

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
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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

In response the applicant's father has commented that he objects most strongly to one of the respondent's letter as he considers that the objection mis-represents the true facts of what happened when he chose to arrive unannounced at the brewery site, demanding changes to the security lighting. Mr Buckley opines that the respondent has no rights to

complain about the security lighting as he resides over 200 metres from the site and conveys that none of the local residents have complained about the erection or use of the new building.

His correspondence also conveys that the Evan-Evans Group is an International award winning brewer, that will this year export over 700,000 bottles of beer, employs an increasing workforce of people in a rural area, where there are an acute shortage of jobs; the structure is permanent structure; the objectors seem to think that industry has to work to some rural agenda, which prevents land designated for industrial use from being used for its intended purpose.

He has also highlighted other light coloured buildings in the area such as The Works and Llandeilo Building Supplies both located along Station Road and that "if the bottling plant is refused planning permission then the company will have to relocate out of the county, making all but the brewers redundant, and bottling is a vital and key element of the business plan now and post Brexit."

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 that company's 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 (detailed in the Planning policy section above) 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. Subsequent to the initial consideration of this application at the Planning Committee on 29th June, it has now been established that the workforce comprises 6 brewing staff, increasing by 2 more if bottling continues to grow by Christmas; 7 new bottling jobs, "most have started", 3 office staff with 2 others due to start on 1st July and 1st September respectively.

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

