

**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 20 HYDREF 2020
ON 20 OCTOBER 2020**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal Del/
Area South*



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

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

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|-------------------|---------------------------|
| COMMITTEE: | PLANNING COMMITTEE |
| DATE: | 20 October 2020 |
| REPORT OF: | HEAD OF PLANNING |

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| PL/00354 | Variation of Condition 2 on S/26201 to amend closed period for 10 pitches from 5 January to 1 March annually - Llwynifan Farm, Caravan Site, Trosserch Road, Llangennech, Llanelli, SA14 8AX |

APPLICATIONS RECOMMENDED FOR APPROVAL

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|-----------------------|-----------------|
| Application No | PL/00031 |
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| Application Type | FULL PLANNING |
| Proposal & Location | PROVISION OF NEW DOOR AND WINDOW TO FRONT ELEVATION AND ADDITION OF A STAINLESS STEEL EXTRACTION SYSTEM TO THE REAR IN ASSOCIATION WITH A NEW TURKISH TAKEAWAY AT CAMBRIAN HOTEL, 35 MARINE STREET, LLANELLI, SA15 2NP |

| | |
|------------------------|--|
| Applicant(s) | MR. K. MEHMET, 43 STRYD Y MASWR, STRADEY, LLANELLI |
| Agent | STEWART MOORE & SON |
| Case Officer | ROB DAVIES |
| Ward | GLANYMOR |
| Date registered | 08/09/20 |

Reason for Committee

This application is being reported to the Planning Committee

* following the receipt of more than one objection from third parties

Site

The application site consists of a mid terrace, dual fronted property fronting on to Marine Street in Llanelli. The property is a former Public House known as the Cambrian Hotel, which has been vacant for a period of time. The immediate area is primarily residential in character, with the application site adjoined on both sides by residential dwellings. However there are a few commercial uses in this terrace of properties including a local convenience shop and hairdresser, whilst there is a chip shop to the north west of the site on the opposite side of the road.

Proposal

The application seeks full planning permission for the installation of a shop front via the provision of new door and window to the front elevation, and also for the addition of a stainless steel extraction system to the rear elevation in association with a new Turkish takeaway. The proposed shop front will have two large windows either side of a central doorway, and will be of brown upvc to match the existing. The proposed stainless steel extraction system will run across the top of the rear single storey flat roof extension adjacent

to the two storey rear projection of the property, before turning a right angle and projecting vertically to just beyond the eaves level of the rear two storey projection.

It is worth noting that a Public House and a hot food takeaway are both classed as A3 uses, and therefore there is no change of use proposed in land use planning terms.

Planning Site History

There is no relevant planning history.

Planning Policy

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

GP1 Sustainability and High Quality Design

TR2 Location of Development – Transport Considerations

TR3 Highways in Developments – Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Head of Transportation & Highways – No objection

Head of Public Protection – No objection subject to conditions.

Llanelli Town Council – Object on the basis that a takeaway in this location will have a detrimental impact on the amenity of neighbouring properties by virtue of waste, noise, traffic and odours.

Local Member(s) – Cllr L Roberts has stated that whilst she welcomes a new business to the area feels that there are issues with parking. There is already a convenience store and chip shop in close proximity and residents feel that parking is already at a premium.

Cllr J Prosser has not responded to date.

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

Summary of Public Representations

The application was the subject of notification by way of letters to two neighbouring properties. Four letters of representation have been received objecting to the application on the following grounds:-

- **Parking** – parking is already an issue with parking only available on one side of Marine Street.

- Anti-social behaviour – people tend to congregate and hang around by takeaways. There were enough issues with the previous Public House.
- Litter
- There is no need for another takeaway in the area.
- The proposal will adversely impact on the residential amenity of neighbouring properties, which include older residents who live in bungalows opposite.

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

Appraisal

As Members will have noted, a number of objections have been received from one of the Local Members, the Town Council and four neighbouring properties. The majority of the concerns and objections raised relate to the nature of the proposed use as a hot food takeaway, however as aforementioned there is no change of use proposed as part of this planning application in land use planning terms as the property as a former Public House already has an established A3 use. Therefore the opening of a hot food takeaway at the property could occur without impediment and without the need for planning permission. The LPA's consideration of the application is reserved specifically to the proposals for the shop front and the rear extraction system.

The proposed shop front is considered acceptable in design terms, and the brown upvc finish proposed will match that of the existing windows on the front façade. As aforementioned there are already a few commercial uses within this terrace of properties and the immediate vicinity that have similar shop frontages. As such, this element of the proposal is considered acceptable within its context.

In terms of the proposed extraction system to the rear, the only visible element will be the vertical projection, which only extends just above eaves height and will be set in the backdrop of the roof slopes of the main part of the property and rear projection. The system is offset as far as possible away from the boundary with no. 37 Marine Street, whilst the two storey rear projection of the host property separates it from no.33. The Authority's Environmental Health section have been consulted on the application from a noise and odour perspective and have raised no objection subject to conditions.

Planning Obligations

There is no S.106 required in this instance.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

The proposed shop front and rear extraction system are considered acceptable in size, scale and design terms within the context of both the host building and wider locality.

It is considered that there are no loss of amenity issues associated with the proposals that form part of the consideration of this planning application. As aforementioned, the concerns and objections raised mainly relate to the nature of the use proposed, which in itself does not require planning permission due to the established use. The Authority's Head of Transport who has raised no objection has assessed the application on the basis of the established A3 use. He also advised that in line with the adopted CSS Wales' Parking Standards 2014, it may be considered that the parking requirements for a Hot Food Takeaway is less intensive than that required for a Public House / Licenced Club.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date, the application is put forward with a recommendation for approval subject to the following conditions.

Condition 1

The development hereby approved shall be commenced before the expiration of five years from the date of this permission.

Reason:

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Condition 2

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans received on the 3rd September, 2020:

- Location plan 1:1250 @ A4
- Block plan 1:500 @ A4
- Block and location plan (01) 1:500; 1:1250 @ A3
- Existing floor plans (02) 1:100 @ A3
- Existing elevations (03) 1:100 @ A3
- Proposed floor plans (04) 1:50 @ A3
- Proposed elevations (05) 1:100 @ A3
- Argard Type 1 Pleated Panel Filters
- Argard Type 8 Carbon Filter

Reason:

In the interest of visual amenity.

Condition 3

The rating level of sound emitted from the proposed development emitted from any fixed plant 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.

Reason:

To preserve residential amenity.

Condition 4

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 3. The assessment shall be undertaken under the supervision of the Local Authority.

Reason:

To preserve residential amenity.

Condition 5

In the event that Condition 3 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in condition 3. These measures will then be implemented forthwith.

Reason:

To preserve residential amenity.

Note 1

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.

Note 2

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

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

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

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

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| Application No | PL/00354 |
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|--------------------------------|--|
| Application Type | Variation of Condition |
| Proposal & Location | Variation of Condition 2 on S/26201 to amend closed period for 10 pitches from 5 January to 1 March annually - Llwynifan Farm, Caravan Site, Trosserch Road, Llangennech, Llanelli, SA14 8AX |

| | |
|------------------------|-------------------|
| Applicant(s) | Mr Hywel Davies |
| Case Officer | Zoe James |
| Ward | Llangennech |
| Date registered | 15 September 2020 |

Reason for Committee

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

Site

The application site consists of the western part of the existing Llwynifan Farm Caravan Park. The site comprises 10 fully serviced caravan pitches. The park is located off the western flank of Trosserch Road in Llangennech. Access to the site is via an existing lane and through the eastern part of the caravan park. This area comprises 15 caravan pitches alongside ancillary toilet and shower block facilities. It is worthwhile noting that these 15 pitches are not restricted and are open all year round.

The wider area to the north and east of the site is primarily residential in nature with residential properties fronting Trosserch Road and Llwynifan housing estate backing onto the wider Llwynifan Farm site. To the south and west of the application site are open fields.

The site is not situated within any environmental or ecological designations. The site is not allocated for any purpose and is situated outside of the Development Limits of Adopted the Local Development Plan (LDP).

Proposal

The application seeks to amend Condition 2 imposed on planning permission reference. S/26201 relating to the closed periods for the site. Condition 2 of permission S/26201 currently reads as follows:

“No caravan shall remain on the site during the months of December and January in any one year.”

The planning application seeks to vary condition 2 to amend the closed period to 5 January till 1 March each year. This would allow the additional 10 pitches at the site to be open throughout the Christmas and New Year period. The reasoning originally provided for condition 2 was to ensure seasonal occupancy of the development to accord with adopted Council policy. The proposal still seeks to retain a closed period of almost 2 months as per the current permission, the timings for the closed period is proposed to be amended.

The submission explains the difficulties experienced by the park due to Covid-19 and the impact this has and is continuing to have on the business. The closed period is sought to be amended to help the business recuperate following the periods of lockdown. Being able to open during Christmas and New Year would help to attract additional visitors to the site.

Planning Site History

The following site history is of relevance:

| | | |
|---------|---|-----------------|
| S/34872 | Proposed construction of replacement shower, toilet block and car port Full Granted | 09 March 2017 |
| S/27866 | Demolition of existing side and rear single storey extension and the construction of a single storey rear extension and a one and a half storey side extension Full Granted | 15 April 2013 |
| S/26201 | Proposed extension to touring caravan park to include 10 additional caravan pitches, 2 log pods, an extension to the site road and improvements to the existing access road Full Granted | 24 May 2012 |
| S/24817 | Certificate of lawfulness for an existing use – 15 touring caravan pitches CLEUD Approval | 23 June 2011 |
| S/08806 | Temporary siting of static caravan Withdrawn | 17 January 2005 |
| D5/184 | Private Housing Refused | 24 June 1974 |

Planning Policy

In the context of the Authority's current Development Plan the site is not allocated for any use and located just outside the development limits of settlements defined within the adopted Local Development Plan (LDP). Reference is drawn to the following policies of the Plan:-

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

SP1 Sustainable Places and Spaces
GP1 Sustainability and High Quality Design
GP2 Development Limits
TR3 Highways in Developments – Design Considerations
TSM2 Touring Caravan and Tent Sites

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Head of Transportation & Highways - No observations received to date.

Head of Public Protection - No adverse comments to make.

Environmental Health Land Contamination – No adverse comments to make.

Llanelli Rural Council - No observations received to date.

Local Member(s) - Councillor Gwyneth Thomas fully supports the requested change.

Local Member(s) - Councillor Gary Thomas has requested to process application as soon as possible.

Dwr Cymru/Welsh Water – No comments to make.

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

Summary of Public Representations

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

Three representations were received, two objecting and one commenting, and the matters raised are summarised as follows:

- Problems concerning water running off site into gardens and garages.
- Official objection to any further expansion of the site without suitable drainage.
- Concern regarding noise and disturbance arising from opening during Christmas and New Year.

- Proximity of caravans to residential properties (approx. 150m) will result in noise and light pollution.
- Currently only enjoy 2 months of peace and quiet from the campsite over Christmas and New Year from the noise, traffic and light pollution. The current arrangement is tolerable because the season is generally quiet at the start.
- Traffic from the campsite is becoming an issue. Recently a resident's car was badly damaged by a caravan trying to turn around.
- During the Christmas period more family members/visitors will be at the properties on Trosserch Road resulting in increased traffic problems.
- The lane leading to the campsite is fairly steep resulting in heavy vehicles causing soot and diesel pollution. Due to the steepness of the hill it is difficult for these vehicles to stop at the junction. This would be exacerbated during winter months in icy conditions. Reference is made to a child nearly being run over previously at the junction with Trosserch Road.
- No complaints for the caravan site to expand as long as suitable drainage is installed.

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

Appraisal

Llwynifan Farm Caravan Park presently includes 15 pitches which are able to operate all year round. The 10 fully serviced pitches, located at the western extent of the park, subject of this application, are restricted to a closed period of December and January annually. The principle of the caravan site and opening period of 10 months of the subject site has already been accepted through the granting of planning permission S/26201. Condition 2 was imposed on the original permission in May 2012 to ensure seasonal occupancy and comply with adopted Council policy. The current application seeks to amend the closed period whilst still resulting in almost 2 full months closed from 5 January to 31 March every year. On this basis, it is considered that the proposal complies with the reasoning for the original condition in that it will still ensure seasonal occupancy.

Objections received from local residents make reference to noise and disturbance arising from the proposal. Whilst it is accepted that opening during December and New Year is a festive period. Nevertheless, the applicant has confirmed that the site is an adult only site and no groups are permitted to stay. Instead the site prides itself on being a tranquil, quiet retreat. The residential dwellings on Trosserch Road backing onto the site have large, long rear gardens and there is an existing area fenced off between the site and residential gardens (as per photographs in PowerPoint). In addition, the majority of the boundary between the site and rear gardens of properties on Trosserch Road comprises existing trees and vegetation providing screening. On this basis, it is not considered that the amendment to the closed period would have a significant adverse impact on the residential amenity of local residents through noise and disturbance.

In terms of light pollution, this is not expected to increase as a result of the proposal. The applicant has advised that Christmas lights are put on trees at the site at present and have been every year as a proportion of the site always remains open over Christmas. The lights are all turned off at 11pm. They have advised that there would be no additional festive lights proposed should the remainder of the park be permitted to open during this time.

The concerns raised regarding damage to vehicles and highway safety do not appear to have been brought to the attention of the applicant or the local police. The applicant has provided correspondence from the Local Police Community Support Officer (PCSO) confirming they have no reports on record in relation to car damage or a child nearly being locked down from Llwynifan Farm.

Concerns are raised regarding expansion of the park and drainage issues associated with this. The current application does not propose to expand the site or pitches at the site and simply seeks to amend the current closed periods for the 10 pitches to the west of the caravan park.

The planning application has been submitted following the impacts on the business arising from Covid-19 and the resultant lockdowns restricting travel. The proposal seeks to support a local tourism business in their recovery plans and attract additional visitors to the site.

Planning Obligations

None

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted, along with third party comments and the relevant material considerations it is concluded on balance that the proposed change to the closed periods is acceptable. The proposal involves change of the existing closed period for 10 serviced pitches to the west of the park from December and January to 5 January to 1 March annually. The proposal still results in a closed period of almost 2 months as required by the original consent on the site. The proposed amendment to the closed period is not considered to have a significant adverse impact on the residential amenity of nearby residents.

The proposal is in accordance with the policies of the adopted Local Development Plan and is therefore put forward with a favourable recommendation subject to the below conditions.

Conditions and Reasons

Condition 1

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this

permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 30 July 2012.

Reason:

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Condition 2

No caravan shall remain on site during the period from 5 January to 1 March every year.

Reason:

To ensure seasonal occupancy of the development to accord with previous policy.

Notes/Informatives

Note 1

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

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

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

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

Note 2

Comments and responses received from consultees and third parties can be found on the Authority's website (www.carmarthenshire.gov.uk). They may also relate to other permissions or consents required or include further advice and guidance.

- Please see the relevant responses from the Council's Environmental Health team and refer to the recommendations and advice contained therein.