

**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 01 EBRILL 2021

ON 01 APRIL 2021

**I'W BENDERFYNU/
FOR DECISION**

***Ardal
Dwyrain/
Area East***



Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod 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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	01 APRIL 2021
REPORT OF:	HEAD OF PLANNING

INDEX - AREA EAST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL	PAGE
PL/00739	Construction of detached timber-framed building for outdoor dining with storage area at Old Forest Arms, Brechfa, Carmarthen, SA32 7RA	9

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/00739
-----------------------	-----------------

Application Type	Full Planning
Proposal & Location	CONSTRUCTION OF DETACHED TIMBER-FRAMED BUILDING FOR OUTDOOR DINING WITH STORAGE AREA AT OLD FOREST ARMS, BRECHFA, CARMARTHEN, SA32 7RA

Applicant(s)	GEORGE RASHBROOK
Agent	NICK BROWN
Case Officer	Paul Roberts
Ward	Llanegwad
Date registered	15/01/2021

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 curtilage of the Old Fforest Arms public house in the village of Brechfa. The public house is a traditional stone building that flanks the northern side of the B4310 which runs through the village. It is set in a large curtilage which consists of a hardstanding and parking area immediately to the rear of building and a large grassed area to the side and rear of this. There are a number of wooden benches and tables on these grassed areas close to the public house.

The village hall and neighbouring park are located to the north and east of the site with the hall being close to and extending along the boundary shared with the public house. The hall is set at a lower level than the application site. St Teilo's Church is located on the opposite side of the B4310 to the site and there are a number of residential properties located along the roadway within the vicinity of the public house.

Proposal

The application seeks full planning permission for the construction of a detached timber framed building on the grassed and hardstanding area to the rear of the public house which is to provide an outdoor dining and seating area for customers as well as an enclosed storage facility. The building is to be rectangular in shape having a low pitched

roof. It will cover a floor area of approximately 15.2 metres by 8 metres having a ridge level of 3.4 metres. The seating and dining area occupy approximately two thirds of the floor area of the structure and will be open sided with some fixed concrete seating around its internal perimeter. The remainder of the building will consist of a storage area that will be clad with stained timber set above a brickwork plinth. The building is to have a grey standing seam metal roof covering. The position of the building immediately to the rear of the public house will allow easy access to the covered seating area from the existing building.

The proposal is to provide a dry outdoor seating area for customers during periods when it is too wet to use the existing outdoor seating and benches on the grassed areas while also providing an all-year outdoor facility for other customers such as walkers and cyclists who visit the public house. The applicant also indicates that the building will be essential to support the business during the social distancing restrictions of the current pandemic whereby it will allow customers to safely sit and dine outside whereas previously, the lack of a dry outdoor seating area has resulted in a loss of revenue with the applicant having to cancel bookings during periods of wet weather.

It should be noted that the original proposal submitted with the application was for a larger building measuring approximately 18.7 metres by 8 metres which was to be sited immediately adjacent to the boundary with the village hall. Following concerns raised by officers regarding both the scale of the building and its proximity to the hall, the applicant has amended the proposal to that described above whereby the building has been reduced in length by 3.5 metres and relocated to a position that is closer to the public house building and a greater distance from the village hall.

Planning Site History

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

E/27555	Change of use of the Forest Arms Public House to single residential use Full planning permission refused Appeal dismissed	09 May 2013 10 October 2013
E/17734	Refurbishments, extension and sub-division of existing to additional 2 units Full planning permission	06 February 2008
P6/3564/77	Conversion of stables to rod room, store and proprietor's bedroom and bathroom Full planning permission	05 January 1978

Planning Policy

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

- SP1 Sustainable Places and Spaces
- GP1 Sustainability and High Quality Design
- TR3 Highways in Developments – Design Considerations
- EP3 Sustainable Drainage
- SP14 Protection and Enhancement of the Natural Environment.

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Public Protection – Has raised no objection to the application.

Llanegwad Community Council – Has raised no objection to the application. The Council raised the following concerns regarding the original proposal submitted with the application but have since confirmed that they now have no objection to the application following their consideration of the revised scheme.

- The height of the building will cause issues to the neighbouring property.
- Loss of natural light to the windows of the village hall and the solar panels on its roof.
- Potential noise impact upon events held at the hall.
- Concerns regarding the suitability of a soakaway to dispose of surface water.
- Lack of parking.

Local Member – County Councillor Mansel Charles is a member of the Planning Committee and has not commented on the application to date.

Dwr Cymru Welsh Water – Has raised no objection.

Natural Resources Wales – Has raised no objection.

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

Summary of Public Representations

The application was publicised with the posting of a site notice to the front of the application property with a further notice subsequently posted in respect of the revised scheme.

Some 33 letters of representation were received in respect of the original proposal submitted with the application with these consisting of 26 letters of support and 7 letters of objection. One further letter of objection has been received in respect of the revised scheme.

The letters of objection raise the following issues of concern:-

- Noise impact of the proposal upon the village hall particularly when it is used for community events.
- Concerns regarding the use of soakaways to dispose of surface water and the impact upon the retaining wall to the side of the village hall.
- Loss of daylight to the hall given the proximity of the building and the impact upon the efficiency of the existing solar panels on the roof of the hall.
- Parking problems – concerns that customers will use the car park of the village hall.
- The building will be too close to the hall.

Conversely, the respondents who support the application have provided the following reasons for doing so:-

- The scale and design of the building will be discrete in its surroundings.
- The public house already has outdoor seating areas in the form of a beer garden and the proposal will serve to improve these facilities and allow their use during wet weather.
- The proposal will allow the business to continue operating during the current pandemic by providing outdoor dining facilities that will follow social distancing guidelines.
- The applicant has refurbished the public house and the proposal represents a further investment that will help support the existing business and the employment and vital community facility it provides. The village has previously lost the school and chapel and the proposal will help support and sustain the business and community facility it provides.
- Support tourism such as walkers, bike and horse riders who visit the area.
- Provide a Covid safe environment for customers.

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

Appraisal

The proposal is to be considered against the objectives of Policy GP1 of the LDP which requires that developments should, amongst others, conform with the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevational treatment. Moreover, it requires that they should not have a significant impact upon the amenity of adjacent land uses, properties or residents.

As indicated above, the applicant has amended the design and position of the building from that originally proposed to address concerns raised by officers regarding both its size and proximity to the neighbouring village hall. As a result, the length of the building has been reduced by 3.5 metres and it has also been relocated to a position that is further from the hall. The building was originally sited alongside the village hall approximately 1 metre from boundary separating both properties, however, its relocation means that it will now be sited approximately 8.4 metres from the side of the hall at its southern elevation adjacent to the public house, with this reducing to 4.1 metres at its northern elevation and the closest point to the hall.

The reduction in the size and relocation of the building towards the rear of the public house will mean that it will not appear as an overly dominant feature within the context of the grounds of the public house and surrounding area. Its scale and design with its low pitched roof and open sides will ensure it is subordinate and compatible with the appearance of the public house while the finishes will also respect the character of its surroundings.

The increased separating distance to the side elevation of the hall combined with its low ridge height and open sided design will mean that the new building will not overshadow or dominate the appearance of the hall. It will be set at a higher level and be visible from the windows in the side elevation of the hall, nonetheless the separating distances between both buildings together with the size and design of the new outbuilding will safeguard against any unacceptable harm by way of loss of outlook or natural light to the facing windows of the hall. Similarly, its low pitched roof and modest height will mean that there will be no unacceptable impact upon the solar panels on the roof of the hall by way of the loss of sunlight, as suggested by a number of respondents.

Turning to the concerns regarding the likely noise impact upon the hall, the public house currently has outdoor seating facilities on the grassed area to the side of the hall. Whilst the creation of the covered seating and dining area will clearly improve these existing facilities and encourage customers to sit outside the public house particularly during the summer months, nonetheless, given its modest size and distance from the hall it is not considered that its use by customers for the purposes of having a drink or meal will generate a level of noise that would unacceptably impact upon those using the neighbouring hall. Similarly, neighbouring residential properties are considered to be sufficiently distant of the proposal to prevent any unacceptable noise impact upon existing living conditions with the nearest property being located on the opposite side of the B4310 some 40 metres from the proposed building. The owner of this property has responded to the application wherein she has confirmed her support for the proposal.

It is of note that the Authority's Head of Public Protection has not objected to the application. In the event that the use of the building generates an unacceptable level of noise and disturbance whereby it becomes a statutory nuisance, the Head of Public Protection has powers under separate legislation to address such matters. Notwithstanding this, a suitably worded condition will be imposed on any permission granted precluding the use of the new outdoor seating and dining area after 10pm at night in order to safeguard the living conditions of adjacent occupiers and properties.

The proposal is therefore considered to be in accord with the objectives of Policies GP1 of the LDP in that it will respect the character and appearance of the existing public house and surrounding area while also not adversely affecting the amenity of nearby properties and land uses.

As to the respondents' concerns regarding the lack of parking, whilst the new building will be partly located on the existing grassed and hardstanding area to the side and rear of the public house, it will only occupy a narrow section of the periphery of the hardstanding area and not impact upon the existing level of parking provision. Moreover, given the nature of the proposal whereby it will merely serve to improve the public house's existing outdoor facilities, it is not considered reasonable or necessary to request the provision of additional parking facilities as part of the proposal. The proposal is therefore in compliance with policy TR3 in that it will be served by adequate parking provision and result in no unacceptable highway impacts.

With regard to the surface water concerns raised by the respondents, the size of the proposed building requires that the surface water drainage scheme be approved separately by the Authority's Sustainable Drainage Approval Body (SAB) prior to the commencement of the development. A suitable scheme will therefore need to be submitted to and approved by the SAB team prior to the erection of the building and will serve to ensure that the surface water from the building is drained in a sustainable and controlled manner without causing detriment to neighbouring properties, in accordance with the objectives of policy EP3 of the LDP.

Finally, from an ecological perspective the site is within the River Tywi Special Area of Conservation (SAC) Catchment area. NRW has recently issued guidance relating to the impact of phosphates on riverine SACs, including the Tywi. As a result, all applications that have the potential to create additional wastewater must be assessed to ensure that it would not result in a likely significant effect on riverine SACs through increased levels of phosphates arising from additional wastewater generated by new developments. It is

considered that this development falls under the first criterion of the interim advice whereby it is unlikely to increase phosphates inputs as it relates to the provision of improved outdoor storage and seating facilities while also not providing any new foul drainage connections. The proposal will provide customers with improved outdoor facilities as an alternative to sitting inside the public house while also assisting the business in complying with coronavirus restrictions during the current pandemic. As such, following screening of the application, officers have concluded that the development will not increase the volume or concentration of wastewater and phosphate inputs into the River Towy SAC and it therefore complies with Policy SP14 of the LDP. NRW have confirmed their acceptance of this screening of the proposal and are satisfied that the proposal will have no significant effect upon the riverine SAC.

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, together with the representations received, it is concluded on balance that the proposal is acceptable and in compliance with the policy objectives of the Authority's adopted LDP and national planning policy.

The proposal will improve the public house's existing storage and outside seating facilities allowing the latter to be used during periods of wet weather while also providing an all year round facility for visiting customers such as walkers, cyclists and other tourists visiting the area. Moreover, it will help support the business during the current pandemic whereby customers will be able to safely sit and dine outside the public house when the current coronavirus restrictions are eased. In this regard, it will help sustain the important role the public house plays in the local community and wider rural area both in terms of its economic and social benefits.

There are no amenity, highway or public service objections to the application. Furthermore, NRW have raised no objection to the application from an ecological perspective and are satisfied that it will cause no unacceptable impact upon the River Tywi SAC.

The application is therefore put forward with a favourable recommendation.

Recommendation – Approval

Conditions and Reasons

Condition 1

The works hereby granted consent 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 shall be carried out in accordance with the following approved plans and documents received on 5 March 2021, unless otherwise stipulated by conditions:-

- Location plan (BP557.1.2C);
- Site plan (BP557.1.3);
- Floor plan, elevations and section (BP557.1.1C).

Reason: In the interest of clarity as to the extent of the permission.

Condition 3

The dining/seating area shown on the floor plan, elevations and section drawing (BP557.1.1C) received on 5 March 2021 shall not be used outside the hours of 08:00 to 22:00 on any one day.

Reason: In the interests of safeguarding the amenity of nearby properties.

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 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).