent would provide public car parking facilities.

It is proposed that a small area of the car park is reserved for library vans to collect and deposit books and for deliveries to the archive. This would result in the loss of five disabled parking spaces which it is intended would be replaced elsewhere within the car park. This would mean the loss of 7 standard parking spaces elsewhere from the car park.

The main part of the proposal is the new archive repository. The submission comments that "There is a need for such a building in Carmarthen. The building that previously contained the archives does not provide sufficient temperature and humidity control to cater for the standards archives should be stored in these days. The Carmarthenshire Archive, which is a well-regarded collection is currently stored outside Carmarthenshire. Although various records are no available digitally, much is not. In addition to this many historian like to view the original documents and indexes. At present they cannot access these easily. The proposal is therefore to build a new purpose built archive building to contain the archives. This will also then allow the archive team to provide a better service to the public and the various specialist groups which use the archive service as well as care for the county's records. By linking the archive to the library it is hoped that new users will be attracted to the facility."

## **PLANNING POLICY**

In the context of the current development control policy framework the site lies within the development limits of the LDP, within a Conservation Area and within the defined Town Centre of Carmarthen. The site also overlaps on to the adjacent Scheduled Ancient Monument.

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a listed building means the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has done since before the 1<sup>st</sup> July 1948 is listed.

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Paragraph 6.2.1 of Welsh Government policy document 'Planning Policy Wales' (November 2016) sets out the Government objective to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved.

Paragraph 5.12 of Tan 24 states that applicants for listed building consent are required to provide a heritage impact statement. This presents the results of a heritage impact assessment, which is a process designed to ensure that the significance of the building is taken into account in the development and design of proposals for change. Heritage impact assessments should be proportionate both to the significance of the listed building, and to the degree of change proposed, and the statement should provide enough information to allow the local planning authority to judge and impact when considering applications for listed building consent.

Paragraph 5.14 of Welsh Government Guidance Tan 24 states that many listed buildings can sustain a degree of sensitive alteration and extension to accommodate continuing of new uses.

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.

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.

Policy EQ1 of the Location Development Plan for Protection of Buildings, Landscapes and Features of Historic Importance states:

Proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

### **THIRD PARTY REPRESENTATIONS**

There has been 1 representations received to date which was from the Carmarthen Civic Society.

The site is located centrally within Carmarthen and is an extension to an existing facility. There have been no objections to the principle of the development from consultees or members of the public. Carmarthen Civic Society have commented on matters of design and these are addressed in the Conservation Officers response below. The principle of the development in this location is considered acceptable. The proposal is primarily for a new archive centre and links to the existing library building are clear. The proposed extension would provide a modern and suitable location for the archives.

Carmarthen Civic Society have referred to a need to include additional elements in the wider regeneration of the area. The proposal needs to be assessed as it stands on the basis of what is included in the submission. Whether there would be benefits from the wider regeneration of the area is not a matter that can be considered here. Similarly the better use of the adjacent car park and increasing access to coaches etc may provide wider benefits but fall outside the scope of this application. The site is located adjacent to a car park and there are good public transport and pedestrian links.

Comments are made in relation to archaeological impacts. Pile foundations are referred to in the submission however as there are implications in terms of archaeology this may alter and the applicant has indicated that raft foundations are being considered. Therefore a condition is recommended to ensure that final details of any foundations are submitted for agreement. Dyfed Archaeological Trust have not objected to the application and have recommended a condition in relation to a written scheme of investigation which is included on the full planning application.

The site is located in relatively close proximity to some residential properties to the west of the proposed extension. The extension is of a large size however it is comparable to the main library building. It is acknowledged that the proposed extension to the rear would be closer to the rear of these properties. There are no windows overlooking these properties and there will be some impacts in terms of amenity/light. However it is felt that there is sufficient separation so that the proposed extension would not be significantly overbearing or have impacts to a degree to warrant refusal of the application. No objections have been received from any residents adjacent to the site. A condition is recommended in relation to construction working hours to protect amenity. No objections have been raised by the Public Protection Division.

The Head of Transport has not objected to the proposal and a condition is recommended in relation to a Construction management Plan being submitted and agreed.

The site is a listed building within the ownership of the Authority. Therefore any recommendation for this listed building consent must be sent to Welsh Government to them to determine, who will then consult with Cadw. The Conservation Officer has been consulted and has recommended approval of the listed building consent. His report contains the following comments:

“As a consequence of environmental issues at Carmarthen Archives there has been a serious outbreak of mould. The collection has been moved to another County which means there is a limited service.

Works to the Archive building would not alleviate the issues and therefore, the building is not considered fit for purpose and the County Council has aspirations to relocate this service to Carmarthen Library and proposes an extension to accommodate it.

Furnace House has been subject to facadism and extension (side and rear) to allow it to accommodate Carmarthen Library. The proposed location of the archive building is to the rear attached to the unsympathetic 1970's extension which forms part of the listing of Furnace House as a consequence of the definition of a listed building under Section 1 (5) of the 1990 Act.

In considering the application proposals Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places statutory duties on local planning authorities to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

The proposal would not preserve the building or its setting and the **'concept'** of adding an extension to the unsympathetic 1970's development would exacerbate the harm already caused to the traditional character of Furnace House and its setting. Therefore, the Officer is disappointed that consideration was not given by the applicant for improvements to the modern building as part of the scheme to lessen the harm already caused.

However, the Authority's Built Heritage Officer is of the opinion that the proposed location means that there would be no harm to Furnace House status and integrity as building of special architectural or historic interest.

The immediate area of the proposed building has been subject to modern additions i.e. buildings, a car park and the scale, massing, design, materials and its construction which is modern is sympathetic to the area which it is located. The building could be perceived as an improvement to the past development. Access and egress to the building would be via the library but principally St Peter's car park. The latter would be achieved by removing a section of boundary wall; and new paving and boundary wall introduced.

Notwithstanding the above, the area surrounding the building is sensitive as it is adjacent to a scheduled ancient monument, two conservation areas which contains a high concentration of listed buildings and the archive building would cause harm i.e. character and setting. However, the Officer acknowledges that these (character and setting) have been diluted by previous past developments.

In light of the above, the next consideration is whether the proposals bring substantial benefits for the County and if so, will the benefits outweigh the harm caused to the character and setting of listed buildings and to the adjacent conservation areas?

The removal of the historical records from Carmarthen Archive to another County means that there is no access to these records which has caused harm to a part of the heritage of the County. Therefore the Officer welcomes the 'concept' of bringing these historical records back to Carmarthen.

The justification for a new archive (existing building is not fit for purpose) is accepted. In terms of the location the Officer is of the opinion that an archive which is more central rather on the periphery (as was the case with Parc Myrddin) should have benefits for allowing easy access for all to use the service, and customers knowing where the building is, ample parking are examples. Also, the new building could encourage more users to the library or vice-versa. Therefore, a central location for the building is considered reasonable and within Carmarthen the proposed location is likely to be the only viable option i.e. lack of available development land. In addition, it could be argued that if other sites were available in the Town that these could be more sensitive to change.

Other benefits of the location of the archives is that the County Council proposes a scheme of works to improve the character and appearance of the front elevation of Furnace House (the buildings special interest) which is subject to a separate application for listed building consent.

In light of the above, the Officer is of the opinion that the benefits in the particular case outweigh the harm caused to character and setting of listed buildings and adjacent conservation areas.

Whilst the special interest of Furnace House would not be affected further harm would be caused to the buildings traditional character and its setting. However, the design, construction, materials of the proposed building are sympathetic to the immediate area it's located.

Notwithstanding the above, the area surrounding the proposed location is sensitive i.e. listed buildings, scheduled ancient monument, conservation areas. The character and setting of some of these designated historic assets would be affected and harm caused.

The Officer acknowledges the benefits of a new archive building such as historical records returning to the Town, easy access for all, improvements to the condition and appearance of Furnace House."

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

As such the application is put forward with a recommendation of approval for the following reasons.

## **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:-

- 1:100 scale Level 0 Plan (P101-D)
- 1:100 scale Proposed Plans Level 1 (P102-D)
- 1:100 scale Proposed Plans Level 2 (P103-D)
- 1:100 scale East and South Elevations (P200-F)
- 1:100 scale North and West Elevations (P201-G)

received on 30<sup>th</sup> August 2017

- 1:500 scale Proposed Site Plan (P002-C)

received on 18<sup>th</sup> August 2017

- 1:1250 scale Location Plan (P001-B)
- 1:100 scale Long and Link Sections (P003-C)

received on 30<sup>th</sup> June 2017

3 Where it is proposed to construct a new boundary wall existing elevation and section drawings Scale 1:10 or 1:20 highlighting construction, materials, finishes and what is proposed shall be submitted to the Local Planning Authority for an assessment. No works shall commence on taking down and building of a new wall until written confirmation has been given by the Local Planning Authority that the proposed wall is acceptable.

4 A sample of the proposed Zinc Cladding and colour shall be submitted to the Local Planning Authority for an assessment. No works shall be commence on the installation of the cladding until written confirmation has been given by the Local Planning Authority that the cladding is acceptable.

5 A sample panel of the proposed render shall be made up for the Local Planning Authority for an assessment. No works shall commence on the application of the render until written confirmation has been given by the Local Planning Authority that the proposed render is acceptable.

## **REASONS**

1 To comply with Section 18 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

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

3-5 To have special regard to the desirability of preserving the building in respect of Section 16 (2) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

## **REASONS FOR DECISION**

In having special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possess as required under sections 16(2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority finds that despite harm being caused to the traditional character and setting of Furnace House, and to historic assets in the surrounding area. The proposal would have benefits in improving the condition and appearance of Furnace House; in addition the County would have part of its heritage returned. The benefits outweigh the harm caused in this instance.

#### **NOTE(S)**

- 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](http://www.carmarthenshire.gov.uk)).

**APPLICATIONS RECOMMENDED FOR REFUSAL**



<b>Application No</b>	<b>W/36194</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	DEMOLITION OF BUNGALOW AND CONSTRUCTION OF A REPLACEMENT DWELLINGHOUSE & GARAGE (RESUBMISSION OF W/35643) AT SWN Y MOR, FERRYSIDE, SA17 5RS

<b>Applicant(s)</b>	MR I NOON AND MRS W VAUGHAN-PUGHE, SWN Y MOR, FERRYSIDE, CARMARTHEN, SA17 5RS
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
<b>Case Officer</b>	Richard Jones
<b>Ward</b>	St Ishmael
<b>Date of validation</b>	26/09/2017

## CONSULTATIONS

**St. Ishmaels Community Council** – No response received to date.

**Local Members** - County Councillor L M Stephens has requested that the application is reported to Planning Committee. The material planning reasons given by the local member areas follows:

- The footprint of the development has not changed.
- The road that this development is in has a mix of houses of many different scales.

**Neighbours/Public** - The application has been publicised by the posting of a Site Notice adjacent to the application site and the adjoining neighbouring dwellings have been consulted by letter. No response has been received to date.

## RELEVANT PLANNING HISTORY

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

W/35643 Demolition of the existing bungalow and its replacement with a two storey detached dwelling with subterranean garden room and store. The proposals

	also include the construction of a domestic garage Full Planning Refused	28 July 2017
D4/8162	Siting of residential development Full Planning Refused	18 November 1982
D4/26	Residential development siting Full Planning Refused	29 July 1974

## APPRAISAL

**This application is being reported to committee at the written request of the local member for the Llandyfaelog ward. The request has been accompanied by material planning reasons.**

## SITE

The application site comprises the existing curtilage of Swn y Mor, a detached bungalow set within a generous L shape plot of land. The north and north western half comprises the amenity area of the property and is lower in land level compared to the southern half of the plot where the existing dwelling is located.

The property is located along a residential street (Tripenhad Road) which has a mix of housing types and scales. The street has an elevated position above the settlement of Ferryside and most dwellings have views of the Tywi estuary to the north and west. Dwellings are elevated above one another given the rising nature of Tripenhad Road and this is the case currently with the application dwelling being some 3.3m above the dwelling to the west (Towy Hill). The neighbouring dwelling to the east is elevated above the application dwelling.

Planning permission for the demolition of the bungalow and construction of a two storey dwelling on the bungalow's footprint (W/35643 refers) was refused planning permission under officer delegated powers on 28<sup>th</sup> July 2017 for the following reasons:

*The proposed replacement dwelling by virtue of its mass, scale, positioning of habitable room windows and elevated siting relative to the neighbouring dwelling of Towy Hill will have an unacceptable significant impact in terms of overlooking and appear physically overbearing upon the occupiers of this dwelling to the detriment of the residential amenities of its occupiers. This impact will be most significant when viewed from the private amenity spaces associated with Towy Hill.*

## PROPOSAL

Full planning permission is sought for the demolition of the existing bungalow on site and its replacement with a two storey dwelling and garage. The proposed dwelling will be sited on the footprint of the existing bungalow but with the principle (front) elevation of the proposed dwelling rotated from the current position facing west to one that faces south in the direction of Tirpenhad Road, albeit set back some 24m from the highway.

The proposed dwelling will measure 12m in width, a length of 14.5m and will have a variable height of between 8.1m and 10.5m owing to the split level design. Notable

features in the design of the dwelling will comprise a hipped roof, bay windows and canopy on the front elevation and a 2 storey flat roof extension with roof balcony above on the rear elevation that will face the Tywi estuary. The proposed dwelling will cover the built footprint of the existing dwelling whilst also overlapping it due to its greater size. The larger dimensions of the proposal will bring it closer to the boundary with the neighbouring dwelling at Towy Hill to the west.

A double detached garage sited between the proposed dwelling and Tripenhad Road and close to the boundary with Tripenhad will measure approximately 7.7.m in length by 5.5. in width and constructed with a hipped roof measuring 4.5m in height

The design, siting and scale of the dwelling submitted for assessment remains unchanged from the previously submitted scheme, save for the removal of a first floor bedroom window in the western flank elevation that faced the bungalow at the lower level - Towy Hill.

## **PLANNING POLICY**

The application site is located within the defined settlement limits of Ferryside as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014.

In respect of the applications policy context reference is drawn to the following Strategic and Specific planning policies: -

Policy SP1 of the LDP promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LSP's settlement framework. In this respect Llanelli is identified as a Growth Area.

Policy SP17 of the LDP states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

Policy GP2 of the LDP states that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP4 of the LDP states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy H2 of the LDP states that proposals for housing developments on unallocated sites within development limits of a settlement will be permitted provided they are in accordance with the principles of the plan's strategy and its policies and proposals.

Policy TR3 of the LDP highlights the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EQ4 of the LDP relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

## **ASSESSMENT**

Although the proposed dwelling is over double the size of the existing bungalow it intends to replace, its design and scale is consistent with the mixed character of Trippenhad Road which comprises detached single and two storey dwellings. On this basis the proposal will not present any detrimental harm upon the character and appearance of the area.

The proposal will involve the demolition of the existing bungalow therefore a bat survey has accompanied the application to assess whether protected species will be affected in the event that the development is approved and the existing bungalow demolished. The submitted bat survey found no signs of bats roosting within the building proposed for demolition. The surveyor states that the building holds low potential to be used by bats. The Council's planning ecologist has raised no objection subject to standard ecological advice notes.

Given that the proposed access into the site off the public highway will remain the same, whilst sufficient area for parking and turning will be provided, there are considered to be no highway safety concerns associated with the proposed development.

Notwithstanding the above, it is considered that the applicant has failed to fully address the reason for refusal relating to the previously determined application (W/35643). The mass, siting and design of the dwelling remains unchanged (other than the removal of the first floor window) and whilst the applicant proposes to plant a laurel hedge along the common boundary with Towy Hill, it is not considered that this will fully screen the presence of the dwelling and its associated impacts when viewed from the private amenity areas of Towy Hill.

The existing dwelling maintains a distance of approximately 8.1m from the boundary with Towy Hill to the west and faces its side and rear amenity space. The proposed dwelling will be positioned closer to Towy Hill with the separation distance decreasing from 8.1m to 5.8m when compared to the existing dwelling. The proposed dwelling will also be taller in height (approximately 8.1m) and positioned 3.2m higher than the garden area of Towy Hill. Therefore the proposed dwelling will appear in excess of 11m from the neighbouring garden and only maintain a distance of 5.8m. The scale of the dwelling, coupled with the separation distance will result in an overwhelming impact upon the occupiers of Towy Hill

when they are utilising the side and rear areas of their garden. The current bungalow is a smaller property in terms of scale and height, is positioned further away and has a roof that rakes away from Towy Hill. This will not be the case with the proposal.

The applicant's agent has attempted to downplay the impact by suggesting that the neighbouring occupiers at Towy Hill have their main garden space to the front of the curtilage, when this is clearly not the case. The case officer noted when inspecting the site that private garden areas are located immediately adjacent to the rear elevation (north west) and side (north) elevations and have seating which faces the Towy estuary and sea beyond to the north and west. It is acknowledged that whilst the proposed laurel hedge planting will afford some screening of the proposed dwelling from Towy Hill if you were standing immediately adjacent to the boundary, however, it will not totally remove the appearance of the proposal when viewed from the majority of the private garden area.

Despite the above concerns, it is considered that the proposal will not have an unacceptable impact on the dwelling to the north (Tripenhad) given that it is at a lower ground level and orientated to ensure no unacceptable impact in terms of loss of privacy.

## **CONCLUSION**

In conclusion and having regard to all material planning considerations, the proposed dwelling is considered to have an unacceptable impact upon the amenities of the occupiers of Towy Hill when viewed from the private amenity space of this property by virtue of its elevated siting, scale, mass and separation distance. The landscape mitigation proposed along the common boundary will not overcome the physical overbearing impact Towy Hill will experience. Refusal is recommended.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy GP1 of the Carmarthenshire Local Development Plan (December 2014) in that:

#### **Policy GP1 Sustainability and High Quality Design**

**Development proposals will be permitted where they accord with the following:**

- a. It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b. It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c. Utilises materials appropriate to the area within which it is located;
- d. It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e. Includes an integrated mixture of uses appropriate to the scale of the development;
- f. It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and

hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;

- g. It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h. An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i. It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j. It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k. It has regard to the generation, treatment and disposal of waste.
- l. It has regard for the safe, effective and efficient use of the transportation network;
- m. It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n. It includes, where applicable, provision for the appropriate management and eradication of invasive species.

**Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).**

The proposed replacement dwelling by virtue of its mass, scale, elevated siting and close proximity to the neighbouring dwelling of Towy Hill will appear overwhelming physically and in doing so have a significant and unacceptable overbearing upon the occupiers of this dwelling to the detriment of their residential amenity. This impact will be most significant when viewed from the private amenity spaces associated with Towy Hill.

<b>Application No</b>	<b>W/36197</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	RETENTION OF USE OF PART OF DWELLING HOUSE AS A HAIRDRESSING & BEAUTY SALON AT PIBWR MILL, BOLAHAUL ROAD, CWMFFRWD, CARMARTHEN, SA31 2LW

<b>Applicant(s)</b>	MRS J TURNER, PIBWR MILL, BOLAHAUL ROAD, CWMFFRWD, CARMARTHEN, SA31 2LW
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
<b>Case Officer</b>	Richard Jones
<b>Ward</b>	Llangunnor
<b>Date of validation</b>	26/09/2017

## CONSULTATIONS

**Head of Transport** – Recommends that the application be refused on the following grounds:

- **The traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the County Road.**
- **The dimensions of the site appear to be insufficient to accommodate feasible turning area facilities within its curtilage.**
- **The proposed development would lead to increased pedestrian movements along a section of road with no pedestrian facilities.**
- **The proposed development is contrary to Carmarthenshire Local Development Plan Policy TR3 (a, c and e).**

**Natural Resources Wales** – NRW have responded as follows:

The proposed development lies within zone C2 as defined by the development advice map referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004). Our Flood Map information also confirms the site is at risk of flooding. However,

we do acknowledge that the application is purely for the change of use of part of a dwelling house to a hairdressing & beauty salon, which would be considered low vulnerability under TAN 15. Due to the scale of the development we do not consider that a flood consequence assessment is required in this case. The applicant should be made aware of the potential risk of flooding to the site.

**Llangunnor Community Council** – No objection raised.

**Local Members** - County Councillor Elwyn Williams has requested that the application is reported to Planning Committee. The material planning reasons given by the local member are as follows:

- 1 This small business is established in part of a detached house, and is a very small in scale and nature, catering for the hairdressing needs of local residents. The applicant resides at the property.
- 2 The property shares an access onto Bolahaul Road with seven other properties, together with a scaffolding storage business. The additional traffic generated by a small home-based business will be minimal and indistinguishable to the total traffic associated with the existing residential properties. Some customers actually visit the property on foot, from their nearby residences.
- 3 The business has been trading for some two years with no difficulties or problems reported. The applicants pay due regard and respect to the well-being of their neighbours, and ensure there is no indiscriminate parking, or use of the “salon” at unsociable hours.

**Neighbours/Public** - The application has been publicised by the posting of a Site Notice adjacent to the application site. One letter of objection and one letter of support have been submitted, and these are summarised below:

#### Letter of Objection

From the occupier of Pantyrhodyn:

- Concerns about bringing 200 vehicles a week to this small residential area.
- Since the new owners bought the Mill, they have completely transformed the entire downstairs into a Hair Salon. With 3/4 cutting stations. Concern regarding the scale of the business with 4 members of staff and 4 customers being witnessed at the premises at the same time.
- Vehicles reversing out of their drive onto the track has been a problem as drivers then tend to drive on to our drive to turn round. Three times our wooden gates have been driven into, twice I believe it to be Salon customers.
- Concern that customers are parking and turning on land outside the premises and on neighbouring land.
- Poor visibility at the junction with Bolohaul Road onto what is a very fast road.
- Increase in traffic using a narrow land.
- Unsuitable for a commercial premises in a residential area.
- The objector estimates that based on the 3 cutting stations, each only having one customer an hour, plus the massage room, comes to a possible 32 cars a day, and that is if they only do 1 cut per hour per station.



- I have counted 13 vehicles parked in and around my land and the mill. It's not just the customers having their hair done, it's the ones waiting/deliveries and potential customers arriving as well. There isn't room at the Mill to accommodate more than 3 cars.
- Some vehicles have reversed onto Bolahaul road and have been seen parked on the road.
- Impact on property values due to the proximity of this business and associated problems.
- The business generates a significant of refuse waste – up to 50 bags placed on the roadside.
- Concern that if approved the business will expand and exacerbate activity and vehicular movements.

### Letter of Support

- The hairdressing business employs a part time hairdresser and it is in a very convenient location.
- Clients with disabilities have ample on site car parking which makes it far more convenient and accessible than other premises in Carmarthen.
- The staff provide a highly skilled, professional and friendly service to the community.

### **RELEVANT PLANNING HISTORY**

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

D4/8236	Extension to dwelling Full Planning Permission	18 May 1981
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### **APPRAISAL**

**This application is being reported to committee at the written request of the local member for the Llangunnor ward. The request has been accompanied by material planning reasons.**

### **SITE**

The application site comprises part of a detached residential dwelling located off Bolahaul Road. The dwelling is a traditional structure in terms of its scale and design and is surrounded by a small group of outbuildings which were formerly part of a mill. All the structures including the dwelling face a central courtyard area which is used for access and parking within the curtilage.

The application site is accessed off Bolahaul Road and then from an unmade track of variable width which serves the property. A total of 8 properties and a scaffolding business derive access off Bolahaul Road and use the unmade track to access their properties.

The cluster of dwellings within which the application site forms part of is located roughly equi-distant between the Carmarthen outlining communities of Llangunnor and Cwmffrwd.

### **PROPOSAL**

Full planning permission is sought for the retention of a hair and beauty salon in part of the detached property known as Pibwr Mill. The area taken up by the salon within the dwelling will amount to 27m<sup>2</sup> and will comprise a hair salon with four cutting stations at ground floor. The first floor roof space will contain a beauty therapy room. The salon has been in operation for two years and currently has 2 members of staff. There is a courtyard area to the south of the salon has space for up to 4 vehicles. This is also used by the residents of the dwelling.

The applicant has indicated that the salon is open 4 and half days a week, being closed on Sundays and Mondays and Saturday afternoon. The applicant has not indicated the opening hours of the salon but refers in the supporting statement to it being operational during normal daytime hours. Current activity levels according to the submitted statement comprise a maximum of 6 appointments a working day, with customers arriving either by car or foot.

It was not evident from the inspection of the site that any external structural changes have taken place as a result of the unauthorised use, although some signage was evident within the curtilage of the property.

## **PLANNING POLICY**

The following policies are considered relevant in relation to the proposal:

Policy SP1 of the LDP promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LSP's settlement framework. In this respect Llanelli is identified as a Growth Area.

Policy SP17 of the LDP states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

Policy H10 of the LDP relates to Home Working and where permission is required proposals will be permitted where it can be demonstrated that the proposal would be compatible with adjacent land uses and that it would not result in any adverse impacts on local amenity and/or character of the area.

Policy TR3 of the LDP highlights the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

## **ASSESSMENT**

Turning firstly to the impact upon highway safety, the Head of Transport has inspected the site and the proposal details. Following this a number of concerns with regard to the use at this location.

When leaving the application site by car, customers have to egress back onto Bolahaul Road. The visibility at the junction is very limited to the right side and vehicles emerging onto the highway will be using an unsuitable access that falls short of the accepted standard. Approving this development will encourage further vehicles to use an already unsuitable access and could be detrimental to highway safety.

The Head of Highways has also indicated that the turning area associated with the parking provided on site appears to be of insufficient dimension to accommodate a feasible turning area within the site curtilage.

Finally it has been noted from the Highway Officer's site inspection that sections of the road leading to the site are devoid of a pedestrian footway. If customers are currently walking to site for appointments as indicated in the applicant's supporting statement they are doing so on a road with no pedestrian facilities. This is considered detrimental to the safety of pedestrians and motorists alike and allowing the use will perpetuate this.

In terms of the impact upon residential amenity, whilst it is not considered that the proposal will result in any loss of privacy or that the use results in harmful noise/ disturbance, the nature of this commercial use with associated movements during the day will be out of keeping with the residential character of the area. The highway safety impacts generated by the use are considered to result in unacceptable impacts to local residential amenity. Furthermore it is considered that the proposal represents a commercial use located in an unsustainable location. The use would be more appropriate in a town or nearby settlement and grouped with other commercial uses served by adequate parking, access and transport modes

Notwithstanding the above concerns, there are no further material planning objections considered in respect of the proposal.

### **THIRD PARTY REPRESENTATIONS**

An objection letter and letter of support have been received.

The points raised in the letter of support are acknowledged, however, whilst there is considered convenient parking for those who are disabled the turning facilities are considered to be below standard. The letter of support also points to the site having a convenient location for those living nearby. This may be the case but it does not outweigh the concerns outlined above.

Turning now to the letter of objection. The concerns relating to highway safety, parking and turning are acknowledged and have already been addressed. The scale of the business and its location within a residential area is also noted and this is also a concern of officers given that the vehicular movements will intensify an already substandard access. The objector indicates that the use generates a significant amount more customer visits than is indicated in the applicant's supporting statement. The Council takes the information given by the applicant in good faith and has not received any evidence to the contrary to substantiate the numbers indicated by the objector. Finally concern has been

raised regarding the impact on property value. This is not a material planning consideration.

## **CONCLUSION**

In conclusion and having regard to all material planning considerations, the retention of the hair and beauty salon is considered unacceptable in that it would be incompatible with the character of the surrounding area and have an adverse impact on local amenity, whilst having sub-standard visibility at the site access, lack of turning space within the site curtilage and lack of pedestrian facilities leading to the site. In view of the above refusal is recommended.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

1. The proposal is contrary to Policy T3 of the Carmarthenshire Local Development Plan (December 2014) in that:

**The design and layout of all development proposals will, where appropriate, be required to include:**

- a. **An integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport;**
- b. **Suitable provision for access by public transport;**
- c. **Appropriate parking and where applicable, servicing space in accordance with required standards;**
- d. **Infrastructure and spaces allowing safe and easy access for those with mobility difficulties;**
- e. **Required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced;**
- f. **Provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run off from the highway.**

**Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.**

**Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.**

- ***The traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the County Road and would therefore be detrimental to highway safety.***

- *The dimensions of the site appear to be insufficient to accommodate feasible turning area facilities within its curtilage.*
- *The proposed development would lead to increased pedestrian movements along a section of road with no pedestrian facilities, to the detriment of highway safety.*

2. The proposal is contrary to Policy H10 of the Carmarthenshire Local Development Plan (December 2014) in that:

**Proposals for home working (where planning permission is required) will be permitted where it can be demonstrated that the proposal would be compatible with adjacent land uses and that it would not result in any adverse impacts on local amenity and/or the character of the area.**

In that the hair and beauty salon is incompatible with this residential area by virtue of the associated customer movements, vehicular disturbance and intensification of the site access with Bolahaul Road which is considered to fall below highway design standards. These will result in adverse impacts to local amenity and the character of the area.

<b>Application No</b>	<b>W/36312</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	REPAIRS AND STRENGTHENING BOUNDARY WALL AT 1 PARC STARLING, JOHNSTOWN, CARMARTHEN, SA31 3HX

<b>Applicant(s)</b>	MR GORDON ANDERSON, 1 PARC STARLING, JOHNSTOWN, CARMARTHEN, SA31 3HX
<b>Agent</b>	,
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	
<b>Date of validation</b>	19/10/2017

## CONSULTATIONS

**Local Members** – Cllr A D T Speake has not responded to date. Cllr E M J G Schiavone has requested the application be presented to the Planning Committee for the following reasons:

- The application has recently been discussed by the Town Council with no objections.
- The wall is safer and more secure than previously.
- There is a matter of consistency in terms of other similar walls within Carmarthen and the rest of the County that have been approved.

**Carmarthen Town Council** - Has responded with no objection.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and one neighbouring property has been notified with no response having been received as a result.

## RELEVANT PLANNING HISTORY

TMT/02989	Erection of 62 houses including road, sewers & all associated engineering works. Reserved Matters Granted S106 Signed - Commuted Sum	21 July 2003
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TM/01350	Variation of Condition 1 on W/02468 substituting '6 years' for '3 years' and '8 years' for '5 years' to extend the life of the outline planning permission for a further 3 years Outline Planning Permission Granted	03 July 2002
W/02468	Residential development and construction of an off-site surface water drain Outline Planning Permission Granted S106 Signed - Commuted Sum	27 May 1999
D4/20281	Siting of residential development Outline Planning Permission Refused	18 May 1993
D4/14988	Siting of residential development Withdrawn	22 December 1987

## **APPRAISAL**

**The application is as a result of action taken by the Planning Enforcement Team.**

## **THE SITE**

The application consists of the area to the front of a detached property known as 1 Parc Starling. The site is located in Johnstown, Carmarthen off the northern flank of Old St Clears Road. The site fronts on to Old St Clears but has its vehicular access off a private road leading from Parc Starling. The site is the eastern most of the row of properties forming the Parc Starling Estate. The frontage on to Old St Clears for the Parc Starling properties on the east of the estate access point have a small wall with hedgerow above. The application is retrospective and has been submitted following investigation by the Planning Enforcement Team.

## **THE PROPOSAL**

The application seeks retrospective planning permission for repairs and strengthening of the boundary wall.

The wall has been built to a height of 2.15m over 6.4m width and the additional section has been given a render finish.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is located within the defined development limits as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014.

Policy GP1 Sustainability and High Quality Design states that development proposals will be permitted where they accord with a number of criteria including that it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing; it incorporates

existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges; utilises materials appropriate to the area within which it is located; it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community; it retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity; it achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement); an appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality; it protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment; it ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water; it has regard to the generation, treatment and disposal of waste; it has regard for the safe, effective and efficient use of the transportation network; and it provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all.

### **THIRD PARTY REPRESENTATIONS**

There have been no representations received to date. The application is presented to the Planning Committee at the request of one of the local members. The reasons given were:

- The application has recently been discussed by the Town Council with no objections.
- The wall is safer and more secure than previously.
- There is a matter of consistency in terms of other similar walls within Carmarthen and the rest of the County that have been approved.

The response from the Town Council is noted however their "*no objection*" does not imply that the proposal is acceptable when assessed against the relevant planning policies. The matter of safety was raised by the Local Member. The wall at the site was at a far lower level over much of its course than it is now. The construction of the wall in relation to safety is not something that it is possible to comment on. The other reason given was in relation to consistency where it has been stated that other similar walls within Carmarthen and the County of a whole having been approved. No specific examples are given to make any comparison. Below an assessment of the wall in its own context based on the character of the row of properties in which it is in. Each application is assessed on its own merits and therefore while a similar wall may be acceptable in a certain context it is not considered it is acceptable in this location.

The property forms part of the Parc Starling estate and is the end property of the estate where it adjoins the older property. There is a consistent appearance to those properties to the east of the estate road along Old St Clears road to the east of the estate access. This is of a small wall with the hedgerow above being the main feature. Even to the west of the access the low stone wall feature is present with any other boundary treatments set within the wall rather than atop it. The wall at the application site had always tapered upwards at the far end of the frontage however the majority of the road frontage at this dwelling was still a low wall. There had previously been a partly open, trellis like section of fence with close lower fence section set within the boundary previously. What has been



constructed is a block wall on top of the older wall with a render finish over. In terms of the appearance of the wall it is not considered it reflects the character and appearance of this section of road frontage. It would appear at odds with the character of the frontage of these Parc Starling properties. Whereas the other properties have a hedgerow giving a softer appearance to the estate the application site with its wall of over 7ft (2.15m) is harsher and blander in appearance.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is not acceptable.

As such the application is put forward with a recommendation of refusal.

## **RECOMMENDATION – REFUSAL**

### **REASONS**

- 1 The proposal is contrary to Policy GP1 Sustainability and High Quality Design of the Carmarthenshire Local Development Plan:-

#### **Policy GP1 Sustainability and High Quality Design**

Development proposals will be permitted where they accord with the following:

- a. It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b. It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c. Utilises materials appropriate to the area within which it is located;
- d. It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e. Includes an integrated mixture of uses appropriate to the scale of the development;
- f. It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g. It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h. An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i. It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j. It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k. It has regard to the generation, treatment and disposal of waste.

- l. It has regard for the safe, effective and efficient use of the transportation network;
- m. It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n. It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).

In that

The development does not conform with or enhance the character and appearance of the site or area in terms of scale and appearance of the wall. It also fails to utilise materials appropriate to the area. The character of the road frontage of the properties this site forms part of is one where there is a dwarf wall and hedgerow above. The wall constructed is at odds with this being a mix of stone and render. The appearance and height of the wall gives a bland appearance to the frontage as opposed to the softer appearance of the hedgerow along the remainder of the row.

**Y PWYLLGOR CYNLLUNIO  
16 TACHWEDD 2017**

**GORFODI AMODAU CYNLLUNIO A’U MONITRO DANGOSYDDION  
PERFFORMIAD – CHWARTER 1**

**YR ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU  
HANGEN:**

Bod yr Aelodau yn darllen yr adroddiad a’r sylwadau amgaeedig ac ymfordloni â’r camau a gymerwyd.

**Y RHESYMAU:**

Maes monitor rheolaidd yn ofynnol er mwyn sicrhau perffomiad da

Ymgynghorwyd â’r Pwyllgor Craffu perthnasol NADDO  
Angen i’r Bwrdd Gweithredol wneud penderfyniad NAC OES  
Angen i’r Cyngor wneud penderfyniad NAC OES

**Cyfarwyddiaeth**

**Yr Amgylchedd**

**Enw Pennaeth y Gwasanaeth:**

**Llinos Quelch**

**Awdur yr Adroddiad:**

**Julian D Edwards**

**Swyddi:**

**Y Pennaeth Cynllunio**

**Rheolwr Datblygu**

**Rhifau ffôn:**

**01267 228918**

**01267 228659**

**Cyfeiriadau E-bost:**

[LQuelch@sirgar.gov.uk](mailto:LQuelch@sirgar.gov.uk)

[JDEdwards@sirgar.gov.uk](mailto:JDEdwards@sirgar.gov.uk)

**EXECUTIVE SUMMARY  
PLANNING COMMITTEE  
16 NOVEMBER 2017**

**PLANNING ENFORCEMENT AND MONITORING PERFORMANCE INDICATORS**

**1. BRIEF SUMMARY OF PURPOSE OF REPORT.**

The report presents Quarter 1 (April / May / June) data on Best Value National Planning Performance Indicator Targets for Enforcement Action.

The target figure currently identified is that 80% of enforcement matters should be 'resolved' within a 12-week period. The achieved percentage across the County is Quarter 1 62%

**DETAILED REPORT ATTACHED?**

**YES**

# INTEGRATION

I confirm that the Community Strategy Integration Tool has:

Not been used to appraise the subject of this report as it is not appropriate to do so.

Signed: Llinos Quelch

Head of Planning

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Llinos Quelch

Head of Planning

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Llinos Quelch

Head of Planning

**(Please specify the outcomes of consultations undertaken where they arise against the following headings)**

**1. Local Member(s) Informed of all complaints being investigated**

**2. Community / Town Council NOT APPLICABLE**

**3. Relevant Partners Some complaints involve working with the Natural Resources Wales**

**4. Staff Side Representatives and other Organisations NOT APPLICABLE**

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**

Title of Document	File Ref No.	Locations that the papers are available for public inspection

**REPORT OF HEAD OF PLANNING  
TO: PLANNING COMMITTEE  
DATE: 16 NOVEMBER 2017  
RE: PLANNING ENFORCEMENT AND POLICY STATEMENT**

**Background**

1. At its meeting on the 3rd December 2012, the Community Scrutiny Committee unanimously resolved that a task and finish group be established to review the planning enforcement policy and protocols. The start of the review was deferred until June 2013 to allow consideration of the draft Planning Bill Wales. The Objectives and Scope of the review included:
  - To review the current planning enforcement policy and protocols.
  - To identify and evaluate the current enforcement activities undertaken by the Planning Services Division.
  - To identify potential improvements and alternative delivery models for these enforcement services which are affordable and effective.
  - Complaints and advice in relation to nuisance high hedges (Part 8 of the Anti-Social Behaviour Act 2003).
  - To formulate recommendations for consideration by the Executive Board.
2. The scope included a range of enforcement activities undertaken by the Planning Services Division including:
  - Unauthorised erection of buildings or works
  - Unauthorised change of use, building or land
  - Unauthorised display of advertisements
  - Unauthorised works to protected trees and hedgerows
  - Unauthorised work to buildings listed as being of special architectural or historic interest
  - Unauthorised demolition of certain buildings in a Conservation Area
  - Planning permission is in place however the terms and condition of that permission or any legal agreement.
  - Land that is in a poor condition that adversely affects the amenity of the Area
  - Planning issues raised by the Licensing Act 2003
  - Advertisements
  - Breaches of Hedgerow Regulations 1997
  - Complaints and advice in relation to nuisance high hedges (Part 8 of the Anti-Social Behaviour Act 2003)
  - Minerals and Waste site monitoring
  - Wind turbine developments – noise monitoring

3. The recommendations of the Group were accepted by the Executive Board at their meeting on the 28<sup>th</sup> July 2014, planning enforcement cases are now assessed in accordance with this adopted protocol.
4. Enforcement timescales, as identified in paragraph 2 of the Protocol, are now:
  - Top priority cases Within 2 working days
  - High priority cases Within 5 working days
  - Medium priority cases Within 10 working days
  - Lower priority cases Within 15 working days
5. The National target of resolving a case within 12 weeks remains, and will be reported to Planning Committees as previous .Resolved is defined as:
  - i) No breach found
  - ii) Not expedient to take action
  - iii) Breach ceased
  - iv) Retrospective planning application received
  - v) Relevant notice served
6. It is the County Council's present policy to report Enforcement matters to the Planning Committee on a quarterly basis, and the County Council's performance in relation to these targets for Quarter 1 (April / May / June) are attached. Whilst a brief description of individual planning enforcement cases and progress to 30<sup>th</sup> June 2017 is contained in the following report.
7. The target figure currently identified is that 80% of enforcement matters should be 'resolved' within a 12 week period. The achieved percentage across the County is Quarter 1 62%
8. Members will note that the following report on individual enforcement cases contains information which could lead to the County Council taking legal action against third parties who have undertaken unauthorised developments which are considered unacceptable. For this reason, and in accord with paragraph .....12-13 & 17-18..... of part 4 of schedule 12(a) to the Local Government Act 1972, as amended by the Local Government (Access to Information (Variation)(Wales) Order 2007, this item contains exempt information and the public will be excluded from the meeting during such consideration.



## PLANNING ENFORCEMENT AND MONITORING

Performance in relation to Best Value National  
Planning Performance Indicator Targets

### Quarter 1 (April / May / June)

#### PERFORMANCE INDICATORS: PLANNING ENFORCEMENT

#### CASES RESOLVED WITHIN 12 WEEK DEADLINE

1<sup>st</sup> QUARTER 2017 / 2018 April - June

<b>TOTAL RESOLVED</b>	101
<b>RESOLVED WITHIN 12 WEEKS</b>	63

<b>PERCENTAGE RESOLVED WITHIN 12 WEEKS</b>	62%
--	-----

Mae'r dudalen hon yn wag yn fwriadol

## Y PWYLLGOR CYNLLUNIO

16 TACHWEDD 2017

**GORFODI AMODAU CYNLLUNIO A'U MONITRO DANGOSYDDION  
PERFFORMIAD – CHWARTER 2**

**YR ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU  
HANGEN:**

Bod yr Aelodau yn darllen yr adroddiad a'r sylwadau amgaeedig ac ymfordloni â'r camau a gymerwyd.

**Y RHESYMAU:**

Maes monitor rheolaidd yn ofynnol er mwyn sicrhau perffomiad da

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol NADDO  
Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES  
Angen i'r Cyngor wneud penderfyniad NAC OES

**Cyfarwyddiaeth**

**Yr Amgylchedd**

**Enw Pennaeth y Gwasanaeth:**

**Llinos Quelch**

**Awdur yr Adroddiad:**

**Julian D Edwards**

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**EXECUTIVE SUMMARY  
PLANNING COMMITTEE  
16 NOVEMBER 2017**

**PLANNING ENFORCEMENT AND MONITORING PERFORMANCE INDICATORS**

**1. BRIEF SUMMARY OF PURPOSE OF REPORT.**

The report presents Quarter 2 (July / August / September) data on Best Value National Planning Performance Indicator Targets for Enforcement Action.

The target figure currently identified is that 80% of enforcement matters should be 'resolved' within a 12-week period. The achieved percentage across the County is Quarter 2 56%

**DETAILED REPORT ATTACHED?**

**YES**

# INTEGRATION

I confirm that the Community Strategy Integration Tool has:

Not been used to appraise the subject of this report as it is not appropriate to do so.

Signed: Llinos Quelch

Head of Planning

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Llinos Quelch

Head of Planning

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Llinos Quelch

Head of Planning

**(Please specify the outcomes of consultations undertaken where they arise against the following headings)**

**1. Local Member(s) Informed of all complaints being investigated**

**2. Community / Town Council NOT APPLICABLE**

**3. Relevant Partners Some complaints involve working with the Natural Resources Wales**

**4. Staff Side Representatives and other Organisations NOT APPLICABLE**

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**

Title of Document	File Ref No.	Locations that the papers are available for public inspection

**REPORT OF HEAD OF PLANNING  
TO: PLANNING COMMITTEE  
DATE: 16 November 2017  
RE: PLANNING ENFORCEMENT AND POLICY STATEMENT**

## **Background**

1. At its meeting on the 3rd December 2012, the Community Scrutiny Committee unanimously resolved that a task and finish group be established to review the planning enforcement policy and protocols. The start of the review was deferred until June 2013 to allow consideration of the draft Planning Bill Wales. The Objectives and Scope of the review included:
  - To review the current planning enforcement policy and protocols.
  - To identify and evaluate the current enforcement activities undertaken by the Planning Services Division.
  - To identify potential improvements and alternative delivery models for these enforcement services which are affordable and effective.
  - Complaints and advice in relation to nuisance high hedges (Part 8 of the Anti-Social Behaviour Act 2003).
  - To formulate recommendations for consideration by the Executive Board.
2. The scope included a range of enforcement activities undertaken by the Planning Services Division including:
  - Unauthorised erection of buildings or works
  - Unauthorised change of use, building or land
  - Unauthorised display of advertisements
  - Unauthorised works to protected trees and hedgerows
  - Unauthorised work to buildings listed as being of special architectural or historic interest
  - Unauthorised demolition of certain buildings in a Conservation Area
  - Planning permission is in place however the terms and condition of that permission or any legal agreement.
  - Land that is in a poor condition that adversely affects the amenity of the Area
  - Planning issues raised by the Licensing Act 2003
  - Advertisements
  - Breaches of Hedgerow Regulations 1997
  - Complaints and advice in relation to nuisance high hedges (Part 8 of the Anti-Social Behaviour Act 2003)
  - Minerals and Waste site monitoring
  - Wind turbine developments – noise monitoring

3. The recommendations of the Group were accepted by the Executive Board at their meeting on the 28<sup>th</sup> July 2014, planning enforcement cases are now assessed in accordance with this adopted protocol.
4. Enforcement timescales, as identified in paragraph 2 of the Protocol, are now:
  - Top priority cases Within 2 working days
  - High priority cases Within 5 working days
  - Medium priority cases Within 10 working days
  - Lower priority cases Within 15 working days
5. The National target of resolving a case within 12 weeks remains, and will be reported to Planning Committees as previous .Resolved is defined as:
  - i) No breach found
  - ii) Not expedient to take action
  - iii) Breach ceased
  - iv) Retrospective planning application received
  - v) Relevant notice served
6. It is the County Council's present policy to report Enforcement matters to the Planning Committee on a quarterly basis, and the County Council's performance in relation to these targets for Quarter 2 (July / August / September) are attached. Whilst a brief description of individual planning enforcement cases and progress to 30<sup>th</sup> September 2017 is contained in the following report.
7. The target figure currently identified is that 80% of enforcement matters should be 'resolved' within a 12 week period.  
The achieved percentage across the County is Quarter 2: 56%
8. Members will note that the following report on individual enforcement cases contains information which could lead to the County Council taking legal action against third parties who have undertaken unauthorised developments which are considered unacceptable. For this reason, and in accord with paragraph .....12-13 & 17-18..... of part 4 of schedule 12(a) to the Local Government Act 1972, as amended by the Local Government (Access to Information (Variation)(Wales) Order 2007, this item contains exempt information and the public will be excluded from the meeting during such consideration.



## **PLANNING ENFORCEMENT AND MONITORING**

**Performance in relation to Best Value National  
Planning Performance Indicator Targets**

### **Quarter 2 (July / August / September)**

#### **PERFORMANCE INDICATORS: PLANNING ENFORCEMENT**

#### **CASES RESOLVED WITHIN 12 WEEK DEADLINE**

**2<sup>nd</sup> QUARTER 2017 / 2018 July - September**

<b>TOTAL RESOLVED</b>	111
<b>RESOLVED WITHIN 12 WEEKS</b>	62

<b>PERCENTAGE RESOLVED WITHIN 12 WEEKS</b>	56%
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Mae'r dudalen hon yn wag yn fwriadol

Dydd Mawrth, 3 Hydref 2017

**YN BRESENNOL:** Y Cynghorydd A. Lenny (Cadeirydd)

**Y Cynghorwyr:**

J.E. Williams, J.M. Charles, J.A. Davies, P.M. Edwards, J.K. Howell, J.D. James,  
G.B. Thomas, S.M. Allen, K. Lloyd, D. Jones, S.J.G. Gilasbey a C. Jones

**Hefyd yn bresennol:**

Y Cynghorydd P.M. Hughes a fu'n annerch y Pwyllgor ynghylch cais cynllunio W/35461;  
Y Cynghorydd A. James a fu'n annerch y Pwyllgor ynghylch cais cynllunio E/33695.

**Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:**

J. Edwards, Rheolwr Datblygu & Treftadaeth Adeiledig  
S. Murphy, Uwch-gyfreithiwr  
K. James, Peiriannydd Cynorthwyol (Cydgysylltu Cynllunio)  
K Phillips, Development Management Officer  
J. Thomas, Uwch Swyddog Rheoli Datblygu (y De)  
S. Willis, Swyddog Rheoli Datblygu  
M.S. Davies, Swyddog Gwasanaethau Democraidd

**Y Siambr, Neuadd y Sir - 1.15 pm - 4.30 pm**

**1. YMDDIHEURIADAU AM ABSENOLDEB**

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr L. Bowen, I.W. Davies, W.T.E. Evans, H.I. Jones, M.J.A. Lewis, K. Madge a B.A.L. Roberts.

**2. DATGAN BUDDIANNAU PERSONAL**

Cynghorydd	Rhif y Cofnod	Y Math o Fuddiant
A. James	3 – Cais Cynllunio E/33695; Cais cynllunio llawn i godi uned ddofednod ar fferm er mwyn cadw ieir maes (i gynhyrchu wyau) ynghyd â biniau bwydydd cysylltiedig, mynediad mewnlol o'r fferm a gwaith cysylltiedig yng Ngodre Garreg, Llangadog, SA19 9DA	Gwerthodd dir i'r ymgeisydd.
S.M. Allen	4 – Cais Cynllunio W/35461; adeiladu 30 preswylfa a gwaith seilwaith cysylltiedig ar y safle (safle diwygiedig) ar dir y tu cefn i Gae Ffynnon, Bancyfelin, Caerfyrddin, Sir Gaerfyrddin, SA33 5DQ	Fe'i penodwyd yn sylwedydd y Cyngor ar Fwrdd Rheoli Cymdeithas Tai Bro Myrddin.

**3. E/33695 - CAIS CYNLLUNIO LLAWN I GODI UNED DDOFEDNOD AR FFERM ER MWYN CADW IEIR MAES (I GYNHYRCHU WYAU) YNGHYD Â BINIAU BWYDYDD CYSYLLTIEDIG, MYNEDIAD MEWNOL O'R FFERM A GWAITH CYSYLLTIEDIG YNG NGODRE GARREG, LLANGADOG, SA19 9DA**

Cyfeiriodd y Swyddog Rheoli Datblygu at ymweliad preifat y Pwyllgor â'r safle'n gynharach y diwrnod hwnnw (gweler cofnod 3.2 o gyfarfod y Pwyllgor Cynllunio ar 24 Awst 2017) er mwyn i'r Pwyllgor gael golwg ar y trefniadau o ran mynediad yn sgil pryderon ynghylch diogelwch ar y ffordd. Cyfeiriodd, gyda chymorth sleidiau PowerPoint, at adroddiad/atodiad ysgrifenedig y Pennaeth Cynllunio a oedd yn rhoi arfarniad o'r safle ynghyd â disgrifiad o'r datblygiad, crynodeb o'r ymatebion a gafwyd i'r ymgynghoriad a gwybodaeth am y polisiau lleol a chenedlaethol a oedd yn berthnasol wrth asesu'r cais. Rhoddwyd gwybod i'r Pwyllgor fod y Pennaeth Cynllunio yn argymhell cymeradwyo'r cais am y rhesymau a nodwyd yn ei hadroddiad ysgrifenedig hi.

Daeth sylw i law a oedd yn ategu'r gwrthwynebiadau a fynegwyd yn y cyfarfod ar 24 Awst 2017 a'r rhai y manylwyd arnynt yn adroddiad y Pennaeth Cynllunio; roedd y prif feysydd a oedd yn peri pryder yn ymwneud â lleoliad yr uned a'r ffaith y byddai'n agos at dai cyfagos, a phroblemau iechyd a allai godi.

Ar ôl cael cyngor am ei sefyllfa gan y Pennaeth Gweinyddiaeth a'r Gyfraith cyn y cyfarfod, bu i'r aelod lleol, y Cynghorydd A. James, ddatgan buddiant yn yr eitem hon; anerchodd y Pwyllgor – o blaid y cais – a gadawodd y cyfarfod.

Ymatebodd asiant yr ymgeisydd a'r Swyddog Rheoli Datblygu i'r materion a godwyd.

**PENDERFYNWYD gwrthod cais cynllunio E/33695, yn groes i argymhelliad y Pennaeth Cynllunio, ar y sail bod pryderon ynghylch Polisiau EMP 4 a TR3 a Nodyn Cyngor Technegol 6.**

4. **W/35461 - ADEILADU 30 PRESWYLFA A GWAITH SEILWAITH CYSYLLTIEDIG AR Y SAFLE (SAFLE DIWYGIEDIG), TIR Y TU CEFN I GAE FFYNNON, BANCYFELIN, CAERFYRDDIN, SIR GAERFYRDDIN, SA33 5DQ**  
[NODER: Bu i'r Cynghorydd S. M. Allen ddatgan buddiant personol yn y cais hwn a gadawodd y cyfarfod cyn i'r cais gael ei ystyried a chyn y gwnaed penderfyniad yn ei gylch.]

Cyfeiriodd y Swyddog Rheoli Datblygu at ymweliad preifat y Pwyllgor â'r safle'n gynharach y diwrnod hwnnw (gweler cofnod 5.2 cyfarfod y Pwyllgor Cynllunio ar 21 Medi 2017) a gynhaliwyd er mwyn i'r Pwyllgor gael golwg ar safle arfaethedig y datblygiad ac ystyried y pryderon o ran dŵr wyneb a llifogydd yn yr ardal, ynghyd â'r effaith y gallai'r datblygiad ei gael ar bentref Bancyfelin a'r pryderon sy'n bodoli o ran parcio wrth ysgol y pentref a diogelwch ar y priffyrdd. Cyfeiriodd, gyda chymorth sleidiau PowerPoint, at adroddiad/atodiad ysgrifenedig y Pennaeth Cynllunio a oedd yn rhoi arfarniad o'r safle ynghyd â disgrifiad o'r datblygiad, crynodeb o'r ymatebion a gafwyd i'r ymgynghoriad a gwybodaeth am y polisiau lleol a chenedlaethol a oedd yn berthnasol wrth asesu'r cais. Rhoddwyd gwybod i'r Pwyllgor fod y Pennaeth Cynllunio yn argymhell cymeradwyo'r cais am y rhesymau a nodwyd yn ei hadroddiad ysgrifenedig hi.

Daeth sylwadau i law a oedd yn ategu'r gwrthwynebiadau a fynegwyd yn y cyfarfod ar 21 Medi 2017 a'r rhai y manylwyd arnynt yn adroddiad y Pennaeth Cynllunio; roedd y prif feysydd a oedd yn peri pryder yn ymwneud â draenio dŵr, llifogydd a mynediad.

Ymatebodd asiant yr ymgeisydd a'r Swyddog Rheoli Datblygu i'r materion a godwyd.

**PENDERFYNWYD** caniatáu cais cynllunio W/35461 yn amodol ar yr amodau y manylwyd arnynt yn Adroddiad/Atodiad y Pennaeth Cynllunio a/neu y rhoddwyd gwybod amdanynt yn y cyfarfod, ynghyd â Chytundeb Adran 106.

**5. RHANBARTH Y DE - PENDERFYNU AR GEISIADAU CYNLLUNIO**

**PENDERFYNWYD** caniatáu'r cais cynllunio canlynol yn amodol ar yr amodau y manylwyd arnynt yn Adroddiad/Atodiad y Pennaeth Cynllunio a/neu y rhoddwyd gwybod amdanynt yn y cyfarfod:

<b>S/35996</b>	<b>Estyniad i'r man parcio ar lawr caled sy'n bodoli eisoes (ôl-weithredol) yn 32 - 34 Beidr Non, Llannon, Llanelli, SA14 6BA</b>
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**CADEIRYDD**

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**DYDDIAD**

Mae'r dudalen hon yn wag yn fwriadol

Dydd Iau, 19 Hydref 2017

**YN BRESENNOL:** Y Cyngorydd A. Lenny (Cadeirydd)

**Y Cynghorwyr:**

S.M. Allen, J.M. Charles, I.W. Davies, J.A. Davies, W.T. Evans, S.J.G. Gilasbey, J.K. Howell, J.D. James, C. Jones, D. Jones, H.I. Jones, M.J.A. Lewis, K. Madge and J.E. Williams

**Hefyd yn bresennol:**

Y Cynghorwyr T.M. Higgins a fu'n annerch y Pwyllgor ynghylch ceisiadau cynllunio S/35645 a S/36018.

**Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:**

J. Edwards, Rheolwr Datblygu & Treftadaeth Adeiledig  
K. James, Peiriannydd Cynorthwyol (Cydgysylltu Cynllunio)  
S. Murphy, Uwch-gyfreithiwr  
J. Thomas, Uwch Swyddog Rheoli Datblygu (y De)  
K. Thomas, Swyddog Gwasanaethau Democraidd

**Y Siambr, Neuadd y Sir - 10.00 am - 12.05 pm**

**1. YMDDIHEURIADAU AM ABSENOLDEB**

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr L. Bowen, P. M. Edwards, K. Lloyd a G.B. Thomas

**2. DATGAN BUDDIANNAU PERSONOL**

Y Cyngorydd	Rhif y Cofnod	Y Math o Fuddiant
D. Jones	3.1 – Cais Cynllunio S/35911 – Cais am gynyddu'r oriau gweithredu ar gyfer Uned 8 i ganiatáu iddi agor tan 02:00 bob dydd, Uned 8, Parc Manwerthu Cross Hands, Cross Hands, Llanelli, Sir Gaerfyrddin SA14 6NB	Wedi trafod y mater yn flaenorol yn y Cyngor Cymuned lleol ac â thrigolion

**3. RHANBARTH Y DE - PENDERFYNU AR GEISIADAU CYNLLUNIO**

**3.1 PENDERFYNWYD YN UNFRYDOL** ganiatáu'r ceisiadau cynllunio canlynol yn amodol ar yr amodau yn Adroddiad/Atodiad y Pennaeth Cynllunio a/neu y rhoddwyd gwybod amdanynt yn y cyfarfod:-

S/35911	<p><b>Cais am gynyddu'r oriau gweithredu ar gyfer Uned 8 i ganiatáu iddi agor tan 02:00 bob dydd, Uned 8, Parc Manwerthu Cross Hands, Cross Hands, Llanelli, Sir Gaerfyrddin SA14 6NB</b></p> <p>(NODER: Gan ei fod wedi datgan buddiant yn y mater hwn yn gynharach, gadawodd y Cynghorydd D. Jones Siambr y Cyngor cyn i'r Pwyllgor ystyried y mater a phenderfynu arno)</p>
S/36017	<p><b>Adeiladu garej newydd ar y llawr gwaelod ynghyd â fflat breswyl ar y llawr cyntaf, Rhodfa Parc Howard, Llanelli, SA15 3LQ</b></p>

**3.2 PENDERFYNWYD YN UNFRYDOL ohirio ystyried y ceisiadau cynllunio canlynol er mwyn i'r Pwyllgor Cynllunio ymweld â'r safleoedd:**

S/35791	<p><b>Codi preswylfa newydd ar dir yn 7 Heol y Pwll, y Pwll, Llanelli</b></p> <p><b>Y RHESWM:</b> galluogi'r Pwyllgor i gael golwg ar leoliad yr eiddo a materion o ran parcio ceir.</p> <p>Yn unol â phrotocol y Pwyllgor Cynllunio roedd y gwrthwynebwr oedd wedi gofyn am gael siarad ynghylch yr eitem hon wedi dewis cyflwyno ei sylwadau yn y cyfarfod ar ôl yr ymweliad â'r safle</p>
S/36018	<p><b>Addasu a helaethu ysgubor i greu rhandy preswyl ar gyfer aelodau teulu'r breswylfa gyfagos, Llwyn y Rhos, Heol Cwper, Rhydaman:-</b></p> <p>Gwnaed cais am i'r Pwyllgor gynnal ymweliad safle i gael golwg ar leoliad yr eiddo mewn perthynas â'r ardal gyfagos ac ar y sail na fyddai uchder y to yn achosi unrhyw niwed i'r dirwedd gan ei fod yn edrych fel petai'n rhan o adeiladau'r fferm.</p> <p>Daeth sylw i law a oedd yn cefnogi'r cais ac yn ailbwysleisio rhai o'r pwyntiau y manylwyd arnynt yn adroddiad y Pennaeth Cynllunio, gan gynnwys y canlynol:-</p> <ul style="list-style-type: none"> <li>• Roedd y cais yn ymwneud â chadw gwaith a wnaed eisoes i'r eiddo i hwyluso darparu llety ar gyfer perthynas oedrannus oedd yn dymuno dychwelyd i'r ardal i gael cymorth gan y teulu.</li> <li>• Nod yr estyniad arfaethedig oedd hwyluso darparu rhandy ag ystafell ymolchi i berson anabl.</li> <li>• Roedd y Pennaeth Cynllunio wedi cadarnhau bod newid y defnydd o lety gwyliau i ddefnydd preswyl yn dderbyniol.</li> </ul>



	<ul style="list-style-type: none"> <li>• Argymhellwyd bod y cais yn cael ei wrthod ar y sail y byddai'n niweidiol i gymeriad a golwg yr ysgubor wreiddiol a'r ardal gyfagos. Dadleuwyd y byddai'r rhandy arfaethedig, a fyddai'n cael ei leoli tua 500 metr o'r briffordd, yn gweddu i'r ardal gyfagos ac na fyddai'n uwch na thŷ'r teulu.</li> <li>• Nid oedd unrhyw wrthwynebiad i'r cais wedi cael ei gyflwyno gan y cymdogion na'r cyngor cymuned lleol.</li> </ul> <p>Ni fyddai'r cynnig ar y safle yn gyfan gwbl ac ni fyddai'n niweidiol i'r amwynder lleol na'r cymdogion.</p> <p><b>Y RHESWM:</b> galluogi'r Pwyllgor i gael golwg ar y datblygiad mewn perthynas â'r ardal gyfagos</p>
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**3.3 PENDERFYNWYD YN UNFRYDOL ohirio ystyried y cais cynllunio canlynol er mwyn gallu cael trafodaethau gyda'r ymgeisydd ynghylch cyfraniad ariannol tuag at ddarparu tai fforddiadwy:-**

<b>S/35645</b>	<p><b>Preswylfa a garej ar dir oddi ar Heol yr Hafod, Tŷ-croes, Rhydaman, SA18 3GA</b></p> <p>(NODER: ni chefnogwyd cais a gyflwynwyd yn gofyn i'r Pwyllgor gynnal ymweliad safle ar y sail bod y Pwyllgor o'r farn bod y sleidiau PowerPoint yn rhoi digon o fanylion i wneud penderfyniad ynghylch y cais)</p> <p>Cafwyd sylwadau oedd yn gwrthwynebu'r cais ac yn ailbwysleisio rhai o'r pwyntiau a nodwyd yn adroddiad y Pennaeth Cynllunio, gan gynnwys y canlynol:-</p> <ul style="list-style-type: none"> <li>• Nid oedd y mynediad arfaethedig i'r safle, sef drwy'r lôn wasanaeth breifat y tu cefn i dai ar ystad Parc yr Hendre, sy'n 4.7 metr o led, yn ddigon i ganiatáu i ddau gar fynd heibio ei gilydd, heb sôn am gerbydau adeiladu.</li> <li>• Nid oedd dim manau pasio na manau troi ar y lôn wasanaeth ac roedd tro cas ar y pen yn arwain at leoedd parcio i drigolion.</li> <li>• Y farn oedd nad oedd y ffotograffau o'r ffordd wasanaeth a ddangoswyd yn y cyfarfod yn gyflawn ac nad oeddent yn dangos y ffordd i gyd.</li> <li>• Ofnid y gallai traffig adeiladu rwystro'r ffordd wasanaeth gan darfu ar y 6 thŷ sy'n defnyddio'r ffordd i gael mynediad i'w lleoedd parcio.</li> <li>• roedd y trigolion o'r farn y dylai'r ymgeisydd dalu am unrhyw ddifrod a achosir i'r ffordd wasanaeth yn ystod y gwaith adeiladu ac, os bydd y cais yn cael ei ganiatáu, byddant yn ceisio cyngor cyfreithiol yn hynny o beth.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Cyfeiriwyd at sylw y byddai unrhyw darfu yn fyrhoedlog. Fodd bynnag, tynnwyd sylw'r Pwyllgor at hanes ystad Parc yr Hendre lle nad oedd y datblygwr (yr ymgeisydd), ers i'r ystad gael ei chwblhau yn 2015, wedi cwblhau ffordd a llwybrau troed yr ystad i'r safon lle y gallai'r awdurdod lleol eu mabwysiadu.</li> <li>• Mynegwyd pryderon ynghylch y posibilrwydd o lifogydd dŵr arwyneb yng ngerddi cefn tai ar ystad Parc yr Hendre ac na ellid rhoi unrhyw sicrwydd y byddai'r datblygiad arfaethedig yn lleddfu/gwaethygu'r sefyllfa.</li> <li>• Mynegwyd pryder y gallai maint y datblygiad arfaethedig olygu ei fod yn edrych dros dai ar ystad Parc yr Hendre.</li> <li>• Mynegwyd pryder ynghylch effaith bosibl y traffig ychwanegol yn sgil y datblygiad arfaethedig ar y ffordd wasanaeth gefn.</li> <li>• Gofynnwyd a ellid cynnwys amodau mewn unrhyw ganiatâd cynllunio er mwyn gohirio cychwyn y datblygiad hyd nes y bydd ffordd ystad Parc yr Hendre wedi cael eu mabwysiadu a bod sicrwydd yn cael ei roi y byddai'r ymgeisydd yn talu am unrhyw ddifrod a achosir i'r ffordd wasanaeth yn ystod y gwaith adeiladu.</li> </ul>
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#### 4. RHANBARTH Y GORLLEWIN - PENDERFYNU AR GEISIADAU CYNLLUNIO

**PENDERFYNWD YN UNFRYDOL** nodi bod y cais cynllunio canlynol i'r Pwyllgor ei ystyried wedi cael ei dynnu'n ôl:

<b>W/35898</b>	<b>Adeiladu gweithdy/garej fasnachol ar gyfer Sarnau Motors, cae ger Hafod Bakery, Heol Llysonnen, Bancyfelin, Caerfyrddin</b>
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#### 5. LLOFNODI YN COFNOD CYWIR COFNODION Y CYFARFOD A GYNHALIWDYD AR

##### 5.1. 5ED MEDI 2017

**PENDERFYNWD YN UNFRYDOL** lofnodi cofnodion y cyfarfod oedd wedi'i gynnal ar 5 Medi, 2017 i nodi eu bod yn gywir.

##### 5.2. 21AIN MEDI 2017

**PENDERFYNWD YN UNFRYDOL** lofnodi cofnodion y cyfarfod oedd wedi'i gynnal ar 21 Medi, 2017 i nodi eu bod yn gywir.

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CADEIRYDD

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DYDDIAD

Mae'r dudalen hon yn wag yn fwriadol

# Eitem Rhif 9

Yn rhinwedd paragraff(s) 12, 13, 17, 18 o Rhan 4 o Atodlen 12A% o ddeddf Llywodraeth Leol 1972 fel y'i  
Orchymyn Llywodraeth Leol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007

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