

**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO  
PLANNING COMMITTEE**

**Adroddiad Pennaeth Cynllunio  
Adran yr Amgylchedd**

**Report of the Head of Planning  
Environment Department**

**14/10/2021**

**I'W BENDERFYNU  
FOR DECISION**

**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.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>14.10.2021</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE NOS</b>
<b>S/40505</b>	<b>Retention of change of use of dwelling house to a residential care facility at 7 Pwll Road, Pwll, Llanelli, SA15 4BG</b>	<b>11-27</b>
<b>PL/00313</b>	<b>Demolition of two sub-standard cottages and erection of two new cottages plus 3 glamping pods for holiday let at Sarnisel, Bronwydd, Carmarthen, SA33 6HT</b>	<b>28-36</b>
<b>PL/00489</b>	<b>A One Planet Development which will comprise of one timber-framed single-storey dwelling and ancillary buildings in addition to horticultural areas, Willow plantation, forest gardens and a wildflower meadow at land between Caegroes and Cwmwern, Penybanc, Llandeilo</b>	<b>37-55</b>
<b>PL/00977</b>	<b>Variation of Condition 2 (approved plans) and Condition 3 on S/40401 (rebuilding of storm damaged barn – retrospective) to allow the building to be used for the assembly of timber frame buildings for a period of 18 months at Myrtle Hill, Five Roads, Llanelli, SA15 5AJ</b>	<b>56-65</b>
<b>PL/00978</b>	<b>An application for full planning permission for the provision of a new access road from Tenby Road; erection of a new petrol filling station with sales building; forecourt including fuelling provision for domestic and HGVs and underground fuel tanks; three jet washes and car care facilities; electric vehicle charging hub and supporting infrastructure; car parking and cycle parking; landscaping including small outside seating area and other associated works. Land at St Clears Roundabout, St Clears, Carmarthen, SA33 4JW</b>	<b>66-80</b>

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL	
PL/02057	Variation of Condition 4 on E/26447 (to allow life extension of existing wind turbine) at field south west of Blaenau Fuel Depot, Pantyblodau Road, Blaenau, Ammanford, SA18 3BX	81-93
PL/02142	Variation of Condition No. 3 of S/33461 at land adjacent to 12 Penllwynrhodyn Road, Llanelli, SA14 9NL	94-101
PL/02307	Redevelopment of Oriel Myrddin Gallery to include extension into 26/27 King Street to form new shop, café, social, office and ancillary spaces and 'art hub' at Oriel Myrddin, Church Lane, Carmarthen, SA31 1LH	102-109
PL/02317	Redevelopment of Oriel Myrddin Gallery to include extension into 26/27 King Street to form new shop, café, social, office and ancillary spaces and 'art hub' at Oriel Myrddin, Church Lane, Carmarthen, SA31 1LH	110-121
PL/02390	Creation of one additional family traveller pitch with one residential static unit, touring caravan, utility/day room (disabled friendly) using approved agricultural access (S/33780) at Caravan, Melden Stables, Pembrey, Llanelli, Burry Port, SA16 0JS	122-133
PL/02500	Sprinkler pump house at land to the north of Tycroes RFC, Penygarn Road, Tycroes, Ammanford, SA18 3NY	134-141

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>	<b>PAGE NOS</b>
<b>PL/00895</b>	<b>Rural enterprise dwelling with associated agricultural shed at land at Derwen Fawr, Crugybar, Llanwrda</b>	<b>143-150</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/40505</b>
-----------------------	----------------

<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	RETENTION OF CHANGE OF USE OF DWELLING HOUSE TO A RESIDENTIAL CARE FACILITY AT 7 PWLL ROAD, PWLL, LLANELLI, SA15 4BG

<b>Applicant(s)</b>	OAKMONT SERVICES GROUP LIMITED
<b>Agent</b>	EVANS BANKS PLANNING LTD – RICHARD BANKS
<b>Case Officer</b>	John Thomas
<b>Ward</b>	Hengoed
<b>Date registered</b>	23/04/2020

## Reason for Committee

This application was originally reported to the Planning Committee at the meeting held on the 4<sup>th</sup> March 2021, following the receipt of more than five objections from third parties.

At that meeting it was agreed to defer determination of the application as one of the ward members – then, a member of the Planning Committee - was absent on ill health. Since that time, the relevant ward member has returned to her elected position albeit still undergoing treatment. As this application remains undetermined, the Planning Service is aware of the protracted period of non-determination, and the vulnerability of a Non-determination Appeal being submitted for the application. The application is being reported back to the Planning Committee to bring the matter to a close.

## Site

The application site comprises the detached property at 7 Pwll Road, along with its associated front, side and rear garden areas. 7 Pwll Road is a two storey, 3-bed property which fronts on to the A484 (Pwll Road), near to its junction with Elgin Road.

The site lies within the defined development limits of Llanelli and within a predominantly residential area, which includes a variety of detached, semi-detached and terraced residential dwellings.

The property is set within a generous curtilage raised above the A484, with the site levels rising in a northerly direction due to the local topography. The application site shares a common boundary with 3No detached dwellings; Nos 5 & 9a Pwll Road and 1a Elgin Road.

A private lane runs to the rear of the site, accessed from Elgin Road, which provides access to several neighbouring properties and garages.

The application property does not benefit from off-street parking provision within its curtilage, instead utilising the non-restricted, on-street parking bays on the A484. Other properties in the vicinity benefit from dedicated off-street parking provision.

As detailed in the site history below, there is an extant permission relating to the application site for the subdivision of the existing property's curtilage and the erection of a detached dwelling. No dedicated off-street parking was provided as part of that approved scheme, with parking instead being accommodated on-street, nearby.

## **Proposal**

This application seeks retrospective planning permission for the change of use of the property from a dwellinghouse (Use Class C3) to a children's residential care facility (Use Class C2). The facility provides residential care for up to three residents aged 11-18 who are said to be vulnerable, neglected and disadvantaged children, referred for specialist care on a medium-long term basis by local authorities. The facility operates with three staff members on site during the day and two members of staff in the evening and overnight, providing care to the residents on a rota-based system.

No external alterations or extensions to the property are required as part of this development. Internally, the ground floor provides a kitchen, dining room, lounge and office. The first floor contains three bedrooms, a bathroom and storage space. Staff sleeping facilities are said to be provided in the first-floor storage space as a make-shift bedroom and a on 'pull-out' bed in the lounge.

The office space in question is stated as being ancillary to the operation of the care home, used for the general administration of the facility including storage of personal care records, discussion of children's needs with healthcare professionals, undertaking homework with the residents and as a typical home office. It is also used as a place to provide emotional support, guidance and counselling to residents, when necessary.

The facility is registered and licenced by the Care Inspectorate Wales (CIW), which regulates its operation and makes regular (often unannounced) inspection visits to the property to ensure that it is providing care to residents in an appropriate manner and setting. The CIW has confirmed that the children do not have physical disabilities, but social, emotional and behavioural difficulties.

Visitors to the property typically include CIW inspectors, social workers, educational-needs specialists and any necessary medical support staff.

The application initially intended to create off-street parking provision for 4No vehicles in the rear garden area, accessed from the aforementioned private lane from Elgin Road. However, this element of the scheme has since been omitted following objections from the Council's Highways Officer. Instead, the proposal intends to utilise on-street parking provision on the A484.

As background to this operation, the applicant had initially approached the Local Planning Authority (LPA) regarding their intended use of the property for the care of up to 3 children as a single household. At that time, taking into consideration the characteristics of the



proposed use and the number of residents to be cared for, the LPA advised the applicant that it considered that the proposal would not constitute a change of use and so planning permission would not be required. This was an informal opinion, with no formal confirmation sought or issued by way of a Lawful Development Certificate. The use of the property for the care of 3 children subsequently commenced in April 2019.

Council Planning Enforcement Officers visited the property following the receipt of complaints that the property had changed use and that there was an independent office operating from the site, subsequently advising the applicant that it was considered a change of use had occurred. Consequently, this application has been submitted for the retention of the change of use of the property to a children's residential care facility with ancillary office space; the applicant contends that the office is only used in connection with this care facility and not as a separate use.

## Planning Site History

The following previous planning application has been received in respect of the application site:-

S/35791	Erect new dwelling Full planning permission granted (with Unilateral Undertaking)	11 January 2018
---------	---	-----------------

## Planning Policy

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

SP1 Sustainable Places and Spaces  
SP3 Sustainable Distribution- Settlement Framework  
SP9 Transportation  
GP1 Sustainability and High-Quality Design  
GP2 Development Limits  
H6 Residential Care Facilities  
TR3 Highways in Developments - Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

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 Transportation & Highways** - An On-Street Parking Assessment produced by LvW Highways Ltd has been submitted on behalf of the applicants and in support of the planning submission. The existing site serves as a single residential 3-bedroom dwelling (C3 Use) and does not benefit from any existing curtilage parking provision. Parking for the site currently takes place in the non-restricted on-street parking bays fronting the site on the A484. The proposed development is for the change of use of existing dwelling to a 3-bedroom residential care home (C2).

Access and parking provisions were initially proposed to serve the development within the rear curtilage of the site, to be accessed via the rear private lane off Elgin Road. Following an onsite assessment undertaken by HPL raised concerns in relation to highway safety due to sub-standard visibility at the access with Elgin Road.

The parking requirements in line with the adopted CSS Wales' Parking Standards 2014, for both existing use (C3) and proposed use (C2) are as follows:

<b>RESIDENTIAL: NEW BUILD &amp; CONVERSIONS: ZONES 2 – 6</b>		
<b>Type of Development</b>	<b>Residents</b>	<b>Visitors</b>
Houses	1 space per bedroom (maximum requirement 3 spaces)	1 space per 5 units
Residential children's homes / homes for elderly persons / nursing homes	1 space per resident staff 1 space per 3 non-resident staff	1 space per 4 beds

The existing use associated with site (C2) is noted, which requires a parking provision of 3 spaces. All of which takes place within the on-street parking bays.

An on-street parking beat survey of Pwll Road from its junction with Elgin Road up to 23 Pwll Road was undertaken from Thursday 26th November 2020 to Sunday 13th December 2020. The survey found that there are 21 available parking spaces within the on-street provision, from no.7 up to no.23 Pwll Road. The survey only considered the number of parking spaces between these two points/properties. The survey found that there was an average of 10 on-street parking spaces available. Therefore circa 50% of the available 21 spaces within the on-street provision between nos.7 &.23 Pwll Road were available throughout the survey period.

Recommends conditions be attached to any permission granted to prevent vehicular access from Elgin Road and to require the submission of a travel plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development.

**Education & Children's Services** - No observations received to date.

**Environmental Health** - There have been no complaints registered for noise or anti-social behaviour against the application property within the last 10 year. Recommends also checking Police records.

**Llanelli Rural Council** – Objects to the proposal as it has concerns over the proposed hardstanding at the rear of the property, to be accessed off Elgin Road, given that the lane is too narrow and unsuitable to be used as a means of access on a daily basis, especially when combined with the other traffic movements likely to be experienced at the location. Also express concerns with the poor visibility when accessing Elgin Road from the lane and the lack of space available to create adequate visibility splays, and so consider that the scheme would be detrimental to highway safety.

**Local Member** - Councillor Phillips has previously highlighted that joint ward member Cllr Edwards had been dealing with the application and was scheduled to address the Planning Committee. In the absence of Cllr Edwards, Cllr Phillips requested that consideration of the application be deferred, as she was unable to attend the meeting herself.

**Local Member** - Councillor Penny Edwards has lodged her objection to this planning application.

**Adjoining Lliedi Ward Member** - Cllr Rob James requests that the application be deferred from planning committee as he considers that members should view the site in person, at a time when site visits can be arranged. Considers that the applicant would not be delayed, given that the application is retrospective.

**Police Liaison** - I can confirm that there have been calls to the property that has resulted in Police action, but cannot go into any details.

**Sustainable Drainage Approval Body** - Initially expressed no comment, but subsequently commented that the developer will need to apply for SAB approval as the development construction area is likely to be greater than 100m<sup>2</sup>.

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

## Summary of Public Representations

The application was the subject of notification by way of neighbouring letters.

27 No representations (including 2 No duplicate submissions) were received, all objecting to the development. The matters raised are summarised as follows:

### Highway Safety and Parking

- The lane to the rear of the property accesses Elgin Road on a steep hill and on a blind bend. It can be very busy with vehicles and pedestrians (including school children) and has a red tarmacadam footpath to protect pedestrians in the absence of a formal pavement. Vehicles travel quickly down the road due to its gradient and try and pick up speed going up the gradient. The private lane only allows one vehicle movement at a time, which can often conflict with vehicles entering the lane having travelled up the gradient from Pwll Road, leading to the vehicle needing to reverse back on to Elgin Road, causing a hazard. The proposed parking area would exacerbate this situation and be a hazard to vehicular and pedestrian safety, particularly at the junction of the lane with Elgin Road.
- Additional vehicle movements along the private lane would not be appropriate - excessive movements have already led to poor maintenance of the surface, with cracks and potholes appearing. Future resurfacing would be at the cost of residents.
- The section of parking at the rear would allow future applications for further residential development of the plot.
- Emergency vehicles already have difficulty accessing the lane.
- Vehicles associated with the property frequently park across neighbours' driveways and illegally on the A484, obstructing views from the junction of Elgin Road with the A484.
- The use generates a large demand for parking, causing parking problems for local residents.

- The on-road parking is insufficient to accommodate both the existing residents and the vehicles associated with this operation, particularly as most households have several cars and this use often has 7-10 parked cars associated with it, including 2 pool cars.
- Parking has been much more difficult since the facility opened, meaning residents have to travel some distance with children and shopping to get from their cars to their property.
- The photograph in the Planning Statement is misleading as it doesn't show the current parking situation.
- In response to the On-street Parking Assessment submitted...
  - Concerned that the planning committee may not have accurate information to reach a decision.
  - The parking survey has been undertaken by a private firm commissioned by the applicants, and so may provide inaccurate results as the parking associated with the use could be controlled to reflect favourably on the development.
  - The survey indicates that there were parking spaces on several occasions, but this is not usually the case [Provides photographs to show the level of parking and instances of illegal parking].
  - Noted that parking improved during the survey period, with staff parking more considerably, but the situation has since reverted back.
  - There is no mention of the 2No pool cars in the survey.
  - There are usually 5 staff cars, 2 pool cars, visitor cars and office cars at the property, sometimes totalling 12No vehicles.
  - Residents have difficulty in parking their own vehicles and accommodating and visitors.
- Vehicles are being moved further away on occasions and speculate that this is to alter the results of a parking survey, which may still be being undertaken.
- The survey indicates that there were parking spaces available on several occasions, but this is not usually the case and parking continues to be a problem. (Photographs are provided to show a lack of availability, and instances of illegal parking).
- Cars often park on double yellow lines and up to the junction with Elgin Road.
- There are frequent near misses, with the parking of vehicles on double yellow lines reducing visibility at the Elgin Road junction of vehicles travelling from the west, causing a highway safety issue.
- Provide details of the vehicles regularly parked on the A484.

- There are several staff and visitors associated with the property, often amounting to as many as 12 vehicles, leaving very few spaces for other residents to use and causing difficulties using any available parking spaces.

### Separate Office Use

- A separate office is being run from the property, which causes parking problems in this residential area and generates even further parking demand.
- A director of the company works from the office.

### Office Use

- There is a separate office business being run at the property – this property and area is unsuitable for 2 businesses. There are 'office amounts of paper and envelopes' delivered regularly.

### Behaviour of Residents

- The residents of the care home are not children, but full-grown teenagers who have behavioural problems.
- Carers have no control over the residents, with bad language, comments and propositions being aimed at local residents.
- There are frequent disturbances from loud music, shouting, banging and bad language.
- There is frequent anti-social behaviour from the property.
- Its residents have no respect for neighbours or each other.
- Police have had to attend several incidents of disturbance, which have caused alarm and distress to neighbours.
- Complaints to CIW have gone unremedied.

### Suitability of Use

- This has always been a small community and a quiet residential area with many elderly residents. No consideration has been given to the effect on neighbours' health and wellbeing when subjected to anti-social behaviour, bad language and excessive noise from the property.
- The use of the property as a care home is unsuitable.
- Pwll is not a suitable place for a care home of this type, given the social issues of the home's residents.

## Other

- Express concern that they were not directly consulted on the application, and note many objections would be received if all residents of Elgin Road and Pwll Road who use the rear lane were consulted.
- Claim that the change of use was undertaken surreptitiously. Local residents are not being informed or kept up to date. Suggest that the application is being fast-tracked to avoid objections being raised.
- The facility opened without any prior notice or consultation with local residents.
- The facility has reduced local property values.
- The resident staff work on a rota, and so are not permanent residents and have other homes to go to.
- Concern that approval would increase the number of residents being cared for, and the number of staff required.
- The property does not have a fire escape, does not seem secure, the garden is overgrown and refuse bags allowed to accumulate, attracting vermin.

## Request to Defer

- Request that the consideration of this application be deferred given that the local member is suffering from ill health and is unable to represent the residents at the meeting.

The Local MP has also objected to the proposal on the following summarised grounds:-

- No prior notice was given of the change of use.
- A number of serious issues have since become apparent, demonstrating that the premises is totally unacceptable for such a facility.
- Loss of amenity;
  - The proximity of the property to neighbours and its open nature means that there is inadequate privacy for residents of the care home and neighbours, making the property unsuitable from a safeguarding point of view and is not conducive to management of behavioural difficulties.
  - Residents can no longer enjoy their gardens due to excessive noise, bad language and disruptive behaviour.
  - Reference made to PPW and its objective to secure a good standard of amenity of residents and neighbours, ensuring that development would not result in excessive noise, activity or vehicle movements.
- Highway safety and parking;

- The A484 is a dangerous road where there have been many accidents. Existing parking is difficult to utilise given the busy nature of the road.
- The property has an average of 12 vehicles parked outside during the day and 5 vehicles parked outside during the evening, including pool cars.
- Cars are often parked on double yellow lines and/or blocking residents' driveways.
- It appears as though this property is being used as an office – the parking arrangements and difficulties mean it is not suitable for such a use. It is also out of character with this residential area.
- The car parking area would be accessed by private lane, over which the applicant has no rights.
- Noise and anti-social behaviour;
  - Local residents have frequently experienced excessive noise and bad language.
  - There is a history of noise complaints and need for police intervention.
  - There have been several complaints made to police regarding anti-social behaviour and arrests made. The behaviour and language of the residents of 7 Pwll Road is such that neighbours feel as though they cannot allow their children to play in their gardens.
  - Some of the residents of the property appear to be very aggressive, with one using a punching bag late into the night using bad language, causing noise and loss of amenity to local residents.
- Contrary to CCC's Children's Services Policy
  - The Council's Children's Services department do not use this type of facility and recently objected to a similar home in Erw Las as no children from Carmarthenshire would be accommodated there. This is also the case here.
  - Concern that the residents are being uprooted from their communities and brought to Carmarthenshire. It is well documented that contact with the community and wider family is of paramount importance to children's wellbeing, and this is not practical when they are moved from their home towns.
  - Private children's homes put pressure on council services and staff since they have almost doubled the number of looked after children requiring support and services in the county.

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

## **Appraisal**

This proposal has raised the question as to whether planning permission is required for its use, and as which Use Class such a facility would be classified.

The property was previously occupied as a C3 residential dwellinghouse, in accordance with the Town and Country Planning (Use Classes Order) 1987 (as amended). The C3 use allows for *“use as a dwellinghouse (whether or not as a sole or main residence) by not more than 6 residents living together as a single household (including a household where care is provided for residents)”*, whereas the C2 use permits *“Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwellinghouses))”*.

Separately, the Order defines ‘care’ as *“personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment”*.

Therefore, by the Order’s definition of care, this use for the provision of care to children without a disablement or mental disorder would fall within the C2 Use Class - this is the basis of this application, as submitted by the applicant.

However, it is also noted there is relevant case law and a recent appeal decision relating to care facilities for 2 and 3 such children, respectively. In those instances, the property had changed from a C3 use to a C2 use, but it was determined that planning permission was not required as there had been no *material* change of use of the property given their scale and operational characteristics. Whilst there may be a possibility that permission is not required for such a change of use if it was deemed that the change was not material, depending on the specific circumstances and scale of the operation, the question of materiality is not a consideration of this application. Any such argument would have to be assessed via a Lawful Development Certificate.

### Principle of Development

This application seeks retrospective planning permission for the change of use of a dwellinghouse to a children’s residential care facility under Use Class C2, providing residential care to up to three children in a family type environment. Policy H6 Residential Care Facilities of the Carmarthenshire Local Development Plan 2014 relates to proposals for residential care facilities and is pertinent to the consideration of this application.

Policy H6 states that proposals for the development of residential care facilities and extensions to existing facilities within the Development Limits will be permitted where it has safe and convenient access to community facilities and services. The supporting text states that the level of independence of residents will be an important consideration with ‘closed door’ facilities not generally being considered appropriate. It also notes that the inclusion of such facilities within the development limits ensures that residents remain integrated into the community with the developments forming part of the urban or built form, and that the accessibility of community facilities and services represents an important recognition of residents’ needs.

The site has safe and convenient access to several community facilities and services, including a convenience store, café, hot food takeaways, public houses, Ysgol Gyfun y Strade secondary school and Coleg Sir Gar Graig Campus, all within safe and convenient walking distance of the site via designated footways to the east of the site. Pwll Primary School and Pwll Pavilion lie to the west of the site, along with playing fields and children’s playground. The property is located on a main bus route served by the X11 between



Carmarthen and Swansea every 30 minutes, and in close proximity to National Cycle Route 4 and the Wales Coast Path.

Taking the accessibility of these facilities and services within safe and convenient walking distance of the application property into account, it is considered that the development complies with LDP Policy H6 and so the principle of development is accepted.

Concern has been raised by neighbours that there is a separate office use operating from the property. However, it has been confirmed by the agent that the office is only used for purposes associated with and ancillary to the operation of this facility, as described above. This has been corroborated by the findings of a CIW inspector as part of an unannounced visit, where the office was found to be used solely in association with this care facility. Whilst the applicant also has other care facilities, the company's main administration base is located at New Road, Llanelli and it is stated that the running of the business (aside from the day-to-day administration of this particular facility) is not undertaken either wholly, or in part, at the application property. Officers are satisfied that a separate office or business use is not being run from this address. If a separate use was found to be operating from the property, it would represent a change of use that would require planning permission.

#### Impact upon Character and Appearance of the Area

With regards to the impact on the character and appearance of the area, no external alterations or extensions to the site or property are required as part of this application. The property therefore retains its external character and appearance as a two storey, detached family dwelling in a residential area.

Despite an element of care being provided, the property is to be occupied by residents and carers living as a family in a single household, utilising communal facilities, in a predominantly residential area. The nature and modest scale of the care facility use is considered to be in keeping with the residential character of the site and surrounding area.

The concerns of neighbours regarding noise and disturbance are noted and considered further under the 'amenity impacts' heading below. However, it is considered reasonable that there would be an element of noise and activity associated with the occupation of the property and the comings and goings of residents and visitors, in the same manner as would be generated by a typical family dwelling. Indeed, it is plausible that the property could be occupied by a large family of greater numbers than the current care facility, and so could generate a similar, if not greater, amount of noise and activity.

Given the residential nature of the use and its modest scale, it is not considered that the operation of the care facility would be detrimental to the character and/or appearance of the local area.

#### Amenity Impacts

There are several different considerations relating to amenity. As no external alterations or extensions are proposed as part of this scheme, there are no concerns regarding a loss of light or overbearing impact on neighbouring properties arising from the change of use.

With regards to privacy, it is considered that the nature and scale of the use resembles that of a typical family residing at an existing residential dwelling and, as such, there would be no adverse impact on the privacy of neighbouring residential properties arising from the

occupation of the application property in this manner when compared with its previous occupation as a family dwellinghouse.

Several objections have been received to the scheme on the grounds of excessive noise from the property, as well as the behaviour of the residents which is claimed to be anti-social in nature. The Council's Environmental Health department has confirmed that it has not received any noise or anti-social behaviour complaints regarding the application property. Dyfed-Powys Police has confirmed that there have been calls to the property that have resulted in police action, although no further information can be provided and no objection to this proposal has been offered.

The objections raise complaints include the playing of loud music, shouting and use of bad language which causes disturbance and anxiety to the occupiers of neighbouring properties.

The use of the property as a children's care facility remains residential in nature and is limited to a maximum of three children and their carers who are present on a 24-hour basis to provide care and supervision. It is not considered that an operation of this scale is materially different to the occupation of the property by a large family which may have more than three children. The number of children can also be controlled by a suitably worded planning condition.

Although any unneighbourly or anti-social behaviour is undesirable and could be detrimental to amenity, it is acknowledged that similar impacts could arise from any residential occupation of the property and are not uncommon in residential areas. As such, any such impacts would not be solely attributable to the C2 use. Furthermore, it would not be appropriate to assume that all children who may reside on site would cause noise or anti-social behaviour issues.

There may be instances where a particular resident of the care facility causes noise and disturbance or acts in an anti-social way. However, there is 24-hour care and supervision at the property to control and mitigate any such issues, and the situation could be dealt with in the same manner as if it occurred at typical residential dwelling.

In the event of such behaviour causing harm to amenity, there are powers within the remit of the appropriate bodies which can mitigate and resolve such concerns or disturbance. Anti-social behaviour would fall within the remit of local Police, who have had involvement with the application site and taken the appropriate action. Likewise, the Council's Environmental Health department also have remit of anti-social behaviour, including complaints of noise and statutory nuisance. The operation and management of the property is also licenced and regulated by the Care Inspectorate Wales.

Having regard to the nature and scale of this facility, the level of care and supervision at the property on a 24-hour basis and the powers of the appropriate bodies to address any noise or anti-social behaviour which might arise, officers do not consider that the operation of this care facility gives rise to unacceptable impacts on local residential amenity as to warrant the refusal of this application.

### Highway Impacts

The scheme initially proposed an area of off-street car parking at the rear of the property, accessed via a private lane off Elgin Road. This element of the scheme has since been

removed following an objection from the Council's Highways section. This scheme therefore proposes to continue to utilise the unrestricted on-street parking bays along the A484.

In line with the CSS Wales' Parking Standards 2014, a 3-bed residential dwelling would have generated a parking demand for 3No vehicles, in addition to any ad-hoc deliveries and visitors. The use of the property as a residential dwelling was reliant on the on-street parking provision to accommodate its demand for 3No spaces. As detailed in the Highways Planning Liaison Officer's consultation response above, the property now generates a parking demand of 4No spaces, an increase of 1No space. In the absence of any off-street parking provision, the property would remain dependent on the on-street parking facilities, which would need to accommodate 1No additional space associated with this use.

In light of the increased requirement, a parking beat survey of the on-street parking availability has been submitted in support of the application. The survey was undertaken on 10 separate days, across various days of the week, at various times of day. It concludes that *"there is sufficient on-street parking available in close proximity to the site should it be required"*. This survey has been reviewed by the Council's Highways Planning Liaison Officer who has accepted its findings and offers no objection to the development subject to the imposition of conditions.

Given the nature and scale of the operation, it is considered that the associated traffic movements would largely mirror those related to the typical family dwelling which could expect several daily movements arising from the daily commute and/or school run, shopping, visiting friends and family, evening and weekend recreational activities etc.

Taking this into account, along with the findings of the parking beat survey, it is considered that there is sufficient on-street parking available in the vicinity of the site to accommodate the increased demand of 1No space and the daily movements associated with the property by members of staff, visitors and deliveries. It is noted that objections have been raised surrounding the number of vehicles associated with the site. However, the parking requirements are assessed against the CSS Wales Parking Standards 2014, which results in the parking requirement for 4No spaces, as confirmed by the Highways Planning Liaison Officer.

Clarification was also sought by officers regarding the extant permission for the detached dwelling on site, which would also utilise on-street parking. It has been confirmed by the Highways Planning Liaison Officer that the on-street parking availability would be sufficient, even in the event that this application was granted and the permission for the detached dwelling was implemented.

Several of the objections include concerns regarding on-street parking associated with the application property, stating that there are instances where vehicles have parked illegally, across driveways and in proximity to a junction. Whilst illegal, inconsiderate and potentially dangerous parking could pose a highway safety risk, the management of such instances is not within the remit of the planning system and is controlled by the appropriate authorities.

Neighbours have also raised concern with regards to the reliability and authenticity of the on-street parking assessment. In response, it is noted the survey was commissioned by the applicant at the Council's request and has been undertaken by an appropriately qualified person, acting on behalf of an independent company. The assessment was undertaken thoroughly at varying times across multiple days to provide a reflection of the varying

availability. The survey and its findings has been reviewed and accepted by the Highways Planning Liaison Officer, and officers do not consider there is cause to doubt its authenticity.

The Highways Planning Liaison Officer has confirmed that there have been no complaints received by the Road Safety/Traffic Management section of safety issues or illegal/indiscriminate parking at this location and confirms that illegal parking is an enforcement matter.

### Other Matters

Consultation on the application was undertaken in accordance with the requirements of Article 12(5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended), whereby the LPA is required to either display a Site Notice on or near the application site, or serve notice on any adjoining owner or occupier. Consultation letters were sent to the adjoining properties and others in the immediate vicinity of the site, as well as on request from another resident. It is therefore considered that the Council has undertaken the necessary consultation in accordance with the regulations.

As outlined under the 'proposal' heading, the facility commenced operation under the impression that a change of use was not required, having sought informal advice from the LPA. As a result, no formal consultation of local residents was possible until the submission of this application.

Concerns have also been raised that the private facilities are not used by the Council's Children's Service department, and that private homes put pressure on Council services and staff. In response, it is stated that the applicant is not relevant to the consideration of this application and the suitability of the use is assessed irrespective of whether it is a public or private operation. The Council's Children's Services department were consulted as part of the application, but no response has been received. There is no evidence that local authority resources are under pressure from private services, or that a facility of this modest scale would have a such an impact.

The suitability of the facility to cater for the needs of the residents has been considered by the Care Inspectorate Wales, who are responsible for the licensing of the property. In addition, it is considered that the property is of an appropriate scale and provides the facilities necessary to cater for the needs of its residents.

The concern raised regarding the impact of the proposal on local property value is not a material planning consideration. The condition and maintenance of the property's curtilage is not a consideration of this application, with any unsightly land able to be remedied by the powers of the Planning Enforcement section.

## **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 WCFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted, along with the various consultee and third party responses, it is concluded on balance that the development complies with the relevant policies of the LDP in that it is appropriately located within safe and convenient access to community facilities and services, would not be detrimental to the character or appearance of the area or be detrimental to highway safety. Concerns regarding the impact of the facility on noise and anti-social behaviour are noted. Although some disturbance may be associated with the use, consideration is given to the nature and modest scale of the care facility, the 24-hour care and supervision that is available to residents, the power of the relevant authorities to control any such issues and the fact that any such disturbance could also arise from lawful occupation of the property under its C3 use. On balance, officers do not consider that the impact on residential amenity would be unacceptable or warrant the refusal of this application.

In balancing the various considerations of this application, officers consider that the change of use is acceptable and recommend that planning permission is granted subject to the following conditions.

## **Recommendation – Approval**

### **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, shall have been deemed to have been implemented on 23/04/2020.

Reason: Required to be imposed pursuant to Section 73A of the Town and Country Planning Act 1990 (as amended).

#### **Condition 2**

The development shall be carried out in accordance with the following approved plans and documents:-

- 1:1250 and 1:200 Site Location Plan, Block Plan, Ground Sections and Topography drawing [A103], dated 11/11/2020.
- 1:100 scale Floor Plans drawing [RB001], dated 01/04/2020;
- Evans Banks Planning Statement reference 1099.a, dated April 2020.

Reason: To confirm the extent of the permission and in the interest of visual amenity.

### **Condition 3**

The premises shall be used as a children's residential care home for a maximum of three children and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To enable the Local Planning Authority to retain effective control over the use of the premises in the interests of highway safety and residential amenity (LDP Policy GP1).

### **Condition 4**

Within 6 months of the date of this decision, a detailed Travel Plan, setting out ways of reducing car usage, increasing walking and cycling to and from the development and a timescale for its implementation, shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason: To promote sustainable transport (LDP Policies SP9 and GP1).

### **Condition 5**

There shall at no time be any means of vehicular access to the development from Elgin Road (W5900).

Reason: In the interest of highway safety (LDP Policies GP1 and TR3).

## **Notes/Informatives**

### **Note 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 of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

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

**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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>PL/00313</b>
-----------------------	-----------------

<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	DEMOLITION OF TWO SUB-STANDARD COTTAGES AND ERECTION OF TWO NEW COTTAGES PLUS 3 GLAMPING PODS FOR HOLIDAY LET AT SARNISEL, BRONWYDD, CARMARTHEN, SA33 6HT

<b>Applicant(s)</b>	MR TREADWELL
<b>Agent</b>	JOHN MATTHEWS PLG & DEV CONST
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Bronwydd
<b>Date registered</b>	14/10/2020

## 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 curtilages of two semi-detached cottages located immediately to the west of the Bronwydd Arms railway station in the village of Bronwydd. The station forms part of the Gwili Railway heritage steam train tourist facility and the cottages are accessed via the car park of the station. New boundary walling has been erected to the front of the cottages which separate them from the car park.

The cottages are vacant and in a poor state of repair. They are set in a large curtilage that was previously overgrown but has recently been the subject of significant clearance works. The ground levels of their rear gardens rise towards the western and northern boundaries of the site and there is a stream running along its southern boundary which is set at a lower level than the cottages and is flanked to the south by mature trees. There are a number of outbuildings and structures within the site and it has a generally unkempt appearance in the surrounding area.

The site is surrounded by residential properties to the north, south and west with those to the south being separated by the existing tree line that follows the stream running through the site. The properties to the west and north of the site are set at a higher level than the cottages and there is a public footpath running through the site which leads from the station car park and egresses on to the A484 to the west.



## Proposal

The application seeks full planning permission for the demolition and replacement of the two existing properties with two new cottages together with 3 new glamping pods within their garden areas. The new cottages and glamping pods are to be used for holiday accommodation purposes for visitors to the neighbouring Gwili Railway facility and wider surrounding area.

The new semi-detached cottages are to be constructed on the footprint of the existing properties being of the same two storey design and covering a similar floor area. They will each provide four bedroom holiday accommodation and will have a similar symmetrical design and finish to the existing cottages with vertical proportioned windows arranged around a central door opening. Their external finishes will consist of painted rendered elevations and slated roofs while the ground levels of the site are to be reduced at the rear of the existing cottages to accommodate the new properties.

The three glamping pods are of modest proportions providing a living and sleeping area together with bathroom facilities. Two of the glamping pods are to be sited in the large rear garden of the new cottages with the third being located in the front curtilage adjacent to the railway station. The pod to the front of the cottages and one of those to the rear will consist of a converted railway wagon to reflect their location and association with the neighbouring Gwili Railway station, while the third pod to the rear will consist of a hardwood clad structure with decking structure to the front. The siting of the pods in the rear garden will require some localised ground levelling works with both being served by a path that will lead from a parking area to be provided in the front curtilage. Provision is to be made for 7 vehicles, two each for the cottages and a parking space for each of the pods.

The layout of the development will retain a buffer zone to the bank of the existing stream whereby it will remain free from development. The existing block walling to the front of the site forms part of the development and is to have a painted rendered finish to match those of the cottages. The existing boundary hedgerows and trees bordering the site are to be retained with a large lawned area provided to the rear of the new properties.

The application has been accompanied by a bat survey which confirms the absence of bats in the existing cottages. Notwithstanding this, provision is made for a number of bat boxes on the elevation of the replacement cottages to enhance the roosting opportunities in the area.

## Planning Site History

There is no relevant planning history.

## Planning Policy

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

- SP1 Sustainable Places and Spaces
- SP15 Tourism and the Visitor Economy
- SP14 Protection and Enhancement of the Natural Environment.
- GP1 Sustainability and High Quality Design

GP2 Development Limits  
TR3 Highways in Developments – Design Considerations  
EQ4 Biodiversity  
TSM4 Visitor Accommodation

## Summary of Consultation Responses

**Bronwydd Community Council** – Have acknowledged the poor condition of the existing cottages and suggested that the new properties retain the original name of 'Sarnisel' to preserve the history of the site.

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

**Public Rights of Way Officer** – Has raised no objection to the application and confirmed that he is satisfied that the development will not obstruct the public right of way that crosses the site.

**Dwr Cymru/Welsh Water** – Has raised no objection.

**Natural Resources Wales** – No response received to date.

**Sustainable Drainage Approval Body (SAB)** – Have confirmed that the proposal will require the submission and approval of a separate SAB application in respect of the surface water drainage scheme proposed.

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 revisions to the original scheme. It has attracted five letters of representation from neighbouring residents and the Llanelli Ramblers Association which raise the following issues of concern:-

- The glamping pod to the front of the cottages is too close to the public footpath that crosses the site.
- The proximity of the rear glamping pods to the adjacent stream.
- The wall proposed in the application has already been built and blocked the footpath.
- The potential for antisocial behaviour and the impact upon neighbouring residential properties.
- The location of the glamping pods is inappropriate as it is surrounded by residential properties.
- The development could result in over 20-25 people occupying the site and garden at any one time.

- Health and safety concerns regarding fire risk and air pollution.
- Concerns over the management of the pods.
- Inadequate parking facilities.
- The existing cottages housed railway workers and the scale of the development will impact upon the heritage of the site.
- Impact upon the safety of the footpath.
- Increased traffic flows that will exacerbate existing parking problems.

## Appraisal

Policies TSM4 and SP15 of the LDP provide the policy context for proposals for new holiday accommodation and both policies permit such developments subject to a number of qualifying criteria. Policy TSM4 supports proposals within the development limits of defined settlements where they accord with the relevant criterion contained under Policy SP15. The application site is located within the development limits of Bronwydd which is designated as a sustainable community in the Plan, and Policy SP15 permits small scale proposals for tourism related developments in such settlements subject to them being appropriate in terms of size, scale and impact.

The existing cottages are set in a large curtilage that is sufficiently large to accommodate the replacement cottages and three glamping pods without over developing the site or causing any unacceptable impact upon the character and appearance of the surrounding area. The scale, design and finishes of the new replacement cottages reflect those of the existing properties and its redevelopment will reuse a vacant and underused site, significantly improving its current unkempt appearance and provide new holiday accommodation for visitors to the neighbouring Gwili Railway station and wider surrounding area. The glamping pods are sensitively located within the site with the converted wagons providing 'themed' accommodation that will reflect the site's proximity and relationship with the railway station. Their modest size and high quality design will increase the range and type of holiday accommodation available in the area and the new facilities will help support and sustain the neighbouring tourist attraction as well as attracting visitors to the County as a whole. In this regard, it will have a positive economic impact upon the wider rural economy wherein it is located.

The modest scale and number of holiday units to be provided is compatible with its location within the settlement and adjacent to existing residential properties. Whilst a number of respondents have raised concerns regarding the impact upon neighbouring residents, the nearest dwelling is located to the north of the site and set at a significantly higher level than the site being separated by an existing hedge bank and timber fencing. The glamping pods in the rear garden will be in excess of 20 metres from this dwelling and it is not considered that their use, or indeed the use of the cottages, as holiday accommodation will result in any unacceptable impacts upon the living conditions of the occupiers of this property or those located further from the site. It is of note that any permission granted will be conditioned to require the submission of a detailed landscaping scheme for the development that will include the requirement for additional planting along the site's boundaries, including that shared with the neighbouring property to the north, to reinforce the existing boundary hedgerows and assist in improving the site's appearance in the wider area.

The matters raised by the respondents regarding the potential for anti-social behaviour and health and safety concerns regarding the development are outside the scope of planning control. Whilst concerns regarding the management of the new holiday accommodation are also not relevant to the application, nonetheless it is worth noting that the applicant has confirmed that the accommodation will be visited and inspected regularly when guests leave and arrive at the site and that the neighbouring railway station is manned 7 days a week whereby there will be a point of contact for visitors during the day.

As to respondents' concerns regarding the likely highway impact of the proposal and lack of parking facilities, adequate provision is made for each of the new cottages and glamping pods in accordance with the Authority's adopted parking standards and it is not considered that a development of the modest scale proposed will result in a level of additional traffic that could not be safely accommodated on the existing highway network. The head of transport has raised no objection in either regard. Moreover, it is worth noting that the occupiers of the new accommodation will have good access to public transport facilities in that it is located on an existing bus route and the bus stops on the route are located immediately adjacent to the neighbouring train station.

The public rights of way officer is satisfied that the proposal will not obstruct the public right of way crossing the site or unacceptably impact upon those using the footpath. The path is also considered to be sufficiently distant of the glamping pod to the front of the cottages to safeguard against any unacceptable impact upon the privacy of its occupiers. Similarly, the glamping pods will be located in excess of 7 metres from the stream crossing the site and the Authority's Planning Ecologist has raised no objection to the proposal from an ecological perspective.

The proposal is therefore considered to be in accord with the objectives of Policies TSM4 and SP15 of the LDP in terms of its scale, size and impact upon the surrounding area. It is also compliant with Policies SP1, GP1, EQ4 and TR3 in that it will be located in a sustainable location and result in no unacceptable amenity, ecology or highway impacts.

## **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 provide a beneficial economic use for a vacant and underused site within the settlement while providing a range of new holiday accommodation that will complement and support the neighbouring Gwili Railway tourist facility. It will also assist in encouraging tourists and visitors to the area and have a positive impact up the wider rural economy wherein it is located. The development will be located in a sustainable location while having no unacceptable impact upon character an appearance of the area or the living conditions of adjacent occupiers. There are also no highway, ecology or public service objections to the development.

The application is therefore put forward with a favourable recommendation.

## **Recommendation – Approval**

### **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 partly retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 14 October 2020.

*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, unless otherwise stipulated by conditions:-

- Cottages existing and proposed elevations (drg no.2) received on 21 September 2021;
- Glamping pods and converted railway trucks proposed elevations and floor plans (drg no.3) received on 21 September 2021;
- Proposed site plan and site sections (drg nos. 4 and 5) received on 21 September 2021;
- 1:1250 scale location plan received on 10 September 2020;
- Existing and proposed cottage plans (drg no.1) received on 10 September 2020;
- Topographic survey (1) received on 22 June 2021;
- Bat survey report prepared by Spectrum Ecology dated 12 September 2020 received on 21 September 2020.

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

#### **Condition 3**

The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or service area is to be obstructed by non-motorised vehicles.

*Reason:* In the interests of highway safety

#### **Condition 4**

The glamping units hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

*Reason:* In order to prevent the permanent occupation of the development.

#### **Condition 5**

The development hereby approved shall be undertaken in strict accordance with the recommendations contained in the section 6 of the bat survey report prepared by Spectrum Ecology dated 12 September 2020 received on 21 September 2020 and bat mitigation measures shown on the cottages proposed elevations drawing received on (drg no.2) 21 September 2021.

*Reason:* In order to ensure that there is no detriment to the maintenance of the favourable conservation status of Bat species.

#### **Condition 6**

No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include :

- Indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- Appropriate native tree, hedgerow and shrub planting to compensate for vegetation cleared at the site, to include planting within the buffer zone to the existing watercourse and to reinforce the site boundaries .
- Landscape proposals for the site frontage and integration of the proposed glamping unit to the front of the site.
- Hard surfacing materials.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion 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.

*Reason:* In the interests of visual amenity.

### **Condition 7**

The access and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access or turning area, is to be obstructed by non-motorised vehicles.

*Reason:* In the interests of highway safety.

### **Condition 8**

No development shall take place until a site clearance and mitigation strategy for reptiles within the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

*Reason:* To safeguard against any unacceptable biodiversity impacts.

### **Condition 9**

No development or site clearance shall take place until a details of a scheme of biodiversity enhancements for nesting birds has been submitted to and approved in writing by the local planning authority. The scheme shall include the provision of bird nesting boxes within the site and the development shall be implemented in accordance with the approved details.

*Reason :* In the interests of biodiversity.

### **Condition 10**

Prior to the installation of any external lighting, details of the location, type, dimensions and expected luminance output of the proposed lighting shall be submitted to and approved in writing by the local planning authority.

*Reason:* To ensure there is no detriment to the maintenance of the favourable conservation status of Bat species.

## **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](http://www.carmarthenshire.gov.uk)).



<b>Application No</b>	<b>PL/00489</b>
-----------------------	-----------------

<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	A ONE PLANET DEVELOPMENT WHICH WILL COMPRISE OF ONE TIMBER-FRAMED SINGLE-STOREY DWELLING AND ANCILLARY BUILDINGS IN ADDITION TO HORTICULTURAL AREAS, WILLOW PLANTATION, FOREST GARDENS AND A WILDFLOWER MEADOW AT LAND BETWEEN CAEGROES AND CWMWERN, PENYBANC, LLANDEILO

<b>Applicant(s)</b>	STEPHEN MORRIS
<b>Case Officer</b>	Kevin Phillips
<b>Ward</b>	Manordeilo and Salem
<b>Date registered</b>	29/10/2020

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties and a call-in request by Councillor J Davies.

## Site

The application site comprises a 2.36 acre parcel of land which lies in a countryside location approximately 220 metres to the south-east of Caegroes Farm, which is north of the village of Penybanc, at approximately 1.4 kilometres north-west of town of Llandeilo. The land is bordered to the north and east by a mature hedgerow that defines the unclassified 4038 road boundary and also a mature hedgerow along the north-west of the field and hedgerow has been planted along the south-west of the field. There is an existing access to the field at the south-east of the field.

The land has already been propagated and crop production/vegetable growing is ongoing at the site.

## Proposal

The proposal comprises of the erection of a rectangular timber clad One Planet Dwelling (measuring 20m x 6.8m, a sloping roof 2.6-3.25 metres high, with three bedrooms) to be sited at the north-eastern part of the site, nearest the bend in the highway for two adults and a child. This land is broken into 6 zones; the dwelling, ancillary buildings and horticultural area, Forest garden, willow and wildflower meadow, beehive area, and the re-wilding area.

In addition to the plans submitted of the dwelling, cob greenhouse and shed, the application is supported with the submission of an OPD Management Plan, OPD Supporting Information, Preliminary Ecological Assessment, and the Ecological Footprint Calculation.

The proposed ancillary buildings on site are required for the purposes of storage, production and processing, in support of the following land-based activities which have been proposed:

- Beekeeping – for consumption and the sale of honey;
- Vegetables and soft fruit – a vegetable and soft fruit garden area for the production of fruit and vegetables for the applicant and family’s own consumption with any surplus being sold on;
- Assorted Salads and salad bags for consumption and sale;
- Garlic and mushroom production for consumption and sale;
- Willow charcoal pencil production for sale;
- Food boxes for sale;
- Training courses and Hiking Sessions;
- Music Therapy Experience Sessions.

The development is intended to support a family which includes the applicants and one child, providing their basic household needs from their own food from the proposed land-based activities. The applicants also propose to harvest their own energy through renewable sources, source water from rainwater harvesting and minimising and managing all waste in an environmentally sustainable way.

It is proposed that the development will utilise a new vehicular access at the north-east of the site which provides improved visibility and provides appropriate parking facilities and the existing access at the south-east will be closed off. It is proposed that the dwelling, buildings and ancillary structures together with the associated land would form a “One Planet Development”.

During the set-up phases of the site, it is proposed to utilise a static caravan on-site for a temporary period, sited behind the siting of the dwelling.

## **Planning Site History**

There is no relevant planning history on the application site.

## **Planning Policy**

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

Policy GP1 (Sustainability and High Quality Design)

Policy TR2 (Location of Development – Transport Considerations)

Policy TR3 (Highways in Development – Design Consideration)

Policy EQ4 (Biodiversity)

### [Carmarthenshire Supplementary Planning Guidance](#)

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, specifically Technical Advice Note 6 (TAN 6) – Planning for Sustainable Rural Communities.

Practice Guidance for One Planet Development (OPD) (2012) which provides practical guidance in support of TAN 6.

## **Summary of Consultation Responses**

**Head of Transportation & Highways** – Any planning permission shall be subject to the application of 8 highways related conditions.

**TerraPermaGeo** – Each category covered within the Management Plan (MP) has been assessed and it is concluded that it is plausible for this site to support this OPD household and that sufficient detail has been provided within the June 2021 Management Plan to have sufficient confidence in this.

*Carmarthenshire County Council has commissioned TerraPermaGeo, consultants specialising in sustainable rural projects, to conduct an independent appraisal of the application. Specifically, this includes the appraisal of the Management Plan. Their detailed assessment and conclusions can be viewed in their “Final Report” dated June 2021, on the Council’s website.*

**Head of Public Protection** – No adverse comments to make on the application.

**Local Member(s)** - Councillor J Davies is a member of the Planning Committee and has requested that if the application is supported, that the application is considered by the Planning Committee because the parcel of land is too small to keep a family of three.

**Manordeilo and Salem Community Council** – Applications for One Planet Developments in our area have raised considerable concerns amongst Councillors and objections to specific applications have been duly registered with Carmarthenshire County Council.

We understand that the Welsh Government’s policy in general is to approve such applications and therefore at a county and local level there is little room for manoeuvre. Manordeilo and Salem Community Council strongly oppose such developments for the reasons set out in the attached letter.

I should be grateful if you are able to take some time to read the attachment that outlines in detail the Council’s objections and also presents some suggestions for moving forward.

Thank you in advance for your consideration and I look forward to hearing from you in due course.

- 1 In its view the development is unsustainable, the only source of potential income actually tied to the land is the growing and sale of fresh produce. Other aspects of the business, namely the provision of music therapy sessions and hiking sessions do not require association with a parcel of land in the countryside.
- 2 The development is outside the LDP and granting permission would be unfair and inequitable to other applications for dwellings that require the meeting of rigorous sustainability criteria prior to any application being granted as opposed to the requirement to prove sustainability for One Planet developments after permission has been granted.
- 3 The various business elements proposed in this development would generate road traffic and footfall that pose safety concerns on the narrow country lane serving the property and spaces allocated for parking within the site are inadequate.
- 4 The development would be visible from Dinefwr Park visited by tens of thousands of visitors each year.
- 5 Question mark over water and electricity supplies on the site.
- 6 Further and more detailed general observations on One Planet developments and also relevant to this specific application are included in the letter attached to this email.

**Sustainable Drainage Approval Body-** New legislation relating to surface water management of new developments now requires approval from Sustainable Drainage Approval Bodies (SAB) throughout Wales.

SABs now evaluate and approve drainage applications for new developments where for example; construction work have drainage implications and cover a construction area greater 100m<sup>2</sup>.

As the development construction area proposed is likely to be greater than 100m<sup>2</sup>, the developer will need to apply for SAB approval.

Please note that SAB applications are separate from planning applications and construction works must not commence before SAB approval is obtained.

**Dwr Cymru/Welsh Water-** No objection to the proposal.

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.

52 representations were received, 9 objecting, 43 in support.

The objections refer to:-

- The dwelling and buildings will have a harmful impact upon the landscape.

- The application will not adhere to the Welsh Government guidance in relation to OPD development.
- There will be a significant increase to traffic from/to the site and the proposed access is not acceptable.
- The development is outside of the settlement limits for Penybanc.
- The proposal will set a precedent for other similar proposals in the locality.
- The proposal is to circumvent planning policy and to obtain a dwelling in the countryside.
- The Business plan submitted does not give sufficient information to allow confidence that the OPD requirements of being self-sufficient will be achieved.
- Insufficient information in relation to transport from/to the site is provided.
- The solar panels will be visually harmful to the locality.
- The ability to achieve the global footprint requirement conveyed is questioned.
- The monitoring of OPD development is poor and it is feared that it will not be possible to ensure that the proposal will adhere to the OPD requirements.
- The site will be visible from Dinefwr Park and will harm views from there.
- Affordable housing payment is required for an open market dwelling but not for OPD.
- The site is not large enough to be supportive of the three residents at a 2.3 acres area of land.
- The proposal does not include details that allow adherence to the fire regulations.
- The planting of trees and their harvesting will reduce visual screening and leylandii trees are not appropriate.
- The existing track created was through use of machinery and therefore the ability to utilise manual labour for the proposal is questioned.
- The waste from the site will be polluting to the environment.

The representation in support refers generally to:

- General support for OPDs and of the applicants and the success of their business so far.
- Supportive of applicants and family and their intended contribution to the local community.

- Fully support the proposal and OPD's in general. The proposed development will sustain the village and nearby areas with organic produce.
- Applicants are hardworking and if the LPA support the development, it is considered that the applicants will be able to meet the OPD requirements.
- General support for OPD commenting that there is room for more OPD's in the area and that there are conversations as to how OPDs in the area may support each other by working collaboratively or even collectively taking place.
- The produce from the applicants will be of a very high quality and an asset to the local community.

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

## Appraisal

### Principle of Development

The proposal falls to be considered under national policy on One Planet Development in the countryside that is contained in Planning Policy Wales (PPW) Edition 11, and Technical Advice Note 6 (TAN 6) – Planning for Sustainable Rural Communities. Practice Guidance for One Planet Development (OPD) issued in October 2012 provides practical guidance in support of TAN 6. Whilst the Welsh Government supports the principle of low impact development it also places an emphasis on the need to ensure that it is properly controlled.

The Practice Guidance sets out the essential characteristics that all OPDs in the open countryside must have. These are that OPDs must:-

- have a light touch in the environment - positively enhancing the environment wherever possible through activities on site;
- be land based - the development must provide the minimum needs of residents in terms of food, income, energy and waste assimilation in no more than five years;
- have a low ecological footprint - the development must have an initial ecological footprint of 2.4 global hectares per person or less with a clear potential to move to 1.88 global hectares per person over time - these are the ecological footprint benchmarked for OPDs over time;
- have very low carbon buildings in both construction and use;
- be defined and controlled by a binding management plan which is reviewed and updated every five years;
- be bound by a clear statement that the development will be the sole residence for the proposed occupants.

TAN 6 requires proposals for OPD in the open countryside to quantify how the inhabitants' requirements in terms of income, food, energy, and waste assimilation can be obtained directly from site. The land use activities proposed must be capable of supporting the needs of the occupants, even on a low level or subsistence basis, within a reasonable period (no more than 5 years). This should be evidenced by a management plan produced by a competent person(s).

The management plan should set out the objectives of the proposal, the timetable for the development of the site and the timescale for review. It should be used as the basis of a legal agreement relating to the occupation of the site, should planning permission be granted. The content of the Management Plan will be assessed against the OPD guidance below.

The proposal will also be assessed against the relevant LDP policies, namely Policies GP1 (Sustainability and High Quality Design), TR2 (Location of Development – Transport Considerations), TR3 (Highways in Development – Design Consideration) and EQ 4 (Biodiversity).

### Management Plan

A Management Plan and Ecological Footprint Analysis has been provided and this has been prepared by the applicants setting out how they intend to comply with the OPD requirements. The Management Plan focuses on such issues as the Design/Strategy, Business and improvement plan, Energy and Water, Waste, Zero Carbon Buildings, Community Impact Assessment, Transport Assessment and Travel Plan, Ecological Footprint Analysis. As noted above, the Management Plan, that is the principal document that informs the consideration of the proposal, has been independently analysed on behalf of the Council by TerraPermaGeo.

### Business and Improvement Plan

The Business and Improvement Plan is essentially the core of the overall management plan and is made up of a number of elements which are discussed in turn below:-

### Land-Based Activities

The land-based activity element of the management plan centres on justifying the need to live on site and how the site will sustain occupants' minimum food needs and how income will be derived from the land, within the first five years of first habitation on the site. This is the basis of the need to live on site and the reason why the site should be the sole residence of occupants.

Food Production – The Practice Guidance states that OPD should be expected to be able to produce at least 65% of basic food needs on the site or a minimum of 30% on the site with the further 35% being purchased or bartered using the income or surplus produce from other produce grown or reared on the site. The MP determines that they will produce 44% of the basic food needs from the land and the outstanding 21% will be purchased from funds raised from land-based business or bartering.

The submitted MP indicates that the applicants' diet is mainly based on fruit, vegetables, nuts, grains, and eggs and there is not proposal to keep large livestock animals, only ducks and poultry. There is to be a raised Bed planting proposal which has a significant variety of approximately 70 plants which will be grown and sold locally and using social media to advertise and sell. They will produce their own eggs, honey, jams and chutneys on site and will sell wholesale fruit and vegetables, and food boxes. Their ability as home growers has been highlighted with details of the plants and crops grown shown in photos supplied in the application, which is testament to their hands on experience in sowing, maintaining and harvesting the produce. The summer months will also be spent naturally foraging and freezing blackberries and raspberries to name but a few, for use through the year.

It is intended to follow a labour intense management of the land. No heavy machinery will be used at any stage to prepare the land for their produce. In terms of labour requirements, whilst no labour calculations for all the proposed land- based activities have been provided with the application, the applicants indicate that they intend to carry out the majority of work

themselves, using volunteers to help as and when required. The horticultural area fronting the dwelling will be approximately 1100 m<sup>2</sup> and will be dug and cultivated to produce enough yield to support the family of 3. The application includes Horticultural Area plans for 2021 to 2023, including a plant list for raised beds and Completed Tree and Shrub planting details. This will increase in scale by years 3, 4 and 5, when it will be able to visualise the produce yield from years 1 and 2 and compare the annual monitoring reports. There will also be more time to dedicate to a larger vegetable growth after the completion of the construction of the dwelling and surplus produce will be used for sale/bartering purposes.

The information provided in the MP appears to be sufficiently detailed and realistic in terms of likely yields from growing areas and based on the yields already achieved by the applicants. The forecast profit and loss balance sheets for the operation has been considered by TerraPermaGeo and the MP receives their support.

The guidance recognises that even if a site is able to support the majority of the occupants' basic food needs, it is expected that monetary income will need to be generated to enable the purchase of other basic needs, such as clothes, travel, IT/communications and Council Tax and the remaining food needs which cannot be grown or reared on the site or gained through bartering. OPD's must earn their occupants' sufficient income to meet their minimum income needs through sales of produce from the site (which may involve processing and adding value). It may also include other income streams derived from the productive and regenerative capacity of the site, such as from training and education courses, or consultancy directly linked to land-based activities on the site.

The MP includes a breakdown of the applicant's minimum annual needs for the current year and also those predicted by Year 5 and TerraPermaGeo have determined that the yields and potential sales prices appear to be in line with agricultural market prices and that the income target for year 5 is not wholly unrealistic. However, it is considered that there are risks that exist such as the area and quality of the land available and its suitability for the land-based enterprises proposed in addition to the likely seasonal and annual fluctuations that can be expected. That said, there are multiple land-based activities proposed and this would help to spread the risk for a family of three. Furthermore, any such issues could only be thoroughly assessed and properly identified and mitigated during the course of the development. The monitoring process would ensure that the OPD targets in terms of food and income are being met and thus that the development is properly controlled.

The intention of land based OPDs are to support the minimum food and income needs of the occupants. This is the main reason that justifies in planning terms, such developments. Therefore, it is of critical importance that the number of occupants is directly related to the ability of the site to support them and the number of people to run the site effectively. As stated above, the information provided within the MP in respect of food production and income is sufficiently detailed to conclude that, on balance, there is a realistic prospect of the site and proposed development being able to provide for the basic needs of the intended occupants.

Energy and Water - the Practice Guidance acknowledges that energy and water are both resources which development consumes, and so create environmental impact. It is an essential characteristic of OPD that the use of these resources is minimised and re-used wherever possible and that the energy needs of inhabitants come from the site. The guidance indicates that this should also be the case for water, unless a more environmentally sustainable alternative can be demonstrated.

In terms of energy consumption, the MP states that the applicants intend to meet their energy needs from the site, predominantly by generating electricity through the use of a solar



photovoltaic array and fuel for cooking and water through biomass production, wood and manure briquettes from the neighbours as a result of bartering.

The applicants state that they intending utilising solar panels to meet their needs, however it is anticipated their usage to be reduced when they are on site, with consumption predicted to be higher in summer than in winter. This is due to the use of electricity for cooking and heating in summer as opposed to use of a wood fired boiler cooker and boiler stove using timber derived from site during the winter. Measures to minimise the demand for electricity for the proposed dwelling from passive solar gain and careful design of lighting are also proposed.

The applicant proposes that all electricity on site would be generated by the proposed solar array with excess energy stored in batteries which would provide flexibility of demand and use. Based on the current average electricity consumption quoted by the applicants' it is possible that the proposed array would produce in excess of their electricity needs.

The primary source of water will be rainwater harvested from structures on site. The dwelling will be the main source of water collection along with the cob greenhouse, mobile field shelters, , shed , woodstore. The rainwater will be collected via guttering and then stored in 1000 litre IBCs food grade containers. The containers will be clad in larch or recycled timber to ensure no algae growth. The overflow from the IBCs tanks will run down into a pond which will also act as a water collection area and this water can be used on growing areas.

Waste Assimilation – Waste produced by both domestic and other activities on site is likely to include, domestic food waste, grey water, human waste, packaging and paper, green waste from growing food and timber and chicken/duck manures.

The practice guidance provides essential criteria for the assessment of waste on site. It states:-

- All biodegradable waste on site is assimilated on site in environmentally sustainable ways.
- The only exception to this is the occasional off-site disposal of small non-biodegradable amounts of waste which cannot be assimilated on site which arise from things used on site wearing out or breaking irreparably.
- All waste handling and assimilation on site must comply with Environment Agency guidelines.

The applicants propose to grow most of their food on site therefore food packaging waste would be reduced and collected by Council refuse services. Any uncooked food waste would be fed to poultry or composted and any cooked waste would be processed and broken down. Human waste would be collected in the proposed composting toilet and once broken down would be used on the land to boost soil fertility, mainly at the base of trees and shrubs. Green waste from tree cutting and the vegetable garden would be fed to the chickens where possible or otherwise shredded and added to the compost. Grey water will not be wasted, the household will use only environmentally friendly washing and cleaning products. Grey water can therefore be collected via drainpipes into water butts, through a filtration system such, and in turn used on the non-edible trees and plants on site. Inorganic waste which is imported from off site and cannot be decomposed would be minimised, re-used and recycled where possible.

It is considered that the proposed strategy to minimise, assimilate and reuse/recycle waste would meet the requirements of the practice guidance. Furthermore, the applicants will be required to provide evidence that the re-use of organic waste on site has increased the overall fertility and productivity of the site in the annual monitoring report.

The applicants convey that their first priority will be to minimise the use of inorganic matter. As previously mentioned, we will follow the rule: reduce; repair; re-use; re-cycle.

**Reduce:** Living a One Planet lifestyle results in a significant reduction of the acquisition of inorganic matter. For example, they will grow the majority of the food from the land which, unlike if it was bought from the supermarket, will not utilise any packaging. When food stuffs such as rice and pasta are bought, it will be bought in bulk. A system will be set up where purchase of items will be in conjunction with Ty Derwen adjacent to further reduce the amount of packaging.

**Repair:** The applicant is an experienced engineer and is keen and capable of repairing many items instead of disposing them.

**Re-use:** It is intended to re-use materials such as cardboard and some paper for mulching and glass jars for preserving food. Large containers will be used to store produce grown/made on-site.

**Re-cycle:** The small amount of waste that we cannot assimilate on-site will be processed through the Council recycling facilities.

### Zero Carbon Buildings

The OPD Practice Guidance lists the essential criteria in respect of the environmental performance of proposed buildings:-

- Domestic and ancillary buildings will be 'zero carbon' in construction and using the up-to-date Welsh definition of zero carbon;
- Proposals will identify which structures require Building Regulations approval and is obtained either before or during construction;
- All structures identified for removal in the Exit Strategy are capable of removal with low environmental impact.

The guidance also states that the buildings should make as much use of recycled materials as much as possible. The information submitted indicates that the dwelling and ancillary buildings will be constructed from local and natural materials and are considered to be sited so as to reduce their visual and landscape impact and to gain the optimum passive solar gain. The proposed dwelling would have a single storey design constructed with a rammed earth recycled tyre footings and timber frame finished with timber cladding(larch), and a live green roof. The features of the dwelling are as follows:-

- Compliant with the legal definitions of a caravan (therefore exempt from building regulations). This will also enable the building to have a significantly lighter impact on the site. (see Appendix D);
- Single storey overall height 3.25m;

- Three bedrooms;
- Timber framed and timber clad;
- Mono-pitch live green roof which will harvest rainwater;
- The green roof will minimise visual impact and improve biodiversity;
- Built in two halves which can be un-bolted, de-mounted from footings and transported off-site;
- Located to blend into the landscape;
- Highly insulated (300 mm reclaimed Celotex in external walls, floor and roof);
- Utilise materials with low embodied energy;
- Utilise recycled and recyclable materials;
- Utilise as many local resources as possible;
- All energy sources will come directly from the site;
- There will be no permanent outdoor lighting and all windows will be fitted with blackout blinds;
- The dwelling has been designed so that it is simple to construct to reduce the need for equipment and techniques which are associated with high carbon footprints.

The ancillary buildings include a cob greenhouse, shed, woodstores which is exempt from building regulations and all buildings will be capable of being removed with minimal environments impact.

The applicant also states that the structures and material used in the construction of the dwelling and ancillary buildings can be re-used as part of an exit strategy if the OPD on site fails to meet the commitments and targets in the management plan in year 5.

The Practice Guidance indicates that for the proposed development to be zero carbon in construction and use, OPD buildings must meet the standards of the Code for Sustainable Homes (CSH) in respect of Category 3 (materials). This category covers five main elements of the building and an OPD home is required to achieve a rating of A+ or A6 for at least four of these elements. However, the guidance also recognises that many aspects of the CSH are not suited to assessing the overall sustainability of an OPD home.

Consequently, it advises that where it can be demonstrated that materials without a recognised published rating would have similar attributes to materials this would be acceptable. A rating assessment of similar materials has been provided in support of the current application which indicates that the materials would meet the required standards. As

such, and for the reasons set out above it is considered that on balance the development would be low carbon, both in construction and use.

### Community Impact Assessment

The essential criteria are that:-

- There is a thorough assessment of all impacts of the proposal on neighbouring communities. One Planet Development in the open countryside should not impact negatively on neighbouring communities.
- Any negative impacts are mitigated.

The Management Plan includes an assessment of positive community impacts and mitigated negative impacts in association with low impact produce, farm and food processing facilities, participation in the local economy, and open days.

In terms of positive community impacts, these include produce being prepared and sold locally to the community and therefore having a low carbon footprint, making the site accessible for community use and learning opportunities for others including children.

The extent of the activities taking place at the site must be controlled and their frequency will need to be recorded in the annual monitoring report which the Council will have to assess and approve to ensure that the community impacts are positive. The proposals put forward must not be the dominant use; rather they are to supplement income derived from the site-based activities and these will be carefully monitored.

In terms of competition with other local producers whilst the applicants acknowledge that selling their home produce could potentially impact on other local producers, they state that their intention is to collaborate with such producers and tailor their produce market to meet market demand. In addition, they state that the total amount of produce grown is only a fraction of the total consumed and as such it is considered there is ample demand.

Negative community impacts are identified as being potentially traffic generation associated with gate sales, events and other visitors to the site having a negative impact on other local producers. It is intended to always opt to use bicycles where appropriate as the applicants are keen cyclists who currently cycle to their place of work whatever the weather! They would also minimise journeys by organising our time so that we attend locations for multiple purposes and they would share car journeys with their neighbours as much as possible. Also they would coincide open days with Ty Derwen to limit any increased traffic to one day and to also share their horse and cart for transport which I am sure local children would thoroughly enjoy. All locals would be invited and would be informed well in advance.

### Transport Assessment and Travel Plan

In accordance with the practice guidance, the applicants' have provided the necessary assessment information in the form of a transport baseline, an assessment of movements proposed to and from the site (by car, public transport walk, bike) along with a Travel Plan which details how vehicle movements can be minimised in respect of each activity the movement is associated with.

The information provided provides a breakdown of the type and frequency of trips per year upon establishment and occupation of the site and a breakdown of the average distances per trip. Strategies to minimise trip generation include combined/shared journeys, purchase of bulk products, using public transport and cycling when possible.

Whilst the household would primarily be reliant on a car or van for transport it is considered that the applicants' strategy, which if implemented would enable trip generation to be reduced and journeys kept to a minimum, is realistic given the self-sufficient lifestyle proposed.

Notwithstanding the above, the annual monitoring report should detail annual movements to and from the site and look at ways to continually reduce these if the proposals in the Travel Plan are not met.

### Ecological Footprint Analysis

PPW requires One Planet Development to initially achieve an ecological footprint of 2.4 global hectares per person or less in terms of consumption and demonstrate clear potential to move towards 1.88 global hectares over time. The submitted EFA analysis explains the energy, housing and infrastructure, travel and transportation, food shop purchase, food homegrown, consumable goods and services plan and the calculation shows that the applicants' predicted footprint would be 2.14 global hectares per capita after first year and falling to 1.48 global hectares per capita after five years which would exceed the target set out in TAN6.

The GHA/person submitted is low; it is conveyed that throughout the submitted management plan it is relayed how the applicants intend to and are dedicated to living a low impact, sustainable lifestyle using only their fair share of the Earth's resources. By producing their food needs on site as well as their own energy, water and composting and reusing any waste products. It is conveyed that they are committed and confident that the targets for OPD living can be reached.

The applicants must provide the actual figures for assessment and scrutiny by the Council in the annual monitoring report. The results will be interpreted using the current practice guidance and OPD Ecological Footprint Calculator.

### Phasing, Monitoring and Exit Strategy

The Management Plan contains a phased programme of works along with a monitoring and exit strategy.

The applicants' management plan provides a timeline of the key site developments, explaining what is anticipated in years 1-6 and then for year 6 and beyond. The annual monitoring report will provide details of the progress made along with a re-run of the ecological footprint analysis and a condition will be included to this effect. Commitments which have not been reached will have to be evidenced in the annual monitoring report. Critical failures need to be remedied with solutions and of how quickly they can be achieved. The Council will assess the monitoring report criteria outlined in the practice guidance.

The One Planet Development Practice Guidance indicates that the management plan should outline an exit strategy if the development fails to achieve one or more of the essential characteristics of OPD over a period of two years without instituting clear and effective measures to address the identified problems.

The developer has indicated in their management plan that the aim of the exit strategy would be to return the land to solely agricultural use, in equal or better condition than the base date should the exit strategy need to be invoked. The exit strategy recognises that the residential use would need to cease and that this would involve the dwelling's removal and removal of other buildings and structures as necessary. It is proposed that any non-degradable materials would be re-used off site and any natural materials would be allowed to compost on site. The exit strategy also states that the dwelling and all other buildings and structures will be designed so as to be easily removed from the site to be recycled elsewhere.

### Impact on the Character and Appearance of the Area

The dwelling and ancillary buildings will be a single storey clad in timber and with sedum roofs would be sited at the north-eastern part of the site, nearest the bend in the highway. Early in the application, there was concern regarding the impact of the proposed development upon the landscape, however the consideration of the MP and the submission of the visual screening appraisal and proposals in terms of the landscaping mitigation with significant planting and allowing the boundary hedgerows to mature to 2.5 metres has satisfied any concerns. However, the comments to consultation from the landscape Officer remains outstanding and any remaining issues will be considered following his response.

OPD dwellings are designed to be zero carbon and this inevitably leads to the avoiding of traditional features in favour of large, glazed south facing elevations and timber facades. The dwelling intends to be zero carbon (subject to Building Regulations approval) and the proposed materials details are provided earlier in the report. On balance, it is considered that the proposed dwelling has an acceptable impact on the character and appearance of the area.

The proposed supporting buildings are also considered to be of an acceptable scale, design and external appearance. The proposed buildings would again be sited in the eastern portion of the site and although the proposal concentrates three buildings in one place, the design, scale and materials of the proposal does not result in an unacceptable visual impact to the countryside at this location.

Concerns have been raised by objectors that the existing screening of the site is largely provided by deciduous trees. Whilst there will be times of the year when the screening of the site would be reduced and therefore the proposed development would be more visible, it is considered that the scale and appearance of the proposed dwelling and ancillary buildings would be acceptable, being sited with the woodland across the highway and mature hedgerows, as a significant backdrops.

### Residential Amenity Impacts

There are existing farm dwellings to the north-west and South. The distance maintained between the aforementioned and the proposed development is such that it is not considered that overlooking is an issue nor is the physical impact of the proposal upon the amenity of the occupiers of neighbouring dwellings. As such it is considered that the proposal would accord with Policy GP1 having regard to residential amenity.

## Transportation and Highway Safety

The application site has one existing access which did not require planning permission as the access is off an unclassified road. However, in the course of consultation in the application, the Head of Transport has determined that the access is not suitable for the proposed development and another access will be provided further along the highway towards Caegroes which will have improved highway visibility splay. This revised access detail is approved subject to conditions by the Head of Transport.

Inevitably, there will be traffic generation in the early stages of the development due to the need for transport of construction materials etc. However, given that the applicants propose to be living at the site with a significant amount of food requirements gained from the land, the need for journeys should be below that required of the conventional dwelling. Furthermore, the applicants themselves will and people visiting the site will be encouraged to use sustainable means such as public transport, car sharing and bicycle. Dedicated space for parking is shown on the submitted site plan and there appears to be ample space within the site for turning to allow vehicles to exit the site in a forward gear. The proposal is therefore considered to accord with Policies TR3 and TR4 of the LDP

## Ecology and Biodiversity

The application is supported by an Preliminary Ecological Assessment by Ecologist Matt Sutton, undertaken in March 2020. The survey report concludes that there are no predicted negative impacts on existing features of ecological importance. The existing priority habitats will be kept intact, the habitat quality will improve for certain birds and foraging bats, amphibian populations are likely to increase. The ecologist concluded that the proposed development does not appear to present a significant risk to protected species.

The Authority's Planning Ecologist It is considered that the proposal would comply with Policy EQ4 in respect of biodiversity.

## Other Matters

Numerous representations have been received objecting to the proposed development. The concerns raised by objectors have been addressed in the preceding paragraphs of the report.

## **Planning Obligations**

The application is required to be subject to a Section 106 agreement to tie the dwelling to the land and include a commitment that the dwelling will be the sole residence of the occupants. This information has not been received to date and no permission will be released until this has been received and concluded to adhere to the OPD guidance requirements

## **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 it is concluded on balance that The proposed development complies with Technical Advice Note 6: Planning for Sustainable Rural Communities (2010) and the accompanying One Planet Development Practice Guidance and policies GP1, TR2, TR3, EQ4, of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the proposal is supported by sufficient information to demonstrate that there is a strong prospect that the proposal would substantially meet the One Planet Development criteria within the required timescales. The submitted information indicates that the development would achieve the overall target of 1.88 global hectares per person as set out in the One Planet Development policy and practice guidance documents. The proposal would not have a detrimental impact upon the character and appearance of the area and includes various proposals to improve the site's environment and biodiversity and would not have an unacceptable impact upon the living conditions of nearby residents and the development would result in unacceptable impacts to highway safety.

Having due regard to the planning guidance published by NRW relating to developments affecting phosphorus sensitive rivers in Special Areas of Conservation (SACs), whilst the site is located within the Afon Tywi Phosphates Sensitive Catchment Area, noting the specific nature of the application, it is unlikely to increase the amount or concentration of phosphate discharged directly or indirectly into the catchment and therefore the proposal would not likely have a significant effect on the Afon Tywi SAC.

The application is therefore recommended for approval subject to the applicants entering into and completing a Section 106 agreement and the following conditions.

## **Recommendation – Approval**

### **Conditions and Reasons**

#### **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 shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-

- Location plan 1:1250 scale, received 14 October 2020;
- Block Plan 1:500 scale, received 2 February 2021;
- Main Dwelling Elevations (1), received 19 October 2020;
- Floor Plan @ A4, received 19 October 2020;
- Cob Greenhouse Elevations (1), received 19 October 2020;



- Shed Elevations (1), received 19 October 2020;
- One Planet Development Management Plan received 2 July 2021;
- Preliminary Ecological Assessment received 2 July 2021.

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

### **Condition 3**

No later than 1 April each year, commencing in the second year after development commences, the occupiers of the site shall submit to the Local Planning Authority an Annual Monitoring Report giving details of the activities carried out during the previous calendar year (1 January to 31 December), setting out performance against the One Planet Development essential criteria as stated within the One Planet Development Management Plan, received 2 October 2020. Where the report identifies that the expected performance targets against any of the essential criteria has not been met, the report shall also set out corrective or mitigating measures sufficient to address the identified deficiencies in performance. These measures shall be implemented, in full and within the timescales stated, as set out in the report and shall form the basis of assessment, along with the original One Planet Development Management Plan for the subsequent Annual Monitoring Report.

Reason: To ensure commitment and compliance with the objectives of TAN6 and the One Planet Development Practice Guidance and to avoid the creation of an unencumbered dwelling-house in the open countryside contrary to national and local planning policies.

### **Condition 4**

The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Councils (Highways and Transport services) Typical Layout No. 5 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

Reason: In the interest of highway safety.

### **Condition 5**

Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.

Reason: In the interest of highway safety.

### **Condition 6**

The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.

Reason: In the interest of highway safety.

### **Condition 7**

Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 70 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access

in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.

Reason: In the interest of highway safety.

### **Condition 8**

The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

Reason: In the interest of highway safety.

### **Condition 9**

The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

Reason: In the interest of highway safety.

### **Condition 10**

There shall at no time be any means of vehicular or pedestrian access to or from the development from the existing gated access located at south-eastern boundary to the site

Reason: In the interest of highway safety.

### **Condition 11**

The caravan identified on the plans referred to in Condition 2 shall be removed on or before 10 October 2024.

Reason: In the interest of visual amenity and to prevent residential development that would not be permitted in the countryside except for the exceptional circumstances of this case.

## **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**

This permission is subject to the clauses set out in a Section 106 Agreement that ties the dwelling to the land to ensure that the proposal complies with the requirements of the One Planet Development Policy and Practice Guidance documents and avoids the creation of an unencumbered dwelling in the open countryside contrary to national and local planning policies.

## **Note 3**

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)).

<b>Application No</b>	<b>PL/00977</b>
-----------------------	-----------------

<b>Application Type</b>	Variation of Condition
<b>Proposal &amp; Location</b>	VARIATION OF CONDITION 2 (APPROVED PLANS) AND CONDITION 3 ON S/40401 (REBUILDING OF STORM DAMAGED BARN – RETROSPECTIVE) TO ALLOW THE BUILDING TO BE USED FOR THE ASSEMBLY OF TIMBER FRAME BUILDINGS FOR A PERIOD OF 18 MONTHS AT MYRTLE HILL, FIVE ROADS, LLANELLI, SA15 5AJ

<b>Applicant(s)</b>	MR C MORGAN
<b>Agent</b>	MR S OWEN
<b>Case Officer</b>	Eilian Jones
<b>Ward</b>	Glyn
<b>Date registered</b>	17 December 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 site forms part of a farmyard associated with Myrtle Hill which is located approximately 800m north-east of the defined settlement of Horeb/Five Roads. It is located in the countryside and accessed via the C2122 (Five Roads to Sylen Square). The site is predominantly rural in character however there is a small group of residential properties adjacent to the site. The site comprises various farm buildings of mixed age and design.

## Proposal

Retrospective planning permission was granted in June 2020 for the construction of an agricultural building (S/40401 refers). At that time, the building was in the process of being constructed and it was understood that it was a replacement of a smaller agricultural building that was significantly damaged by storm weather.

Condition 3 of Planning Permission S/40401 restricted the use of the building to agricultural purposes only. This application seeks to vary this condition to enable the building to be used for the assembly of timber frame building for a temporary period of 18 months. The local planning authority considers this to be 18 months from the date of the submission of the

application. Once the temporary period lapse, the use of the premises reverts back to agricultural use only.

During consideration of this application, it was noted that the building had not been completed strictly in accordance with the approved plans under S/40401. As such, amended plans were received and the application was revised to include the variation of Condition 2 (approved plans) of S/40401, thereby enabling those amendments to be considered retrospectively under this submission. The application, in its revised form, was subject to further publicity.

## Planning Site History

The following previous planning application has been received in respect of the application site:-

S/40401	Rebuilding of storm damaged barn (retrospective) Granted with Conditions	17 June2020
---------	---	-------------

## Planning Policy

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

SP1 Sustainable Places and Spaces  
SP3 Sustainable Distribution – Settlement Framework  
SP7 Employment – Land Allocations  
SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
EMP2 New Employment Proposals  
TR2 Location of Development – Transport  
TR3 Highways in Developments – Design Considerations  
EQ4 Biodiversity  
EP2 Pollution

[Carmarthenshire Supplementary Planning Guidance](#)

Nature Conservation and Biodiversity SPG

National Planning Policy and Guidance

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.

The following [Technical Advice Notes](#) (TANs) published by Welsh Government are considered relevant to the determination of this application:

TAN 6 Planning for Sustainable Rural Communities (2010) seeks to provide practical guidance of the role of the planning system in supporting the delivery of sustainable rural communities. It also provides guidance on how the planning system can contribute to sustainable: rural economics, rural housing, rural services and agriculture.

TAN 11 Noise (1997) provides advice on how the planning system can be used to minimise the adverse impact of noise.

TAN 12 Design (2016) seeks to promote sustainability principles through good design and identifies how Local Planning Authorities can facilitate this process through the planning system.

TAN 23 Economic Development (2014) ensures that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.

## **Summary of Consultation Responses**

**Head of Transportation & Highways** - No objections subject to conditions.

**Head of Public Protection** - No objections to the proposal subject to conditions.

**Llanelli Rural Council** – Objects to the proposal on the basis that the current business use of the barn contravenes Condition 3 of Planning Permission S/40401 where it states ‘the building is approved for agricultural purposes only’.

**Local Member(s)** - Councillor J. Jones has not commented to date.

**Adjacent Ward (Llannon)** - Councillor E. Dole has requested the application be referred to Committee.

*The Ward of Llannon is approximately 1.5km away from the site. The site is within the Glyn Ward and only a request from the Ward Member of Glyn with material planning reasons can be accepted.*

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

## **Summary of Public Representations**

The application was the subject of notification by way of site notice. Following concerns that the original site notice was not publicly visible, a new site notice was erected in an alternative public position with a new consultation period. Further public consultation took place following material changes to the application, namely the inclusion of amended plans and the variation of Condition 2 (approved plans) of S/40401 and to enable the operations associated with the assembly of timber frame buildings to be for 18 months.

Three representations were received, three objecting, and the matters raised are summarised as follows:

- i) The business use is inappropriate in a countryside location and has been on-going without permission with several staff present.
- ii) Detrimental to residential amenity, wellbeing and health, inclusive of harm from noise and disturbance generated by the business and associated delivery vehicles.
- iii) Non-compliance with health and safety.

- iv) Detrimental to highway safety and damage to the public highway.
- v) Applicant had no intention of using building for agricultural purposes and had always intended to run a business from the site and lack of progress with other site in Trostre Industrial Estate.
- vi) Location of the original planning site notice not publicly visible.
- vii) Alleged fence erected adjacent to road.
- viii) Proposed contravenes with Human Rights.
- ix) Land ownership dispute.

*During consideration of the application, some representations included several items of correspondence, many from the same address, and included photographs, videos and sound clips.*

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

## **Appraisal**

This application seeks to vary Conditions 1 (approved plans) and 3 of Planning Permission S/40401 to enable the recently constructed agricultural building on the site to be used for the assembly of timber frame buildings for a temporary period of 18 months. Once the temporary period expires, the use of the premises reverts back to agricultural use only.

According to the application forms the timber assembly operations has been carried out at the premises since 20 August 2020 and has continued throughout the submission and consideration of this application. This application was submitted in December 2020 therefore the permission being sought is effectively to 30 June 2022.

The application has been accompanied by a statement explaining the reasons in support of the proposal. In summary, the applicant runs a carpentry business which has gradually expanded in recent years. During this time, the applicant has used various buildings within the County in connection with the timber process, albeit unauthorised. However, the applicant has recently acquired a premises in Trostre Industrial Park and obtained planning permission for its extension in October 2020 (PL/00299 refers). It is understood that the aim is to relocate the entire timber operations to the Industrial Park. The supporting statement explains that to enable the timber business to continue operating until the completion of the construction and refurbishment works to the premises in the Industrial Park, the applicant required the temporary use of an alternative premises. Since the agricultural building at the applicant's home granted by permission S/40401 was available, the applicant has continued the timber operations from this premises and then has sought retrospective but temporary permission by virtue of this application.

The application site is located outside any defined development/settlement limit. It is therefore deemed to be in the countryside where development is generally more restricted. In broad terms, uses and processes such as timber assembly should be directed to sites within defined development/settlement limits such as dedicated Industrial/Business Parks since very rarely a countryside location is essential for their functioning. Policy SP7 of the LDP for example specifically allocates land for employment purposes. In this particular case,

it is understood that the timber is grown or not produced on-site but rather transported to the site for assembly and then taken off-site. As such, there is no specific policy which indicates that this use, in principle, is appropriate and requires a countryside location nor is it strictly compliant with Policy EMP2 of the LDP.

Notwithstanding this, the application is for a temporary use of the premises for 18 months. Since the timber assembly process has been carried out at the premises since the submission of the application in December 2020, the application is therefore until June 2022. As such, it is considered that the relatively short duration of this used being located in the countryside would not, in the long-term, unduly prejudice or undermine the character and appearance of the countryside. It is also considered that whilst there are issues with the 'temporary site' from a policy alignment perspective, it would appear reasonable (as part of arriving at a balanced/informed outcome) to give significant weight to the fact that it is proposed to relocate the operation to Trostre Industrial Estate (on land which is denoted as existing employment in the LDP) and that such a temporary period would not harm the purpose and integrity of Policy SP7 which allocates and directs employment uses to defined areas within the County. This view has been supported by the local planning authority's Forward Planning Team.

The supporting statement indicates that some progress is being made to relocate the entire timber business to a dedicated Industrial Park which would, in policy terms, be an appropriate location in principle for this use and compliant with Policy SP7 of the LDP. Since the applicant has already acquired this premises and obtained planning permission for its extension, there is reasonable prospect that the aim of relocating the entire timber operations to a more appropriate location will be realised. In an email in May, the applicant's agent explained that whilst progress regarding the extension and refurbishment of the building in Trostre Industrial Estate has been delayed by COVID-19 and its effect upon financial markets, a company has been employed to undertake the necessary works needed to discharge several conditions on the planning permission.

In consideration of this temporary scheme, it must be recognised that proposals which have a positive contribution towards economic development are material considerations in the determination of applications. In this particular case, the supporting statement explains that the temporary use of this premises is vital to enable the overall timber business to continue. This has allowed staff to be retained and the business to operate, even during challenging economic times. Therefore, the temporary use of this premises is deemed to aid economic recovery and significant weight in the consideration of the application. This view has been supported by the local planning authority's Forward Planning Team.

Policy GP1 refer to sustainability and design quality. Whilst the thrust of this application mainly relates to the temporary use of the building for timber assembly, it was noted during the site visit that some minor changes have been made to external finishes and openings of the building such as timber clad being used instead of stone and sizes of openings adjusted on the front and rear elevations. The roof of the front lean-to feature of the building has also been adjusted so that it links to an existing brick/stone building. These changes have been reflected in amended plans and, in visual terms, are considered relatively minor and do not unduly detract from the character and appearance of the countryside.

The site is located in a rather isolated location with only a small number of neighbouring residential properties. The nearest property is Tan y Dderw, located on the opposite side of the road and diagonally, at an approximate distance of 25m.



Correspondence have been received from the occupiers of neighbouring properties objecting to the proposal. These include the proposal having an adverse impact on their residential amenity, inclusive of noise and disturbance arising from the timber operations and the transportation of products to/from the site. Whilst comments from local residents also suggest that the applicant had no intention of using building for agricultural purposes and had always intended to run a business from the site, the application is assessed on its own merits and without prejudice.

According to the statement which accompanies the application, the timber assembly process only requires one staff working at the premises. The statement also explains that assembly does not require cutting of timber and, apart from the staff member's vehicle, only one lorry visits the premises each day, to deliver or pick-up products.

Representations objecting to the proposal appear to contradict the level of traffic movement, the numbers of staff present and working hours. Some representations received have included photographs and videos associated with operations at the site. The Highway Authority have carefully considered the proposal and acknowledge the temporary nature of the development. The application has been assessed on its own merits and based on the information included in the submission, the proposal is seen as being in line with existing traffic generation associated with the agricultural use of the building. As such, there are no objections to the proposal subject to conditions.

Careful consideration has been given to matters relating to noise and amenity. Due to the nature of the proposal and the location of the site, it was considered prudent to request a noise survey so that the impact of the timber assembly operations can be appropriately evaluated. The report, conducted by acoustic consultants, has been considered by the Council's Public Protection Department. The report and the overall planning submission is clear that this proposal is based on a temporary period of 18 months. The Environmental Health Officer does not raise any objections to the proposal subject to conditions. These relate to restricting the timber use of the premises to 08:00 – 16:30 Monday to Friday only and limiting the sound level generated by the use. It is also considered prudent to impose a condition which limits any permission issued to 30 June 2022 as this will provide a clear date at which the timber assembly use must cease.

It is acknowledged that the proposal generates a degree of noise and disturbance to neighbouring properties from vehicles entering and leaving the site, whether staff or goods. This is an unfortunate by-product of the commercial activity. It is also acknowledged that agricultural activities would also generate a degree of noise and vehicle movements which can also be disruptive. However, on the basis that only temporary permission for a relatively short duration is sought for the timber assembly use, with added economic development benefits and no objections raised by the Public Protection Department, it is considered, on balance, that the long-term amenity of neighbouring residents would not be unduly harmed. The proposal is therefore considered to satisfy Policies SP1, GP1 and EP2 of the LDP.

A neighbouring resident has claimed that the proposal breaches his human rights. The Local Planning Authority is satisfied that it has considered the implications of the proposal against matters of Human Rights of individuals during the assessment of this application. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Local Planning Authority to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

A neighbour alleges that a fence has been erected adjacent to the road. This does not form part of this planning application and it has been referred to the Enforcement Section of the Planning Department for further investigation. There is also a land ownership dispute however this is deemed to be a private matter and not a significant material consideration in the determination of this application. Workplace health and safety is subject to separate legislation and as such, do not hold significant weight in the determination of this application.

## **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 it is concluded on balance that the temporary use of an agricultural building for timber frame assembly is acceptable and would not in this instance unduly prejudice or undermine the character and appearance of the countryside or significantly harm the purpose and integrity of the Council's policies relating to the allocation of employment land and the location of employment uses. The temporary use of this premises is deemed to have added economic development benefits and would not have an unreasonable long-term adverse effect on residential and neighbouring amenity, general amenity, wellbeing, human rights, highway/pedestrian safety or sustainability. The building, including the alterations to its design and appearance, would not unduly harm visual amenity or the character and appearance of the countryside.

## **Recommendation - Approval**

### **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 20 August 2020.

*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:-

- CTA208.904 Rev. C – Block and OS Plan (Scales: 1:2500, 1:500, received 2 August 2021);
- CTA208.901 Rev. A – North West (Front) and South West (Side) Elevations (Scale 1:100, received 2 August 2021);
- CTA208.902 Rev. A – North West (Rear) and North East (Side) Elevations (Scale 1:100, received 2 August 2021);
- CTA208.903 Rev. A – Floor Plan (Scale 1:100, received 2 August 2021).

*Reason:* In the interests of visual amenity and for the avoidance of doubt or confusion as to the extent of the permission hereby granted.

### **Condition 3**

The timber assembly use hereby approved shall permanently cease on 30 June 2022. Thereafter, the approved building and site shall be used for agricultural purposes only.

*Reason:* To enable the local planning authority to retain effective control over the development/use, in the interests of residential and general amenities; to protect the character, appearance and integrity of the countryside for appropriate rural uses; to protect the purpose and integrity of defined employment sites, and in the interests of sustainability and highway safety.

### **Condition 4**

The existing hedgerows and landscape features within the site, as identified by the document titled: Hedge Management Plan (conducted by Habitat Matters Ltd, received 17 June 2020 – approved by application S/40401), shall be managed in perpetuity in accordance with Section 2.0 (Future Management) of the Hedge Management Plan unless otherwise approved in writing by the local planning authority.

*Reason:* In the interests of visual amenity, to protect the character and appearance of the countryside and in the interests of ecology/biodiversity.

### **Condition 5**

The timber assembly use hereby permitted shall not operate other than between the hours of 08:00 and 16:30 Monday to Friday and not at any time on Saturdays, Sundays, public or bank holidays.

*Reason:* In the interests of residential and general amenities.

### **Condition 6**

The rating level of sound emitted from the timber assembly use 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+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.

*Reason:* In the interests of residential and general amenities.

## **Condition 7**

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 approved timber assembly use to determine whether they exceed the sound levels specified in Condition 6. The assessment shall be undertaken under the supervision of the Local Authority.

*Reason:* In the interests of residential and general amenities.

## **Condition 8**

In the event that Condition 6 is exceeded then the submitted assessment shall also include mitigation measures and a timetable for implementation to ensure compliance with the sound level specified in Condition 6. The mitigation measures shall be implemented in accordance with the approved details and timetable.

*Reason:* In the interests of residential and general amenities.

## **Condition 9**

The development herewith approved shall be related to a left-turn in, and right-turn out only arrangement.

*Reason:* In the interests of highway safety.

## **Notes/Informatives**

### **Note 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 of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

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

**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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>PL/00978</b>
-----------------------	-----------------

<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	AN APPLICATION FOR FULL PLANNING PERMISSION FOR THE PROVISION OF A NEW ACCESS ROAD FROM TENBY ROAD; ERECTION OF A NEW PETROL FILLING STATION WITH SALES BUILDING; FORECOURT INCLUDING FUELLING PROVISION FOR DOMESTIC AND HGVS AND UNDERGROUND FUEL TANKS; THREE JET WASHES AND CAR CARE FACILITIES; ELECTRIC VEHICLE CHARGING HUB AND SUPPORTING INFRASTRUCTURE; CAR PARKING AND CYCLE PARKING; LANDSCAPING INCLUDING SMALL OUTSIDE SEATING AREA AND OTHER ASSOCIATED WORKS AT LAND AT ST CLEARS ROUNDABOUT, ST CLEARS, CARMARTHEN, SA33 4JW

<b>Applicant(s)</b>	MOTOR FUEL LIMITED AND DRAYCOTT INVESTMENTS
<b>Agent</b>	JMS PLANNING AND DEVELOPMENT LTD
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	St Clears
<b>Date registered</b>	22/12/2020

## Reason for Committee

This application is being reported to the Planning Committee following a request from Councillor Philip Hughes.

## Site

The application site consists of an irregular shaped parcel of land located to the north of the roundabout of the A40 and A477 in St Clears. It measures approximately 0.73 hectares in area and forms part of two large field enclosures that are located to the north of Tenby Road (A4066) which leads into St Clears from the roundabout. Both enclosures are separated by a well-established hedgerow.

The main part of the site is located in the westernmost field enclosure immediately to the north of the roundabout with the remainder being included for the purposes of creating a new access road from Tenby Road to the proposed new petrol filling station. Works have already commenced on the creation of this access road which extends northwards into the site from Tenby Road before turning westward into the larger field enclosure to provide access to a McDonalds restaurant and separate Greggs coffee/food outlet and their

associated drive through and parking facilities which are also currently under construction to the west of the application site. These developments together with the access road were granted planning permission at appeal in February 2020 under planning application reference W/37120 and the petrol filling station will share the same access road as the new restaurant and coffee shop. Part of the application site is currently being used as a construction compound in association with this development.

The southern boundary of the site is bounded by trees and hedgerows which separate the land from Tenby Road. It currently has no defined northern, western or eastern boundaries and the area to the north consists of further field enclosures. There is a small watercourse running along the southern boundary of the site adjacent to Tenby Road and the site slopes up gently towards its northern boundary.

The eastern part of the site wherein the new vehicular access is being constructed is located adjacent to and opposite a number of residential properties that front onto Tenby Road. There is a Travelodge hotel and Starbucks coffee shop on the opposite southern side of Tenby Road adjacent to the residential properties and the neighbouring roundabout. Tenby Road extends eastwards from the site towards the centre of St Clears and is characterised by a frontage of residential properties as well as a number of industrial units located in St Clears Business Park which is a short distance from the site.

The centre of St Clears wherein its main services and facilities are located is some 500 metres to the east of the site. The site is partially fronted by a footway adjacent to the roundabout, however, this does not extend eastwards along Tenby Road towards the proposed new access.

The land to the west of the site beyond the A40 is primarily rural in character with a petrol station and a small cluster of residential properties located to the west of the roundabout off the A477. The neighbouring settlement of Pwll Trap is located some 400 metres to the north of the site.

## **Proposal**

Planning permission is sought for the erection of a new petrol filling station and associated facilities within the site. It will be located between the access road to the east and the new restaurant and coffee/sandwich shop that are currently under construction to the west of the site. The proposal will include a sales building and associated outdoor seating area, forecourt fuelling area for both domestic vehicles and HGVs, jet wash and car care facilities, electric vehicle charging points and associated car parking and cycle facilities. It will operate 24 hours a day and has been designed to complement the new restaurant and coffee/sandwich shop facilities that are currently under construction as well as the existing hotel and coffee shop adjacent to the roundabout. It will supplement the range of facilities available for those travelling along the primary strategic routes of the A40 and A477.

The petrol filling station will utilise the previously approved access road which also includes an easterly spur at its northern end into the remainder of the field enclosure which is allocated for residential development. Vehicles will access the petrol filling station via an entrance on the northerly arm of the access road close to its junction with Tenby Road and egress via a separate exit point onto the westerly arm of the road close to the northern boundary of the site. The new entrance will require the removal of a small number of trees from the existing hedgerow that crosses the site with the remainder being retained and running contiguous with the western side of the new access road.

The sales building will have a single storey design and be orientated in a southerly direction towards the centrally located forecourt area and its fuelling facilities. It will include a modest sized sales area of some 288 square metres and will be fronted by a car parking area and small outside seating area. The building will consist of a mix of grey and timber effect panelling with large, glazed openings to its front elevation. The forecourt area is to be partly covered by a canopy. The jet wash and car care facilities and electric charging points will be located in the southern part of the site adjacent to the proposed access and existing boundary hedgerows and trees bordering Tenby Road which are to be retained as part of the development. The existing ground levels across parts of the site are to be raised to accommodate the development layout proposed.

The new access road will be flanked by pedestrian footways while provision is made for two pedestrian links through the development to the neighbouring restaurant and coffee/sandwich shop facilities. The first will be via a new footpath leading from the existing footway that flanks the northern side of Tenby Road to the south of the site, while the second will extend from the new access road through the southern part of the site to the rear of the electric charging points and car wash facilities, before linking up with the first path referred to above.

The proposal has been accompanied by detailed landscaping proposals which manage and retain the existing hedgerows and trees bordering the site with the exception of the small number of trees that need to be removed to create the new entrance from the access road. New planting is also to be provided within the development which will include new native hedgerows and shrubs together with grassed and decorative planting areas.

The application has been accompanied by a wide range of supporting information which include:-

- Drainage Strategy Report;
- Air Quality Assessment;
- Land Contamination Assessment;
- Transport Assessment;
- Preliminary Ecological Assessment;
- Noise Impact Assessment;
- Arboricultural Assessment;
- Planning and Design and Access Statement.

The transport assessment considers the highway impacts of the development upon the surrounding road network in combination with the consented restaurant and coffee/food outlet that is currently under construction on adjacent land. It also includes an allowance for the potential future residential development of the land to the east of the site which will be accessed via the same access road. The allowance relates to the development of up to 50 dwellings.

The assessment forecasts that the main increase in traffic from the development will be between the nearby A40 roundabout and the access into the site from Tenby Road given that the majority of vehicle trips associated with the development will be existing pass-by or diverted trips from the A40 and A477. The majority of the trips will therefore be existing traffic on the wider road network and the assessment forecasts an increase in traffic (worst case scenario) of 144 weekday AM peak hour two-way trips, 156 weekday PM peak hour two-way trips and 218 Saturday peak hour two-way trips between the A40 roundabout and the



access to the development. Capacity assessments of the A40 roundabout and the access to the development from Tenby Road demonstrate that the proposal will have little impact upon the performance or capacity of either and, on this basis, the assessment concludes that the petrol filling station will have no material impact upon the operation of the surrounding road network.

The drainage report sets out the strategy for the disposal of surface and foul water from the development. Poor ground infiltration rates dictate that surface water will be disposed of to the stream to the south of the site at restricted rates, while the foul waste will discharge to the public sewer located in Tenby Road. The detailed design of the former will require approval from the Authority's SAB team.

The ecological assessment confirms that the site consists of agriculturally improved grassland that is of low biodiversity interest having no biodiversity action plan habitats or protected species. The contamination assessment confirms the absence of contamination sources within the site, while the air quality assessment concludes that the development will not result in any unacceptable air quality impacts during both its construction and operational phases. The latter recommends the implementation of mitigation measures as part of the construction phase of the development to minimise the effects of dust emissions.

The noise assessment provides an assessment of the impact of the development upon the nearest noise sensitive residential properties located along Tenby Road. It concludes that there will be no unacceptable impact upon the living conditions of the properties in question and recommends the imposition of a condition restricting the hours of operation of the jet wash facilities within the development.

Finally, the design and access statement highlights the general trend and decline in the number of petrol stations across the country despite the increasing number of cars on the road, and the resulting need for additional filling stations. Reference is also made to the important role they play as a community facility while also emphasising the economic benefits of the proposal whereby it will create 10 full time and 10 part time jobs in the local area. The document also opines that there are no sequentially preferable locations for the proposal given its principal purpose is to serve those travelling along the strategic road network.

## **Planning Site History**

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

W/37120	Development of site with the erection of both a freestanding restaurant and a freestanding coffee shop, both with associated drive through facility. Installation of access road, associated car park, patio areas, extraction equipment and wider associated works to the site Full planning permission refused Appeal allowed	27 September 2019 18 February 2020
W/31167	Variation of condition 3 on W/21675 (to extend the outline planning permission for a further 9 months) Variation of planning condition granted	18 December 2014

W/28769	Variation of condition no 3 of planning permission W/21675 – (extension of time period) Variation of Planning Condition granted	09 October 2013
W/21675	Residential development including affordable units Outline planning permission granted	15 November 2010
W/04738	Renewal of outline planning reference W/02043 Outline planning permission granted	13 November 2001
W/02043	Siting of a bungalow and garage Outline planning permission granted	27 October 1998

## Planning Policy

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

SP1 Sustainable Places and Spaces  
 SP3 Sustainable Distribution – Settlement Framework  
 SP8 Retail  
 SP9 Transportation  
 SP14 Protection and Enhancement of the Natural Environment  
 GP1 Sustainability and High Quality Design  
 GP2 Development Limits  
 GP4 Infrastructure and New Development  
 RT1 Retail Hierarchy  
 TR2 Location of Development – Transport Considerations.  
 TR3 Highways in Developments – Design Considerations.  
 EQ4 Biodiversity  
 EP1 Water Quality and Resources.  
 EP2 Pollution  
 EP3 Sustainable Drainage

### National Planning Policy

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 Transport** – Has raised no objection subject to the imposition of suitable conditions.

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

**St Clears Town Council** – Whilst having no objection to the application, the Council have referred to the following concerns:-

- Potential volume of traffic accessing and leaving the site and the impact on Tenby Road.
- Noise impact upon the residents of Tenby Road.

- Light pollution impact upon neighbouring residents in terms of forecourt lights and vehicles accessing and egressing the site.

**Local Member** – County Councillor Philip Hughes requests that the Committee undertake a site visit to assess the likely highway impacts of the development. He refers to current difficulties gaining access to the A40 roundabout during peak times and that traffic travelling in an easterly direction after visiting the development will travel through St Clears rather than the A40 roundabout thereby causing further congestion in the town. Reference is also made to inadequate pavements for pedestrians along Tenby Road and the need for highway mitigation if the development is to be granted permission.

**Natural Resources Wales** – Has raised no objection to the application.

**Welsh Government (Transport)** – Have raised no objection to the application.

**Dwr Cymru Welsh Water** – Have raised no objection subject to the imposition of a condition securing the submission and approval of a detailed foul and surface water scheme prior to the commencement of the development.

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 within the local area of the site with a further site notice having subsequently been posted to publicise amendments to the proposal and the submission of additional supporting information. One letter of objection has been received from the operator of the existing petrol filling station located to the south west of the application site on the opposite side of the A40 roundabout. The respondent raises the following issues of concern.

- Safety concerns regarding the proximity of the proposed entrance to the junction of the new access road with Tenby Road and the impact of existing trees in obscuring the site entrance.
- The access to the development is not suitable for HGV vehicles which may result in an obstruction on the access road and leading to traffic entering the site backing up onto Tenby Road.
- Traffic impact upon the A40 roundabout.
- Loss of mature trees and encroachment into root protection zones of those being retained.
- Potential impact upon bats by removing an existing ash tree and the introduction of lighting to the site.
- Risks of contamination to groundwater and the watercourse to the south of the site.

## Appraisal

The principal issues in the determination of the application are discussed below.

## Principle of the Development & Impact Upon the Character and Appearance of the Area

Policies GP2 and EMP2 of the LDP provide the principal policy context for the proposal. Policy GP2 defines development limits for a range of settlements within the Plan area and permits proposals within these limits subject to compliance with the policies and proposals of the Plan. In doing so, it seeks to prevent inappropriate development in the countryside including the coalescence of settlements, ribbon development or a fragmented development pattern.

Policy EMP2 of the LDP permits employment proposals which are within, adjacent or directly related to the development limits of defined settlements subject to a number of qualifying criteria. These include the need to undertake a sequential search that should demonstrate that there is no suitable allocation or existing employment site that can reasonably accommodate the use, followed by the requirement to consider potential suitable land or buildings available within or adjacent to the development limits. The policy also requires that development proposals should be of an appropriate scale and form and not be detrimental to the character and appearance of the area while also being compatible with their location and neighbouring land uses.

The site is largely located outside the development limits of St Clears as defined in the LDP albeit the northerly arm of the access road leading from Tenby Road, and which is currently under construction, is located within the development limits. This access forms part of a larger area designated for residential development in the Plan under housing allocation reference T2/5h4. Whilst the petrol filling station will itself fall outside this defined limit, nonetheless it will adjoin the main built form of the settlement while also being well related to its existing services and facilities. The development will be located between the existing built-up area of the settlement and the new restaurant and coffee/food outlet that are currently under construction on land to the west, being surrounded on three sides by the access road serving this development. The character of the site will therefore be an undeveloped area of land surrounded by development rather than open countryside. The development will therefore relate well to existing and proposed built developments and not constitute an encroachment into the countryside or result in a fragmented development pattern.

The primary purpose of the proposal is to provide a service station facility for travellers on the primary strategic A40 and A477 routes whereby there is a clear locational requirement for it to be close to these routes. There are no preferable sites elsewhere in the settlement that could reasonably accommodate the development and it will be compatible with surrounding developments. The petrol filling station will complement the neighbouring restaurant and coffee/food outlet with their associated drive-thru facilities that are also designed to meet the needs of those travelling along the A40 and A477, as well as the hotel and coffee shop on the opposite side of Tenby Road. The development will be easily accessible from the strategic road network while also making a positive contribution towards the sustainability of St Clears which is identified as a service centre settlement in the LDP by increasing the range and number of facilities available and providing valuable employment opportunities in the local area. It also includes the provision of electric vehicle charging facilities that will assist in encouraging sustainable means of travel and meeting the objective of reducing carbon dioxide emissions and the reliance on fossil fuels.

In terms of its design, the scale and layout of the development is influenced by the operational requirements of the new facilities and its single storey design and layout will be compatible with, and complement the neighbouring restaurant and coffee/food outlet as well as the hotel and coffee shop located on the opposite side of Tenby Road. The site is well contained by existing hedgerows and trees that are to be retained and managed as part of the development which, together with the design of the scheme and additional planting proposals, will ensure that the development will respond well to the site's setting and not unacceptably harm the character and appearance of the area.

The proposal is therefore considered to be in accord with the objectives of Policy GP2 in that it will be located within the built-up area of the settlement being surrounded by existing developments and will not result in an encroachment into the countryside that would harm the area's character and appearance. Moreover, it is consistent with the requirements of Policy EMP2 in that it is directly adjacent to the development limit of the settlement and there are no preferable sites elsewhere in the settlement, while its scale and design are appropriate to the character of the area. The economic benefits of the proposal and additional employment opportunities that it will provide are in accord with the strategic objectives of the policies of the LDP as well as those of national planning policy as set out in Planning Policy Wales and TAN 23 : Economic Development.

Members may recall that the previous planning application for the development of the restaurant and coffee/food outlet on the neighbouring land to the west (application reference W/37120) was refused by the Committee, contrary to the officer recommendation, on the basis of its location outside the development limits of St Clears. The subsequent appeal was allowed by the Planning Inspector and planning permission granted for the development. In granting permission, the Inspector considered that the locational requirements of the development and primary function as a service facility on the strategic road network constituted a cogent and overriding justification for the location of the development outside the development limits. Combined with the site's edge of settlement location and proximity to the existing built-up areas and services and facilities, the Inspector opined that the proposal would be in accord with the objectives of Policy GP2 of the Plan and not result in a harmful encroachment into the countryside.

### Highway Impacts

A number of the respondents have cited concerns regarding the highway impacts of the proposal with particular reference to the capacity of the road network to accommodate the traffic generated by the development and the adequacy of the proposed access. Cllr Hughes has also suggested that there are inadequate pavements for pedestrians along Tenby Road.

The application and accompanying Transport Assessment have been analysed by the Head of Transport and officers from the Welsh Government's Transport Division. They have both confirmed that they are satisfied with the adequacy and findings of the assessment and that the development will have no unacceptable impact upon the operation of the surrounding road network and current levels of highway safety. They have also confirmed their acceptance of the vehicular and pedestrian access proposed to serve the development.

In respect of the latter and the matter raised by Cllr Hughes regarding the pedestrian facilities along Tenby Road, it is of note that the previous planning permission granted for the new restaurant and coffee/food outlet will secure pedestrian improvements along Tenby Road whereby a new footway will extend eastward from the new access linking with an existing footway on the northern side of Tenby Road to improve pedestrian links to and from the

centre of St Clears. The development will also provide a new pedestrian crossing point to the immediate east of the access which will improve pedestrian links to the west of the development, in addition to providing a widened footway some 190 metres to the east of the new access to, again, improve pedestrian links to the centre of St Clears.

The proposal is therefore considered to be in compliance with Policies SP1, SP9, GP1, TR2 and TR3 of the LDP in terms of its sustainability and highway impacts upon the surrounding area.

### Other Matters

As to the concerns regarding the ecological impacts of the development, the ash tree that was originally to be removed as part of the development will now be retained on the basis of its bat roost potential. The permission granted will also be conditioned to require the submission of a lighting scheme for the development that will need to be designed to avoid spillage onto boundary vegetation and their foraging habitats in order to safeguard against any unacceptable ecological impacts.

Whilst the proposal will require the removal of a small number of trees in order to create the new entrance into the site, these are not considered to be of significant amenity value. Nonetheless, the development includes the provision of compensatory planting in the form of new native hedgerow and shrubs that will mitigate their loss while also enhancing the appearance of the development in the surrounding area.

The Authority's ecologist and arboricultural officer have raised no objection to the application and NRW are also satisfied that it will result in no unacceptable ecological or ground contamination impacts. The Authority's Head of Public Protection has also raised no concerns in respect of the latter. The proposal is therefore in accord with the objectives of Policy EQ4 and EP2 of the LDP.

Finally, with regard to the concerns raised regarding the impact upon the living conditions of neighbouring residents by way of noise and light pollution, the Head of Public Protection has raised no objection to the proposal in either regard. The separating distances to adjacent residential properties together with the imposition of a suitable condition restricting the hours of operation of the jet wash facilities will safeguard against any unacceptable noise or light pollution impacts upon nearby residents. The position of the residential properties on the opposite side of Tenby Road to the new access whereby they are set back a considerable distance from the road, is also considered to be sufficient to prevent an unacceptable level of headlight glare from vehicles accessing and egressing the development.

The proposal is therefore in compliance with the requirements of Policy GP1 of the LDP in that it will not have an unacceptable impact upon the living conditions of the occupiers of surrounding properties.

## **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 development will be located in a sustainable location on the edge of the settlement being easily accessible from the wider strategic road network it is intended to serve and will contribute towards the sustainability of St Clears by providing additional employment opportunities and increasing the number and range of facilities available in the local area. There are no biodiversity, infrastructure or highway safety objections to the proposal and, where potential impacts have been identified, these will be mitigated by appropriate mitigation measures which will be secured by planning conditions.

On balance the proposal is considered acceptable and accordingly approval is recommended.

## **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, unless otherwise stipulated by conditions:-

- Proposed site layout (PL01E)
- Vehicle tracking for 16.5m articulated vehicle (2869-42) received on 16 September 2021
- Existing and proposed sections through hedgerbanks (PL12) received on 29 March 2021
- EV Canopy and associated equipment (PL11)
- Noise Impact Assessment Technical Report (35744-R7)
- Proposed site elevations indicating EV Equipment (PL10) received on 19 February 2021

- Air quality assessment – Initial Report (January 2021)
- Landscape general arrangement with planting plan (619/01F)
- Tree survey (619/03B)  
received on 17 February 2021
  
- Biodiversity survey and report tree assessment Sept 2017 background document
- Block plan (PL09)
- Drainage strategy report (CC2200 S2)
- Extended phase 1 habitat survey (July 2017)
- Land contamination assessment
- Landscape details arboricultural assessment (Dec 2020)
- 1:1250 scale location plan
- Phase one environmental assessment (V October 2020)
- Planning design and access statement (December 2020)
- Plant schedules and specification (619/02D)
- Preliminary Ecological Appraisal (WWE/021120)
- Proposed building elevations (PL03)
- Proposed building layout (PL08)
- Proposed site elevations (PL02)
- Proposed site sections (PL05)
- Proposed site sections through perimeter road sheet 1 (PL06 and PL07)
- Transport Assessment Parts 1 and 2 (ADL/RG/2869/10A December 2020)
- Tree survey (619/03A)  
received on 14 December 2020

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

### **Condition 3**

No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction;  
and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.



*Reason:* To prevent the pollution of the environment and safeguard the living conditions of the occupiers of surrounding properties.

#### **Condition 4**

No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained in perpetuity.

*Reason:* To ensure the development is drained in an acceptable manner.

#### **Condition 5**

No development shall commence until a lighting plan providing details of the design and layout of the proposed external lighting scheme, including measures to reduce light spillage onto foraging habitats on the vegetated boundaries of the site, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained in perpetuity.

*Reason:* To ensure there is no detriment to the maintenance of the favourable conservation status of Bat species.

#### **Condition 6**

The landscaping works hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion 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.

*Reason:* In the interests of visual amenity.

#### **Condition 7**

The access, visibility splays and service areas, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or service areas, is to be obstructed by non-motorised vehicles.

*Reason:* In the interests of highway safety.

#### **Condition 8**

The vehicular accesses into the site shall at all times be left open, unimpeded by gates or any other barrier.

*Reason:* In the interests of highway safety.

### **Condition 9**

The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or service area is to be obstructed by non-motorised vehicles.

*Reason:* In the interests of highway safety.

### **Condition 10**

There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole internal access road frontage within 2.4 metres of the near edge of the carriageway.

*Reason:* In the interests of highway safety.

### **Condition 11**

No development shall take place until a detailed Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason:* In the interests of highway safety.

### **Condition 12**

The jet wash facilities hereby approved, as shown on the proposed site layout plan (PL01E) received on 16 September 2021, shall not be used outside the hours of 08:00 to 21:00 on any one day.

*Reason:* To safeguard the living conditions of adjacent occupiers.

### **Condition 13**

The existing trees to be retained as part of the development, as shown on Landscape general arrangement with planting plan (619/01F) and tree survey plan (619/03B) received on 17 February 2021 shall be protected in accordance with the details shown for the duration of the development.

*Reason:* To safeguard existing landscape features.

### **Condition 14**

The Rating level, (dB LAr, Tr) from the proposed development shall not exceed the levels stipulated in Table 12 of the Noise Impact Assessment Technical Report (35744-R7) received on 19 February 2021. The noise levels shall be measured 1m from the façade of the nearest noise sensitive property or at another location that is deemed suitable by the authority. The levels are as follows

Daytime 07:00 – 19:00 - 38 dB LAr, Tr  
Evening 19:00 – 23:00 - 36 dB LAr, Tr  
Night time 23:00 – 07:00 - 34 dB LAr, Tr

*Reason:* To safeguard the living conditions of adjacent occupiers.

### **Condition 15**

At the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment to determine whether noise arising from the development exceeds the level specified in condition 14 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 14 is exceeded, the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in the condition. The development shall be undertaken in accordance with the approved details.

*Reason:* To safeguard the living conditions of adjacent occupiers.

### **Condition 16**

The proposed development shall be operated strictly in accordance with the recommendations and mitigation measures contained in the Noise Impact Assessment Technical Report (35744-R7) received on 19 February 2021.

*Reason:* To safeguard the living conditions of adjacent occupiers.

## **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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>PL/02057</b>
-----------------------	-----------------

<b>Application Type</b>	Variation of Condition
<b>Proposal &amp; Location</b>	VARIATION OF CONDITION 4 ON E/26447 (TO ALLOW LIFE EXTENSION OF EXISTING WIND TURBINE) AT FIELD SOUTH WEST OF BLAENAU FUEL DEPOT, PANTYBLODAU ROAD, BLAENAU, AMMANFORD, SA18 3BX

<b>Applicant(s)</b>	GILFACH RENEWABLE ENERGY LIMITED
<b>Agent</b>	PEGASUS GROUP – EMMA RIDLEY
<b>Case Officer</b>	Andrew Francis
<b>Ward</b>	Penygroes
<b>Date registered</b>	05/07/2021

## 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 comprises of an existing Enercon EWT-54 500 Kw wind turbine that has been erected under planning permission referenced E/26447, on part of what remains mostly an agricultural fields on land owned and controlled by D J Davies Fuels, Blaenau. The application site is located approximately 500 metres on land to the south west of the main fuel depot on elevated land. The land was previously used as an opencast mine, but which has since been re-graded and re-vegetated.

The existing wind turbine is 77 metres in height from base to tip and has been in situ since with was erected over the late summer/autumn of 2014. The closest dwellings to the turbine as situated are Cae'r-Bryn Villa at approximately 315 metres and Can yr Aderyn at 320 metres, whilst the closest accumulation of dwellings are those at Caerbryn Terrace approximately 370 metres distant to the north. Waterloo Road, Penygroes is approximately 1km to the west whilst Saron Road is approximately 920m to the south east. Given the height of the turbine, it can be seen from many locations miles around.

There are two affected public rights of way, with the closest approximately 106 metres to the south with the other 165 metres to the west. The hedgerows are mainly mature and are boundaries to most of the fields, though there is a low level hedgerow within 10 metres of the turbine. The land is generally elevated to many of the dwellings to the north, but overall,

the land is generally low lying within a valley between the Brecon Beacons, and the elevated land to the north and south.

Access to the site is via a new road off Penygroes Road, which has had approval to serve the Fuel Yard business. The track then runs through the yard and up to the site via existing tracks.

The site is located outside the development limits of any defined settlement. The site and surrounding land does not have any specific habitat designations.

## Proposal

The original planning permission for the wind turbine permitted it to operate for a 25 year period from the date electricity was first supplied to the grid. This application seeks to vary this condition to allow the turbine to operate for a further 15 years, taking the lifetime of the turbine to a total of 40 years.

It should be noted at this point that nothing else about this application is proposed to change. It should also be remembered that the principles and issues of the siting and installation of the turbine are not for consideration in this application as they have been thoroughly examined by this forum in 2014. This application is purely to consider the proposal to allow the turbine to operate for a further 15 years.

## Planning Site History

The following previous planning applications have been received in respect of the application site:-

E/31509	Discharge of Condition No. 18 of E/26447 (Traffic Management Plan) Discharge of Planning Condition granted	07 April 2015
E/31490	Discharge of Conditions 22 & 24 on E/26447 (turbine finish details and directional lighting) Discharge of Planning Condition granted	04 March 2015
E/31302	Discharge of Conditions 3, 5, 6, 8, 9, 19, 23, 25 on E/26447 (Construction Details, Shadow Flicker Scheme, Landscape Mitigation Scheme, Water Drainage System, Construction Method Statement, Transformer Housing Details, Site Investigation Works) Discharge of Planning Condition granted	07 January 2015
E/26447	Erection of a single 500kw 77 metres wind turbine on land owned by DJ Davies Fuel Ltd., using existing highway access arrangements and access tracks on site. No change of use proposed. Full planning permission granted	11 February 2014
E/25759	Variation of Condition No. 5 of C6/190 (Opencast Coal Site)	Pending

E/25208      Temporary application for 2 years for installation of  
40m anemometer mast for wind monitoring purposes  
Full planning permission granted      04 October 2011

## Planning Policy

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

SP2    Climate Change  
SP11   Renewable Energy & Energy Efficiency  
RE2    Local, Community and Small Wind Farms  
EQ4    Biodiversity

[Carmarthenshire Supplementary Planning Guidance](#)

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.

Planning Policy Wales Ed. 11 - Para [5.9 Renewable and Low Carbon Energy](#)

## Summary of Consultation Responses

**Public Rights of Way Officer** – Offers no objections to the proposal, advises on the location of nearby footpath and reminds of the requirement not to obstruct or encroach upon them at any time.

**Head of Public Protection** – Offers no observations with regards to the variation of Condition 4 of Planning Permission E/26447.

**Llandybie Community Council** – Objects to the proposal for the following reasons:-

- Shadow flicker continues to impact many residents.
- Not all residents received the original consultation letter and the Site Notices were not placed in prominent positions in order to raise awareness.
- The extending of the term has no benefit to the community, but does bring concerns with an ageing turbine potentially causing further distress.

**Local Member(s)** - Councillor D Thomas has not commented to date.

**Civil Aviation Authority** – No observations received to date.

**Met Office** – Has no objections to the proposal.

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

## Summary of Public Representations

The application was the subject of notification by way of the erection of 4 site notices.

Six representations were received from five separate addresses with all objecting. The matters raised are summarised and discussed below. In discussing the individual objections, the points raised by Llandybie Community Council will also be addressed:

- The turbine was originally owned by a local businessman who said the turbine would help safeguard local jobs. However, this turbine has been sold to someone who is not from the area so therefore will not be of benefit to local jobs.

In response to this point, the Agent for the application has responded saying that local contractors are always used to perform repair works and very often the O&M technicians are based locally so that the response time to events is short. The turbine itself was initially promoted by DJ Davies Fuels as being an asset for the company which would provide an additional income and help safeguard jobs. The turbine itself once operational isn't a labour-intensive development.

- Shadow flicker impacts a number of houses, one of which was not identified at all in the original application yet there have been numerous incidences where shadow flicker has occurred at this property. The long-term use of this turbine will continue to impact the local area. Some objectors were not aware of the condition regarding shadow flicker on the original planning permission, despite being keen objectors to the original scheme. As objectors stated in the original application there needs to be an investigation and mitigation put in place to stop shadow flicker. This has not been done and therefore this application should be rejected.

I briefly discuss the issue of shadow flicker in the discussion below. However, it should be noted that the Authority has not received any complaints regarding shadow flicker since late 2016 and only started to receive them again when this application was submitted. Condition 5 of E/26447 retains the ability to monitor this situation and investigate and mitigate the issue if required, should any complaints be made. However, as none have been made since late 2016, it was reasonably assumed that the issue had been successfully dealt with.

- If the original shadow flicker study was incorrect, what else is incorrect?

As with the above point, the shadow flicker study was based on a scientific model that used the angle of the sun, the length of the blades, the height of the turbine and the distance of the houses to calculate areas where shadow flicker may occur based on measurements of turbines erected to date. The report accepted that the computer controlled turbine may need adjustments to mitigate actual shadow flicker events that occurred at this location, something Condition 5 of E/26447 requires. For shadow flicker to be mitigated, it requires data to be submitted. If it isn't, then it is only as good as what is received. As with everything, we try and make the best balanced decisions based on the evidence available.

- Concerns about noise pollution increasing. It can already be quite loud from outside an objector's house and can also be heard inside. It can only get louder as it ages, as parts wear.



Similar to the issue of shadow flicker, all noise concerns received have been investigated and mitigated, with no further complaints received for several years. If any further complaints are received, they can be investigated in the same way. Regarding the ageing parts, given the engineering and efficiency required, should any part need changing, it would be changed in short order as operations of this nature have a set service schedule and are maintained and part are replaced to keep them efficiently generating energy.

- Wind turbines do not last longer than 25 years on average, with many parts lasting even less. This application will put the turbine well over its original lifespan. There has been no information regarding the impact on the surrounding land and wildlife for the current turbine in operation nor in relation to a turbine of that age; the impact of rusting materials and the noise from old parts etc.

Again, similar to the above answer, the first point raised is an assumption rather than a fact, and much like any machine, turbines have service and maintenance schedules, so parts and the overall turbine are maintained to the original specification and tolerances. It is not assumed that the turbine will start to spark and have a rusty patina at year 26 of its life.

- The applicant has not spoken for the whole community, some residents received an initial letter asking for opinions, not all communities were consulted. The Planning Statement says 160 letters were sent out, but no proof has been provided that these letters were delivered. More than 160 residences are affected by this development so many people affected remain unaware of this application. Also, the Site Notices were placed away from Caerbryn Terrace away from the footfall in 'obscure' places, so the community was not given information or a chance to say their opinion.

With regard to the consultation process, the applicant and agent had no obligation to consult with anybody prior to the submission of this application, though the fact that they sought to send letters to any properties and businesses with a 750-metre radius of the turbine is admirable. Due to the fact that they didn't need to do this, they have no need to provide evidence that these letters were delivered.

With regard to the placement of the Site Notices, Members will be aware that if Site Notices are to be used to advertise, Neighbour Consultation Letters are not to be used. The Case Officer was aware of the Agent's letter campaign and based on the assumption that the residents of Caerbryn Terrace would have received letters, the Site Notices were posted to cover a wider area. Two were posted further along Caerbryn Road, one near Caerbryn Villa and Can yr Aderyn so that these occupiers were likely to see it, given their very close proximity and the next on the closest telegraph pole to Ty'r Elfed again to allow those occupiers the best opportunity to see it, given the issues that property had with shadow flicker previously.

One was placed directly outside Blaenau C.P. School due to the potentially high footfall it would receive and the last was placed on the entrance to D.J. Davies Fuels access road. Based on the comments received, it is believed that the consultation process has been effective.

- The planning website does not include the full information provided to the applicant to the Council. It states there should be a covering letter but there is none on the Portal. The application should be rejected until all the information is available for a full informed decision.

With regard to this issue, the Case Officer spoke to the Objector to clarify the point made and to offer assistance. It became apparent that all the information was available, and that the description/title of the document had led to some confusion.

- The Council have ignored a number of phone calls and other attempts to get answers so the application should be rejected as the full information is not available to residents.

Related to the above point, it is disputed that calls/emails were ignored. As Members will be aware, the Planning Hwb has now been set up to triage incoming calls, queries and mail and it is understood that the objector was frustrated that they couldn't get hold of the Case Officer directly to speak to. However, as mentioned above, the Case Officer has spoken to the objector and gone through all the points raised and more.

- Shouldn't the original objections and concerns along with the requirements for studies for the original application be carried over to this application? There is a lack of transparency as the old files on E/26447 do not seem to be available.

In considering this point, as mentioned previously, this application is not looking to assess the whole turbine principle, it's siting, design, impacts and all the other factors that were considered in 2014. It is purely to assess whether the turbine that is now already up and operational, should stay for a further 15 years. As such, only the issues pertinent to this application need to be considered as the permission E/26447 remains in place and its conditions remain enforceable.

The concerns regarding transparency can be looked at as they relate to the old application, though we would need to know what files exactly the objectors were looking for.

- The submitted planning statement references the Local Development Plan (LDP 2014) as a reason for why the application should be approved. As the period of the extension occurs outside this LDP and a subsequent update for years 2018-2033, sections 5.1-5.7 of the planning statement should be disregarded as Carmarthenshire are not making planning decisions aligned to the current LDP, but a future LDP which is yet to be agreed upon. Similarly the planning statement references The National Plan 2040 as a reason for approval. As the extension will mean the turbine runs until 2054, sections 5.8-5.14 should also be disregarded as the proposal has no bearing on The National Plan 2040 or the Council's obligations to that plan.

This point of objection fails to take on board perhaps the fundamental basis of the 'Plan Led' planning system that Members will be aware of; we must always have regard to the Development Plan in place at the time of the determination of the application (the LDP, 2014), along with any other material considerations. The objector is arguing that despite the decision occurring under the remit of the 2014 LDP, as the turbine's life will extend to 2054, the parts of the Agent's statement that seek to consider and relate the application to the LDP (2014) should be disregarded as it isn't relevant to the turbine as it operates in 2054. Clearly, this is not how the planning system works, how the various Local and National planning documents seek to guide progress based on the best evidence at present and on all taken on the basis of sustainability.

It is appreciated that the objector is seeking a way to have this application refused, but by following this particular logic, it would also mean that every dwelling and other building currently determined, built and expected to last until at least 2054 should also not be considered under the current LDP as it does not take into account their use and ability to be used in the future beyond the anticipated lifespan of any current planning policy document. This is not feasible.

The objector's logic is extended then to also seeking to ignore the next LDP (2018-2033), The National Plan – 2040 and Planning Policy Wales (Edition 11) as they all fail to extend to the time of the anticipated decommissioning of the turbine. Again, this is simply not how our planning system works.

Due to the established way the plan led system works, the proposal must be considered under the current planning policy framework.

### **Non-Material Points**

- The turbine is not owned by the applicant so if he does not have full control, how can the Council ensure that all conditions are followed? The application should be rejected as the company that owns the turbine is not owned by the applicant so the applicant can't meet the conditions of the permission.

The permission is issued on the use of land and the ownership of the turbine or the land is irrelevant.

- Efforts from Local Councillors to reinstate local bridleways south of the turbine have not been headed by the owner and brings into question the owners track record of considering the local communities rights and the Council's authority to enforce these rights.

This point isn't related to this application.

- The turbine will continue to have an effect on the value of property.

Members will be aware this is long standing non material point of concern that does not carry any weight in the determination of planning applications.

- This application will give opportunity for more turbines in the area to be erected.

As Members will be aware, there isn't a legal precedent set in planning, each case is considered on its individual merits. No further applications for turbines have been submitted since 2014 and it is unlikely that this application to extend the life of an existing turbine is going to alter the wind sector's views of this area.

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

### **Appraisal**

In addition to the responses offered to the objections and concerns raised above, some of the more general points are discussed below:

## Principle of Development

As alluded to above, the principle of the wind turbine in this location was finally established after a long and difficult consideration in 2014 under reference E/26447. Therefore, we are not here to look at the principle of a wind turbine in this location, the application is to look at the proposal to extend the life of the turbine already up and operational, for a further 15 years.

To provide some information regarding the shadow flicker issue in particular, the initial report submitted as part of E/26447 did find that some nearby properties would potentially be affected by the rotating blades at some points in time, depending on the height of the sun and the wind direction due to the distances involved. The turbine is computer controlled and was initially programmed not to operate during the times it was thought the shadow flicker would occur. Over the course of the following two years, Andrew Francis as the Case Officer along with others in Planning Enforcement and Public Protection were involved in the monitoring of the turbine, with particular regard to shadow flicker and noise complaints. Following monitoring and verification, it was ensured that the relevant conditions of the permission were being complied with and the computer was adjusted to further restrict the turbine's operation at these times, particularly with regard to shadow flicker.

Looking at the file, it would appear that the last issues raised with the turbine in terms of shadow flicker were received in late 2016 and as such, it was assumed that the issue had been successfully dealt with. If others were experiencing issues, we would and can still monitor and if verified check and reduce the turbine's operation further so that flicker does not affect that property. The conditions on Permission E/26447 still allow the Authority to make these changes should they be required. However, no such complaint has been made, that the Case Officer has been made aware of.

## Impact Upon Character and Appearance of the Area

It is understandable that the turbine does impact upon the area, and it was assessed that the proposal, on balance was acceptable for a period of 25 years. The number of objections to this application is much lower with the general feeling having softened towards it. Based on the information submitted, it is considered that it would be a beneficial use of an existing turbine to extend the life of it, should it be able, than to remove it, if it could provide renewable energy.

## Biodiversity Impacts

There have been no concerns raised regarding this turbine and no reports of species harmed due to its operation.

## **Planning Obligations**

No planning obligations are relevant to this application.

## **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 WCFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance that the variation of condition 4 of Planning Permission E/26447, to allow the existing wind turbine to operate for an additional 15 years beyond the 25 years permitted is considered to be an acceptable proposal that makes efficient and beneficial use of an existing wind turbine that could provide renewable energy for a significantly longer period of time than currently permitted. The investment in the engineering and installation have taken place and now that the turbine is up and generating renewable energy, it makes environmental sense to ensure that it remains useable for as long as possible, rather than decommissioned whilst it may still have beneficial operational life.

## **Recommendation – Approval**

### **Conditions and Reasons**

#### **Condition 1**

If the wind turbine hereby permitted ceases to operate for a continuous period of 6 months, unless otherwise approved in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment and structures relating solely to the wind turbine shall be submitted and approved in writing by the Local Planning Authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 3 months of the date of its approval by the Local Planning Authority.

*Reason:* To ensure derelict or obsolete structures do not adversely affect the environment in the interest of residential and visual amenity in accordance with policies GP1, RE2 and EP2 of the Carmarthenshire Local Development Plan 2014.

#### **Condition 2**

The permission hereby granted is for the proposed development to be retained for a period of not more than 40 years from the date that electricity from the development is first supplied to the grid, this date to be notified, in writing to the local planning authority, upon commissioning. One year before the due date for the decommissioning of the turbine a scheme for the restoration of the site shall be submitted to the local planning authority for approval in writing. The scheme shall make provision for the removal of all the above ground elements plus one metre of the turbine base below the ground level of the turbine and associated equipment and the return of the land to agricultural use, and shall include a timetable for this. The restoration scheme shall be implemented in accordance with the agreed details.

*Reason:* To ensure derelict or obsolete structures do not adversely affect the environment in the interest of residential and visual amenity in accordance with policies GP1, RE2 and EP2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 3**

The development shall continue to comply with the approved scheme, setting out the means by which any shadow flicker effect at any potentially affected dwelling which lawfully existed or had planning permission at the date of this decision shall be avoided throughout the operational lifetime of the turbine, which has approved by the Local Planning Authority. The agreed shadow flicker avoidance arrangements shall be adhered to throughout the lifetime of the development.

*Reason:* To mitigate against potential shadow flicker in the interest of residential amenity in accordance with policies GP1, RE2 and EP2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 4**

The developer or owner/operator shall afford access at all reasonable times to any ecologist nominated by the Local Planning Authority, and shall allow them to carry out bat activity surveys at night on at least 3 occasions between May and September each calendar year for a period of 40 years from completion.

*Reason:* To provide information on bats affected by wind turbines for research purposes, in the interests of biodiversity in accordance with policies EQ4, SP14 and RE2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 5**

If the results of the council's bat activity surveys as required by condition 5 above find that there is an unacceptable impact on bats (as determined by the local planning authority), the wind turbines hereby approved shall not be used except between the hours of 07:00 and 19:30 from 1st April to 1st September inclusive in any calendar year and the hours of 08:30 and 16:00 from 2nd September to 31st March in any calendar year.

*Reason:* In the interests of biodiversity and to accord with Policies EQ4 and SP14 of the Carmarthenshire Local Development Plan.

### **Condition 6**

The level of noise immissions from the wind turbine (including the application of any tonal penalty), when calculated in accordance with the attached Guidance Notes at any noise sensitive property, shall not exceed;

- (i) During the night-time (23:00 - 07:00), the greater of 43dB(A) LA90, 10 min or 5dB above the night time LA90 background noise level at wind speeds not exceeding 12 metres per second and measured at a height of 10 metres;

and at all other times;

- (ii) The greater of 40dB(A) LA90, 10 min or 5dB above the amenity time (07:00 - 23:00) LA90 background noise level at wind speeds not exceeding 12 metres per second and measured at a height of 10 metres.

*Reason:* In the interests of neighbouring amenity and to accord with Policies GP1 and EP2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 7**

Within 21 days from the receipt of written request from the local planning authority, following a justified noise complaint the operator of the development shall, at its expense, employ a noise consultant to assess the level of noise emissions from the wind turbine at the complainant's property to ensure compliance with Condition 6. In the event that Condition 6 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in Condition 6. The development shall then be undertaken in accordance with the approved details.

*Reason:* In the interests of neighbouring amenity and to accord with Policies GP1 and EP2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 8**

Should the wind turbines be identified as operating above the parameters specified in Condition 6, then the turbine shall be modified, limited or shut down. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the rating noise level of the operating turbine to within the parameters specified in Condition 6.

*Reason:* In the interests of neighbouring amenity and to accord with Policies GP1 and EP2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 9**

The operator shall provide to the local planning authority the independent consultant's assessment and conclusions regarding the noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the local planning authority. Should the wind turbine be identified as operating above the parameters specified in condition 6 above, the turbine operation shall be modified, limited or shut down so as to prevent further exceeding of the noise parameters until maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbine to within the specified parameters.

*Reason:* In the interests of neighbouring amenity and to accord with Policies GP1 and EP2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 10**

The operator shall continuously log wind speed, wind direction at the site and power generation relating to the authorised development. The operator shall provide all logged data to the local planning authority at its written request and in accordance with the Guidance Notes within 28 days of such request. All data shall be retained until final decommissioning and site restoration.

*Reason:* In the interests of neighbouring amenity and to accord with Policies GP1 and EP2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 11**

Full details of any transformer housing shall be submitted to and agreed by the Local Planning Authority prior to their installation. The works shall be implemented as agreed.

*Reason:* In the interests of visual amenity and to accord with Policies GP1 and RE2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 12**

All cabling between the wind turbine and the grid shall be laid underground.

*Reason:* In the interests of visual amenity and to accord with Policies GP1 and RE2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 13**

The overall height of the wind turbine shall not exceed 77 metres to turbine blade tip and shall not exceed 50 metres to the centre line of the hub as measured from natural ground conditions immediately adjacent to the turbine base.

*Reason:* In the interests of visual amenity and to accord with Policies GP1 and RE2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 14**

No part of the structure of the turbine shall carry any logo or lettering, except as required for health and safety purposes.

*Reason:* In the interests of visual amenity and to accord with Policies GP1 and RE2 of the Carmarthenshire Local Development Plan 2014.

### **Condition 15**

The turbine shall retain 25 candela omni directional red lighting or infra-red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

*Reason:* In the interest of aviation safety and to accord with Policy RE2 of the Carmarthenshire Local Development Plan 2014.

## **Notes/Informatives**

### **Note 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 of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

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

## **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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>PL/02142</b>
-----------------------	-----------------

<b>Application Type</b>	Section 73 - Variation of Condition
<b>Proposal &amp; Location</b>	VARIATION OF CONDITION NO. 3 OF S/33461 - LAND ADJACENT TO 12 PENLLWYNRHODYN ROAD, LLANELLI, SA14 9NL

<b>Applicant(s)</b>	MRS S HARRIES
<b>Agent</b>	MR CELLAN JONES
<b>Case Officer</b>	Zoe James
<b>Ward</b>	Bynea
<b>Date registered</b>	23/06/2021

## 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 comprises a vacant plot of land between no. 12 and 8 Penllwynrhodyn Road. The site fronts onto Penllwynrhodyn Road to the north where access is proposed. The site comprises grassland with existing vegetation within and on-site boundaries. There is a steep bank to the front of the site, the site is then relatively flat.

The site is presently located within development limits as defined in the Adopted Local Development Plan (LDP) and is not allocated for any use. Part of the south-eastern corner of the site is located within the Coal Authority Development High Risk Area.

## Proposal

The application seeks to extend the time period of outline planning permission (ref. S/33461) previously granted at the site for residential development. Outline planning permission was granted in July 2016 for a residential dwelling.

Reserved matters consent has also previously been granted for the site (ref. S/35550) in August 2017. During the consideration of the reserved matters application details of access, layout, landscaping, scale and appearance were approved. A detached two storey dwelling was approved under this application. The dwelling included two dormers to the front and

rear elevations. The materials for the dwelling included black engineered brick mid-band and heads and cills, white UPVC windows and doors and cement and fibre cement roof tile.

The indicative plan submitted for the current application shows the dwelling sited centrally within the site with linear car parking to the east side of the dwelling with front and rear amenity garden. The site layout approved was as per the layout plan provided as part of the current variation of condition application.

The reserved matters consent included condition 2 which required the development to be carried out within 5 years of the date of the outline permission or two years from the date of the approved matters. As the development did not commence in line with the specified timescales on the outline or reserved matters consent, the current application has been submitted to extend the period of the outline permission.

## Planning Site History

The following previous planning applications have been received in respect of the application site:-

PL/01790	Discharge of Condition No. 4 (Details of Materials) of S/35550 Discharge of Condition granted	14 May 2021
S/36342	Non-material amendment to S/35550 Non-Material Amendment granted	26 October 2017
S/35550	Reserved Matter (Outline S/33461) for access, appearance, landscaping, layout, scale Reserved Matters granted	11 August 2017
S/33461	Outline consent for residential dwelling Outline planning permission granted	13 July 2016

## Planning Policy

In the context of the Authority's current Local Development Plan (LDP) the site is located within the Development Limits of Llanelli. Reference is drawn to the following policies of the Plan:-

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

- SP1 Sustainable Places and Spaces
- SP3 Sustainable Distribution- Settlement Framework
- H2 Housing within Development Limits
- AH1 Affordable Housing
- TR3 Highways in Developments – Design Considerations
- EQ7 Biodiversity

[Carmarthenshire Supplementary Planning Guidance](#)

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 Transportation & Highways** - No observations to make on the application.

**Llanelli Rural Council** – No objection provided vehicles are able to access and egress vehicles in a forward direction.

**Local Member(s)** - Councillor Deryk Cundy is a member of the Planning Committee and has made no prior comment.

**Dwr Cymru/Welsh Water** – No comments to make on the application.

**Sustainable Drainage Approval Body (SAB)** - No observations to make on the application.

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

## Summary of Public Representations

The application was the subject of notification by way of neighbouring letters.

Three representations were received, all objecting and the matters raised are summarised as follows:-

- Since July 2016 when outline planning permission was granted a large housing development has been completed at Genwen Farm resulting in a huge increase in volume of traffic using Penllwynrhodyn Road. Driveway would be concealed from traffic travelling in this direction.
- The speed limit on this part of the road has been reduced to 20mph and speed bump installed but this is widely ignored by traffic.
- Due to the bend in the road traffic will not see vehicles trying to access/egress the site.
- The boundary wall required to be reduced is a retaining wall to front of property and have concerns that this would not be safe for their dwelling.
- Change to rear elevation roofline and two dormers will impact on privacy.
- The trees/landscape scheme has been amended, previously large mature beech tree was to remain and this is now not shown.
- Position of the soakaway is very close to boundary and would adversely impact adjoining land.
- The height and width of the house will result in loss of light for no. 8 which is at a lower level.
- Object to the proposed 1.1m high wall with fence panels.

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

# Appraisal

## Principle of Development

The principle of residential development at the site has previously been accepted through the granting of outline planning permission in 2016 and the detailed design of the dwelling under reserved matters in 2017. Albeit the permission has now lapsed, the application to extend the time period was submitted whilst the permission was still live. The site is also located within the defined development limits whereby new residential development is typically supported.

The original outline application and subsequent reserved matters consent was approved under the current Local Development Plan and as such, the policy position concerning the site and proposed development has not changed since the previous permission granted.

The current application seeks to extend the outline planning permission at the site and will require a new reserved matters application for details associated with the proposed dwelling to be submitted. The scale parameters previously approved are considered acceptable and would result in a dwelling which is considered to be suitable for the site.

## Highway Impacts

Many of the concerns raised now are in relation to highway safety and existing vehicular traffic using Penllwynrhodyn Road. The original outline application was issued following review and consideration of the proposal by the Highway Authority. A number of conditions were then imposed on the outline permission. These conditions are proposed to be retained should the variation of condition be granted. The current application to extend the outline permission has also been reviewed by the Highway Authority now and a response has been received confirming no observation to the proposal. Condition 8 relating to visibility requirements has been amended to ensure that the required visibility can be achieved prior to the commencement of any development.

As such, there are no highway safety concerns raised by the Highway Authority in relation to the proposal to extend the time period of the outline planning permission.

## Scale, Layout and Landscaping Matters

In terms of the concerns raised regarding the height and width of the dwelling, the size of the dwelling has previously been accepted by the Authority in the determination of the reserved matters permission in 2017. It is also worth noting that the height of the dwelling was originally proposed and approved approximately 0.5m higher than the plans presently submitted. The roof height of the proposed dwelling was subsequently reduced as part of a Non-Material Amendment (NMA) application (ref. S/36342) in October 2017. The proposed elevations submitted as part of this application show the dwelling with the ridge height as approved in October 2017. Similarly, the dormer windows on the rear elevation were also previously approved. It is not considered that there is any change in circumstances whereby the rear dormer windows would not be acceptable.

Turning to the comments made regarding loss of trees, the Proposed Site Layout and Landscape Plan submitted as part of this application are the same plans submitted and approved under the reserved matters consent granted in 2017. As such, the loss of trees at the site have previously been accepted subject to the additional planting being proposed.

Nevertheless, as referred above, the current application seeks to extend the outline permission and will require a new reserved matters application for details associated with the proposed dwelling, including details of scale and landscaping to be submitted.

The reserved matters application will be subject to further review and consultation when submitted with full details of the proposed dwelling including access, appearance, landscaping, layout and scale.

Concerns are also raised regarding the proposed soakaway. The application to extend the period of outline permission has been reviewed by the Authority's Sustainable Drainage Approval Body (SAB) and they have confirmed no observations.

## **Planning Obligations**

The original outline planning application was accompanied by a Unilateral Undertaking to secure a commuted payment to contribute towards the provision of affordable housing in the locality. The current Section 73 application is also accompanied by a draft Unilateral Undertaking to continue to secure a contribution toward affordable housing.

## **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 it is concluded on balance that proposal to extend the outline planning permission for a single dwelling is acceptable given the application site is located within the defined settlement limits as delineated within the Adopted LDP. In addition, given the planning history at the site, the principle of residential development and a suitably designed dwelling has previously been accepted. There has been no change to local policy since the granting of outline planning permission or material considerations which would result in the application not being recommended for approval. The section 73 application to extend the outline planning permission is therefore recommended for approval subject to the previous conditions being maintained and a new Unilateral Undertaking being completed and submitted.

## **Recommendation - Approval**

## **Conditions and Reasons**

### **Condition 1**

The permission now granted is in outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.

Reason: The application is in outline only.

### **Condition 2**

The permission hereby granted relates to the land defined by the 1:1250 scale location plan (003) received on 17 June 2021.

Reason: For the avoidance of doubt as to the extent of this permission and to ensure an acceptable layout and access is provided.

### **Condition 3**

Application for approval of reserved matters must be made not later than the expiration of eight years beginning with the date of permission S/33461 and the development must be begun not later than whichever is the later of the following dates:-

- (a) the expiration of ten years from the date of permission S/33461; or
- (b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

### **Condition 4**

Development shall not commence until detailed plans of appearance; landscaping; layout; and scale of each building stated in the application, together with the means of access thereto, have been submitted, and received the written approval of the Local Planning Authority.

Reason: In order to ensure a satisfactory layout of the site and in the interest of visual amenities.

### **Condition 5**

Cross sections throughout the site and details of the finished floor and roof levels of the dwellings hereby approved in relation to adjacent properties and the roadway shall be submitted with any subsequent reserved matters or detailed planning application.

Reason: In the interest of visual amenities.

### **Condition 6**

Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.

Reason: In the interest of highway safety.

### **Condition 7**

Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.

Reason: In the interest of highway safety.

### **Condition 8**

No development shall commence at the site until there is adequate visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Penllwynrhodyn Road frontage (to include the area edged in red on the Site Block Plan (drawing no. 02 Rev B)) within 2.4 metres of the near edge of the carriageway. At no time following commencement of development shall there be any growth or obstruction to the aforementioned visibility requirement and this should be retained thereafter.

Reason: In the interest of highway safety.

### **Condition 9**

The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5 metres from the edge of the carriageway.

Reason: In the interest of highway safety.

### **Condition 10**

A detailed landscaping scheme for the whole site including the retention of any existing landscape features and the indication of species, size and number of trees and/or shrubs to be planted shall be submitted to and specifically approved in writing by the Local Planning Authority prior to the commencement of the development and shall, following approval of such a scheme, be implemented in the first planting season following commencement of the development or at such other time as may be specifically approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenities.

### **Condition 11**

The new vehicular access shall be laid out and constructed strictly in accordance with Typical Layout No. 1 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

Reason: In the interest of highway safety.

### **Condition 12**

The private access shall be hard surfaced for a minimum distance of 5.0 metres behind the highway boundary, in materials the details of which shall be submitted for approval as part



of any subsequent reserved matters or detailed application. The hard surfacing shall be fully carried out prior to the beneficial occupation of the dwelling hereby approved.

Reason: In the interest of highway safety.

## **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**

The applicant/developer's attention is drawn to the signed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of an affordable housing contribution of £53.35 per square metre internal floor area.

### **Note 3**

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

- Please see the relevant response from Authority's Sustainable Drainage Approval Body (SAB), Highway Authority and Dwr Cymru Welsh Water and refer to the recommendations and advice contained therein.

<b>Application No</b>	<b>PL/02307</b>
-----------------------	-----------------

<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	REDEVELOPMENT OF ORIEL MYRDDIN GALLERY TO INCLUDE EXTENSION INTO 26/27 KING STREET TO FORM NEW SHOP, CAFÉ, SOCIAL, OFFICE AND ANCILLARY SPACES AND 'ART HUB' AT ORIEL MYRDDIN, CHURCH LANE, CARMARTHEN, SA31 1LH

<b>Applicant(s)</b>	ORIEL MYRDDIN TRUST
<b>Agent</b>	MR ANGUS MORROGH-RYAN
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Carmarthen Town South
<b>Date registered</b>	04/08/2021

## Reason for Committee

This application is being reported to the Planning Committee as the County Council has an ownership and financial interest in the proposal.

## Site

The application comprises two properties within the Carmarthen Town Conservation Area.

The first is the Grade II Listed Oriel Myrddin Gallery which was originally a School of Art, said to be the first example in Wales. The building was Listed in 1984. The building is of brick façade with Bath stone detailing, described as being of a "Northern Renaissance" style. The building fronts onto Church Lane which connects King Street and Spilman Street. The building is directly opposite the entrance to St Peter's church which is a Grade I Listed Building. The building has the scale of the surrounding three storey buildings, however, has tall ceilings internally so only has two storeys of accommodation.

The second property is a three storey commercial property which fronts onto King Street. The building is currently divided into two shop units at ground floor with offices above. The building has a traditional façade fronting onto the highway at King Street. The front façade is divided into two retail units with a central doorway and has six windows above. The building includes a single storey projection to the rear with a flat roof and lantern roof light windows. The rear element is more modern addition which has no architectural or historic value.

Both properties are owned by Carmarthenshire County Council.

## Proposal

The application seeks full planning permission and listed building consent for the redevelopment of Oriel Myrddin Gallery to include extension into 26/27 King Street to form new shop, café, social, office and ancillary spaces and 'art hub'. This application seeks full planning permission for the principle of the works, and the change of use and alteration of the non-Listed Building, however the accompanying Listed Building Consent (PL/02317) is also required before work to the Listed Building can be carried out. A separate report has been included on the agenda for the Listed Building Consent.

There are several elements to the project as follows:-

Retention of the ground floor exhibition space and restoration of the learning centre within the existing Oriel Myrddin Gallery with the addition of a lift to provide disabled access. This includes removal of a more modern mezzanine feature to restore the original height and form of the Learning Room.

The demolition and replacement of part of the single storey extension to 26/27 King Street with a change of use to a single storey café.

The formation of a link between the Oriel Myrddin building with the single storey building which is proposed as a cafe. This includes the formation of an internal ramp to provide disabled access between the two buildings.

The change of use of the King Street premises to form income generating accommodation on ground floor (shop and café), gallery administration/manager's office and meeting room on first floor and an artist club including lounge, library and studio rooms on the second floor.

The two buildings will have internal circulation so they can be used as one facility, and includes the formation of an internal ramp and two platform lifts to ensure accessibility.

An air handling and heat recovery unit in the Oriel Myrddin building will allow more comfortable year round use of the building.

## Planning Site History

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

W/24273	One temporary synthetic textile banner attached to lamppost outside gallery Advertisement granted	03 March 2011
W/28488	Change of use of upper floors from commercial to single residential unit Full planning permission granted	12 August 2013

W/06643	Certificate of Lawfulness - existing use for the sale of bakery products including sandwiches, baguettes, pasties and pies (hot & cold) soup, jacket potatoes, toasted sandwiches, hot and cold drinks Lawful Development - CLEUD Approval	30 June 2004
W/03167	Installation of decorated window to record the premises continuing as centre of excellence for applied art Listed Building granted	14 February 2000
W/02183	Sauna and solarium-health and diet advice Full planning permission granted	10 December 1998
W/02724	Change of use from offices to form part of existing consent for 2nd floor health & diet centre club with refreshment area and gym Full planning permission granted	19 August 1999
D4/25656	Rendering the existing stonework to the rear elevation to prevent rain Withdrawn	10 May 1995
D4/25608	Rendering the existing stonework to the rear elevation to prevent rain penetration County Matter Recommended Approval	09 May 1995
D4/23435	Advertisement sign No decision recorded	
D4/21734	Change of use to admin office use Full planning permission granted	18 November 1991
D4/20696	Demolition of existing extension construction of a new extension and work as detailed Withdrawn	18 January 1991
D4/17667	Change of use of 2nd floor from flat to offices Full planning permission granted	27 April 1989
D4/12022	Change of use to office Full planning permission granted	01 November 1984
D4/7715	Change of use from office to beauty salon Approved with conditions	01 August 1980
D4/4940	Change of use to office Approved	01 August 1978
D4/4939	Extension to existing shop premises Approved	01 August 1978

## Planning Policy

The following Policies are applicable to this full planning application.

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

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP13 Protection and Enhancement of the Built and Historic Environment  
SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
EMP2 New Employment Proposals  
TR3 Highways in Developments - Design Considerations  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ4 Biodiversity

[Carmarthenshire Supplementary Planning Guidance](#)

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 Transportation & Highways** – Has no observations.

**Carmarthen Town Council** – Supports the application.

**Local Member(s)** - Councillor Gareth Howell John has not commented to date. Councillor Alun Lenny is chair of Planning Committee and has not made prior comment.

**Dwr Cymru/Welsh Water** – Has no objection but states that the site is crossed by a public sewer.

**Natural Resources Wales** – The Bat Survey states that no bats are present in the building so has no objection.

**Dyfed Archaeological Trust** – Has no objection subject to the imposition of a condition seeking the submission of a Written Scheme of Investigation.

**CADW** – The accompanying Listed Building Consent has been referred to CADW for ratification of the recommendation.

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

## Summary of Public Representations

The application was the subject of notification by way of site notice.

No representations have been received to date.

# Appraisal

## Built Heritage

Part of the proposal is a listed building, and it is entirely within a conservation area. The proposal seeks the alteration to the Listed Building to restore the original form of the galleries but also to form the link and to install the lift. The alterations are such that would allow the viable long term use of the building. The demolition and rebuilding of part of the single storey extension 'like for like' is considered acceptable as it does not alter the character of the building or the conservation area. The site is approximately 40m from the Roman remains which are a Scheduled Ancient Monument (SAM), however the alterations do not affect the SAM. The case has the support of the Built Heritage section and the accompanying Listed Building Consent has been referred to Welsh Government for ratification.

## Highways

The site is in close proximity to the public car park and therefore the head of transport has no observations.

## Amenity

The site is centrally located and the King Street premises has traditionally been in commercial use so the proposals are not considered likely to have a detrimental impact on the amenity of third parties.

## Planning Obligations

Not Applicable

## 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 it is concluded on balance that the proposal would ensure the viable and long term use of the main Oriel Myrddin building by extending into the King Street property. The use of the King Street property as a shop and café at ground floor with offices and artist hub above would be acceptable in this location and bolster the use of the premises as a cultural centre within Carmarthen.

The alterations to the Listed Building will ensure its long term use and viability without having an unacceptable impact on the historic fabric of the building. The scheme will have a significant benefit to the arts and culture of Carmarthen without detriment to the amenities

of neighbouring properties so the application is considered to be in accordance with the above policies and is therefore recommended for approval.

## **Recommendation – Approval**

### **Conditions and Reasons**

#### **Condition 1**

The development hereby permitted 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 approved schedule of plans dated 15 July 2021:-

- 1:1250 & 1:200 scale Site Location Map and Site Plan. Drawing No. 588\_A\_DRW\_00\_001;
- 1:50 scale Proposed Ground Floor Plan. Drawing No. 588\_A\_DRW\_10\_010;
- 1:50 scale Proposed Ground Floor Plan. Drawing No. 588\_A\_DRW\_10\_011;
- 1:50 scale Proposed Roof Plan. Drawing No. 588\_A\_DRW\_10\_013;
- 1:50 scale Proposed Section A-A Plan. Drawing No. 588\_A\_DRW\_10\_110;
- 1:50 scale Proposed Section B-B Plan. Drawing No. 588\_A\_DRW\_10\_111;
- 1:50 scale Ground Floor Plan. Drawing No. 1703/SK/01;
- 1:50 scale First Floor Plan. Drawing No. 1703/SK/02;
- 1:50 scale Second Floor Plan. Drawing No. 1703/SK/03;

and the following plans dated 17 September 2021:-

- 1:50 scale Proposed First and Second Floor Plan. Drawing No. 10\_012 PL6;
- 1:50 scale Proposed Side Elevations Plan. Drawing No. 10\_213 PL4;
- 1:50 scale Proposed Rear Elevation Plan. Drawing No. 10\_211 PL4;
- 1:50 scale Proposed Front Elevation Plan. Drawing No. 10\_210 PL4.

Reason: In the interest of visual amenities in accordance with Policy GP1 of the LDP.

#### **Condition 3**

The premises shall form a mixed use development comprising A1 Retail, A3 Food & Drink, D1 Non Residential Institution and D2 Assembly and Leisure along with B1 Offices as defined in the Town and Country Planning Use Classes Order 1987 (as amended) as shown on the approved plans referenced in Condition 2. There shall be no change to the layout of the premises or the uses contained therein without express planning permission.

Reason: To protect the amenities of neighbouring properties and protect the historic character of the building in accordance with Policy GP1 and EQ1 of the LDP.

#### **Condition 4**

The premises shall not be open outside the hours of 11:00 to 17:00 Monday to Friday, 11:00 to 20:00 on Saturdays and 11:00 to 17:00 on Sundays.

Reason: To protect the amenities of neighbouring properties in accordance with Policy GP1 of the LDP.

#### **Condition 5**

No development shall take place until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local planning authority. This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved.

Reason: To protect historic environment interests whilst enabling development in accordance with Policy EQ1 of the LDP.

#### **Condition 6**

Works shall not take place until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

Reason: To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction in accordance with Policy GP1 of the LDP.

#### **Condition 7**

The development must take place strictly in accordance with the following:-

- Section 7 Mitigation and Compensation and Section 8 Birds of the Oriel Myrddin Gallery Bat Survey, June 2021.
- 2 no. bats boxes and 2 no. bird boxes shall be installed according to Drawing 588\_A\_DRW\_10\_012, Rev PL6, dated Sep 14, 2021.
- Section 8.3 Additional Requirements and Section 9.0 Long Term Impact on Biodiversity of the report Oriel Myrddin Gallery Preliminary Ecological Appraisal (PEA) and BREEAM Ecology Report, Sep 2017 (Project Number: 60546663) by AECOM.

Reason: In the interest of protected species in accordance with Policy SP14 and EQ4 of the LDP.



## **Condition 8**

Prior to the installation of any lighting a detailed lighting plan, focusing on minimising lighting impacts near to proposed bat roosts and maintaining dark corridors (see Guidance Note 8 Bats and Artificial Lighting/Bat Conservation Trust and the Institution of Lighting Professionals, 2018), shall be submitted to the local planning authority for written approval.

Reason: In the interest of protected species in accordance with Policy SP14 and EQ4 of the LDP.

## **Notes/Informatives**

### **Note 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.

### **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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>PL/02317</b>
-----------------------	-----------------

<b>Application Type</b>	Listed Building
<b>Proposal &amp; Location</b>	REDEVELOPMENT OF ORIEL MYRDDIN GALLERY TO INCLUDE EXTENSION INTO 26/27 KING STREET TO FORM NEW SHOP, CAFÉ, SOCIAL, OFFICE AND ANCILLARY SPACES AND 'ART HUB' AT ORIEL MYRDDIN, CHURCH LANE, CARMARTHEN, SA31 1LH

<b>Applicant(s)</b>	ORIEL MYRDDIN TRUST
<b>Agent</b>	MR ANGUS MORROGH-RYAN
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Carmarthen Town South
<b>Date registered</b>	17/07/202

## Reason for Committee

This application is being reported to the Planning Committee as the County Council has an ownership and financial interest in the proposal.

## Site

The application comprises two properties with the Carmarthen Town Conservation Area.

The first is the Grade II Listed Oriel Myrddin Gallery which was originally a School of Art, said to be the first example in Wales. The building was Listed in 1984. The building is of brick façade with Bath stone detailing, described as being of a "Northern Renaissance" style. The building fronts onto Church Lane which connects King Street and Spilman Street. The building is directly opposite the entrance to St Peter's church which is a Grade I Listed Building. The building has the scale of the surrounding three storey buildings, however, has tall ceilings internally so only has two storeys of accommodation.

The second property is a three storey commercial property which fronts onto King Street. The building is currently divided into two shop units at ground floor with offices above. The building has a traditional façade fronting onto the highway at King Street. The front façade is divided into two retail units with a central doorway and has six windows above. The building includes a single storey projection to the rear with a flat roof and lantern roof light windows. The rear element is more modern addition which has no architectural or historic value.

Both properties are owned by Carmarthenshire County Council.

## Proposal

The application seeks Listed Building Consent for works to the Grade II Listed Oriel Myrddin building to facilitate the extension into 26/27 King Street to form new shop, café, social, office and ancillary spaces and 'art hub'. An accompanying Full Application (PL/02307) is subject to a separate report on the agenda.

There are several elements to the project as follows:-

Retention of the ground floor exhibition space and restoration of the learning centre within the existing Oriel Myrddin Gallery with the addition of a lift to provide disabled access. This includes removal of a more modern mezzanine feature to restore the original height and form of the Learning Room.

The demolition and replacement of part of the single storey extension to 26/27 King Street with a change of use to a single storey café.

The formation of a link between the Oriel Myrddin building with the single storey building which is proposed as a cafe. This includes the formation of an internal ramp to provide disabled access between the two buildings.

The change of use of the King Street premises to form income generating accommodation on ground floor (shop and café), gallery administration / manager's office and meeting room on first floor and an artist club including lounge, library and studio rooms on the second floor.

The two buildings will have internal circulation so they can be used as one facility, and includes the formation of an internal ramp and two platform lifts to ensure accessibility.

An air handling and heat recovery unit in the Oriel Myrddin building will allow more comfortable year round use of the building.

A Heritage Impact Assessment under the Planning (Listed Buildings and Conservation Areas)(Wales)(Amendment No. 2) Regulations 2017 and a structural report have been submitted and assessed in light of the scheme.

## Planning Site History

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

W/24273	One temporary synthetic textile banner attached to lampost outside gallery Advertisement granted	03 March 2011
W/28488	Change of use of upper floors from commercial to single residential unit Full planning permission granted	12 August 2013

W/06643	Certificate of Lawfulness - existing use for the sale of bakery products including sandwiches, baguettes, pasties and pies (hot & cold) soup, jacket potatoes, toasted sandwiches, hot and cold drinks Lawful Development - CLEUD Approval	30 June 2004
W/03167	Installation of decorated window to record the premises continuing as centre of excellence for applied art Listed Building granted	14 February 2000
W/02183	Sauna and solarium-health and diet advice Full planning permission granted	10 December 1998
W/02724	Change of use from offices to form part of existing consent for 2nd floor health & diet centre club with refreshment area and gym Full planning permission granted	19 August 1999
D4/25656	Rendering the existing stonework to the rear elevation to prevent rain Withdrawn	10 May 1995
D4/25608	Rendering the existing stonework to the rear elevation to prevent rain penetration County Matter Recommended Approval	09 May 1995
D4/23435	Advertisement sign No decision recorded	
D4/21734	Change of use to admin office use Full planning permission granted	18 November 1991
D4/20696	Demolition of existing extension construction of a new extension and work as detailed Withdrawn	18 January 1991
D4/17667	Change of use of 2nd floor from flat to offices Full planning permission granted	27 April 1989
D4/12022	Change of use to office Full planning permission granted	01 November 1984
D4/7715	Change of use from office to beauty salon Approved with conditions	01 August 1980
D4/4940	Change of use to office Approved	01 August 1978
D4/4939	Extension to existing shop premises Approved	01 August 1978

## **Statutory Duties, Government Policies & Advice, County Council Policies**

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 6.1.6 of Welsh Government policy document 'Planning Policy Wales Ed.11' (February 2021) sets out the Government objective to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved.

Paragraph 5.12 of Tan 24 states that applicants for listed building consent are required to provide a heritage impact statement. This present the results of a heritage impact assessment, which is a process designed to ensure that the significance of the building is taken into account in the development and design of proposals for change. Heritage impact assessments should be proportionate both to the significance of the listed building, and to the degree of change proposed, and the statement should provide enough information to allow the local planning authority to judge and impact when considering applications for listed building consent.

Paragraph 2.2 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states to retain historical form and layout, together with any features relating to it, wherever practicable.

Paragraph 2.3 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states retain all historical materials and finishes wherever practicable; repair where necessary; respect inherited character in any renewal.

Paragraph 2.5 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states retain internal layout and detail wherever possible, repair where necessary.

Paragraph 4.2 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states repairs should be the minimum necessary to stabilise and conserve the building for its long-term survival; you will normally need listed building consent for repairs that do not match the existing historic fabric exactly, or which require the extensive removal of historic materials.

Paragraph 4.3 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states you may find that more extensive renewal activity is sometimes necessary to keep a building in use.

Paragraph 4.4 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states that Restoration and Reconstruction of lost, destroyed or superseded elements of a building will only be justified if it enhances the building, improves its viability, and is based on authentic and compelling evidence.

Paragraph 4.5 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states new work or alteration may sometimes be necessary or appropriate to keep a historic building in long-term viable use or to give it a new lease of life.

Paragraph 4.6 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states you should consider demolition of a listed building only in exceptional circumstances and as a last resort.

Paragraph 4.7 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states sometimes, buildings cease to be useful for their original purpose and new uses may be necessary to secure their long-term viability.

SP13 of the Local Development Plan of the Built and Historic Environment states proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets and where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- Sites and features of recognised Historical and Cultural Importance;
- Listed Buildings and their setting;
- Scheduled Ancient Monuments and other sites of recognised archaeological importance.

Proposals will be expected to promote high quality design and that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

Policy EQ1 of the Local Development Plan states that proposals for development affecting landscapes, townscapes, buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

RT3 of the Local Development Plan permits the change of use of Secondary Retail Frontage to non-retail uses on the ground floor where they would:

- a. Not lead to a concentration of ground floor non-retail (non-A1) frontage exceeding four consecutive properties, or a concentration of non-retail (non-A1) properties in the same use class exceeding three consecutive properties;
- b. Not undermine the retail function of the centre or have a detrimental effect upon the vitality or viability of the area;
- c. Not create a level of non-retail ground floor frontage detrimental to the retail character and function of the area.

## **Summary of Consultation Responses**

**Head of Transportation & Highways** – Has no observations.

**Carmarthen Town Council** – Supports the application.

**Local Member(s)** - Councillor Gareth Howell John has not commented to date. Councillor Alun Lenny is chair of Planning Committee and has not made prior comment.

**Dwr Cymru/Welsh Water** – Has no objection but states that the site is crossed by a public sewer.

**Natural Resources Wales** – The bat survey states that no bats are present in the building so has no objection.

**Dyfed Archaeological Trust** – Has no objection subject to the imposition of a condition seeking the submission of a Written Scheme of Investigation.

**CADW** – The accompanying Listed Building Consent has been referred to CADW for ratification of the recommendation.

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

## Summary of Public Representations

The application was the subject of notification by way of site notice.

No representations have been received to date.

## Built Heritage Appraisal

The proposed development is located at the site of the Oriel Myrddin Gallery on Church Lane and in addition Nos 26 and 27 King Street, with an access way leading west from the Gallery to Conduit Lane. The proposals will include the restoration of the eastern façade of the Oriel Myrddin Gallery, a link through to existing outbuildings to the rears of Nos 26 and 27 King Street and then access onto King Street itself. New shopfronts on the two buildings on King Street to provide a new glazed front and entrance to King Street. External works to include minimal repair and refurbishment, and the rebuild of a small, attached toilet block. Internal rearrangements include refurbishments of the existing Learning Centre, along with the creation of a library room, resource room, studio, store, workshop, café and shop.

The proposal would involve works to a listed building Cadw ID 9734 Oriel Myrddin (The Old Art School) included on the statutory list on 21/08/1984, and extension to link to a pair of unlisted properties including a new pair of shop fronts. The setting of the 4 listed buildings directly adjacent would need to be considered that is; Cadw ID 9464 28 King Street Cadw ID 82115 29 King Street Cadw ID 9463 25 King Street and Cadw ID 9734 Oriel Myrddin.

The site is in close proximity to a number of listed buildings and scheduled monuments and also within a Conservation Area and adjacent to another Conservation Area. It is noted that section 2.2 of Managing Setting of Historic Assets which came into effect on 31 May 2017 advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. Cadw are the consultee in respect of the setting of Scheduled Monuments, and the setting of listed buildings and conservation areas to be assessed by the Local Planning Authority. I note the Historic Environment Appraisal prepared by Dyfed Archaeological Trust and would agree with their conclusions in respect of the setting of historic assets.

Oriel Gallery is situated opposite and to the West of the churchyard of St Peter's Church. Former art school, now art gallery, 1891-2 by George Morgan & Son, Thomas Morris builder.

The art school was the first in Wales, founded in 1854. A new building was proposed in 1888, the site created by the widening of Church Lane. When built it was described as being in Modern Renaissance style, the front of Bridgwater pressed bricks with mouldings and cornices of Ruabon brick, windows of Bath stone. It cost £1,500 including the site, the money being raised by public subscription and a grant from the South Kensington School of Art. Closed in 1971 and restored in 1991 by Alex Barry of Cedric Mitchell Architects. Civic Trust Awards special mention 1992.

Built in a Northern Renaissance style, red brick with dressings of dark red moulded brick and Bath stone, and hipped slate roof, gable to front right. Two storeys, 3 bays with tall studio windows in broader gabled bay to right. Raised plinth with black brick top and black brick course below ground floor openings. Dark red moulded brick cornices to ground floor and eaves. Ashlar windows with flush sills and curved top corners. Small-paned glazing. Studio gable has tall 3-light window each floor. Pair of thin pilasters each side with moulded brick courses beneath the main cornices, which break forward over. The eaves cornice is broken by upper window head, and brick piers with raised strips are carried up to parapets with small cornice and outer ball finials. Above the inner raised strip, similar pier frames red brick walling over the window, with ball finial. Steep pediment over stone modillion course, with stone coping and spearhead finial. The 2 bays to left have cornices carried across and similar paired pilasters between, and outer pier has single pilaster each floor. Two first floor 2-light small ashlar windows with similar detail (the left-most light blank), and ground floor has 2-light similar mullion and transom window to left. Matching pair of top lights over main door to right. Door has depressed arched head, recess over, under flat sill of top lights. SCHOOL OF ART in block lettering over. Double 3-panel doors. N elevation with 2 large first floor 25-pane studio windows breaking eaves under brick gables with ball finials. Ashlar window surrounds and heads curved at corners, cornice across both windows under the two gables and a panelled red brick chimney between. S end wall has first floor cross-window lighting the stair, set to right, single light to centre and chimney to left. C20 hipped one-storey red brick small addition. One large former studio each floor right, stairs to left. In 1892 ground floor had elementary room and modelling room, first floor had studio and master's room. Patterned tiled floor in entrance hall, lobby half-glazed inner doors. Double arch to left to stair hall with part-fluted piers with moulded capitals supporting big roll-moulded arches. Broad open-well stair in pitch-pine, closed string, with panelled newels, ball finials and turned balusters. Big stair-light with patterned coloured glass and 1891 date. Arch to rear ground floor room, which has coloured quarry tiles and one moulded beam. Arch to main ground floor exhibition room to right, one cross beam, wooden floor. Two similar arches to first floor landing.

Included as a purpose-built late C19 art school, the first in Wales, well-designed and well preserved.

The Heritage Impact and Planning Statement confirms that the double arch to stair hall with part fluted piers with moulder capitals supporting big roll-moulded arches are to remain in situ. Whilst noting that there will be an additional doorway into the space to provide access to a lift, the location of the doorway would not affect these details as illustrated in figure 24 of the Heritage Impact and Planning Statement.

As such it would appear that the issues raised at pre-planning application stage in respect of the ground floor have been taken into consideration in the preparation of the application.



The first floor of Oriel Myrddin, would have the following changes:-

The first being the reduction of the existing floor and ceiling to form a level floor adjacent to the lift, with the existing doors and steps removed. This would be sited in a small room used as a kitchenette, and is considered to be well sited in that regard. The second alteration would be the loss of a partition between the education meeting room and the storage area. Noting its original designed use, the location of the partition and the list description as one large former studio each floor right, stairs to left, it is assumed that this partition is modern. The third alteration is the loss of the existing walls stairs and mezzanine Paragraph 2.5 of Managing Change to Listed Buildings which comments on interiors and advises that "The layout and detail inside buildings can also be important evidence for their date and development as well as their function and status. Even where little detail survives, internal spaces and circulation patterns may be significant. Staircases, panelling, shutters, doors and door cases, fireplaces, chimney breasts and chimneypieces, beams and joists, for example, are often important elements in the overall building design. The quality of craftsmanship is also a key to the status of the building."

However whilst all introductions and modifications to a building have the potential to be significant and illustrate past ways that a building was used, often with social historical elements that no longer apply, but are nevertheless part of the history of the building and the people who used it. However the proposal is to restore the building to as close a use to its original Art School as possible and retain the public access to the building. The loss of the stairs would return the room to the one large former studio each floor right, stairs to left. This element of the proposal is considered to be acceptable.

I note the details on Drawing Number 558\_A\_DRW\_10\_210 Rev PL3, in that there will be localised repairs to the roof, if necessary, the plants to be removed which is welcomed. I note the external doors and doors are to be refurbished as necessary.

The link to 26 and 27 King Street is via a flat roofed extension that would replace an existing extension to the rear of the retail units. This would involve the demolition of the existing extension within the Conservation Area. The area of demolition is extensive as indicated on Drawing Numbers ; Number 588\_A\_DRW\_01\_211 Rev PL4, Drawing Number 588\_A\_DRW\_01\_212 Rev PL4 and Drawing Number 588\_A\_DRW\_01\_110 Rev PL4. Nonetheless it is not considered that the modern flat roofed building to be demolished contributes significantly towards the character or appearance of the conservation area to warrant retention. Noting the degree of demolition proposed, (which is not opposed), I would leave consideration as to whether Conservation Area Consent is required for the demolition, or whether the works are demolition or alteration. Planning law recognises a hard-edged distinction between 'demolition' and 'alteration', and the Shimizu case is the usual consideration as to when demolition is demolition or alteration.

The extension will be accessed from Oriel Myrddin, and attached to the listed building. However this has been considered in its execution with a door below high level windows. It is understood that the windows were raised when the extension was originally constructed. Nevertheless the windows are remaining unaltered and the doorway beneath them. The link between the 2 buildings is considered acceptable.

The extension itself is flat roof extension with lanterns and not visible from a public viewpoint only from within the buildings as such it is not considered that the extension is acceptable.

## **Planning Obligations**

Not Applicable

## **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 WCFG Act). The decision takes into account the ways of working set out at section 5 of the WCFG 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 WCFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance that the proposal would ensure the viable and long term use of the main Oriel Myrddin building by extending into the King Street property. The works to the Listed Building are sensitive and include the removal of late non historic features as well as the inclusion of the lift which would modernise the building and provide inclusive access to the restored upper floor.

The scheme will have a significant benefit to the arts and culture of Carmarthen without detriment to the historic building and is therefore recommended for approval.

## **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: To comply with Section 18 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Condition 2**

The works hereby granted consent shall be carried out strictly in accordance with the following schedule of plans and supporting documents received 15 July 2021:-

- Historic Environment Appraisal 2021 – Dyfed Archaeological Trust;
- Heritage Impact and Planning Statement JCR Planning July 2021;
- Inclusive Design Statement July 2021 – Withernay Projects;
- Structural Engineering Stage 2 report Price and Myers;
- Ground Floor Plan Drawing Number 1703/SK/01 Rev P5;
- First Floor Plan Drawing Number 1703/SK/02 Rev P5;
- Existing Ground/First Floor Plan Drawing Number 588\_A\_DRW\_01\_010 Rev PL5;
- Existing Ground/First Floor Plan Drawing Number 588\_A\_DRW\_01\_011 Rev PL5;

- Existing Side Elevations Drawing Number 588\_A\_DRW\_01\_213 Rev PL3;
- Existing Front Elevation to Church Lane Drawing Number 588\_A\_DRW\_01\_210 Rev PL3;
- Existing First/Second Floor Plan Drawing Number 588\_A\_DRW\_01\_012 Rev PL5;
- Existing Roof Plan Drawing Number 588\_A\_DRW\_01\_013 Rev PL4;
- Existing Ground Floor Plan Drawing Number 588\_A\_DRW\_10\_010 Rev PL1;
- Existing First Floor Plan Drawing Number 588\_A\_DRW\_10\_011 Rev PL1;
- Existing Second Floor Plan Drawing Number 588\_A\_DRW\_10\_012 Rev PL1;
- Existing Roof Plan Drawing Number 588\_A\_DRW\_10\_013 Rev PL1;
- Existing Elevations to School of Art Building Drawing No. 588\_A\_DRW\_01\_211 Rev PL4;
- Existing Elevations of 26/27 King Street Drawing Number 588\_A\_DRW\_01\_212 Rev PL4;
- Existing Section A-A Drawing Number 588\_A\_DRW\_01\_110 Rev PL4;
- Ex & Proposed Section through Lift (Art Building) DWG No 588\_A\_DRW\_10\_113 Rev PL1;
- Ex & Proposed Section through Lift King Street DWG No 588\_A\_DRW\_10\_112 Rev PL1;
- Proposed Front Elevations King Street Drawing Number 588\_A\_DRW\_10\_212 Rev PL3;
- Proposed Rear Elevations Art Building Drawing No 588\_A\_DRW\_10\_211 Rev PL3;
- Proposed Section A-A Drawing Number 588\_A\_DRW\_10\_110 Rev PL5;
- Proposed Roof Plan Drawing Number 588\_A\_DRW\_10\_013 Rev PL4;
- Proposed Section B-B Drawing Number 588\_A\_DRW\_01\_111 Rev PL5;
- Proposed Ground First Floor Plan Drawing Number 588\_A\_DRW\_10\_011 Rev PL5;
- Proposed Ground First Floor Plan Drawing Number 588\_A\_DRW\_10\_010 Rev PL5;
- Proposed First/Second Floor Plan Drawing Number 588\_A\_DRW\_10\_012 Rev PL5;
- Proposed Ground Floor Plan Price and Myers Job No 25315 SK1 Rev 4;
- Proposed First Floor Plan Price and Myers Job No 25315 SK Rev 3;
- Proposed Second Floor Plan Price and Myers Job No 25315 SK3 Rev 1;
- Proposed Roof Plan Price and Myers Job No 25315 SK4 Rev 1;

and the following plans showing ecological enhancement dated 17 September 2021:-

- Proposed Elevations of 26-27 King Street Drawing Number 588\_A\_DRW\_10\_212 Rev PL4;
- Proposed Side Elevations Drawing Number 588\_A\_DRW\_10\_213 Rev PL4;
- Proposed Front Elevations Church Lane Drawing Number 588\_A\_DRW\_10\_210 Rev PL4.

Reason: To ensure that the approved works are carried out.

### **Condition 3**

Repairs shall be undertaken on a strictly like-for-like basis using traditional methods and materials. If further investigations highlights that where it was originally proposed to repair, it is now not possible to repair and works other than repairs are proposed then a fully detailed condition report with photographs shall be submitted to the Local Planning Authority for an assessment. The report shall highlight the associated problems, extent of those problems, what consideration has been given to repair, why it is not possible to repair before works other than repair is proposed. No works shall commence on works which are not repair (unless approved in the drawings) until written confirmation has been given by the Local Planning Authority that such works are acceptable.

Reason: To have special regard to the desirability of preserving the building in respect of Section 16 (2) & 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Condition 4**

Prior to the refurbishment of the windows to the School of Art, a schedule of the repairs proposed and the colour and finish of any paintwork shall be submitted to and agreed in writing by the Local Planning Authority and retained as such thereafter.

Reason: To have special regard to the desirability of preserving the building in respect of Section 16 (2) & 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Condition 5**

Prior to the removal of the partition, stairs, wall to access the lift and floors, a full specification as to how these works will be undertaken and the subsequent repairs to the historic fabric shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To have special regard to the desirability of preserving the building in respect of Section 16 (2) & 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Condition 6**

No new plumbing, pipes, soil stacks, flues, vents, ductwork grilles, security alarms, lighting, cameras or other fixtures shall be attached to the external faces of the building other than those shown on the approved drawings or otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To have special regard to the desirability of preserving the building in respect of Section 16 (2) & 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Condition 7**

The material and colour of rainwater goods to be installed on the proposed building shall match those on existing buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To have special regard to the desirability of preserving the building in respect of Section 16 (2) & 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Condition 8**

If Building Regulations require works which go above the approved drawings, then full details shall be submitted to the Local Planning Authority to establish if those works would require listed building consent.

Reason: To have special regard to the desirability of preserving the building in respect of Section 16 (2) & 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Condition 9**

This consent does not authorise the display of any advertisements on the site, including any shown on the plans accompanying the application. Separate application should be made to the Local Planning Authority in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992.

Reason: To have special regard to the desirability of preserving the building in respect of Section 16 (2) & 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Notes/Informatives**

### **Note 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.

### **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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>PL/02390</b>
-----------------------	-----------------

<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CREATION OF ONE ADDITIONAL FAMILY TRAVELLER PITCH WITH ONE RESIDENTIAL STATIC UNIT, TOURING CARAVAN, UTILITY/DAY ROOM (DISABLED FRIENDLY) USING APPROVED AGRICULTURAL ACCESS (S/33780) AT CARAVAN MELDEN STABLES, PEMBREY, LLANELLI, BURRY PORT, SA16 0JS

<b>Applicant(s)</b>	MR STACEY JANES
<b>Agent</b>	HAYSTON DEVELOPMENTS & PLANNING LTD
<b>Case Officer</b>	Zoe James
<b>Ward</b>	Pembrey
<b>Date registered</b>	06/08/2021

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Shepardson and following the receipt of more than one objection from third parties. Cllr Shepardson has also requested a site visit by Planning Committee.

## Site

The application site consists of a roughly rectangular shaped parcel of land with linear access route and is approximately 0.84ha in size. It is situated to the east of the existing family pitch, approved at the site in June 2016. The site is situated just beyond the junction of Heol Carway (B4317) and Mountain Road. The site is to the north east of Pembrey and south east of Pinged.

The site is generally flat and comprises a hardcore stone surface. The southern boundary of the site is an existing strong mature hedgerow and vegetation, to the north the site adjoins vacant grassland under the applicant's family ownership. To the east and southeast are existing residential properties Ffrwd Farm and Coed Rhyal.

The access drive to the site is understood to have been created following Prior Notification procedure in July 2014 (reference. S/30148). The submission advises that fresh stone has recently been laid along this route.

The site is located approximately 1km from the edge of Pembrey and the services and facilities therein. The site is presently located outside of development limits as defined in the Adopted Local Development Plan (LDP) and is not allocated for any use. It is located within the Special Landscape Area.

## Proposal

The application seeks full planning permission for creation of an additional Gypsy and Traveller pitch adjacent to the existing site. The proposal includes the stationing of one static residential caravan unit, parking and turning area, private amenity area, along with space for a touring caravan and a day/utility room. Access is proposed to be via the existing track previously permitted at the site under the prior notification procedure. This is proposed to be improved with the entrance resurfaced in concrete or bitumen. A pedestrian path is proposed to be constructed to link the site to the adjoining pitches.

A single storey day/utility room measuring 7.8m by 5.2m, eaves height of 2.5m and 3.8m to the ridge is proposed to be sited to the southwest of the site. The building will be situated on a concrete base and will be constructed in blockwork with a cement render finish under a slate or tiled pitched roof. The day room is to be designed for disabled use with an open plan kitchen/dayroom and separate bathroom. Two windows are proposed on the front elevation alongside main front door with further single window on the south side elevation and single access door on the rear elevation. External lighting is stated to be provided discreetly on the outside of the building pointing downwards.

The proposed pitch is to be completed in rolled porous or similar material and will be enclosed by a stock proof fence to the north surrounded by new native hedging. The application also includes installation of eco bat boxes, birdboxes and hedgehog nest boxes on the perimeter of the application site.

Soakaways are proposed for the caravan and day/utility room for rainwater, foul water is proposed to be disposed of via the existing private treatment plant adjacent to the existing pitch.

The application has been accompanied by a Planning and Justification Statement and set of site plans along with floor plans and elevations for the day room. The submission confirms the gypsy status of the applicant and family. The report states the family are long established members of the Welsh Romani Gypsies with strong connections in south Wales and particularly the Llanelli area. The applicant's parents reside on the existing pitch at Melden Stables and the applicant along with his family wish to return to a traditional and cultural lifestyle and be situated close to his parents. The submission confirms that the family's lifestyle falls within the definition of gypsies in paragraph 2 of the Welsh Assembly Government Circular 005/2018 – Planning for Gypsy, Traveller and Showpeople Sites whereby they are of a nomadic habit of life.

## Planning Site History

The planning history on the file for the application site/part of the site area is as follows:-

S/38333      Non-Material Amendment (alteration to size of animal housing) to planning permission S/36317  
Non-Material Amendment granted

28 January 2019

S/36317	Residential conversion of forestry building into a dwelling, office and preparation room. Temporary residential use of caravan on site. New livestock housing to be built to house goats, turkeys and chickens. Two polytunnels to be erected for produce, fruit, veg and herbs. Proposed beehives on land for production of honey. Conversion of solar kiln to sales shop Full planning permission granted	21 December 2017
S/30148	Proposed agricultural road to drive cattle lorry to load livestock safely – Meldan Stable Yard, Pinged, Burry Port, Llanelli, SA16 0JS Prior approval not required	04 July 2014
S/07708	Construction of hardstanding and agriculture/forestry buildings Full planning permission granted	22 December 2004
S/06755	General purpose timber storage building Agricultural Determination – pp required	18 May 2004
LL/01420	Sustainable woodland management on 15 acres with accommodation for stables and training centre for forestry management and biodiversity – approximately 4,500 sqft Withdrawn	17 May 2004

The adjacent existing pitch has the following planning history:-

S/08752	Field shelter and hay store for two ponies – land adjoining Ffrwd Farm, Pinged, Pembrey Full planning permission granted	11 January 2005
S/33780	In support of a Section 73A planning application to retain a static residential gypsy caravan together with the erection of a day/utility room, two touring caravans, oil storage tank and heating system – land at Meldan Stables, Pinged, Burry Port, Llanelli, SA16 0JS Full planning permission granted	13 June 2016

## Planning Policy

In the context of the Authority's current Development Plan the site is located in the countryside 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
- SP3 Sustainable Distribution- Settlement Framework



GP1 Sustainability and High Quality Design  
GP2 Development Limits  
H7 Gypsy and Traveller Sites  
TR3 Highways in Developments – Design Considerations  
EQ4 Biodiversity  
EP3 Sustainable Drainage

### [Carmarthenshire Supplementary Planning Guidance](#)

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.

In particular, [Circular 005/2018 - Planning For Gypsy, Traveller and Showpeople Site](#) is national policy of particular relevance.

## Summary of Consultation Responses

**Head of Transportation & Highways** – Advised that there is sub-standard visibility from the access at present and that visibility improvements are secured as part of the proposal. No objections subject to imposition of conditions and advise that further intensification of the site should be avoided.

**South Wales Trunk Roads Agency** - No observations received to date.

**Public Rights of Way Officer** - No observations received to date.

**Head of Public Protection** - No adverse comments to make on the application.

**Environmental Health Contaminated Land** – No adverse comments to make on the application.

**Sustainable Drainage Approval Body** – Highlight the site is located just outside of Flood Zone C2 and there is a requirement for separate SAB approval.

**Housing Needs Lead** – Confirm there is a shortfall of pitches for the gypsy/traveller community in the County. The most recent Gypsy and Traveller Accommodation Needs Assessment in 2019 identified shortfall of 19 pitches predicted to increase to 31 by 2033. The provision of this additional pitch would help to address the shortfall.

**Forward Planning** – The gypsy and traveller accommodation needs report identified a need for gypsy pitches within the Llanelli area. Whilst 2 sites are allocated in the Revised LDP, these have not come forward to date. Policy H7 of the Adopted LDP is relevant, the site is reasonably accessible to a range of facilities and services within development limits of Pembrey within 1km. Other criteria will also need to be considered including the development not being detrimental to neighbouring residents/land uses and the landscaping design being sympathetic to the area.

**Planning Ecology** – Advised informally no significant concerns and formal response expected shortly.

**Pembrey and Burry Port Town Council** – It is apparent that a number of conditions attached to the previous permission have been breached and the applicant is flouting the law with no concern to the detriment of the local area. Concerns are also raised regarding the legality of the application as there is a dispute over landownership of part of the application site. Unanimously recommend refusal.

**Local Member(s)** - Councillor Hugh Shepardson has raised concerns regarding the additional development proposed and the detriment suffered by the wellbeing of the local community. There are several issues which have arisen between the site owners and nearby residents which have involved the Police and the Authority's Enforcement section. Expansion of the site is not considered to help improve the situation and will not be to the wellbeing of the local community. Concerns that the proposal may lead to other unauthorised developments. Councillor Shepardson has also requested a site visit by Planning Committee.

**Local Member(s)** - Councillor Shirley Matthews has not commented to date.

**Natural Resources Wales (NRW)** – Advise that the applicant should ensure that the existing septic tank has sufficient capacity to accommodate increased flows from the proposed development and that it is a legal requirement to apply for an environmental permit or register an exemption with NRW.

**Dwr Cymru/Welsh Water** – Advise applicant contacts NRW given a private treatment works is proposed.

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

## Summary of Public Representations

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

11 representations were received, all objecting, the matters raised are summarised as follows:-

- Object on the basis that the original consent for the access was to be used for the purpose of agriculture, presently used for cars, vans and HGV vehicles.
- Concerns that the applicants aim to establish a traveller site with facilities for 10 static units and the current application will set a precedent for future expansion.
- Concerns regarding land ownership.
- Constant aggravation regarding disputes over landownership which has involved Police.
- Anti-social behaviour experienced at the site.
- Site is located close to the magnificent ancient woodlands of Coed Rhal and Coed Y Marchog which cover the western flank of Pembrey Mountain which attract high numbers of visitors and ramblers.

- Proposal is an unneighbourly type of development which will have an adverse impact on neighbours and local residents.
- Proposal is inappropriate and unsympathetic to appearance and character of the local environment.
- Proposal is detrimental to open rural character of the area.
- Proposal will create visual clutter in an area which is rural and close to ancient woodland.
- Proposal will result in considerable additional vehicle traffic using the single lane U2284. Highways department area already dealing with complaints regarding lack of passing places and safety issues.
- Applicant has already commenced work on the site/field for development.
- Concerns regarding access which has poor visibility.
- No further expansion of the site should be permitted as this will exacerbate the issues.
- Commercial activity ongoing at the site despite condition restricting this, with grass removed, hardcore laid and lorries entering the field and depositing scrap metal.
- Continuous activity at the site throughout the day with lorries frequently arriving and departing.
- Concerns raised regarding illegal activities carried out at the site.
- Unlicensed puppy farm being run from the premises.
- Waste storage and transfer station being run from the premises.
- No regard for planning or legal requirements.
- Site is having detrimental impact on the mental health of the local community.
- Planning department appear to not be concerned with mental health of local community.
- Dogs at the site are threatening.
- Further development will have serious impact on the environment with waste materials on the site and noise pollution.
- Failure to comply with existing planning conditions at the site.
- Further work being undertaken at the site now despite enforcement action and live planning application.

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

# Appraisal

## Principle of Development

The current LDP does not contain any allocated gypsy and traveller sites but relies on a criteria-based policy to deal with such proposals. The relevant policy is Policy H7 which permits proposals for gypsy and traveller sites or extensions to existing sites subject to four qualifying criteria. These include the need for the proposed location to be reasonably accessible to a range of facilities and services, including existing community, social and educational provisions, and being within close proximity of main transport routes. The site is located outside of the defined development limits albeit is in proximity to existing facilities and services within the village of Pembrey including primary school and library, with further local facilities including medical and dental surgery within Burry Port. Furthermore, it is close to main transport routes in terms of the A484 to Llanelli is located approximately 1km to the south of the site. Circular 005/2018 identifies that first consideration should be given to sustainable locations within or adjacent to existing settlement boundaries with access to local services e.g. education settings, health services and shops. The location of the proposed site outside the established development limits but within walking distance to Pembrey is considered to comply with the requirements of LDP Policy H7 and Circular 05/2018.

The second criterion requires that proposals should not be detrimental to nearby residents and adjoining land uses by virtue of noise and other disturbances. The majority of objections received highlight concerns that the existing site causes a detrimental impact on the amenity of nearby residents by way of anti-social behaviour and commercial activities and that the current proposal for an additional pitch will exacerbate this further. The full summary of the concerns raised is provided above. The application site is situated to the east of the existing pitch for family members of the applicant. The Local Planning Authority (LPA) is aware of a number of previous complaints regarding the wider site and activities being carried out here. These have been investigated by both Planning Enforcement and other departments within the Authority. On this basis, the LPA has concerns regarding the existing activities being undertaken at the site and has previously taken action to prevent unauthorised development and planning breaches. However, in line with legislation, the current planning application is required to be reviewed and considered in accordance with relevant policy and material planning considerations. Anti-social behaviour and any illegal activity taking place at the site is a matter to be dealt with by the Police and is not under the remit of the Local Planning Authority.

Thirdly, Policy H7 requires that sites must be capable of being serviced with water, electricity, sewage and waste disposal, while the fourth criterion requires that there shall be no adverse effect on the landscape/townscape or the setting and integrity of the historic environment. In terms of the amenities required to serve the development, the submission advises the site has a water and electricity supply. Welsh Water have raised no objection to the application. The proposal is not therefore in conflict with the requirements of Policy H7 in this regard.

Turning to the impact on landscape/townscape. The application site is located in the Special Landscape Area (SLA) as designated in the Adopted LDP, as is the existing gypsy and traveller pitches. The submitted site layout shows that the caravans and utility/day rooms will be situated on land that is largely flat adjacent to the existing site. The site benefits from an existing strong boundary of mature hedgerow and vegetation to the south. New stockproof fencing and native hedging is proposed to be along the north and eastern

boundary of the site. Given the single storey nature of the structures and existing and proposed vegetation these will be largely screened from view. Existing trees and hedgerow along the southern boundary are to remain and are not impacted by the proposal and additional planting is proposed to provide a northern boundary to the site within the existing field enclosure. As a result, it is not considered that the proposal will have an unacceptable effect on the character and appearance of the area and will be viewed in the context of the existing pitch.

As identified the site is not allocated for any use within the LDP. However, it is acknowledged that forthcoming Revised LDP identifies and proposes to designate new site/s for gypsy and traveller need. The Authority's housing team have advised the latest Gypsy Traveller Accommodation Assessment (GTAA) dated November 2019, identified a shortfall of 19 pitches in 2019, rising to 23 by 2024 and anticipates that there will be a need for 31 pitches by 2033. Even if the identified site/s within the Revised LDP are delivered there would still be an unmet need. On this basis, it is considered appropriate to consider the current application in line with local and national policy for new private pitches.

The Authority's Forward Planning team have also raised no in principle policy objection to the proposal, subject to impact on amenity of nearby residents and landscape design. In this regard, it is in accord with the objectives of policies H7 and GP1 of the LDP and the Circular.

### Highway Impacts

A number of objections received relate to highway safety concerns. The site benefits from an existing access created following prior notification procedure in 2014. It is acknowledged by the Highway Authority that this was on the basis of agricultural use of the land. There is presently sub-standard visibility from the point of access due to the curvature of the road and hedgerow. It is also acknowledged that the proposal represents an intensification of the site. Albeit it is accepted that the addition of 1. no traveller pitch is expected to result in a small number of additional trips.

Significant improvements to the west from the site access could be made by repositioning the hedgerow which is currently within the ownership of the applicant. However, even with this improvement it is advised that any further future intensification of the site should be avoided due to the constraints of the local network alongside the width and visibility of the site access.

The proposed parking provision of 3 no. car parking spaces are considered to be acceptable. The traffic impact of the proposed development has not been assessed in detail as it does not fall within the threshold for a Transport Statement/Assessment.

The Highway Authority have therefore responded confirming no objection to the proposal subject to the imposition of specific conditions relating to access gates, visibility splays and parking area. The response also clearly states no further expansion is considered appropriate.

### Biodiversity

The application has been discussed with the Authority's Planning Ecologist who has raised no concerns regarding the proposal and will be issuing a formal response shortly.

## Other Matters

Concerns regarding future expansion are not relevant considerations to the current planning application. The proposal must be considered on the basis of the information submitted and application site area.

Matters relating to anti-social behaviour, intimidation are not material planning considerations and not under the remit of the Local Planning Authority.

## **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 WCFG Act). The decision takes into account the ways of working set out at section 5 of the WCFG 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 WCFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted, alongside third-party representations received, it is concluded on balance that the proposal complies with relevant local and national planning policy. Circular 005/2018 requires that the Authority make provision for gypsy and traveller sites in the County through site allocation where a need is identified, along with criteria-based policies. Previous work undertaken for the GTAA identified an unmet need of 19 pitches in 2019, increasing to 23 pitches in the following 5 years and 31 pitches by 2033. Notwithstanding this, there are no allocated sites in the Llanelli area within the current LDP and deliverability of the sites identified in the forthcoming Revised LDP is uncertain. The Authority therefore must consider applications for new sites against the requirements of Policy H7 of the Plan and WG Circular, as referred to above.

In the absence of the availability of a suitable existing site or allocation, the applicant is seeking to establish an additional pitch adjacent to an existing pitch occupied by family members. The proposal is for a new pitch with a disabled day/utility room to meet the family's accommodation needs and allow them to return to their traditional nomadic lifestyle. The submission advises that the family have long established links with the Llanelli area. The proposal accords with the policy requirements of the LDP and Circular 005/2018, in that it is accessible to existing services and is capable of being serviced with the required amenities and infrastructure. Furthermore, the modest scale of the proposal alongside retention of existing and new landscaping will safeguard against any unacceptable visual impacts and the Head of Transport has raised no objections from a highway safety perspective subject to conditions being imposed. Subject to imposition of further planning conditions and compliance with existing conditions at the established site, it is not considered that the additional pitch will be detrimental to the amenity of nearby residents and land uses.

Any permission granted will be conditioned to restrict the occupation of the development to gypsies and travellers as defined in the Circular. Moreover, in the interests of protecting the surrounding area from potential visual and noise intrusion further, conditions will be imposed restricting the number of caravans on the site and to prevent commercial activities taking place.

In light of the foregoing, the proposal is considered to accord with the objectives of the abovementioned policies and is therefore presented with a recommendation for approval.

## **Recommendation – Approval**

### **Conditions and Reasons**

#### **Condition 1**

The development shall begin no later than five years from the date of this decision.

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 details shown on the following schedule of plans and documents:-

- Site Location Plan and Block Plan drawing no. 00b received 30 July 2021;
- Location and Block Plan scale 1:2500 and 1:500 drawing no. 01b received 30 July 2021;
- Overall Site Plan drawing no. 02b received 30 July 2021;
- Site Plan drawing no. 03b received 30 July 2021;
- Floor Plan and Elevations of Proposed Utility/Day Room drawing no. 04b received 30 July 2021;
- Planning Statement and Justification Report ref. HAYS/822/B prepared by Hayston Developments & Planning Ltd received 30 July 2021.

Reason: To ensure that only the approved works are carried out.

#### **Condition 3**

The site shall not be occupied by any persons other than gypsies and travellers as defined in Section 108 of the Housing (Wales) Act 2014 and Paragraph 2 of Circular 005/2018 – ‘Planning for Gypsy, Traveller and Showpeople Sites’ or any subsequent replacement circular/document.

Reason: To restrict the occupancy of the site.

#### **Condition 4**

The occupation of the site shall only be by Mr and Mrs S Janes their resident dependants.

Reason: The planning permission is personal for the applicant and dependant relatives.

### **Condition 5**

When the land ceases to be occupied by those named in condition 4 the use shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken in connection with the use, shall be removed and the land shall be restored to its condition before the development took place within 6 calendar months of that date.

Reason: To ensure restoration of the site once the use has ceased.

### **Condition 6**

No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1990 and the Caravan Sites Act 1968 (of which no more than two shall be a static caravan) shall be stationed at the site at any time.

Reason: To confirm the extent of the permission.

### **Condition 7**

No commercial or business activities shall take place on the land, including the storage of materials, nor shall any vehicle over 3.5 tonnes be stationed, parked or stored on the site.

Reason: In the interests of visual amenity and safeguard the amenity of adjacent occupiers and land users.

### **Condition 8**

Any access gates shall be set back a minimum distance of 5 metres from the highway boundary, and shall open inwards into the site only.

Reason: In the interest of highway safety.

### **Condition 9**

Prior to any use of the access road by vehicular traffic, a visibility splay of 2.0 metres x 25 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access road in relation to the nearer edge of carriageway.

Reason: In the interest of highway safety.

### **Condition 10**

The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

Reason: In the interest of highway safety.



## **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](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>PL/02500</b>
-----------------------	-----------------

<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	SPRINKLER PUMP HOUSE AT LAND TO THE NORTH OF TYCROES RFC, PENYGARN ROAD, TYCROES, AMMANFORD, SA18 3NY

<b>Applicant(s)</b>	JONES BROTHERS (HENLLAN) LTD & POBL
<b>Agent</b>	MR JASON EVANS – EVANS BANKS PLANNING LTD
<b>Case Officer</b>	Zoe James
<b>Ward</b>	Tycroes
<b>Date registered</b>	18/08/2021

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Tina Higgins and following the receipt of more than one objection from third parties.

## Site

The proposed development is situated within the wider development site previously permitted for 37 new dwellings to the north of Tycroes Rugby Club. The wider application site consists of an irregular shaped parcel of land located off the southern periphery of the Ffordd y Deri housing estate and to the east of Penygarn Road in the village of Tycroes.

Residential development is presently being carried out on the wider site for construction of new dwellings alongside the access road, drainage and landscape works. The proposed sprinkler tank building is situated on the north-western boundary of the wider site.

## Proposal

The current application seeks full retrospective planning permission for the erection of a new sprinkler pump house within the wider development site. The sprinkler pump house is a small single storey building proposed to the north side elevation of plot 37. The footprint of the building measures approximately 2m by 1.7m, height to the eaves is 2.1m with a ridge height of 3.2m.

The building which has already been constructed onsite, is finished with facing brickwork and Marley modern concrete rooftiles to match the external materials of the new dwellings at the site. The pumphouse is situated directly to the west of the car parking spaces for plot

no. 37. To the rear of the pumphouse building is the site boundary and garden of no. 8 Ffordd Y Deri. The originally approved landscape scheme included a new tree to be planted in this location.

It is understood that the sprinkler pump house has been identified to be required given the low water pressure at the site. The submission states that during the detailed construction stage it was confirmed that Dwr Cymru Welsh Water were unable to guarantee that the pressure required to service the sprinkler system in each new dwelling could be delivered. Given that the provision of sprinklers is a building regulations requirement, the application seeks to provide a pump house to support the sprinkler system.

The agent has confirmed that the pump will only operate when the sprinklers are put into operation (i.e. when there is a fire). The building also contains insulation inside to further reduce any noise from when the pump is in operation. It is understood that the fire alarms would be much louder than the sound of any pump within the building.

## Planning Site History

The following previous planning applications have been received in respect of the application site:-

PL/02355	Non-Material Amendment to S/39456 (sprinkler pump house) Withdrawn	12 August 2021
PL/00249	Variation of Condition 2 on S/39456 (37 residential dwellings (affordable)) Addition to the currently approved landscaping scheme	Pending
S/40450	Discharge of Conditions 16 (Construction Traffic Management Plan) and 19 (Landscape Specification and Management Plan) on S/39456 (37 residential dwellings (affordable)) Discharge of Planning Condition granted	11 June 2020
S/39456	37 residential dwellings (affordable) Full planning permission granted	12 December 2019
S/37358	Up to 27 residential dwellings – Reserved Matters to Outline approval S/29469 Reserved Matters granted	19 March 2019
S/37402	Provision of surface water drainage storage crates in connection with scheme submitted as part of a Reserved Matters application with respect to Outline Planning Permission S/29469	15 March 2019
S/29469	Up to 27 residential dwellings Outline planning permission	12 June 2015

AM/04948	Proposed 13 no detached houses with integral garages Full planning permission	09 October 2003
S/02974	Residential development Outline planning permission	26 April 2001
D5/16248	Residential development Outline planning permission	15 December 1994
D5/14860	Proposed new entrance to existing agricultural land Full planning permission	31 March 1994
D5/14859	Parking & turning area in conjunction with existing bus depot Full planning permission	31 March 1994
D5/4650	Residential development Refused	13 March 1980

## Planning Policy

In the context of the Authority's current Development Plan the site is situated outside but adjacent to the defined development limits as contained in the adopted Local Development Plan (LDP). It is not the subject of any designation or allocation in the Plan. Reference is drawn to the following policies of the Plan:-

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

- SP1 Sustainable Places and Spaces
- SP2 Climate Change
- GP1 Sustainability and High Quality Design
- TR3 Highways in Developments - Design Considerations
- EP1 Water Quality and Resources

[Carmarthenshire Supplementary Planning Guidance](#)

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 Transportation & Highways** - No objections, the proposed development does not impact upon the approved parking layout secured under S/39456.

**Public Rights of Way Officer** - No observations received to date.

**Head of Public Protection** - No adverse comments to provide.

**Environmental Health Contaminated Land** – No adverse comments to provide.

**Environmental Health Noise** – Comments outstanding.

**Building Control** – Confirmation that building control application will be required.

**Sustainable Drainage Approval Body (SAB)** – No adverse comments to provide, development is less than 100sq m, SAB approval is not required.

**Local Member(s)** - Councillor Tina Higgins objects to the application on the basis that it is very close to boundary of 8 Ffordd Y Deri and encroaching on privacy, noise caused by the building when up and running, built on an area designated for parking and is in close proximity to new dwellings.

**Dwr Cymru/Welsh Water** – Highlight the site is crossed by a public sewer and the requirement for no development within 3 metres.

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

## Summary of Public Representations

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

Three representations were received, three objecting, the matters raised are summarised as follows:

- Structure has already been built without planning permission.
- Building is sited 7.1 yards from neighbouring property's garden.
- Building is sited in an area which should be a parking space.
- Loss of parking space will have a detrimental impact on highway safety.
- Ugly and out of character with the area.
- It will generate noise that will affect enjoyment of home.
- Building should find a more suitable position on the site.
- Plot 37 was understood to be 'key property' of the development, yet every window of the dwelling looks directly onto the pumping station.
- Request Committee undertake a site visit to see impact of building.
- Evidence of developers abusing planning rules.

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

# Appraisal

## Principle of Development

Planning permission for residential development has previously been granted at the site in December 2019 for 37 affordable dwellings via planning permission reference. S/39456. Prior to this outline and reserved matters consent had been granted at the site. As such, the principle of residential development has been accepted at the site. The current application seeks retrospective consent for the siting of a single storey pumphouse building to support the sprinkler system should an event requiring its use occur.

The proposed building measures approximately 2m by 1.7m, with a ridge height of 3.2m. The building is therefore small in footprint and height compared to the wider application site and recent residential development.

## Impact Upon Character and Appearance of the Area

Concerns are raised regarding the impact of the building on the character and appearance of the surrounding area. The building is sited in a fairly prominent position at the north-western corner of the application site on the approach to the residential development.

LDP Policy GP1 requires development proposals to conform with and enhance the character and appearance of the area/site in which it is located whilst also using materials appropriate to the area in which it is located and not to have a significant impact on amenity of adjacent uses. The building is sited in a fairly prominent position at the north-western corner of the application site on the approach to the residential development. It is acknowledged that the building may not be considered to enhance the appearance of the site, although it is considered to have been designed to conform with the appearance of the wider development. The external appearance of the building is similar materials, with facing brickwork and concrete roof tiles, to the residential dwellings constructed at the site. On this basis, the building is not considered to have a significant adverse impact on the character and appearance of the area to warrant refusal of the application.

## Landscape Impact

The proposed building is sited in an area previously identified for new planting. The approved Landscape Scheme shows a new native tree (*Acer campestre*) to be planted at this location. However, the revised plan submitted as part of this application shows the pumphouse building in this location. No comments have been received from the Authority's Landscape Officer to date.

## Impact on Residential Amenity

Third party comments received from neighbouring properties raise concerns regarding loss of amenity arising as part of the pumphouse building. The building is single storey with a single pedestrian access door on the front elevation facing east. The rear elevation of the building is oriented towards the site boundary with neighbouring property no. 8 Ffordd Y Deri, given the building will not be occupied on a frequent basis, it is not considered to raise privacy concerns. In terms of impact on residential amenity lost by way of noise generated by the pumphouse, this is being reviewed by the Authority's Environmental Health team. The submission refers to the pumpstation being required to support the sprinkler system installed at the site. On this basis, it is understood that the pump will only be triggered should

the sprinkler system be activated. The building is also fitted with insulation which would further reduce noise from when the pump is in use. On this basis and given the likely infrequent use of the building, it is not considered to result in an adverse impact on residential amenity of existing and future occupiers.

### Highway Impacts

Concerns are raised in objections from third parties that the building is sited in an area previously identified for car parking. This is not the case; the building does not result in the loss of any car parking spaces at the site. It is situated behind the proposed car parking spaces for plot 37 and visitor parking spaces. The Highway Authority have reviewed the application and confirmed no objection to the scheme and that there is no impact on the parking provision as part of the wider development.

### Other Matters

Other comments received as part of the objections relate to the development being carried out in advance of planning permission being granted. This is the case for the current application, albeit the Local Planning Authority is required to consider all applications submitted.

## **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 alongside third party comments, it is concluded on balance that the construction of the pumphouse is acceptable and generally complies with the policy requirements. Furthermore, it is noted that the pumphouse is required to ensure that the development can provide a suitable sprinkler system as required by regulations. It is considered to be a suitable addition which is not incompatible to the appearance of the wider residential development and of suitable scale for the site. The positioning of the building is in a prominent position on the entrance to the site but is not considered to result in a significant adverse impact on the amenities of neighbouring properties due to the pump only being utilised in situations when the sprinklers are in operation.

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.

# Recommendation - Approval

## Conditions and Reasons

### Condition 1

The development hereby permitted 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 details shown on the following plans:-

- Site Location Plan scale 1:1250 drawing no. 2337-100 Rev E received 17 August 2021;
- Site Layout Plan External Levels scale 1:200 drawing no. 2337-526/1 Rev G received 17 August 2021;
- External Pumphouse Plans and Elevations drawing no. 2337/90/01 received 17 August 2021;
- Proposed Fire Sprinkler Main Booster Pump Installation Details drawing no. 13023-2401 Rev C00 received 17 August 2021;
- Fire Sprinkler Main Design Statement prepared by Waterco reference. 13024 Rev A received 17 August 2021.

Reason: In the interests of visual amenity and to confirm the extent of the permission.

### Condition 3

The materials to be used in the construction of the external surfaces of the extensions shall be as referred on Proposed Elevations (drawing no. 2337/90/01).

Reason: In the interests of visual amenity.

### Condition 4

The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record (attached to the formal response received from DCWW). The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment



## 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](http://www.carmarthenshire.gov.uk)). They may also relate to other permissions or consents required or include further advice and guidance.

- Please see the relevant response from Authority's Environmental Health Team, Sustainable Drainage Approval Body (SAB), Highway Authority and Dwr Cymru Welsh Water and refer to the recommendations and advice contained therein.

**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>PL/00895</b>
-----------------------	-----------------

<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	RURAL ENTERPRISE DWELLING WITH ASSOCIATED AGRICULTURAL SHED AT LAND AT DERWEN FAWR, CRUGYBAR, LLANWRDA

<b>Applicant(s)</b>	J M, A M & W D LEWIS
<b>Agent</b>	EVANS BANKS PLANNING LIMITED – JASON EVANS
<b>Case Officer</b>	Kevin Phillips
<b>Ward</b>	Cynwyl Gaeo
<b>Date registered</b>	03/12/2020

## Reason for Committee

This application is being reported to the Planning Committee following a call-in request by the Local Member, Cllr E Williams.

## Site

The site is an open field in an agricultural area within the Cothi valley ( approximately 50 metres east of the Cothi Valley Special Landscape area boundary), to the south-east of Ynysau-gate, Crugybar, which is a dwelling sited along the A482 road, approximately 1.5 kilometres north of the village of Crugybar and 1.8 km south of the village of Pumsaint. The land is elevated above Ynysau-gate on a hillside, which has an existing agricultural access and track onto/from the A482 road.

## Proposal

The proposal is for the development of a new two storey 3-bedroom dormer agricultural dwelling. The two-storey element of the dwelling is 11 metres x 7 metres, 7.7 metres high to the ridge and there is a 3.9 metres x 3.3 metres single storey utility extension to the south-west elevation. There is also proposed a 24 metres x 12 metres and 5.3 metres to the ridge, agricultural building with concrete panels and grey profile sheeted sides and roof.

The dwelling is to be sited approximately 65 metres to the east of Ynysau-gate, with the front of the dwelling facing north-west. The proposal is to utilise the existing agricultural access and track which will run along the rear of Ynysau-gate. The supporting agricultural building will be sited a further 25 metres to the south-east of the dwelling, with the front of the building also facing north-west.

The agricultural holding to which this application relates is at land described at Derwen Fawr (Derwen Fawr farm is approximately 350 metres north-west of the application site). The land is owned by the Applicants (the Lewis Family) who are also tenants at the National Trust owned Pentwyn Farm, Cwrt y Cadno, which is approximately 7.5 kilometres north-east from the application site. The Derwen Fawr unit comprises 81 acres (32.8 ha), Pentwyn amounts to 49 acres (19.8 ha), with a further 50 acres (20.2 ha) rented annually for summer grazing. The holding is split over a number of blocks, with the proposal to develop a dwelling and agricultural building at the Derwen Fawr land.

The applicants currently reside in the National Trust tenanted farmhouse at Pentwyn. It is conveyed that the son wishes to establish his own home with his partner at Derwen Fawr land in order to secure greater efficiency for the holding as a whole.

The core agricultural activity of the holding will relate to a flock of breeding ewes and rams and the application conveys that the proposed development of the new dwelling and agricultural building at this site is what is required. It is conveyed that the proposal therefore seeks to provide shelter for the holding's stock and support the farming requirements at the holding. The application has included a Planning Statement and a Functional Test report in which it is conveyed that the functional test is satisfied, equating to 3.44 labour unit years and there being a need for a further rural enterprise dwelling on the holding, particularly due to its split-block nature. The report also conveys that the financial test is also satisfied in that there will be sufficient income to sustain the proposed occupiers of the new dwelling, as well as its construction and that of the new agricultural building.

## Planning Site History

E/40664 Rural enterprise dwelling with associated agricultural shed  
Refusal

8 December 2020

## Planning Policy

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

SP1 Sustainable Places and Spaces  
SP3 Sustainable Distribution- Settlement Framework  
SP5 Housing  
SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
TR3 Highways in Developments - Design Considerations  
EQ6 Special Landscape Areas

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.

There is no specific policy within the LDP relating to Rural Enterprise Dwellings as this is covered by Welsh Government's Policy for Rural Enterprise Dwellings set out in [Technical Advice Note 6 : Planning for Sustainable Rural Communities \(2010\)](#) and its associated [Rural Enterprise Dwellings : Practice Guidance \(2012\)](#).

## Summary of Consultation Responses

**Head of Transportation & Highways** – Recommends refusal of the application on the following grounds:-

- 1 The traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the County Road.
- 2 The proposed access is located on a section of highway where forward visibility is substandard.

Following review of the Automatic Traffic Count data submitted by the applicant's transport consultants on 21/05/2021, the stopping site distance required for the actual 85th percentile vehicular speeds exceeds the access and forward visibility available at, and in relation to the proposed site access onto this particular section of the A482 county road.

**Valuations Manager** – The report prepared by J D Dyer, dated November 2020 on behalf of Ms Lewis of Pentwyn Cwrt Y Cadno Llanwrda in support of a Rural Enterprise Dwelling and Agricultural Building at Derwen Fawr Crugybar has been reviewed.

In principle the farming enterprise as a whole meets both financial and functional tests. The only point of concern is that the main source of income is generated by the principal holding at Pentwyn. Pentwyn Farm is currently rented from the National Trust on a 1992 Agricultural Holdings Act(AHA) Tenancy which has no provision of succession rights. As such if the principal holding was lost the 81 acres at Derwen Fawr would certainly not create sufficient income to sustain a standalone farming enterprise, additionally the 50 acres grazing is on a 364 day license only.

Due to the uncertain future of the tenancy at the principle holding we can only assess this on the merits of Derwen Fawr as a standalone enterprise. On that basis it would fail to meet the financial or functional tests and therefore cannot be supported. The ability of the enterprise to pay for the dwelling and necessary building in the latter scenario is not proven.

With reference to the report prepared by J D Dyer (1. Introduction and Location) it should be noted that at no time did either the Valuations or the Planning officer indicate or in any other way suggest or infer the report should amalgamate both farms.

**Head of Public Protection** - No adverse comments to make on the application.

**Cynwyl Gaeo Community Council** - Supports the application on a local needs basis.

**Local Member(s)** - Councillor E Williams is a member of the Planning Committee and has requested that if the application is to be refused that it be reported to the planning Committee for consideration on the grounds of the local need of the applicant.

**Dwr Cymru/Welsh Water** – No objection.

**Dyfed Archaeological Trust** – As the proposal is located in close proximity to the probable line of a Roman road, the following condition is required to be added to any planning permission:-

*“No development shall take place until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local planning authority. This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved.*

*Reason: To protect historic environment interests whilst enabling development.”*

**Sustainable Drainage Approval Body** – Has confirmed that a Sustainable Drainage Body consent for the development will be required prior to any works commencing.

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

## Summary of Public Representations

The application was the subject of notification by way of site notice and no representations have been received.

## Appraisal

The main considerations of this case are whether the proposal complies with Welsh Government’s guidance set out in TAN6 in relation to a second rural enterprise dwelling on an existing holding, does the proposal adhere to highways safety requirements and how does the proposal impact the landscape quality of the locality.

TAN6 specifies at paragraph 4.3.1 that:-

“One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.”

And this is for:-

“A new dwelling on an established rural enterprise (including farms) where there is a functional need for a full-time worker and the business case demonstrates that the employment is likely to remain financially sustainable.”

Or

“ A second dwelling on an established farm which is financially sustainable, to facilitate the handover of the management of the farm business to a younger farmer.”

Paragraph 4.4 of the TAN relays that it aims to support new permanent dwellings to support established rural enterprises and paragraph 4.5 of TAN wishes to encourage younger people to manage farm businesses and promote the diversification of established farms. To

support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable where the criteria set out in paragraph 4.4.1 cannot be fully satisfied. The two exceptions of this policy are:-

“Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business;

Or

There is an existing functional need for an additional 0.5 or more of a full-time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business”.

The information submitted with the application advises that based on the current stocking levels, the current total hourly requirement equates to 3.44 labour unit years and that there is considered to be a functional and financial justification for a second dwelling on the holding of 180 acres.

The alternative test in terms of the presence of a secure and legally binding agreement that demonstrates a succession plan is in place, subject to any grant of planning permission has not been pursued and no such agreement has been submitted with the previous application that was refused or with this application. Therefore, the Authority’s Valuer has determined whether there is a clearly established existing functional need for a full-time worker and whether the proposal can be financially supported.

The Valuer has determined that the main source of income is generated by the principal holding at Pentwyn Farm. Pentwyn is currently rented from the National Trust on a 1992 AHA Tenancy which has no provision of succession rights. As such if the principal holding of Pentwyn was lost, the 81 acres at Derwen Fawr would not create sufficient income to sustain a standalone farming enterprise, additionally the 50 acres grazing is only on a 364 day license. Therefore, due to the uncertain future of the tenancy at the principal holding the proposal can only be assessed on the merits of Derwen Fawr as a standalone enterprise. On that basis it would fail to meet the financial or functional tests and therefore cannot be supported. The ability of the enterprise (81 acres) to pay for the dwelling and necessary building in the latter scenario is not proven.

### Highway Impacts

The proposal has sought to address the previous reasons for refusal(E/40664) in relation to highway matters. In particular a speed survey and access appraisal to address the issues raised by the Head of Transport was undertaken, however it remains that it is not possible to remove the highways objection, where the proposed development seeks to utilise an already sub-standard access in comparison to the actual vehicle speeds, to the detriment of highway safety. The access is intended to serve the needs of a dwelling and the supporting agricultural building and associated activities at the site, at a very dangerous junction and therefore as it is not considered possible to compromise on highway safety, particularly at this location, the Head of Transport recommends refusal of the proposed development.

## Siting and Impact upon Character and Appearance of the Landscape

Paragraph 4.12.1 of TAN6 specifies, “the siting of the proposed dwelling should relate closely to the activities for which there is a need. In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation. Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the landscape”.

The application site is considered to be very isolated in an open elevated position, with far reaching extensive views across the Cothi valley, away from the main complex of buildings at Pentwyn Farm. The siting is independent of the main farm holding, at a prominent position on a hillside, only 50 metres from the boundary of the Cothi valley special landscape area and any development at this location will involve significant excavation and reconfiguration of the topography with the proposed development becoming a prominent feature in that landscape. There are no existing landscape features to utilise to mitigate or screen the proposed development, and hence the significant concerns that this will be harmful to the quality of the landscape in this locality. It is considered that the proposed dwelling and agricultural building will be a standalone development un-associated with an existing farm, in a prominent position with limited natural topography to help assimilate into the wider landscape. It will be a dominant feature that would be prominent within the landscape to the detriment of the character and appearance of the wider area.

## **Planning Obligations**

The applicant has not provided details of the need for a Section 106 agreement which is understandable given that various issues have been raised in the application. Nevertheless, the occupancy of rural enterprise dwellings requires control, which are in most circumstances covered by the standard occupancy condition. However, paragraph 4.13.3 of TAN6 states “authorities may use planning obligations, for example, to tie a rural enterprise dwelling to adjacent buildings or land, to prevent them being sold separately without further application to the authority”. It is considered in this instance, given that the dwelling’s location is so isolated from the hub of the farm, it would normally be appropriate to tie the dwelling to the land (however the main farm complex is not under the control/ownership of the applicants). Furthermore, and as advocated by TAN6, it is considered that an occupancy condition would also usually need to be applied to the existing dwelling on the farm should planning permission be granted.

## **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 proposal as submitted it is concluded, on balance, that the application has failed to address all of the previous reasons for refusal. Whilst the principle of a second dwelling could be acceptable, it is considered that based on the information received in the application, the proposal fails to comply with the requirements of TAN6. It is appreciated that the Derwen Fawr unit of 81 acres is the only land owned by the applicant and there is no wish to develop the dwelling at the main farm complex at Pentwyn, which is not within the applicant's ownership as it is currently rented from the National Trust on a 1992 AHA Tenancy which has no provision of succession rights. It is reiterated that the proposal does not adhere to the requirements of TAN6 as stipulated by the Valuations Manager above. In addition, there is a significant highway safety objection and although the formal response from the Landscape Officer is awaited, it is clear that the proposal shall appear as a dominant feature that would be prominent within the landscape to the detriment of the character and appearance of the wider area.

The proposal conflicts with Local Plan policy and TAN6 guidance and therefore the application is recommended for refusal on the following grounds.

## **Recommendation - Refusal**

### **Reasons for Refusal**

#### **Reason 1**

The proposal does not meet the criteria required by 4.4.1 of Technical Advice Note 6 "Planning for Sustainable Rural Communities" in that both on a functional and financial basis, the stocking rates quoted cannot be supported without having the additional 50 acres of land, which is held only on an annual basis and could be terminated at very short notice. On the financial basis the projected income is to be shared between three parties and it is unlikely to support the cost of building the proposed dwelling and an agricultural steel framed building. It is considered that the cost provided for building of the dwelling house is very conservative and no account has been provided for the provision of services or the required sustainable drainage scheme and furthermore there appears to be no cost provision within the planning statement for the proposed agricultural building.

#### **Reason 2**

The proposal, if approved would be contrary to Policy GP1 "Sustainability and High Quality Design" of the Carmarthenshire Local Development Plan in that:-

- (i) The proposed agricultural dwelling and building will be at a very prominent location within the landscape, adjacent to the Cothi Valley Special Landscape area and would have an adverse, harmful visual impact on the general landscape quality.
- (ii) The traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the County Road and the proposed access is located on a section of highway where forward visibility is substandard.

### **Reason 3**

The proposal, if approved would be contrary to Policy EQ6 “Special Landscape Areas” of the Carmarthenshire Local Development Plan in that the proposed agricultural dwelling and building will be at a very prominent location within the landscape, adjacent to the Cothi valley Special Landscape area and would have an adverse, harmful visual impact on the general landscape quality.

### **Reason 4**

The proposal, if approved would be contrary to Policy TR3 “Highways in Developments – Design Considerations” of the Carmarthenshire Local Development Plan in that the traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the County Road and the proposed access is located on a section of highway where forward visibility is substandard.