

**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 29/06/2017
ON 29/06/2017**

**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.

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| COMMITTEE: | PLANNING COMMITTEE |
| DATE: | 29 JUNE 2017 |
| REPORT OF: | HEAD OF PLANNING |

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APPLICATIONS RECOMMENDED FOR APPROVAL

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| Application No | E/34887 |
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|--------------------------------|--|
| Application Type | Full Planning |
| Proposal & Location | RUN OF RIVER HYDRO ELECTRIC STATION COMPRISING OF AN INTAKE, BURIED PIPELINE, POWER HOUSE BUILDING AND OUTFALL AT YSTRADFFIN HYDROPOWER PROJECT, RHANDIRMWYN, LLANDOVERY |

| | |
|---------------------------|---|
| Applicant(s) | HYDRO ELECTRIC DEVELOPMENT LTD, EWAN CAMPBELL-LENDRUM, WELLINGTON HOUSE, 273-275 HIGH STREET, LONDON COLNEY, HERTFORDSHIRE, AL2 1HA |
| Agent | ELLERGREEN HYDRO LTD - ADAM CROPPER, POD 3, AVON HOUSE, 19 STANWELL ROAD, PENARTH, GLAMORGAN, CF64 2EZ |
| Case Officer | Kevin Phillips |
| Ward | Llandovery |
| Date of validation | 21/12/2016 |

CONSULTATIONS

Local Member - The previous County Councillor I Jackson did not comment on the application.

Llanfair Ar y Bryn Community Council - No comments received to date.

Dwr Cymru/Welsh Water - The proposal lies within a drinking water catchment which has a major abstraction point downstream of the proposed development. The application as it presently stands contains no evaluation of the proposal's likely impact upon the quality of water abstracted. DCWW is concerned that there could be significant effects during the construction phase and subsequent operation and maintenance of the turbines and their associated structures. DCWW is also mindful of the objectives of the European Water Framework Directive Article 7 which promotes a prevention lead approach to deliver compliant potable water and can see no evidence that the proposal takes account of this aspect of the directive.

Unless it can be demonstrated that any risks to the maintenance of the existing water quality have been assessed, and measures for any necessary mitigation identified can be implemented, DCWW raise objection to the proposal.

DCWW further notes that the location for the abstraction of water to power turbines and its subsequent discharge to the river lie upstream and downstream of their river gauging station. The proposal would therefore adversely affect their ability to record and accurately regulate the river's flows. Consequentially there would be a risk to our ability to maintain compliance with the requirements of our abstraction licences and the Section 20 operating agreement for the Tywi.

Dyfed Archaeological Trust - A Desk-based Assessment of the historic environment has been prepared by AMEC and included as Appendix 7 of the Environment Statement (October 2015) undertaken by Ellergreen Hydro, on behalf of Hydro Electric Development Ltd. DAT are satisfied that this adequately assesses the potential impact of the development proposals on the historic environment and concur with the recommended mitigation.

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

Streetworks and Highways Adoptions Manager - The applicant will be required to apply for a section 50 licence to lay apparatus in or across the highway.

Head of Public Protection - Any approval shall be subject of 3 conditions in relation to the control of noise at the site.

Head of Transport - No observations. Advice is given in relation to the requirement to apply for a Section 278 Agreement of the Highways Act 1980 for any amendments or alterations of an existing public highway in connection with a new development.

Flood Defence Manager - No comments received to date.

Ceredigion County Council - No comments received to date.

Neighbours/Public - A Site Notice has been posted and a Press Notice and 4 letters of support and 15 letters of objection have been received to date drawing attention to the following concerns:

- Concern regarding the impact of the proposal on the fish and fishing in the river Towy
- The benefit derived from the proposal is far out-weighed by the damage to the river
- The proposal will be visually harmful to the landscape.
- The proposal will be unacceptable harmful to the biodiversity of the locality
- The proposal will not result in any significant employment benefit.
- The diversion of water into the intake will be harmful to the beauty of the cascade at junction pool.
- The proposal will have a negative impact upon the Special Area of Conservation (SAC) or Site of Special Scientific Interest (SSSSI), especially bryophyte flora
- There is concern regarding noise impacting upon the living condition of local residents

RELEVANT PLANNING HISTORY

There is no relevant planning history.

APPRAISAL

THE SITE

The application site is an area of the upper reaches of the river Tywi, above Gwernffrwd Dinas RSPB nature reserve where the water intake for the scheme is proposed with the 2.3 kilometres of the pipe carrying the water running across in a south easterly direction towards the unclassified 4174 road, approximately 440 metres away. The pipe then runs in a south westerly direction along the length of the highway within Ystradffin farm land for approximately 1.6 kilometres, where the pipe then crosses the highway at a narrow section of the road and drops into an area of land adjacent to the river where the powerhouse and turbine will be located. The outfall from the powerhouse then discharges the water to enter the river.

The site is within the Tywi Valley Special Landscape Area and the upper section of the scheme which includes the intake weir and the Syphon Pump Chamber, and approximately 130 metres of the pipe is within the Elenydd-Mallaen Special Protection Area (SPA) and Cwm Doethie-Mynydd Mallaen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

THE PROPOSAL

The proposal is to construct a hydroelectric scheme on the river Tywi watercourse near Rhandirmwyn, Llandovery. The proposed scheme will be run-of-river and will be designed with an approximate installed capacity of 1800kW. It will feature the following infrastructure:

- An intake structure on the river Tywi
- A powerhouse containing the turbine, generator and associated equipment.
- A buried pipeline (1.8 metres-2.2 metres diameter, buried between 2.7 and 6.1 meters in depth below existing ground level) connecting the intake to the powerhouse.
- An open tailrace channel and screened discharge structure.
- Access track to the powerhouse
- Buried power line linking the powerhouse to the local electricity distribution network

During the course of construction work, the proposal involves the creation of a materials compound (80 metres x 80 metres) in an agricultural field approximately 150 metres to the north-west above the car park at the Gwernffrwd Dinas RSPB nature reserve. In addition, soil and excavated materials will be stored at an area of land 100 metres x 35 metres adjacent to Ystradffin farm, Rhandirmwyn.

A scoping study was undertaken to identify key issues associated with the proposed hydro scheme to define the scope of this Environmental Statement (ES) and the parameters that would require further investigation. A scoping report was produced and the exercise identified the reports that shall support the ES. The planning application has received the following reports in support of the ES:

- Public Consultation
- Landscape Amenity
- Scoping Reports

- Tywi Fish Report
- Tree Report
- Historic Environment Report
- Assessment of Effects on Tywi Valley Historic Landscape
- Habitat Report
- Woodland National Vegetation Classification Survey
- Vegetation Survey and Bryophyte Assessment
- Breeding Bird Survey and Raptor Habitat Suitability survey
- Badger Survey
- Water Framework Directive Assessment
- Assessment of Potential Effects on Fish
- Bat Survey
- Hydropower Project- Intake Location Rationale and Photomontage
- Revised Bryophyte Survey
- Newton - Bryophytes and the potential HEP scheme on the Afon Tywi
- Amec - Assessment on the relationship between flow and relative humidity
- Amec - Assessment of Potential Impact of HEP on Bryophytes in Upper Tywi
- Design, Access and Construction Method Statement
- Habitat Management Plan
- Revised Flood Risk Assessment
- Otter Mitigation Strategy
- Ystradffin Hydro Intake Photomontage

The above reports have been the principal instruments to communicate the detail of the application and for environment information to be relayed in the consultation exercise to enable the Local Planning Authority to determine the proposed development.

PLANNING POLICIES

In the context of the current development control policy framework the site is located within a rural location the following policies of Carmarthenshire Local Development Plan (December 2014) are of relevance to the proposal.

Policy SP1 is a strategic policy that promotes support for development that reflects sustainable development and design principles.

Policy SP2 is a strategic policy that supports development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change.

Policy SP11 is a strategic policy that promotes the support for proposals which incorporate energy efficiency measures and renewable energy production technologies and will not cause demonstrable harm to residential amenity and will be acceptable within the landscape

Policy SP14 is a strategic policy that requires that development should reflect the need to protect and wherever possible enhance the County's natural environment and should be considered in accordance with national guidance/legislation and the policies and proposals of this plan

Policy GP1 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. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties

Policy EQ4 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, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) 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; 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 EQ6 states that Special Landscape Areas are designated in specific locations and proposals for development which enhance or improve the Special Landscape Areas through their design, appearance and landscape schemes will be permitted (subject to the policies and proposals of the Plan).

Policy RE3 requires that proposals for large scale schemes located outside of defined development limits may be permitted in exceptional circumstances, where there is an overriding need for the scheme which can be satisfactorily justified, and the development will not cause demonstrable harm to the landscape. Proposals that would cause demonstrable harm to the landscape, visual impact, noise, ecology, or ground and surface water as a result of the cumulative effect of renewable energy installations will not be permitted.

Policy EP1 requires 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. Proposals will wherever possible be required to make efficient use of water resources.

Policy EP2 requires that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.

Planning Policy Wales (Edition 9) (PPW) is relevant as it describes the planning system in Wales and its principal procedures, sets out the main policy objectives and principles which underpin the remaining chapters which deal with particular subjects, a statement of the Welsh Government's objectives for that subject and these chapters also contain sections on how the subject should be treated in development plans and for development management purposes.

Welsh Government Technical Advice Notes are also to be read along with the PPW guidance, specifically TAN 5 - Nature Conservation and Planning, TAN8 - Renewable Energy, TAN12 - Design, TAN15 - Development and Flood risk, TAN23 – Economic Development.

Welsh Government published a Practice Guidance Note: Planning Implications of renewable and Low Carbon Energy (February 2011)

The Welsh Office Circular 11/99: Environmental Impact Assessment (Welsh Office, 1999) provides guidance for development in environmentally sensitive locations. The Circular defines that SSSI and international conservation sites are likely to result in significant impacts and is likely to be a primary reason for full Environmental Impact Assessment (EIA) under The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). The EIA submitted is an iterative process which requires a full understanding of environmental effects arising from the development to inform the significance of potential effects as well as prescription of measures that avoid, mitigate and compensate for these effects.

THIRD PARTY REPRESENTATIONS

Fifteen letters of objection have been received from neighbouring properties drawing attention to various issues. The issues are addressed herewith:

Concern regarding the impact of the proposal on the fish and fishing in the river Towy

This site has been the subject of an artificial flow regime for over 30 years and the developer are proposing and are now mandated by the abstraction licence to maintain the operative aspects of the flows, including during the spawning, post spawning and smolt periods. The application has received a detailed consideration by NRW, in which a favourable response to the application and the EIA Reports was received.

The damage to the river is far out-weighed by benefit derived from the proposal

Following detailed consultation of statutory bodies and internal experts, the scheme has not received any objection. Support has been given subject to the application of appropriate conditions, which when adhered to will result in a hydroelectric scheme that will produce green energy to the benefit of all concerned.

The proposal will be visually harmful to the landscape

The scheme has been designed to ensure the end result will not have any significant harm to the visual amenity of the locality with only the intake weir and powerhouse being visible, however it is considered that they have been designed to blend into the landscape appropriately.

The proposal will be unacceptable harmful to the biodiversity of the locality

The proposal has received a favourable response to consultation from the Authority's planning ecologist and NRW and it is considered that the scheme will not have unacceptable harm to the biodiversity of the locality subject to the appropriate adherence to approved plans and planning conditions.

The proposal will not result in any significant employment benefit.

The scheme initial significant employment input in terms of the construction aspects, but has limited employment benefits following its completion. However the main thrust of the project is to provide green energy for many years and this is supported.

The diversion of water into the intake will be harmful to the beauty of the cascade at junction pool.

The impact of the water intake has been assessed by NRW and the water taken from the river has not been determined to be significant enough to detriment the cascade of the junction pool.

The proposal will have a negative impact upon the Special Area of Conservation (SAC) or Site of Special Scientific Interest (SSSI), especially bryophyte flora

The Authority's Planning Ecologist and NRW have conveyed that they are supportive of the proposed scheme, subject to the application of conditions. There has been detailed discussion between NRW and the RSPB regarding the impact of the proposed scheme on the bryophytes in the site of the intake weir. NRW remains of their opinion that the bryophyte survey that they relied upon to be sufficiently informative to allow them to base their decision to support the scheme. NRW are satisfied that their decisions in relation to the above proposal has been based upon the best available evidence, informed by the experience of their non-vascular Plant Ecologist.

There is concern regarding noise impacting upon the living condition of local residents

The nearest noise sensitive property is a farm dwelling at Gallt-y-Bere which is approximately 330 metres to the north-west from the powerhouse, with the campsite at an equal distance to the west, across the river Towy. The Head of Public Protection has been consulted and the response to consultation conveys that any permission shall include conditions that require a scheme for the control of noise to be submitted and approved for the site.

CONCLUSION

The application is a major renewable energy scheme along the upper reaches of the river Towy approximately 1.3 kilometres below Llyn Brienne in an attractive area of the Welsh countryside. The proposal has required an Environmental Impact Assessment, with detailed reports submitted to inform in detail the substance of the scheme. The initial submission of the HEP scheme resulted in an objection raised by NRW because the ponded area above the Intake weir impacted upon the ancient woodland up stream for approximately 200 metres and as a result in a revised scheme which utilises an alternative syphon chamber intake method resulted in the ponded area up stream being reduced to 35 metres which is now supported by NRW.

The application resulted in consultation with numerous external consultees whose responses are relayed above in the consultation sections and below in terms of internal consultees.

The Authority's Arboriculture Officer has conveyed following the assessment of the submitted tree report that the site Arborist is required to submit the Arboricultural Site Monitoring Report when the protective fencing has been installed and provide photographic evidence. A condition will be attached to ensure that this is undertaken.

The Forward Planning Manager conveys the relevant policies and Welsh Government guidance to consider in the determination of the application.

The Authority's Conservation Officer has been consulted on the application and no objections have been received in relation to the proposal.

The Authority's Minerals Officer as a result of consultation, requested further information in relation to the access track, soil management, engineering works, surplus material, restoration and dust management. Following the receipt of additional information, the response answered some of the concerns, however further information and clarification on the proposal is required. Information on soil management is required, how will soils on site be stripped, managed and stored and the subsequent restoration of soils; how the access track and compounds will be stripped of soils, constructed, managed and restored. Further clarification is required on the disposal of the additional gravel used on the access track, and clarification of dust management is required. Therefore, it is proposed to apply conditions to any permission that the required information is provided and approved prior to the commencement of the work on the site.

Dwr Cymru/Welsh Water raise concern regarding water extraction from the river Tywi which is conveyed in the Consultations section above. The Abstraction Licence obtained conditions the measuring of water flows specifically to ensure no risk to all parties including NRW and Welsh Water to the accuracy of the gauging station and to the data of flows in the watercourse. The Abstraction Licence also conditions that the water quality passing downstream of the abstraction will remain unchanged at all times and also extensive evaluation examining water quality has been done during the NRW licencing work.

The in river works consents further covers the issue of preventing any risk to water quality. This consent has to be applied for and achieved before any works commence at the watercourse. These consents are always done after projects have obtained planning permission and the developer will be starting the work with a civils contractor on these consents once the planning permission is in place.

The proposed development has received significant consultation input, which during the pre-registration stage resulted in objections from NRW as the proposal would have significant harm to the ancient woodland and riparian ecosystem upstream from the weir. However, with the revised syphon scheme, the responses to consultation have been favourable and the principal consultee, NRW are satisfied with the proposal, subject to the scheme's adherence to the approved plans and conditions applied. There has been a number of objections from fishery associations and other members of public which have been addressed above, and again it is reiterated that following an expansive consultation period from November 2015 until the present, NRW are supportive of this scheme and commit that it shall not harm the existing ecological value of the river Tywi.

It is appreciated that the scheme will involve significant excavation and construction work in order to provide the HEP scheme, however it is considered that the appropriate

application and management of the project will result in a significant project that will enhance the aim of renewable energy supply for the country.

In light of the above appraisal, it is considered that on balance the proposed development accords with the relevant policies as contained in the LDP, and as such the proposal is put forward with a favourable recommendation.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below;
 - Key Plans x 2 - 1:5000 scale, received 13 September 2016
 - Layout Plans - 1:1000 scale (Rev F)(F-080916-AJF), received 7 November 2016
 - Amended Syphon Chamber Elevations and Sections 1:1000 scale, received 13 September 2016
 - Intake Plans and Sections (D-250716-ARC) 1:500 Scale @ A3 (1 of 3), received 7 November 2016
 - Intake Plans and Sections (D-250716-ARC) 1:200 Scale @ A3 (2 of 3), received 7 November 2016
 - Intake Plans and Sections (D-250716-ARC) 1:200 Scale @ A3 (3 of 3), received 7 November 2016
 - Powerhouse Elevations (13) 1:100 scale, received 28 November 2015
 - 1:500 scale spoil storage plans and 1:100 scale pipe excavation plans, received 14 June 2017
- 3 Notwithstanding the details approved in Condition 2 above, the requirements as set out in Sections 3.2.1, 3.2.2 and 3.3.1 of the Otter Mitigation Strategy (March 2017) shall be adhered to and any additional survey reports submitted to the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
- 4 Notwithstanding the details approved in Condition 2 above, the works shall be implemented in accordance with Section 3.3.2, Section 3.3.3 and Section 3.4 (Otter Holt Construction), along with Sections 3.5, 3.6 and 3.8 of the Otter Mitigation Strategy (March 2017), unless otherwise amended by Condition 3 above.
- 5 Notwithstanding the details approved in Condition 2 above, all Habitat Management Measures, Good Practice Working Measures and Long Term Monitoring Plans are implemented and delivered as set out in the; '*Ystradffin Hydro Scheme: Habitat Management Plan (Version No. 3)*' document, by Environment Systems Ltd(March 2017).

- 6 Notwithstanding the details approved in Condition 2 above, the dust suppression recommendations and dust management plan specified within paragraph 8.5.11 of the Environmental Statement shall be implemented whilst construction works are taking place.
- 7 The rating level of the noise emitted from the proposed development as a whole 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 Methods for rating and assessing industrial and commercial sound.
- 8 If the authority receives a justified complaint with respect to the development, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for rating and assessing industrial and commercial sound to determine whether noise arising from development exceeds the level specified in Condition 7 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 7 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in Condition 7. The development shall then be undertaken in accordance with the approved details.
- 9 Prior to the commencement of the development, a scheme for the control of noise shall be submitted to and approved 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. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.
- 10 No development shall commence until a scheme and programme of measures for the stripping, handling, storage and restoration of soils have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11 No development shall commence until a scheme and programme of measures for the suppression of dust, have been submitted to and approved by the Local Planning Authority. The scheme shall include inter alia:
 - The suppression of dust caused by the moving and storage of soil, stone and other materials within the site;
 - Dust suppression on haul roads, including speed limits;
 - Provision for monitoring and review of the scheme.
 - The development shall be carried out in accordance with the approved details.
- 12 Prior to the commencement of the development hereby approved, an Arboricultural Site Monitoring Report which indicates the protective fencing for trees identified in the Rob March Woodland Services Report, dated 6 September 2016 shall be submitted to and approved by the Local Planning Authority. The works shall be undertaken in accordance with the subsequent recommendations.

- 13 Notwithstanding the details approved above, the development shall be carried out strictly in accordance with part 10 of the application form.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3-5 In the interest of protecting wildlife.
- 6-9 In the interest of protecting the amenities of the locality.
- 10 To prevent loss or damage of soil or mixing of topsoil with subsoil, or mixing of dissimilar soil types, highway safety and the visual amenity of the locality.
- 11 In the interest of protecting the amenities of the locality.
- 12 In the interest of protecting the local biodiversity.
- 13 In the interest of protecting the visual amenity of the locality.

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 adheres to the requirements of policy RE3 of the Carmarthenshire Local Development Plan as it does not cause demonstrable harm to the surrounding landscape, visual impact, noise, ecology, or ground and surface water, and it has been justified as that the need for the renewable energy scheme is appropriate at this particular location.
- The proposed development adheres to the requirements of policy SP1 of the Carmarthenshire Local Development Plan which promotes support for development that reflects sustainable development and design principles.
- The proposed development adheres to the requirements of policy SP2 of the Carmarthenshire Local Development Plan which supports development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change.
- The proposed development adheres to the requirements of policy SP11 of the Carmarthenshire Local Development Plan that promotes the support for proposals which incorporate energy efficiency measures and renewable energy production technologies and will not cause demonstrable harm to residential amenity and will be acceptable within the landscape

- The proposed development adheres to the requirements of policy SP14 of the Carmarthenshire Local Development Plan in that the development reflects the need to protect and wherever possible enhance the County's natural environment and has been considered in accordance with national guidance/legislation and the policies and proposals of this plan
- The proposed development adheres to the requirements of policy GP1 of the Carmarthenshire Local Development Plan 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. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties
- The proposed development adheres to the requirements of policy EQ4 of the Carmarthenshire Local Development Plan in that the proposal will not have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted. It has been demonstrated that the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements; 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.
- The proposed development adheres to the requirements of policy EQ6 of the Carmarthenshire Local Development Plan in that the proposed development through its design, appearance and landscape schemes, within the Special Landscape Areas has ensured that the design of the scheme is sensitive enough to ensure that the scheme makes a positive contribution to the landscape. The proposal has shown that it will not have an unacceptable impact on their specific distinctive features or characteristics of the SLA.
- The proposed development adheres to the requirements of policy EP1 of the Carmarthenshire Local Development Plan in that 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. Proposals will wherever possible be required to make efficient use of water resources.
- The proposed development adheres to the requirements of policy EP2 of the Carmarthenshire Local Development Plan in that it seeks to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality

strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.

NOTES

- 1 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk)
- 2 It is advised that the applicant applies for and is in receipt of a European Protected species licence from Natural Resources Wales under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010, before any works on site commence that may impact upon otter.
- 3 The applicant/agent's attention is drawn to the content of Natural Resources Wales' comments in their response to consultation dated 22 March 2017 attached to this permission.
- 4 The applicant/agent's attention is drawn to the requirement to apply for a S50 Licence to lay apparatus in or across the highway and the development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement and the developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical work on site, shall be met by him.
- 5 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

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| Application No | E/35019 |
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| Application Type | Full Planning |
| Proposal & Location | CAMPING SITE & PARKING, ACCESS & FACILITIES BLOCK AT TIRBACH, HOREB TO BRECHFA, BRECHFA, CARMARTHEN, SA32 7RA |

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| Applicant(s) | STEVENSON, TIRBACH, BRECHFA, CARMARTHEN, SA32 7RA |
| Agent | DAVIES RICHARDS DESIGN LTD - GARETH RICHARDS, 42 RHOSMAEN STREET, LLANDEILO, CARMS, SA19 6HD |
| Case Officer | Ceri Davies |
| Ward | Llanegwad |
| Date of validation | 25/01/2017 |

CONSULTATIONS

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

Llanegwad Community Council – Supports the application subject to the extending of the 30mph speed limit to the west of the new entrance.

Local Member - County Councillor Mansel Charles is a member of the Planning Committee and has made no prior comment.

Neighbours/Public - The application has been publicised by the posting of a Site Notice; thirteen objections have been received to date. The issues of objection raised are as follows;

- Access/Visibility Splays/Highway safety
- Traffic generation
- Inadequate pedestrian route
- Detrimental impact on the village
- Noise pollution
- Loss of view
- Precedent for expansion and/or similar developments
- Proposed shop

RELEVANT PLANNING HISTORY

There is no relevant site history.

APPRAISAL

The application site consists of two field enclosures forming part of a small holding known as Tirbach, which lies 300m south-west of the village of Brechfa. The said fields lie on the northern flank of the B4310 road and immediately adjacent to the small complex of buildings associated with Tirbach. The river Pib lies to the north of the application site, whilst there is a small cluster of dwellings, to the south of the B4310. Tirbach is currently accessed by a drive that emerges onto the B4310.

THE PROPOSAL

Full planning permission is sought for the proposed use of the agricultural field to a camping site with associated parking, access and facilities block. The proposal will involve the introduction of 8 glamping tents onto the site; as part of the proposal, a new access from the B4310 will be formed. The glamping tents will consist of 2 different variations, referred to as Safari tents and Tipis. The facilities block will be of timber construction, measuring 14.4 metres x 4.0 metres and will consist of an information & reception area, toilets, shower and wash rooms; along with a bike storage facility.

As part of the proposal, owing to the limitations and restrictive nature of the existing drive serving Tirbach, it is intended to form a new vehicular access to serve the proposed campsite and Tirbach itself; the existing access will be permanently stopped up. A Transport Statement, prepared by Acstro Ltd, has been submitted in support of this application.

PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Carmarthenshire Local Development Plan. In terms of the application's policy context, reference is made to the following Carmarthenshire LDP policies and guidance:-

Policy SP1 Sustainable Places and Spaces

This policy states that proposals for development will be supported where they reflect sustainable development and design principles and refers to a number of examples including distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements; 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 GP1 Sustainability and High Quality Design.

This states that development proposals will be permitted where they accord with a number of criteria including the following, 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, utilises materials appropriate to the area within which it is located; 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; 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

The policy requires the design and layout of all development proposals to, where appropriate, to include 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; suitable provision for access by public transport; appropriate parking and where applicable, servicing space in accordance with required standards; an infrastructure and spaces allowing safe and easy access for those with mobility difficulties; 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; and provide 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.

Policy TSM2 Touring Caravan and Tent Sites

This states that proposals for new touring caravan and/or tent sites, and for extensions/improvements to an existing site, will be permitted where it is directly related to an identified Growth Area, Service Centre, Local Service Centre or a Sustainable Community which exhibit appropriate services and facilities, it will not have an unacceptable adverse effect upon (and where appropriate enhances) the surrounding landscape and townscape, it will provide (where appropriate) for the significant improvement of the overall quality, appearance and setting of the site and the site will not result in an over concentration of sites within the area.

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

Proposals for the conversion of an existing touring caravan and/or tent site to a static caravan and/or chalet site will not be permitted unless it accords with Policy TSM1

Policy TSM3 Small Scale Tourism Development in the Open Countryside

This states that proposals for small scale attractions/facilities in the open countryside; including appropriate extensions to existing facilities, will be approved where there is no suitable site available within the Development Limits of any nearby defined settlement, the site is directly related to a defined settlement, the countryside location is essential and the proposal is highly dependent on the attributes of the site, the proposal includes a supporting statement demonstrating a clear and justifiable need for the development to be located at that given location, where appropriate, the development will increase the vitality, sustainability and environmental quality of the site and there will be no adverse effects on the surrounding landscape/townscape or the setting and integrity of the historic environment.

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

THIRD PARTY REPRESENTATIONS

Thirteen letters of objection have been received from local residents and the material issues of objection are as follows:-

- Access/Visibility Splays/Highway safety
- Traffic generation
- Inadequate pedestrian route
- Detrimental impact on the village
- Noise pollution

The objections listed below are not deemed material planning considerations for the purposes of this application:-

- Loss of view
- Precedent for expansion and/or similar developments
- Proposed shop

Of the material objections received from local residents, the issues of objection shall be addressed herewith:

Detrimental impact on the village of Brechfa

It is considered that the proposal will not lead to any adverse impact on the village of Brechfa. Initial concerns regarding a proposed shop being created as part of the development are not sustainable as there is no retail element associated with this proposal.

Whilst the application site is in close proximity and within easy walking distance of the village of Brechfa, it will not be readily visible from the village itself by virtue of its distance and the presence of mature trees/hedgerows which act as a natural screen. It is

considered the proposal will not have an unacceptable adverse effect upon the surrounding landscape and will have little impact on the village itself as it's a low-key form of development and the associated ancillary structures lie immediately adjacent to the existing complex of buildings associated with Tirbach. If anything, the development will lead to a potential increase in trade and business for the public house/restaurant and local shop in the village, hence is considered will make a positive contribution to the village of Brechfa.

Concern regarding potential noise pollution

It is not perceived that the provision of a campsite at this location will lead to any unacceptable noise nuisance for any nearby residents; although any issues relating to the potential noise nuisance shall be a matter for the Head of Public Protection, as one of the respondents raises the potential for noise disturbance it has subsequently been considered prudent to formally consult with the Head of Public protection whose response is awaited.

Pedestrian/Highway safety concerns

The most contentious issue has been the concerns raised by local residents in relation to fears over highway and pedestrian safety. Residents cite the lack of a pedestrian footpath into the village to be a major highway safety concern; furthermore they deem the proposed access to be unacceptable owing to the speed of vehicles travelling along the B4310, coupled with the perceived lack of visibility splays associated with the proposed new access.

With regard to the initial submission, the Head of Transport advised that there was no objection to the proposal in principle, however concerns were expressed with regard to the safety of pedestrians walking to/from the campsite into the village. The Head of Transport acknowledged that the Transport Statement highlights how the proposed development is within walking distance of the centre of the village, Brechfa, despite the lack of safe pedestrian facilities along the B4310.

The Head of Transport however did express concern at the 155m stretch of highway from the proposed new access to the 30mph zone to the East and advised that given that this particular stretch of highway is within a national 60mph zone that includes a blind bend, approaching 'Brechfa House', a safe pedestrian access into the centre of Brechfa village would be required to serve the proposed development. Whilst the Head of Transport advised that considerations and proposals for going to the village centre are welcomed, without this pedestrian provision, the proposal was considered unacceptable in terms of satisfying Policy TR3 of the LDP. For that purpose the Authority advised the agent/applicant that consideration should be given to the provision of a footpath from the site to the eastern field gate, which in turn would have to be stopped up to vehicular access and re-allocated as a pedestrian access.

In view of the Head of Transport's initial observations, the Highway consultant acting on behalf of the agent/applicant has since amended the original plans to incorporate a pedestrian footpath within the site that will allow walkers to access to and from the highway at the eastern gate. In addressing the concerns raised by the Head of Transport, the said consultant has advised that the pedestrian link will allow walkers to access/exit the site at its eastern corner, pedestrians walking from the site to the village would emerge onto the highway some 90m from the 30mph speed limit signs and from this point to the village centre there is street lighting. The walk to the centre of the village is approximately

450m along the highway (equivalent to a 5 minute walk). The consultant acknowledges that there are no segregated footways along this section of road as is common in many rural villages. Despite the limited provision of segregated footways in the village the consultant highlights the fact that there is no history of there being pedestrians injured along this stretch in at least the last 5 years.

The consultant deems that with a development of this scale it's clearly not feasible to deliver segregated footways along this entire section of highway and it would not be justifiable to expect the applicant to do so. However, in addressing the concerns of the Head of Transport it has been suggested, as part of the development, '*Pedestrians in the Road Ahead*' (Dia 544.1) signs are erected to the south of the site to warn drivers of the possible presence of pedestrians in the carriageway. This, the consultant considers is a reasonable and appropriate mitigation measure for the scale of the development.

The Head of Transport acknowledges that the amended plan shows safe pedestrian facilities within the site and to the boundary with the public highway. With regard to provision of a safe pedestrian route from the site to the village of Brechfa and beyond the Head of Transport has recommended that a Traffic Regulation Order and measures necessary to extend the 30mph speed limit approximately 370m west of its current location is implemented at this 60mph statutory speed limited location.

With regard to the concerns raised in relation to pedestrian and highways safety, Members are advised that the proposed pedestrian route, new vehicular access point and associated visibility splays have been subject of considerable scrutiny by the Head of Transport who, it is acknowledged, expressed concerns at the initial proposal forming part of this submission. The Head of Transport has now provided formal confirmation that the initial concerns have been adequately addressed and the proposal is now acceptable from a highway safety perspective subject to the imposition of suitable conditions ensuring the aforementioned mitigation measures are implemented. It is accepted that the development by its very nature will lead to an increase in both pedestrian and vehicular movements at this location however on balance it is considered that the adjacent highway along with the proposed new access and pedestrian provision can accommodate the additional pedestrian/vehicular traffic growth.

The initial concerns over highway safety have been addressed, hence it is considered the highway objection from third parties cannot be sustained in this instance.

CONCLUSION

The proposed camping use at this location is deemed acceptable; whilst not immediately adjacent to the village settlement, the site will be sited in close proximity and as already highlighted easy walking distance to the village.

The Local Development Plan (LDP) is based on a sustainable settlement basis where the aim is to locate development in accordance with this sustainable framework distributing development to sustainable locations. This proposal fits with this principle, as a tourism scheme in close proximity to the settlement of Brechfa.

There is a need to balance the economic benefits of development against any harm it may cause. Planning Policy Wales and various Technical Advice Notes make reference to such considerations. However as stated above this is not an unique form of development and it is one that could be repeated elsewhere. However, the repetition of such proposals may

lead to excessive sporadic developments where the LDP aims to follow a sustainable framework. It is considered that the business would bring benefits to the locality and there is a need to consider whether these outweigh the harm.

Whilst the campsite will be visible from the adjacent public highway as you travel northwards along the B4310, the site is largely screened when viewed from the village centre due to mature vegetation along the perimeter of the field enclosures associated with Tirbach. When the trees and hedgerows along the boundaries of the site are in leaf, the site is well screened and will not be as conspicuous, hence it is considered the proposal will not be harmful to the visual amenity of the wider area.

The Authority is satisfied that the proposal for a new tent site at this location accords with the relevant local plan policy in that the site is directly related to a Sustainable Community which exhibits appropriate services and facilities; it will not have an unacceptable adverse effect upon the surrounding landscape and townscape; it will not result in an over concentration of sites within the area. The new ancillary building proposed has been carefully sited to avoid any visual discord at this location and is deemed acceptable in terms of need and scale.

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 and accords with policy. In light of the above, this application is put forward with a recommendation 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 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 Location Plan [Ref:1467-03] - 1:1250 scale, received on 2 December 2016
 - Proposed Site Plan [Ref:1467-01] – 1:500 scale, received on 2 December 2016
 - Proposed Facilities Block Floor Plans & Elevations [Ref:1467-02R] – 1:25 and 1:50 scale, received on 8 March 2017
 - Proposed Access Plan [Ref:1009-002B] – 1:250 and 1:500 scale, received on 8 March 2017
- 3 The tents hereby permitted shall be used as holiday units and for no other purpose (including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

- 4 No person shall occupy the tents hereby permitted for a continuous period of more than 28 days in any calendar year and they shall not be re-occupied by the same person(s) within 28 days following the end of that period. An up to date register of the names of all occupiers, including their main home addresses shall be maintained and the information made available upon request for inspection by the Local Planning Authority.
- 5 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with at least 10.0 metre kerbed radii at the junction with the B4310 road.
- 6 Any access gates shall be set back a minimum distance of 12.0 metres behind the edge of the carriageway, and shall open inwards into the site only.
- 7 The existing means of vehicular access into the site off the B4310 road shall be permanently stopped up, and the public highway reinstated to the written approval of the Local Planning Authority, prior to the new means of vehicular access herein approved, being brought into use.
- 8 There shall at no time be any other means of vehicular access to the development from the B4310 Road.
- 9 There shall at no time be any other means of pedestrian access to the development from the B4310 Road.
- 10 The gradient of the vehicular access serving the development shall not exceed 1 in 20 for the first 15.0 metres from the edge of the carriageway.
- 11 **To the north-east side of the vehicular access:**
Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 43 metres shall be formed and thereafter retained in perpetuity, to the north-east side of the centre line of the access road in relation to the nearer edge of carriageway.
- 12 **To the south-west side of the vehicular access:**
Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 53 metres shall be formed and thereafter retained in perpetuity, to the south-west side of the centre line of the access road in relation to the nearer edge of carriageway.
- 13 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.
- 14 The new vehicular access shall be hard surfaced for a minimum distance of 12.0 metres behind the near edge of highway, 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.

- 15 Prior to occupation of any part of the development herewith approved, the footpath link shall be provided to the B4310 Road, to the written approval of the Local Planning Authority.
- 16 No development shall take place until a detailed Traffic Management Plan to extend the 30mph statutory speed limit west of the proposed vehicular access is submitted for the written approval of the Local Planning Authority and the specification of the Local Highway Authority and thereafter implemented in full and as agreed.
- 17 There shall be no more than eight (8) tent pitches, which shall be available between the months of April to October inclusive in any calendar year.
- 18 The existing hedge/hedgerow(s) and associated hedge line trees within the boundaries of the application site shall be retained in perpetuity. The existing hedge/hedgerow(s) shall be maintained at a minimum height of 2.5 metres. A method statement detailing any proposals for laying or coppicing the defined hedge/hedgerow(s) shall be approved in writing by the local planning authority prior to implementation. Hedge line trees shall be managed as individual specimens to maturity.
- 19 Any existing hedge/hedgerow(s), or part thereof, which are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the existing hedge/hedgerow(s) in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification, unless otherwise agreed in writing by the local planning authority.

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.
- 3-4 To ensure the proposed development adheres to the requirements of Policy TRS3 of the Carmarthenshire Unitary Development Plan in relation to holiday use.
- 5-16 In the interest of highway safety.
- 17-19 In the interest of visual amenity.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposed development complies with Policy GP1 of the Carmarthenshire LDP in that it is an appropriate form of development that is acceptable to the character of the area.
- The proposed development complies with Policy TSM2 of the Carmarthenshire LDP in that the tourist tents adhere to the general criteria specified in relation to scale, impact upon the surrounding landscape, the traffic would not increase significantly, there would be no significant amenity concerns as a result and there would not be a significant negative impact upon the environmental quality, landscape character, ecological value and biodiversity.

NOTES

- 1 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk)
- 2 No further development should be allowed at the site until improved pedestrian facilities between the site and the village of Brechfa have been provided.
- 3 Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement and the developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical works on site, shall be met by him.
- 4 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.
- 5 Developers shall take positive measures to prevent surface water ingress to this site from the adjacent highway.
- 6 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

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| Application No | E/35434 |
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| Application Type | Full Planning |
| Proposal & Location | SECOND STOREY EXTENSION ABOVE EXISTING GROUND FLOOR REAR EXTENSION AT 3 CAEFFYNNON, LLANDYBIE, AMMANFORD, SA18 2TH |

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| Applicant(s) | ENGLAND & MAINWARING, 3 CAEFFYNNON, LLANDYBIE, AMMANFORD, SA18 2TH |
| Agent | DAVIES RICHARDS DESIGN LTD - GARETH RICHARDS, 42 RHOSMAEN STREET, LLANDEILO, SA19 6HD |
| Case Officer | Andrew Francis |
| Ward | Llandybie |
| Date of validation | 24/04/2017 |

CONSULTATIONS

Llandybie Community Council – No objections to the proposal but make the following observations:

- The design of the proposed first floor extension should be amended so that the new window serving the new landing (opposite the new bathroom) and overlooking the rear garden area serving No 5 Caeffynnon should be either reduced in dimensions or omitted and a sun pipe installed in the ceiling of the landing in lieu,
- All new windows serving the first floor extension to the side elevations overlooking dwelling Nos 1 and 5 should be glazed with obscure glass

Local Member - County Councillor W R A Davies and County Councillor D Nicholas have not commented formally on the proposals. Former County Councillor A W Jones raised concerns that the size of the originally proposed extension would have an adverse impact on the neighbouring properties. As a result he asked that the property be considered by the Planning Committee.

Neighbours/Public – Three neighbour consultation letters were sent out to advertise the application. One letter of objection has been received as a result. The points of objection are summarised as follows:

- The proposal will be built on top of the existing single storey extension (double length) with a high pitch roof. This will prevent natural sunlight from entering the neighbouring properties. As well as blocking light to the windows of the houses, it will block light to the gardens causing the lawns to die and moss to grow. The darker houses may cause damp in the houses which is damaging to health. The single storey extension affects light already.
- The extension will have two windows overlooking a neighbouring property at right angles. One will be adjacent to a bedroom window and could potentially look in.
- As the proposed extension would be directly onto a boundary, how would work be carried out? Work was allowed from the adjacent property for the single storey extension, which wasn't built to spec, what if the new one isn't?
- The access to the rear of the adjacent house is adjacent to the side next to the proposed extension. This would tower over it.
- What happens if the roof cannot cope with the water that falls onto it and it overflows onto the neighbouring properties?

RELEVANT PLANNING HISTORY

E/16440 Demolish Outbuilding and Garage;
 Erect New Garage, Rear Extension
 and Convert Roof Space
 Full Permission Granted

25 July 2007

APPRAISAL

THE SITE

The application site is addressed 3 Caeffynnon, Llandybie. This is a fairly large traditional gable fronted detached dwelling situated in a residential area on the eastern flank of the Caeffynnon site road. The dwelling occupies a flat broadly rectangular plot. The plot has near neighbours to both sides and to the rear. The application dwelling has a fairly recently built single storey rear extension

THE PROPOSAL

The originally proposed two-storey rear extension extended some 6.7 metres off the original rear wall of the dwelling with a full gable roof, built above the existing single storey extension. However, following concerns raised by the former Local Member and following a site visit by the case officer, amended plans were sought to reduce the overall length of the proposal elevation of the dwelling to a maximum two storey length of 6 metres and to provide a hipped roof to reduce the height and mass of the proposal as much as possible.

The proposal seeks to provide a new bedroom and bathroom on the first floor. Externally, the finish of the proposed extension is to match that of the existing dwelling.

PLANNING POLICY

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development Plan (LDP) adopted in December 2014.

Policy GP6 is relevant and in this instance requires that any extension should be subordinate and compatible to the size, type and character of the existing dwelling; the materials should complement that of the existing dwelling; should not lead to inadequate parking, utility, amenity or vehicle turning areas and the local environment; the use of the proposed extension is compatible with the existing dwelling and the amenities of the occupiers of neighbouring buildings should not be adversely affected.

THIRD PARTY REPRESENTATIONS

Three neighbour consultation letters were sent out to advertise the application. One letter of objection has been received as a result. The points of objection are summarised and discussed as follows:

- The proposal will be built on top of the existing single storey extension (double length) with a high pitch roof. This will prevent natural sunlight from entering the neighbouring properties. As well as blocking light to the windows of the houses, it will block light to the gardens causing the lawns to die and moss to grow. The darker houses may cause damp in the houses which is damaging to health. The single storey extension affects light already.

Following the submission of amended plans, the proposed extension has been reduced as far as possible in length and the roof has been hipped in order to reduce the height of part of the proposed extension. Even so, given the layout of the dwellings in this area, there will inevitably be some affect upon the current levels of light enjoyed by the neighbours, particularly, those in 5 Caeffynnon. In order to consider this issue further, the LPA must first consider the fall-back position of permitted development which the applicants could build without requiring a planning application. In this instance, they could build a two storey extension with a maximum rear projection of 3 metres. In this case, such a rear extension would also negatively affect the windows on the side of the existing dwelling in the same way as the proposed extension.

With regard to the rear courtyard and rear facing bay window of No. 5, there would again potentially be some affect, particularly dependent upon the time of day and the seasons, being worse in the afternoons in the autumn to spring months. The proposed extension would work to affect the rear bay window earlier in the day and into the summer months also.

With regard to the above, the question then becomes does this issue become so detrimental to the neighbour's amenity, in order to refuse the application? For cases where issues of light are involved, there are specific guidelines referring to daylight and sunlight.

With regards to daylight and in particular shadowing, there is a 45 degree rule for developments that are sited perpendicular to existing developments and windows in particular. This rule seeks to quantify the effect of a shadow by seeing if a potentially affected window would be affected by the development at a 45 degree line drawn down from the highest point of the proposed development at the midpoint of the window at a

height of 1.5 metres. In this instance, the 45 degree line is just below the 1.5 metre point and as such, is just below the point of significance.

With regards to the issue of sunlight, the proposed 6 metre rear extension would begin to affect the sunlight from approximately 11:30am – 12pm, with the hipped roof allowing an extra 30-45 minutes of sunlight. As mentioned above, in the middle of summer, as when this test was carried out, the sun is so high in the sky that it would rise above the proposed extension. However, in the autumn, winter and spring months the sun would be lower and the light from the sun would be more easily lost to this window.

With further consideration of the above point, the applicants could, with some minor changes, build a 3 metre long two storey rear extension onto the rear of their property with the benefit of Permitted Development. In this instance, the Permitted Development extension would begin to affect the sunlight at around 3pm casting a shadow for the bay window. With regard to this, the consideration is therefore ultimately can a refusal be defended when the proposal would lose approximately 3 hours of sunlight over the permitted development fall back position, whilst the daylight calculations show that the shadowing is not significant enough at the midpoint of the window to fail that specific test.

As such, taking the above into account, the issues of loss of light aren't considered to be significant enough in this instance to warrant refusal of this application.

- The extension will have two windows overlooking a neighbouring property at right angles. One will be adjacent to a bedroom window and could potentially look in.

With regard to this comment, the window shown in this location is a bathroom window and is to be obscure glazed.

- As the proposed extension would be directly onto a boundary, how would work be carried out? Work was allowed from the adjacent property for the single storey extension, which wasn't built to spec, what if the new one is not?

This is a fairly typical concern that isn't dealt with under planning law, rather by the Party Wall Act etc. 1996. It is up to the two neighbours to agree terms that are satisfactory to allow the work to progress. With regard to the issue of the proposal being built to spec, the Authority will have the opportunity to monitor the extension. If it does not comply with any approved plans, the applicants face potential enforcement action.

- The access to the rear of the adjacent house is adjacent to the side next to the proposed extension. This would tower over it.

Similar to the first point above, the size of the proposed extension is fairly typical of two storey rear extensions, with the amended plans seeking to reduce its mass as much as possible. It is now considered to be an acceptable size.

- What happens if the roof cannot cope with the water that falls onto it and it overflows onto the neighbouring properties?

The design of the modern roof would take into account the surface water needs and would provide adequate guttering to serve the extension. If in the future there was a fault, it would be up to each party to resolve the matter.

CONCLUSION

Further to the above discussion, in considering the plans submitted, the amended design is acceptable, the finish matching that of the existing dwelling. The plot is large enough to accommodate the size of the proposed extension. The scale and design are subordinate and fits acceptably with the character of the existing dwelling.

As discussed above, whilst the proposal may have some affect upon the residential amenity of the neighbouring dwellings, it is not considered that this would be significant enough to warrant that this application should be refused. The proposal would not harm the general residential amenity of the area nor significantly harm the amenity or privacy of the occupiers of the neighbouring dwellings, whilst the application site is large enough to accommodate the proposed extension without losing significant amounts of amenity space and utility space.

Given the above, on balance it is considered that the proposed development is acceptable in terms of the requirements of the above-mentioned policies 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 amended plans received on 19 May 2017:
 - The 1:50, 1:100, 1:500 and 1:1250 scale Existing and Proposed Floor Plans and Elevations, Block and Location Plans (1485-01 A)

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.

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 GP6 of the LDP in that the extension represents an acceptable form of development which is appropriate to the character and appearance of the host building and surrounding area and will not have an unacceptable impact upon the residential amenity of nearby properties.

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.

APPLICATIONS RECOMMENDED FOR REFUSAL

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| Application No | E/35128 |
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| Application Type | Full Planning |
| Proposal & Location | CONVERSION AND USE OF AN EXISTING BARN TO A MIX OF TOURISM ACCOMMODATION AND AGRICULTURAL USE AT STABLE BARN, 5 CEFNGORNOETH FARM, LLANGADOG, SA19 9AN |

| | |
|---------------------------|---|
| Applicant(s) | DR V MOHAMED ALI, THE STABLE BARN, LLANGADOG, SA19 9AN |
| Agent | JCR PLANNING LTD - JASON EVANS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE |
| Case Officer | Kevin Phillips |
| Ward | Llangadog |
| Date of validation | 17/02/2017 |

CONSULTATIONS

Llangadog Community Council - No comments received to date.

Local Members - County Councillor A James has requested that the application be determined by the planning committee because:

- Farm and rural diversification (policy EMP 4 of Carmarthenshire Local Development Plan (LDP))
- Economic Development (TAN 23)
- Visitor Accommodation (TSM 4 of the LDP)

Head of Public Protection - Should planning consent be granted then Environmental Health and Licensing recommend that suitably worded conditions are imposed in relation to the noise.

The Public Health Services section have no adverse comments to make in relation to the application.

Head of Transport - Any permission is required to be subject to the application of 2 conditions in relation to parking requirements.

Neighbours/Public - A site notice has been posted and 2 local residents consulted and no letters of objection have been received as a result.

THE SITE

The property is a modern agricultural building adjacent to a converted traditional barn to a dwelling within a complex of similar stone barns and the original farm house at Cefngornoeth, Llanagadog, which is approximately 1 km outside of Llangadog along the A4069 to Llandovery. Access to the site is from a rough track that leads from the main road and rises to the north east to allow access for a bungalow, Blaengornoeth, dwelling Cefngornoeth, 3 converted barns and the application site.

THE PROPOSAL

This is an application to convert the existing agricultural building, made of concrete shuttered and blockwork walls, steel portal frame, with a mix of cladding types including clear Perspex, asbestos-cement fibre sheets and Yorkshire boarding into a holiday unit and commercial cheese and honey producing unit. The building is 23 metres x 17 metres, 5-7 metres to the ridge and is approximately 8 metres from the applicant's dwelling and is in front of the said dwelling to the southeast.

The proposal is to convert the modern agricultural building with timber cladding added to the external façade of the building and grey imitation slate tiles to the roof, large glazed window openings for first and second floor of the south east elevation and vertically emphasised window openings in the south west elevation.

The proposal will include a holiday unit which will be approximately 127 sq m at ground floor and 120 sq m at first floor, with the remaining agricultural area approximately 327 sq m, which will be used for the butchery of lamb, honey processing and cheese processing and a lambing and feed storage area.

The holiday unit will be the south corner of the building which will include at ground floor, a dining room/living room and kitchen, toilet and disabled toilet, bike store and bedroom. The first floor will include 3 bedrooms, 3 toilets and a laundry room and storage. The entrance into the building will be from the south east elevation into the living room with the 3 parking spaces adjacent to the south west elevation.

PLANNING POLICY

The application falls to be considered against Policies within the Carmarthenshire Local Development plan (LDP). The relevant policies for the conversion of the building to a holiday unit is:

Policy TSM4 Visitor Accommodation

Proposals for new build serviced or self catering holiday accommodation will be permitted within the development limits of defined settlements (Policy SP3) where it accords with the relevant criterion under Policy SP15.

Outside the development limits of defined settlements (Policy SP3) proposals for permanent serviced or self catering visitor accommodation will be permitted where

it consists of the re-use and adaptation (including conversion) of existing buildings and complies with criteria d) and e) set out in Policy H5.

H5 - Adaptation and Re-use of Rural Buildings for Residential Use

Proposals for the conversion and re-use of buildings in rural areas outside the Development Limits of a defined settlement (Policy SP3) for residential purposes will only be permitted where:

- a) The authority is satisfied that every reasonable endeavour has been made to secure an alternative business use and the application is supported by a statement of evidence to the Council's satisfaction of appropriate efforts that have been undertaken to achieve this;
- b) Any residential use would be a subordinate element associated with a wider scheme for business re-use; or,
- c) The residential use contributes to the provision of affordable housing to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:
 - i) The benefits of the initial affordability will be retained for all subsequent occupants;
 - ii) It is of a scale compatible with an affordable dwelling and would be available to low or moderate income groups.

Proposals will also be required to demonstrate that the following criteria can be met:

- d) The building is structurally sound, substantially intact and is of sufficient size to accommodate the proposed use without extensive alteration, extension or re- construction;
- e) The building demonstrates and retains sufficient quality of architectural features and traditional materials with no significant loss of the character and integrity of the original structure.

In terms of the butchery, honey making and goat cheese processing the following policy is relevant:

Policy EMP4 Farm Diversification

Proposals for farm diversification projects will be permitted where:

- a. It is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm;
- b. It is of a scale and nature appropriate to the existing farm operation;
- c. The scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements;
- d. The scale and scope of any retail use (where planning permission is required) would not have an adverse impact on the vitality and viability of retail

- facilities in nearby settlements, or would undermine the retail hierarchy (see policy RT1);
- e. It would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape.

Proposals should give priority to the conversion of suitable existing buildings on the working farm. Where justified new building should be integrated with the existing working farm complex and not detrimental to the respective character and appearance of the area and surrounding landscape.

CONCLUSION

The proposed development involves the diversification of a small holding in a rural location 1 kilometre East of the village of Llangadog. Whilst the principles of farm diversification is promoted by guidance within Planning Policy Wales (PPW) in order to attain “ *a thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside*”, the diversification for the meat processing, honey making and cheese production would receive policy support, however the conversion of the modern agricultural farm building into a holiday unit conflicts with Local Plan policy

As a result of the consultation of the Forward Planning section pre-registration, an objection was raised in relation to the tourism related aspect of the proposal in terms of the conversion of the modern agricultural building to a holiday unit. Policies TSM4 and H5, and also Supplementary Policy Guidance Note ‘Adaptation and Re-Use of Rural Buildings for Residential Use’ support the conversion of buildings which are of an appropriate architectural quality and which are of traditional materials. It further states that ‘*Proposals for buildings of a modern, utilitarian construction such as portal framed units, temporary structures or those which utilise materials such as concrete block work, metal or other sheet cladding finishes will not generally be considered appropriate for conversion*’. However, the Forward Planning section in the formal consultation within this application raised that as this is a mixed proposal with the butchery of lamb, honey processing and cheese processing and a lambing and feed storage area and conversion to a holiday use, the proposal should be looked at as a whole proposal; “*we should look at the whole proposal and the fact that the tourist accommodation is only a portion of the building. The other parts will be a new business venture and the use of a sizeable portion as a continued agricultural use*”.

The Local Planning Authority appreciates that the proposal allows for the diversification of the smallholding, however a recent unsuccessful appeal decision in February 2017 on the conversion of a modern agricultural building instructs the Local Planning Authority to determine that although this is a mixed proposal, it remains that the proposed conversion of a modern agricultural building which is not of an appropriate architectural quality and does not incorporate traditional materials, to a holiday unit is also contrary to LDP policy.

Therefore, the application is recommended for refusal on the grounds conveyed below.

RECOMMENDATION – REFUSAL

REASONS FOR REFUSAL

- 1 The proposal, if approved would be contrary to Policy H5 of the Carmarthenshire Local Development Plan, which states:-

H5 - Adaptation and Re-use of Rural Buildings for Residential Use

Proposals for the conversion and re-use of buildings in rural areas outside the Development Limits of a defined settlement (Policy SP3) for residential purposes will only be permitted where:

- a) **The authority is satisfied that every reasonable endeavour has been made to secure an alternative business use and the application is supported by a statement of evidence to the Council's satisfaction of appropriate efforts that have been undertaken to achieve this;**
- b) **Any residential use would be a subordinate element associated with a wider scheme for business re-use; or,**
- c) **The residential use contributes to the provision of affordable housing to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:**
 - i) **The benefits of the initial affordability will be retained for all subsequent occupants;**
 - ii) **It is of a scale compatible with an affordable dwelling and would be available to low or moderate income groups.**

Proposals will also be required to demonstrate that the following criteria can be met:

- d) **The building is structurally sound, substantially intact and is of sufficient size to accommodate the proposed use without extensive alteration, extension or re- construction;**
- e) **The building demonstrates and retains sufficient quality of architectural features and traditional materials with no significant loss of the character and integrity of the original structure.**

In that the proposed development does not accord with criteria e) of the policy, in that the existing building is not of an appropriate architectural quality which incorporates traditional materials.

Furthermore, supplementing Policy H5, Paragraph 6.2.30 specifies that: "*Proposals for buildings of a modern, utilitarian construction such as portal framed units, temporary structures or those which utilise materials such as concrete block work, metal or other sheet cladding finishes will not generally be considered appropriate for conversion*".

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| Application No | E/35395 |
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| Application Type | Full Planning |
| Proposal & Location | RETROSPECTIVE PERMISSION FOR ALREADY CONSTRUCTED BREWERY SHED IN SITU ON LAND AT EVAN EVANS BREWERY AT 1 RHOSMAEN STREET, LLANDEILO, SA19 6LU |

| | |
|---------------------------|--|
| Applicant(s) | EVAN-EVANS - JAMES BUCKLEY, 1, RHOSMAEN STREET, LLANDEILO, SA19 6LU |
| Agent | CDN PLANNING - CHRISTIAN ROHMAN, CDN PLANNING (WALES) LTD, NORTH HILL, 7 ST JAMES CRESCENT, SWANSEA, SA1 6DP |
| Case Officer | Graham Noakes |
| Ward | Llandeilo |
| Date of validation | 12/04/2017 |

CONSULTATIONS

Head of Public Protection – Offers no objection in terms of air quality or public health; recommends the imposition of seven noise related conditions on any permission which may be granted

Llandeilo Town Council – Having initially sought clarification, *‘The Town Council believes the original application was for a temporary building? If so, should the temporary building be removed and a new full planning application be made? Can an application be changed from temporary status to Full planning status retrospectively?’* that was provided by confirming that this application seeks planning permission in retrospect to retain the white ‘temporary’ building that is already in place and that the building is meant to be permanently retained; no further observations have been received from the Town Council

Local Members – Having initially conveyed his concern regarding the *‘temporary structure on the site’*, Cllr E Thomas has now offered the following observations:

- “The local Town Council have queried that this building is classed as a ‘temporary building’ but it seems to me it is a permanent building with a likely lifespan of more than 10 years. So I cannot understand why it is classified as ‘temporary’”
- While it is regrettable that the building has already been erected prior to planning permission being obtained, it is located in a commercial area of the town

- There have been no objections from nearby neighbours
- Residents along Heol Bethlehem, across the valley, have expressed concern with regard to the size of the building, disruption to their view and light pollution
- This retrospective application is for a different type of building to the more traditional design that was granted planning permission under reference E/27895
- The application should not be an officer decision 'in view of the past history with the local office'. No clarification has been provided with regard to the purported 'past history'
- It is requested that the Committee undertakes their own inspection of the development from both the application site and Heol Bethlehem.

The reasoning for the site inspection is so that the Committee can understand the objectors' concerns from their point of view and also to see the building within the context of the brewery site itself

South Wales Trunk Toads Agency - No response received to date.

National Resources Wales – Having sought additional information from the applicant with regard to the former use of the site as a Council depot and potential land contamination, no further formal response has been received to date.

Neighbours/Public - The application was publicised by means of a site notice with two letters of objection received in response from residents along Bethlehem Road at the opposite side of the Tywi valley, one of which enclosed a 16 signature petition. The grounds of objection refer to one or more of the following:

- The building is a visually obtrusive white, highly contrasting large block structure, that does not blend into surrounding sensitive rural landscape
- The building does not respect 'the environment and beautiful landscape'
- The building is clearly visible when the trees are not in leaf
- The building resembles a marquee
- Light pollution arising from external lights recently erected at the application site

RELEVANT PLANNING HISTORY

The following previous application(s) has/have been received on the application site:

| | | |
|---------|---|--------------------------|
| E/34347 | Discharge of Conditions 8, 9 and 10a on E/27895 (risk assessment, remediation strategy, pollution method statement) | Pending |
| E/27896 | Storage Shed | Full Planning Permission |

| | | |
|-------------|---|---|
| | | 1 May 2013 |
| E/27895 | Bottling Plant | Full Planning Permission 1 May 2013 |
| E/25987 | Extension for barrel, bottling and storage | Full Planning Refused 13 March 2012 |
| E/09432 | Resubmission of E/07834 | Full Planning Permission 6 October 2005 |
| E/07834 | Coaching Inn and Residential Accommodation | Withdrawn 20 October 2004 |
| TG/04164 | Conversion to Brewery | Full Planning Permission 17 July 2003 |
| P6/14996/88 | Office Accommodation (Dyfed CC) | Full Planning Permission 23 February 1989 |
| P6/9962/84 | Extension to Office (Dyfed CC) | Full Planning Permission 22 September 1984 |
| P6/7815/81 | Office Accommodation (Dyfed CC) | Full Planning Permission 7 April 1982 |
| P6/6921/82 | Area Surveyor's Office (Dyfed CC) | Full Planning Permission 4 February 1982 |

APPRAISAL

This application results from an investigation by the Planning Enforcement team

THE SITE

The application site is a broadly triangular area of land and buildings at the northern fringe of Llandeilo, bounded by the A483 Trunk road, Rhosmaen Street to the front (west), the Nant Gurrey Fach to the north-east and the industrial/commercial properties along Station Road to the south. There is a linear group of residential properties opposite the vehicular entrance to the site off Rhosmaen Street, with the open land adjacent to the north and west of those houses being allocated for residential development, in respect of which a development brief, the Northern Residential Quarter Development Framework has been prepared. The application site lies at a lower level to the road that frontage along which is delineated by a stone wall, above which is a timber fence and hoarding have been erected without the benefit of planning permission.

Prior to the present use of the site as a brewery the land and buildings were formally a Council highways depot with associated offices from which a range of vehicles were operated.

Although the application site is located outside of the town conservation area, it occupies a key gateway location along the northern approach to Llandeilo, in close proximity to the roundabout on the A40 by-pass.

THE PROPOSAL

Full planning permission is sought to retain a building that has been constructed for use as a bottling plant in association with the brewery business. The new building is at the northern corner of the site, orientated parallel to and in close proximity to the road frontage. The building measures 30m x 15m, has an eaves height of 5m, a ridge height of 8.03m, with the floor set approximately 400mm below the level of the pavement.

The light colour of the external materials results in the building being somewhat distinctive with the application describing the external finish as 'Light grey hard UPVC, high gloss, weather grade exterior walling with a 'Double layered inflated white PVC roof'.

The building has been erected as a low cost alternative to the more traditional form of bottling plant building granted planning permission under reference E/27895 that was to have rendered elevations with a grey, metal sheet clad roof. Aside from a modest lean-to annex at the southern end to accommodate a laboratory and staff amenity rooms, the principal element of that building measured 30.9m x 12.67m with an eaves height of 4.4m and a ridge height of 5.5m.

Aside from the change in the materials, the present building is broadly of the same length as that previously approved, 2.3m wider and 2.5m higher to the ridge. Where the permitted building featured ten pairs of roof windows to allow natural lighting, the building erected has no windows or glazed doors. A degree of natural light does however penetrate through the uPVC/polyester roof membrane.

Two commercial scale doorways and one standard door in the front (north-east) elevation, facing inwards within the site, afford access.

PLANNING POLICIES

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development (LDP) adopted in December 2014.

In a local planning policy context the application site is located within both the settlement limits for Llandeilo and the Existing Employment Area designation that includes the industrial and commercial properties along the northern flank of Station Road. The land between the rear boundary of the application site across to the objectors' properties to the east is designated as the Tywi Valley Special Landscape Area.

Having due regard to the earlier grant of planning permission that has established that the principle of a building at the site is acceptable, the following LDP policies are considered to be of particular relevance in the determination of the application:-

GP1 Sustainability and High Quality Design – conveys that Development proposals will be permitted where they accord with fourteen qualifying criteria which include the need to consider whether the proposed 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’, ‘utilises materials appropriate to the area within which it is located’ and ‘it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community’.

The amplification text to the policy comments that *‘The Plan aspires to design-led regeneration through high quality, sustainable construction which protects and modernises local distinctiveness, raises energy efficiency, minimises waste and protects the natural environment’.*

GP2 Development Limits - proposals within defined Development Limits will be permitted, subject to policies and proposals of the Plan, national policies and other material planning considerations.

EMP3 Employment - Extensions and Intensification - presumes in favour of the extension and/or intensification of existing employment enterprises provided that the development is 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 proposals is of an appropriate scale and form compatible with its location.

EQ6 Special Landscape Areas - development proposals which enhance or improve the Special Landscape Areas through their design, appearance and landscape schemes will be permitted, subject to the policies and proposals of the Plan.

National planning guidance is provided in Planning Policy Wales (PPW), Edition 9, November 2016 and supplementary Technical Advice Notes (TANs) published by the Welsh Assembly Government.

PPW sets out the Welsh Government’s land use planning policy in respect of ‘Promoting sustainability through good design’ and ‘Planning for sustainable buildings’, which includes the role of local planning authorities in delivering good sustainable design.

PPW defines design as *“The relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings”* emphasising that *“Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals..”*

In terms of economic development, PPW conveys that local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- the numbers and types of jobs expected to be created or retained on the site;

- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

TAN12 Design (2016) advises that *'design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities'* with one of the many aspects of design that can affect the environmental sustainability of buildings is the fenestration. The proposed layout of windows, doors and roof lights is a fundamental element of the overall design e.g. to provide larger windows to areas to the south and smaller to the north in residential developments and to provide natural lighting for employment use whilst considering the possibility of overheating in the summer months.

TAN23 Economic Development (2014) advises that in weighing the economic benefit of proposals *'It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.'*

Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority's priorities'.

THIRD PARTY REPRESENTATION

As noted in the summary of consultations two third party representations have been received as a result of the public site notice, with the grounds of objection referring to one or more of the following:

- The building is a visually obtrusive white, highly contrasting large block structure, that does not blend into surrounding sensitive rural landscape
- The building does not respect 'the environment and beautiful landscape'
- The building is clearly visible when the trees are not in leaf
- The building resembles a marquee
- Light pollution arising from external lights recently erected at the application site

Other issues raised that are not material considerations in the determination of the planning application are:

- The impact of the building upon the view

- The manner of the applicant's father when approached in an attempt to resolve concerns

CONCLUSION

The central issues in the determination of the application are considered to be the visual impact of the building and the potential economic benefit arising from the development.

In terms of the visual impact, while it is acknowledged that the application site is located within an established industrial site, which in turn is located within an area that is characterised by a mixture of industrial, retail, residential, and educational uses, the building occupies a prominent position at the A40 road frontage. The combination of materials, light grey, hard, high gloss UPVC walls/sides with a soft, 'double layered inflated white PVC roof' offer an appearance of a temporary building or, as suggested by the third party representation, a marquee.

Although the applicant has informed the authority that the roof has a life span of 30 years, signage on the building states 'Aganto Temporary Building Solutions', with their website referring to one of the key features of the 'temporary warehouse' being the 'Strong and durable aluminum frame with a 10 year guarantee'.

The overall size of the building in combination with its appearance, that is more akin to a temporary building or a marquee, at a prominent location at one of the gateways to the town results in a visually dominant structure both within the site itself and the street-scene, rather than a complementary, additional building within the existing complex of brewery buildings.

It is considered that the degree of harm to the visual amenity of the area is such that the development does not comply with the requirements of LDP policy GP1 or the national policy in terms of good design.

While the objectors have raised concerns regarding the impact of the structure on the wider area, more particularly the Tywi Valley Special Landscape Area, it is not considered that the building has a significant detrimental impact upon the SLA. The concerns raised with regard to light pollution refers to external lights recently erected without planning permission at the application site that do not form part of this application and shall have to be considered separately.

As noted above, PPW conveys that local planning authorities should adopt a positive and constructive approach to applications for economic development and when determining applications for economic development three key factors should be assessed. In assessing these key considerations, the application form indicates that there are 6 'proposed employees' with no differentiation between the present number of staff and any new workers that have been employed since the erection of the building. Having regard to the considerations with regard to how the development will address economic disadvantage or support growth or regeneration, the LPA has recognised the need for a building in the earlier planning permission E/27895. The concerns of the LPA relate only to the design and appearance of the building that is the subject of this application.

Again as noted above, the development has already been undertaken to the effect that permission is now being sought in retrospect. In considering retrospective applications, the Council has to consider the proposal on the basis as if the development had not

already taken place and in determining the application should not be swayed in either way by the fact that the development has already taken place. The application should only be considered on its planning merits against adopted planning policies and other material planning considerations. Planning permission should not be refused just because the development is in its present state, unauthorised and permission should not be granted just because the development is already there and it would be too onerous or expensive for the applicant to remove or alter it.

While the need for a Bottling Plant building in association with the brewery business is acknowledged in the grant of planning permission E/27895 for a building of an acceptable design, the degree of harm to the visual amenity of the local area by the building the subject of this application is considered to outweigh the economic development benefit of the development.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination must be in accordance with the relevant development plan (UDP) unless material considerations indicate otherwise.

The development is considered not to accord with the requirements of criteria (a), (c) and (d) of policy GP1 that require the subject building to conform and enhance the character and appearance of the site or area; use materials appropriate to the area; and to not have a significant impact on the community, and similarly to not accord with the requirement within policy EMP3 that the extension of an existing employment enterprises must be of an appropriate scale and form compatible with its location and should not result in adverse amenity issues.

Having due regard to material considerations which may indicate otherwise, it is considered that the economic benefit in this instance does not outweigh the degree of harm to the local amenity and that there are no other material considerations which may outweigh the planning policy objection.

RECOMMENDATION – REFUSAL

REASONS

- 1 The proposed development is contrary to Policy GP1 - Sustainability and High Quality Design of the Carmarthenshire Local Development Plan, which states:-

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 application building does not conform with or enhance the character and appearance of the site, in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing; utilises materials which are inappropriate to the area within which it is located; and has a resultant adverse impact upon the amenity of the area.

The overall size of the building in combination with its appearance, that is more akin to a temporary building or a marquee, at a prominent location at one of the gateways to the town results in a visually dominant structure both within the application site itself and the street-scene, rather than a complementary, additional building within the existing complex of brewery buildings

2 The proposed development is contrary to EMP3 Employment - Extensions and Intensification of the Carmarthenshire Local Development Plan, which states:-

Proposals for extensions and/or intensification of existing employment enterprises will be permitted provided that:

- a. **The development proposals are not likely to cause environmental damage or prejudice other redevelopment proposals;**
- b. **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;**
- c. **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.

In that the application building is not of an appropriate scale and form compatible with its location.

The overall size of the application building in combination with its appearance, that is more akin to a temporary building or a marquee, at a prominent location at one of the gateways to the town results in an adverse impact upon the amenity of the area, appearing as a visually dominant structure both within the application site itself and the street-scene, rather than a complementary, additional building within the existing complex of brewery buildings