

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR  
AMGYLCHEDD**

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

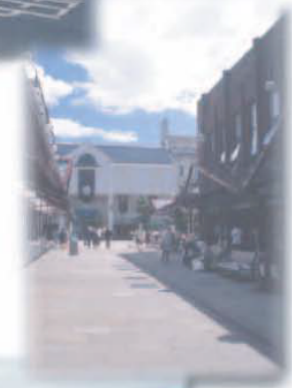
**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

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

**AR 04 EBRILL 2019  
ON 04 APRIL 2019**

**I'W BENDERFYNU/  
FOR DECISION**

*Ardal  
Dwyrain/  
Area East*



**Cyngor Sir Gâr  
Carmarthenshire  
County Council**



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yn rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

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

|                   |                           |
|-------------------|---------------------------|
| <b>COMMITTEE:</b> | <b>PLANNING COMMITTEE</b> |
| <b>DATE:</b>      | <b>4 APRIL 2019</b>       |
| <b>REPORT OF:</b> | <b>HEAD OF PLANNING</b>   |

**INDEX - AREA EAST**

| <b>REF.</b>    | <b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>  |
|----------------|---|
| <b>E/37177</b> | <b>Proposed new self-catering and B&amp;B tourism accommodation with managers accommodation and spa, facilitated through four residential units and the temporary siting of a residential caravan at Brecon View Eco Village, Land to north of Dinefwr Road, Garnant, Ammanford</b> |

**APPLICATIONS RECOMMENDED FOR APPROVAL**

|                       |                |
|-----------------------|----------------|
| <b>Application No</b> | <b>E/37177</b> |
|-----------------------|----------------|

|                                |  |
|--------------------------------|--|
| <b>Application Type</b>        | Full Planning  |
| <b>Proposal &amp; Location</b> | PROPOSED NEW SELF-CATERING AND B&B TOURISM ACCOMMODATION WITH MANAGERS ACCOMMODATION AND SPA, FACILITATED THROUGH FOUR RESIDENTIAL UNITS AND THE TEMPORARY SITING OF A RESIDENTIAL CARAVAN AT BRECON VIEW ECO VILLAGE, LAND TO NORTH OF DINEFWR ROAD, GARNANT, AMMANFORD |

|                           |   |
|---------------------------|---|
| <b>Applicant(s)</b>       | BRECON VIEW ECO VILLAGE - SIMON CARD, C/O AGENT,  |
| <b>Agent</b>              | JCR PLANNING LTD - JASON EVANS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE |
| <b>Case Officer</b>       | Andrew Francis  |
| <b>Ward</b>               | Garnant   |
| <b>Date of validation</b> | 02/05/2018  |

## **CONSULTATIONS**

**Head of Transport** – No formal comments have been received to date. Informally, the parking provision is now over provisioned, but there would still be requested a pedestrian footway alongside the existing carriageway.

**Natural Resources Wales** – Offers no objection to the proposal subject to the imposition of planning conditions.

**Dwr Cymru Welsh Water** – Recommends the imposition of planning conditions.

**The Coal Authority** – Has a substantive concern regarding the site, but subject to the imposition of planning conditions, withdraws its original objection.

**Cwmamman Town Council** – No observations received to date.

**Local Members** – County Councillor K Madge is a member of the Planning Committee and has therefore made no prior comment.

**Neighbours/Public** – The application was advertised by means of a Site Notice. As a result, eighteen letters of objection from have been received from twelve separate addresses.

The points of objection are summarised as follows:

- Part of the land that makes up the application site is not owned by the applicant, rather it is owned by a neighbour of the site who objects to this development and has been supported by Land Registry documents.
- There is a Japanese Knotweed problem on the application site which has been exacerbated by the applicant. He employed a groundworks team to rip up tarmac and other surfaces and dumped the spoil towards the edges. This has led to a spread of Japanese Knotweed along the boundary edges.
- The proposed dwellings would be directly behind the houses on Dynevor Road and would cause overlooking, particularly of the rear gardens. As the proposed dwellings are at a higher level, it would add to the sense of overlooking and be visually overbearing, potentially affecting sunlight, most acutely in winter months.
- The increase in traffic would cause extra harm to the amenity and safety in the area for the existing residents.
- There is a known surface water and drainage issue in this area due to the sloping land. This water, if not dealt with, could have a serious adverse impact upon existing properties and there is a high risk of flooding.
- The proposed development would be out of character with the area in terms of appearance, particularly with regard to the landscape.
- The proposed development will cause noise and disturbance affecting the Dynevor Road residents. Many on this road work shifts and the noise would affect their peace and quiet.
- Wildlife will suffer as their habitat will be destroyed.
- Signs have been erected on site denoting it as a building site. This pre-empts the decision making process and should be removed.
- The road leading from Garnant Golf Club to Dynevor Road has a STOP sign at the junction. However, the recent road markings show that the Dynevor Road to Golf Club section is a through road, in contradiction to the signage. The traffic calming has been removed also. This is dangerous and will likely cause accidents.

In addition to the above points, the following non material concerns were also raised:

- The proposal will devalue existing properties.
- The application site is to the south and not the north as described.

## **RELEVANT PLANNING HISTORY**

PA/15527 - Proposed Tourism Accommodation Units,  
B&B Unit, Spa Building And Facilitating  
Residential Development (4 Units)  
Pre-Application - Statutory

1 November 2017

|           |  |                  |
|-----------|--|------------------|
| E/34625 - | Variation of Condition 1 on E/28759<br>(Extend The Time Allowed For The Submission Of<br>Reserved Matters Applications For A Further 3 Years)<br>Variation of Planning Condition Granted | 22 December 2016 |
| E/33232 - | Proposed Pod Camping Site & Communal Facilities<br>Full Planning Permission Granted  | 15 March 2016    |
| E/29414 - | Proposed Outline Planning Permission With All<br>Reserved Matters For 2 No Chalets<br>Outline Granted  | 18 June 2014     |
| E/28759 - | Erection Of Two Detached Dwellings<br>Outline Granted  | 31 October 2013  |
| E/01956 - | Residential<br>Outline Refused   | 24 February 2000 |

## **APPRAISAL**

### **THE SITE**

The application site consists of two parcels of land either side of the currently private road that leads south, off Dynevor Road, Garnant, to Garnant Golf Club.

The larger and more southerly parcel of land is irregular in shape, and slopes downwards fairly steeply from beyond the southern end of the site to land beyond the northern end. It remains as it was landscaped following the previous use of this area by British Coal. It is bounded to the east by the Golf Course Road and to the west by a steep river bank, trees and the Nan y Gath stream, which is culverted at the application site's northern and southern ends. This parcel of land measures approximately 290 metres in length and with a maximum width of approximately 40 metres. This tapers very considerably to the northern end, which means that only approximately 225 metres of the site's length is useable.

The second parcel of land is in the opposite (eastern) side of the Golf Course road and towards the northern end of the site and on the old concrete parking area used by British Coal. This area is broadly rectangular in shape and has a road frontage of 50 metres and a plot depth of approximately 36 metres. Recently this land has been regraded and is now broadly flat. There is a 15 metre buffer between this part of the application site and the rear gardens of 17-25 Dynevor Road.

The application site currently is outside of any development limits. However, it does have extant permissions for the development of 2 guesthouses (E/34625) and the development of 9 camping pods (E/33232) from when this land was considered to be suitable for tourism development under the Unitary Development Plan.

This application has a sister application – E/38001 which seeks permission for car parking spaces on a strip of land on the opposite side of the road to the proposed spa building.

### **THE PROPOSAL**

The application seeks full planning permission for the development of a fairly large scale tourism development to be called Brecon View. This is to consist of 10 log cabins for holiday rental and a larger Spa building, all on the land on the western side of the road. To help facilitate this development, which is intended to be built in phases, four residential dwellings are to be built and sold on the open market on the rectangular parcel of land on the eastern side of the site road.

Looking at the proposed dwellings first, each dwelling is to be identical, measuring 12.8 metres in length by 8.2 metres in width. They are proposed to be two storeys with half dormers on each side elevation, which are to face north and south. The main front and rear elevations are to be the two gable elevations and these will feature extensive fenestration. They are to be externally finished with cedar cladding to the walls and slate roofs and are to have design consistency with the tourist development associated.

Internally, they are to provide three bedrooms (1 en-suite) and a bathroom to the first floor, with a living area, kitchen/dining area, hallway, utility room and cloakroom on the ground floor.

With regard to the log cabins proposed, of the ten in total, there are to be three different sizes. Two, 1 bed 2 person cabins are proposed along with seven 2 bed 4 person cabins and one 3 bed 6 person cabin. This larger cabin is likely to operate as the Site Manager's cabin. All are single storey and are to have cedar clad walls, timber windows and doors and a grassed roof structure and heated with log burners.

The smallest cabin measures 7.7 metres in length by 5.2 metres in width and internally provides a living area, modest kitchenette, one bedroom and a shower room.

The medium sized cabin provides two bedrooms, a shower room and a kitchen/dining/living area and measures 9 metres in length by 6.25 metres in width.

The largest cabin measures 10.5 metres in length by 7.45 metres in width. Internally it is like the others but with three bedrooms.

The largest building proposed is the Spa building. This is proposed to be at the southernmost end of the site and as such, will be the most prominent building. Whereas the other buildings proposed are to be simple in terms of their architecture, the Spa building is complex and feature laden. This building has a total floor area of 521.5 m<sup>2</sup> and offers spa facilities and rooms over two levels. The Spa facility takes up all of the ground floor, with a pool area, with part of it raised and external, around which there are foot jacuzzi's plunge pools and a relaxation area. Leading to the pool there is a communal changing facility accessed via the reception. There are also two saunas, a steam room, 2 Hammam Treatment rooms, 4 individual therapy rooms along with 2 lifts, a plant room, a cleaner's room and a staff WC. There is an enclosed zen garden also easily accessible.

The first floor provides a cafe area, outdoor gallery and larger outdoor terrace. The main roof of the building features a grassed area, photovoltaic panels, larch cladding, whilst some of the walls are described as living walls – they have planting panels in them to allow plants to grow and thrive in them.

In terms of dimensions, the length of the overall building is 35.88 metres, with a maximum width of 18.5 metres and a maximum height of 8.94 metres. Given the modern design of the building, there is no uniform or typical dimension.



The proposed development is intended to be built in phases so as to ensure viability and deliverability. The first phase will involve the building of two of the dwellings and 4 of the cabins. Phase two will involve the construction and sale of another dwelling and the start of more cabin buildings. The third phase would involve the completion of all the dwellings and the cabin buildings with the fourth phase involving the construction of the spa.

The site's aspiration to be an eco village extend to being carbon neutral in operation when it is fully up and running. This is compared to the Building Regulations Part L 2014 compliant 'business as usual' building standards. It has been assessed that significant carbon reductions can be made of 42.59 tons of CO2 per year which is the equivalent to 111% can be achieved through its energy strategy. This comes from energy efficiency measures (41.55%) and the use of solar photo voltaic panels and Tesla Powerwall batteries to store the gathered energy (69.45%).

## **PLANNING POLICY**

The application site lies outside the settlement development limits for Garnant, as defined in the Carmarthenshire Local Development Plan. Therefore, in order to consider this application, policies there are many Local Plan policies which can be considered relevant. In particular, it is considered that policies SP1, SP11, SP14, SP15, GP1, GP3, H2, AH1, EMP2, TR1, TR2, TR3, EQ4, EQ5, TSM5 apply.

In terms of the overarching strategic policies, policy SP1 in this instance supports development where they reflect sustainable development and design principles by distributing development to sustainable locations, appropriately promoting the efficient use of previously developed sites, integrating with the local community, taking into account character and amenity. The development should create safe, attractive and accessible environments which contribute to people's health and wellbeing and promote active transport infrastructure and safe and convenient access, particularly through walking and cycling. It should also utilise sustainable construction methods, improve social and economic wellbeing and protect and enhance the area's biodiversity value.

Given the nature of the development, policy SP11 can also be considered to be relevant. It states that development proposals which incorporate energy efficiency measures and renewable energy production technologies will be supported in areas where the environmental and cumulative impacts can be addresses satisfactorily. These developments will not cause demonstrable harm to residential amenity and will be acceptable within the landscape.

As the proposal is for an eco-village, it must reflect the need to protect and enhance the County's natural environment. In considering the proposal in light of SP14, due consideration must be given to areas of nature conservation value and countryside landscapes; in particular biodiversity including protected species and habitats of acknowledged importance as well as key connective corridors and pathways and features which contribute to local distinctiveness, nature conservation and landscape value.

Given the tourism element of the proposal, policy SP15 seeks to permit such proposals specifically in open countryside locations where the site specific small scale development must satisfy policy TSM3 except where they are subject to the provisions of TSM2 or TSM5.

Looking the general development management policies GP1 states that in this instance the development should conform with and enhance the character and appearance of the area, incorporate existing landscape features and take into account the site contours and levels, utilise appropriate materials and should not have a significant impact on the amenity of adjacent land uses, properties, residents or the community. The development should include an integrated mixture of uses appropriate to the scale of the development and seek to retain and incorporate important local features , such as woodlands, hedgerows, trees but also ensure the use of good quality hard and soft landscaping whilst taking opportunities to enhance biodiversity and ecological connectivity. The development should provide an appropriate access and provided for the satisfactory generation, treatment and disposal of both surface and foul water and general waste. For it to be successful it needs visitors and therefore it should have regard for the safe and effective use of the transportation network, including for pedestrians, cyclists and users of public transport. Finally, it should provide for the appropriate management and eradication of invasive species.

In terms of housing policy AH1 states that a contribution to affordable housing will be required on all windfall sites – sites within development limits. In this area, the site should provide a commuted sum contribution based on a sum of £41.98 per sq m of internal floor space proposed. This would equate to approximately £24,516. The policy does advise that where viability at the target levels cannot be achieved, variation may be agreed on a case by case basis.

As the site is outside limits, policy AH2 would normally be considered to be more applicable. This allows residential development on sites immediately adjacent to the development limits of defined settlements, as this site is, but requires that the dwellings proposed would be 100% affordable and meet a genuine identified local need.

Along with the tourism use, it is expected that the proposed development is to create 11 full time and 5 part time jobs. As such, EMP2 becomes relevant and requires that all employment proposals adjacent or directly related to the development limits of all settlements can be permitted provided that there is no existing employment site available for such a development, the proposal is of an acceptable size and form and is compatible with the character and appearance of the area and the neighbouring uses and users.

Policy TR2 considers proposals which have the potential for significant trip generation and will be permitted where it is located in a manner consistent with the Plan's strategic objectives, policies and proposals, is accessible to non-car modes of transport and provision is made for non-car modes of transport and those with mobility difficulties.

Policy TR3 in this instance requires that it has suitable provision for access by public transport, the development has appropriate parking and servicing space in accordance with required standards, an appropriate access reflective of the relevant class of road and speed limit and suitable drainage systems that dispose of surface water 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 residents will be permitted, as will proposals which will not result in offsite congestion where the road network capacity is sufficient.

As touched upon in SP14, policy EQ4 has concerns relating to the negative effect of the development on priority species, habitats and features of principal importance to the conservation of biodiversity and nature conservation.

Policy EQ5 seeks to retain features which contribute to local distinctiveness and qualities to the County and to the management and development of ecological networks, accessible green corridors and their continuity and integrity.

With specific regard to tourism, policy TSM1 states that new chalet sites will only be permitted within development limits. However, policy TSM3 considers that proposals for small scale facilities in the open countryside can be approved where there is no suitable site available within limits, the site is directly related to the settlement, the proposal is highly dependant upon the attributes of the site and the proposal can clearly justify the need for the development at that location. It is also expected that 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.

### **THIRD PARTY REPRESENTATIONS**

The application was advertised by means of a Site Notice. As a result of the process, eighteen letters of objection have been received from twelve separate addresses.

The points of objection are summarised, grouped and discussed as follows:

#### **Land Ownership**

- Part of the land that makes up the application site is not owned by the applicant, rather it is owned by a neighbour of the site who objects to this development and has been supported by Land Registry documents.

The objector has supplied Land Registry documents as part of the objection which does indicate that part of the application site where the four dwellings are proposed, appears to be owned by the objector. However, the agent acting on behalf of the applicant has also provided evidence of the land purchase, which also shows that the applicant owns all the land that relates to this application site. As Members will be aware, it is beyond the scope of the Planning Department to adjudicate on land ownership disputes. We have to take at face value that the applicant claims that he owns the land and as such, proceed to determine the application based on that.

#### **Residential Amenity Concerns**

- The proposed dwellings would be directly behind the houses on Dynevor Road and would cause overlooking, particularly of the rear gardens. As the proposed dwellings are at a higher level, it would add to the sense of overlooking and be visually overbearing, potentially affecting sunlight, most acutely in winter months.
- The proposed development will cause noise and disturbance affecting the Dynevor Road residents. Many on this road work shifts and the noise would affect their peace and quiet.

Turning to the issues raised by many of the objectors relating to residential amenity concerns, it is clear that they are focusing mainly on the harm they perceive the new residential dwellings might cause.

Considering specifically at the issue of overlooking, the proposed dwellings have been orientated so that they are orientated and have views to the east and west and not to the

north, where the existing residential dwellings are located. As the four proposed dwellings are lined up in a north to south line, only the northern most dwelling would have any views over towards the existing dwellings. In measuring the distance from this dwelling to the southern edge of the gardens of the existing dwellings, this measures approximately 30 metres. This is over the minimum 21 metres distance that is typically required where there are windows directly opposite each other. Furthermore, the distance from the proposed dwelling to the rear of the existing dwellings is approximately 53.5 metres, again comfortably beyond what would normally be a distance that would be a concern. Finally, the two first floor windows proposed on this elevation are to serve the family bathroom and en suite and as such, will be obscure glazed. Therefore, the design of the proposed dwellings mitigates against overlooking and safeguards against any loss of privacy.

Another amenity concern raised is through the loss of sunlight, particularly in winter months. The land behind the existing dwellings rises to the south so the proposed new dwellings will be built at a higher level than the existing dwellings and will be 7.82 metres tall from a finished floor level of approximately 83-84 metres. However, given the distances involved between the proposed dwellings and the existing dwellings, and the ultimate height of the top of the hill to the south, any potential loss of sunlight will not be sufficient to warrant considering this application for refusal.

Considering next the issue of noise and disturbance from the proposed development, as Members will be aware, in considering this application, it is the potential for noise and disturbance from the fully developed eco-village that we must concern ourselves with and not the temporary period of disruption during the build.

The ten log cabins and spa building are intended to be provided for relaxation holidays, and with the hope of providing accommodation for golfers in particular. It is not envisaged that the location or facilities will draw in particularly rowdy guests and the Authority's Public Protection Team have not objected to this proposal with regard to issues relating to noise.

Public Protection have also looked at the issue of air quality as a result of this development operating log burners in the dwellings and cabins. There has been some confusion over this as the initial reports were not clear as to whether a biomass boiler or log burners were to be used. It has been confirmed that log burners are the preferred option. Given this, final comments relating to air quality are awaited.

## **Highways Concerns**

- The increase in traffic would cause extra harm to the amenity and safety in the area for the existing residents.
- The road leading from Garnant Golf Club to Dynevor Road has a STOP sign at the junction. However, the recent road markings show that the Dynevor Road to Golf Club section is a through road, in contradiction to the signage. The traffic calming has been removed also. This is dangerous and will likely cause accidents.

In considering the highways matters, the Authority's Head of Transport has been consulted on this proposal, but formal comments have yet to be received. It is informally advised that the parking provision to serve the residential dwellings is acceptable. However parking for the log cabins (45 spaces) is a significant over provision. The Head of Transport advises that there is no safe pedestrian link providing a safe route to the development site – there

should be a footway with raised kerbs alongside the existing carriageway. As a result, the proposal isn't compliant with the Active Travel (Wales) Act 2013.

It is also advised that the car parking spaces to serve the spa are undersized and should be at least 2.6m by 4.8m. A 6.0m aisle separation between spaces is also needed to accommodate reversing moments in and out of spaces, which needs to be advised as some of the spaces are directly opposite those contained in the sister application (E/38001)

Integral to the highways issue is that of the footpath 67/16. The road through the site is also the footpath and as such, there would be more conflict between vehicles and pedestrians using footpath 67/16. As the Head of Transport has recommended, a footpath would be the preferred option along the length of the road, however, the Public Rights of Way team advise that at the very least, refuge areas along the road should be provided so pedestrians can move off the roadway, if necessary to avoid traffic.

Part of the concerns ties in with those above relating to disturbance. As the scheme is to be developed in phases, any increases in vehicular movements will be gradual so they can be assessed carefully. If it is noted that they begin to cause issues, traffic solutions could be employed to mitigate against these concerns. Therefore, it is not considered that there would be any long term detriment to the parking or residential amenity of the occupiers of the existing dwellings in the vicinity if the proposed development.

### **Other Issues**

- There is a known surface water and drainage issue in this area due to the sloping land. This water, if not dealt with, could have a serious adverse impact upon existing properties and there is a high risk of flooding.

The issue of surface water is one that has been under careful scrutiny given the sloping nature of the land. The Authority's Land Drainage Department have carefully considered the proposal and have advised that the proposed surface water drainage system within the red lines of the site is acceptable to serve the development.

However, there is still a request outstanding from the land Drainage Department for further details relating to the overland flow rates from the south and east of the development. This is the upslope area which raises concerns as it is thought flow rates could potentially cause damage to the proposed structures. To take the above into account, a new drainage strategy has been submitted and final comments are awaited. If acceptable, it is envisaged that the surface water issues currently ongoing will improve with the progress of this development.

- The proposed development would be out of character with the area in terms of appearance, particularly with regard to the landscape.

The application site currently is a road and grassed area that leads up to Garnant Golf Course. It was all once part of old mining works which have been regraded and, over time, softened into the current form. The golf course is an excellent example of a creative re-use of former mining land that unfortunately is operating sub-optimally. It is considered that nearby tourism developments can help to support the Golf Course as well as take advantage of the other opportunities available in the Amman Valley. The proposed eco-village attempts to do that with a minimal long term impact upon the environment whilst offering high quality facilities for all to make use of. It is therefore considered that the proposal seeks to enhance

the character of the area and allow more people to experience the Amman Valley, in turn potentially bringing more investment to the area.

- Wildlife will suffer as their habitat will be destroyed.

As part of this development there is no intention to destroy any habitat. All trees are to be retained and this requirement will be subject to conditions. However, there is some concern that the drainage pipes may affect the root protection areas of existing trees on the steep river bank, whilst the most southerly of the proposed dwellings would be close to the edge of Tree Protection Area E78. Arboriculture details specifically considering these issues have been requested, though have yet to be received.

- There is a Japanese Knotweed problem on the application site which has been exacerbated by the applicant. He employed a groundworks team to rip up tarmac and other surfaces and dumped the spoil towards the edges. This has led to a spread of Japanese Knotweed along the boundary edges.

The issue of Japanese Knotweed has been raised and there will be a requirement to treat and manage the issue as part of the development.

- Signs have been erected on site denoting it as a building site. This pre-empts the decision making process and should be removed.

The erection of 'For Sale' signs and other signs of this nature are outside the control of the Planning Department as they have Deemed Consent. It is up to the developer if they want to advertise a scheme without the benefit of planning permission.

In addition to the above points, the following non-material concerns were also raised:

- The proposal will devalue existing properties.
- The application site is to the south and not the north as described.

With regard to the above non material points, as Members will be aware, these cannot be taken into consideration when determining this planning application.

## **CONCLUSION**

The main policy issue that this application faces is the provision of the four residential dwellings outside limits. These are vital to the overall scheme as they provide much of the initial capital to allow the scheme to progress and now offer the required affordable housing contributions, yet are not offered as long term affordable local needs dwellings, as per the requirements of policy AH2. Therefore, the consideration is whether the overall scheme has the overall potential and deliverability to justify itself in this location, with the dwellings as enabling development, albeit outside development limits.

The tourist side of the proposal has support from the policies contained within the Local Development Plan and also enjoys the benefit of the two current planning permissions on the land for tourism. It is considered that this proposed scheme is far more beneficial to the overall area than the schemes that enjoy the benefit of planning permission.

Therefore a balance needs to be struck in terms of the provision of a potentially exciting tourist scheme in Garnant against the provision of four dwellings outside development limits, which seek to provide affordable home contributions, but do not offer themselves as long term affordable local need dwellings.

With regard to the issue of development limits, the site is adjacent to the current development limits and the site is generally well served by transport links – it is approximately 200 metres from the nearest bus stop and a similar distance to the nearest shop, public house and other village facilities. As such, it is considered that the location is sustainable and the concern would then be more to do with the dwellings to be provided being full market dwellings, contrary to the requirements of policy AH2.

In justifying this development, the scheme would be unviable without the proposed market dwellings. Given that the tourism project is generally supported and has policy support, there is likely no financially feasible way to provide affordable local needs dwellings in this location, at least without the provision of more market dwellings. Given the constrained nature of this site, and the requirement for it to be a tourism scheme, the provision of any more dwellings would impact upon the area available to provide the log cabins and spa. As such, it has been argued that no more dwellings should be provided and that any more would be damaging to the scheme. This view was supported. However, this would mean that the proposed development would not be viable if it were to provide the affordable local needs dwellings, as required by policy AH2.

As such, whilst the proposal does not strictly comply with policy AH2, it is compliant with policies SP1, SP11, SP15, GP1, TR2, TR3, EQ4, EQ5 and TSM3 of the Carmarthenshire Local Development Plan.

On balance, the benefits of this proposal, if delivered outweigh the potential negative effects and as such, this application is recommended for approval, subject to a legal agreement.

## **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 strictly in accordance with them unless amended by any of the following conditions:
  - The 1:200 and 1:1250 scale amended Site Location Plan and Spa Facility Extract (01H) received on 20 February 2019
  - The 1:500 scale amended Site Layout North and South (02F) received on 20 February 2019.
  - The 1:50 scale amended Site Plan (05C) received on the 20 February 2019
  - The 1:50 and 1:100 scale amended Proposed West and South Elevations (12) received on the 4 December 2018
  - The 1:50 and 1:100 scale amended First Floor and Roof Plan (10) received on 4 December 2018

- The 1:50 scale amended Ground Floor Plan (09) received on the 4 December 2018
  - The 1:200 scale amended Site Cross sections (08C) received on the 4 December 2018
  - The 1:200 scale amended Site Layout North Extract (03C) received on the 4 December 2018
  - The 1:50 and 1:100 scale amended Proposed East and North Elevations (11) received on 4 December 2018
  - The 1:100 scale Log Cabins ~ Layout and Elevations (04B) received on 4 December 2018
  - The 1:50 scale amended Residential Units ~ Elevations (06) received on 4 December 2018
  - The 1:1250 scale Topographical Survey (07B) received on the 4 December 2018
  - The 1:500 scale amended Drainage Strategy Plan (DS1 E) received on the 13 March 2019
- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the commencement of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variations and thereafter shall be retained in perpetuity.
  - 4 No development shall commence until a scheme of remedial works has been submitted to, and approved in writing by the Local Planning Authority for the treatment of shallow mine workings across the application site and for the treatment of Mine Adit 268212-020. These works shall be implemented as approved.
  - 5 The rating level of sound emitted from any fixed part or machinery associated with the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.
  - 6 Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of sound immissions arising from the development to determine whether they exceed the sound levels specified in condition 1. The assessment shall be undertaken under the supervision of the Local Authority.
  - 7 In the event that Condition 5 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in condition 5. These measures will then be implemented forthwith.
  - 8 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
  - 9 No development shall take place on the application site until the applicant has:



- Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.
  - Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
  - Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.
- 10 If, during development, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted to the Local Planning Authority.
- 11 If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy'.
- 12 A copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual [topsoil must be approved in writing by the Local Authority prior to importation].
- 13 If tree works are to be carried out on the two trees identified as having moderate potential for bats, then further survey work must be carried out. These should be assessed for bat potential and where appropriate climbing surveys shall be undertaken; in accordance with published best practice guidelines. The results of these assessments / surveys shall be used to inform mitigation proposals for any bat roost found in the trees and shall be submitted to the local authorities Planning Ecologist and Natural Resources Wales. The assessment / survey will to be carried out and the results submitted prior to the commencement of works on site.
- 14 Highways conditions
- 15 Air quality conditions
- 16 Land drainage conditions

17 Arboriculture conditions

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2-3 In the interest of visual amenity.
- 4 To prevent the risk of former mine workings harming the safety of the future users of the site.
- 5-7 In the interest of residential amenity.
- 8 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 9-12 To prevent the importation or spread of contaminated material to and from the site.

## **REASONS FOR GRANTING PLANNING 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 SP1 of the LDP in that the proposed location is considered to be sustainable and providing a facility that will seek to enhance the local character and creating a safe and attractive environment that contributes to people's health and wellbeing. The overall scheme would be carbon neutral and would be intended to improve the economic well being of the area which respecting the ecology and biodiversity.
- The proposed development accords with policy SP11 of the LDP in that the proposed development intends to be carbon neutral by virtue of the solar panels, battery storage, log burners and highly efficient build techniques.
- The proposed development accords with policy SP15 of the LDP in that the location specific proposal is situated in a sustainable location and is intended to offer significant benefits to the village.
- The proposed development accords with policy GP1 of the LDP in that the proposed development represents an acceptable form of development which is appropriate to the character and appearance of the surrounding area, is of an acceptable design and will not have an unacceptable impact upon the residential amenity of nearby properties and provides an acceptable access and parking facilities. The proposed development takes into account the topography of the site and also retains important local habitat features whilst creating an attractive safe place. It is readily accessible

and linked to existing transport networks and provides for the satisfactory generation, treatment and disposal of both surface and foul water.

- The proposed development accords with policy AH1 of the LDP in that the proposed development provides a commuted sum towards the provision of affordable housing, based on the 10% sub market area calculation.
- The proposed development accords with policies TR2 and TR3 of the LDP in that the proposed development is accessible from non car modes of transport, located in a manner consistent with the plan's objectives, would not generate unacceptable levels of traffic on the surrounding road network, or harm highway safety whilst providing acceptable parking and service space to highway standards.
- The proposed development accords with policy EQ4 of the LDP in that the impacts of the development can be satisfactorily mitigated and in time, potentially managed to provide enhancements.
- The proposed development accords with policy EQ5 of the LDP in that the proposal seeks to retain the site features of local distinctiveness.
- The proposed development accords with policy TSM3 of the LDP in that there is no suitable site within the development limits of Garnant but is directly related and is highly dependant upon the attributes and location of the site and should increase the vitality, sustainability and environmental quality of the site and in particular the Golf Club.

## NOTES

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

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

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

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

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).
- 3 The applicant has entered into a Unilateral Undertaking to ensure the provision of the following:

A commuted sum of based on a contribution of £24,516.32 towards an Affordable Housing Fund as per the requirement in Local Development Plan policy AH1 in the low viability (10%) sub market area.