

**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO  
PLANNING COMMITTEE**

**Adroddiad Pennaeth Lle a  
Chynaliadwyedd  
Lle a Seilwaith**

**Report of the Head of Place  
and Sustainability  
Place and Infrastructure**

**17/08/2023**

**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>17.08.2023</b>
<b>REPORT OF:</b>	<b>HEAD OF PLACE AND SUSTAINABILITY</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE</b>
<b>PL/05770</b>	<b>Change of use of existing residential building to 6 bedroom HMO at 156 Station Road, Llanelli, SA15 1YU</b>	<b>9</b>
<b>PL/05786</b>	<b>Construction of dwelling for local needs eligibility – policy at Plas Newydd, Llangain, Carmarthen, SA33 5AY</b>	<b>16</b>
<b>PL/06001</b>	<b>Remove existing buildings, install Modular building and create an enclosed external area within the grounds of the school for provision of an outdoor play/learning area for autistic pupils. The area will consist of new pedestrian access, new vehicular access privacy, fencing and a rubber crumb play area at Former School, Heol Elfed, Burry Port, SA16 0AL</b>	<b>26</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>PL/05770</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Change of use of existing residential building to 6 bedroom HMO
<b>Location</b>	156 Station Road, Llanelli, SA15 1YU

<b>Applicant(s)</b>	PBS Southwest - Mr Kye Holly
<b>Agent</b>	Huw Griffiths Architects Ltd - Kevin Matthews
<b>Officer</b>	Paul Roberts
<b>Ward</b>	Tyisha
<b>Date of validation</b>	19/04/2023

## Reason for Committee

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

## Site

The application site consists of a three-storey end of terrace building located at the southern end of Station Road in Llanelli. The property is current vacant having previously been used as three residential flats set over the three floors of the building. It is located immediately adjacent to the Hotel Miramar which is under the same ownership as the application site and has the benefit of an off-road parking area that extends to the side and rear of the application building.

The site is located on the periphery of Llanelli town centre in an area that is characterised by a mix of commercial and residential developments. The latter consists of a mix of dwellinghouses and residential flats many of which are located above commercial premises. The surrounding street scene consists of a mix of two and three storey properties.

The site is within a short walking distance of Llanelli railway station which is located just some 90 metres to the south-west of the site. The main town centre and its associated retail facilities is located approximately 800 metres to the north of the site along Station Road.

## Proposal

The application seeks full planning permission for the change of use of the application building to a six bedroom house of multiple occupation (HMO) (Class C4). The proposal will involve a number of internal alterations to the property with the six bedrooms being set over the three floors. The main living and kitchen areas are to be provided on the ground floor and the accommodation will be served by three bathrooms, one on each floor. The proposal will involve no external alterations to the property and includes provision for a bin storage and recycling store in the area to the rear of the building.

## Planning Site History

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

S/00132 - Removal of shopfront and replacement with window - Full planning permission - 5 September 1996

D5/12077 - Change of use to restaurant and living accommodation - Full planning permission - 23 October 1989

## Planning Policy

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

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
H3 Conversion or Subdivision of Existing Dwellings  
TR3 Highways in Developments – Design Considerations

### 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

**Llanelli Town Council** – Have objected to the application on the following basis :

- The proposal will contravene Policy GP1 of the LDP in that it will have a significant impact upon the amenity of adjacent properties, residents or the community; and does not provide an appropriate access or parking facilities.
- The proposal will contravene Policy H3 of the LDP in that it will result in an over intensification of the property use.
- Glanymor and Tyisha wards are already oversaturated with HMO properties.
- The introduction of more Class C4 HMO properties would have a detrimental effect on the area.

**Local Members** - County Councillor Suzy Curry objects to the application and opines that HMOs have led to an increase in noise, anti-social behaviour, and crime in the Tyisha Ward while also making it more difficult for families and young people to find affordable housing. Councillor Curry suggests that the proposal would add to the already high concentration of HMOs in the Ward, particularly the Station Road area which she suggests is saturated with HMOs and would have a detrimental effect on the community.

County Councillor Terry Davies is a member of the Planning Committee and has not commented on the application to date.

**Natural Resources Wales** – No objection.

**Head of Transport** – No objection.

**Head of Homes and Safer Communities** - No response received to date.

**Public Protection** – Have requested that the application be accompanied by a noise impact assessment to assess the suitability of the residential accommodation proposed given the site's proximity to commercial premises and the railway line.

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

## Summary of Public Representations

The application has been publicised with the posting of a site notice within the vicinity of the site. In response, 6 letters of objection have been received from interested parties which include the Glanymor and Tyisha Safer Community Action Group and a Council representative of the 'Transforming Tyisha Project'. The respondents raise the following concerns :

- The proposal is contrary to the LDPs policy to develop more family homes in the area.
- It would counteract work done by the Council and local community to reduce the number of HMOs in the area and mitigate their impact on the sense of community and traffic generation.
- Concerns regarding potential drug use and proximity to the local primary school.
- Increased litter and associated health impacts.
- There are 11 HMOs within a 200 metre radius of the site in the form of bedsits or shared house HMOs.
- Lack of waste management facilities.
- Anti-social behaviour.
- The Tyisha area has the highest proportion of private rental properties (22.4%) in the County.

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

## Appraisal

Policy H3 – 'Conversion or Subdivision of Existing Dwellings' of the LDP provides the principal policy context for the application and supports proposals for the conversion or subdivision of appropriate dwellings into flats or dwellings of multiple occupation subject to meeting three qualifying criteria. The first requires that proposals should not result in an over

intensification of use of the property, while the second seeks to ensure that suitable parking provision is available or made available. The final criterion seeks to ensure that the character and appearance of the building is safeguarded and its setting not unacceptably harmed.

Turning firstly to the design and layout of the proposal within the context of the existing building, the HMO will provide 6 bedrooms over the three floors of the property that will be of generous proportions and have good natural daylight and ventilation. Bathrooms are provided on each floor while the majority of the ground floor will provide a kitchen and living area that will afford a large communal area for the six occupants. The occupants will also have the benefit of a bin storage and recycling store facility at the rear of the building. The property is therefore considered to be sufficiently large to provide adequate living space for the occupants and will not result in an over intensification of its use. Further, the lack of any changes to its external elevations will mean there will be no harm to its visual appearance in the surrounding street scene.

With regard to the impact of the proposal upon the area's character and amenity, the area of Station Road wherein the site is located is characterised by a mix of retail and commercial uses as well as residential properties. The latter consist of a mix of dwellinghouses and residential flats and the representative of the 'Transforming Tyisha Project' in responding to the application has indicated that there are 11 HMO's in the surrounding area in the form of bedsits or shared house. Reference is made to other properties which may be deemed to be HMOs under the Housing Act 2004, however, no details of the same have been provided by the respondent.

A guidance review published in 2015 by the Welsh Government, *'Houses in Multiple occupation: Review and Evidence Gathering'*, identifies problems commonly associated with a high concentration of HMOs in an area which include damage to social cohesion, a reduction in family homes, increased anti-social behaviour and increased pressure for parking. Whilst it is acknowledged there is a mix of residential accommodation in the area that includes a high proportion of flats as well as a number of HMOs, this is characteristic of its location on the edge of the town centre and, to an extent, the associated concentration of commercial and retail premises. The concentration of HMOs can have a cumulative effect upon an area, however, there is no defined threshold to demonstrate when any further properties will unacceptably harm the character and amenity of the area and no evidence of the same has been provided by the respondents. The property is currently vacant having previously been used as three separate flats and its use for such purposes could be re-introduced without the need for planning permission. The permitted flats would have provided rented accommodation in the form of 2 two-bedroom flats and a single one-bedroom flat whereby the number of occupiers would be comparable to that currently proposed in the six-bedroom HMO. Although the type of accommodation proposed will differ whereby the occupiers will share facilities rather than consisting of self-contained units, nonetheless, there is no significant material difference between the permitted and proposed use whereby both will provide modest sized affordable accommodation on a private rented basis for a similar number of occupants. In this regard, it will not cause any material harm to the character and amenity of the area over and above that associated with the permitted extant use of the property and there would therefore be no sound policy basis upon which to withhold permission. To do so could result in the building reverting back to its previous use as three flats or, alternatively, remaining vacant and falling into a state of disrepair which would in itself cause harm to the amenity of the surrounding area.

It is acknowledged that properties occupied by non-family households such as flats and HMOs can result in litter management problems as well as noise or anti-social behaviour,



however, these are matters that can be addressed by HMO licensing and the police. Given the property consists of three storeys, it will be mandatory for the Council to license the proposed HMO thereby serving to ensure it is managed and occupied in an acceptable manner. Moreover, from a refuse perspective, provision is made for an external storage and recycling facility at the rear of the property.

As to the traffic and parking concerns raised by the respondents, whilst no off-road parking facilities are provided as part of the proposal, the Head of Transport has raised no objection to the application in this regard. The property is located in a sustainable location on the edge of the town centre just a short walk from the railway station, while also being highly accessible by walking, cycling and local bus services. Further, the occupiers would have access to on-street parking in the wider area that is not the subject of parking restrictions. It is noteworthy that the extant use of the property as three flats does not also have the benefit of off-street parking.

Members will have noted above that the Head of Public protection has requested that the application be accompanied by a noise impact assessment to assess the suitability of the residential accommodation proposed given its proximity to commercial premises and the railway line. However, the railway line is located circa 60 metres from the site which, combined with the extant use of the site as residential flats, would mean it would be unreasonable to request such an assessment.

The proposal is therefore considered to be in accord with the requirements of Policy H3 of the LDP in that it will not result in an over intensification of use of the site or cause any material harm to the character and amenity of the area. Moreover, it will not result in any unacceptable highway or visual impacts in the surrounding area.

## **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 examination of the site, together with the representations received to date, the proposed development is considered to be acceptable and in compliance with the key policy objectives of the Authority's LDP.

For these reasons, the application is put forward with a favourable recommendation.

**RECOMMENDATION - Approval**

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## Conditions & 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:-

- Elevations (HG 23-01 – 002)
- Location plan (HG 23-01 (01) – 001)
- Proposed floor plans (HG 23-01 [02]0001)

Received on 31 March 2023

- Block Plan (HG 23-01 [01]-002)

Received on 22 July 2023

*Reason:*

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

### Condition 3

No development shall commence until details of the bin/recycling store and associated means of enclosure shown on the Block Plan (HG 23-01 [01]-002) received on 22 July 2023 have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the development is occupied and retained thereafter for the lifetime of the development.

*Reason:*

In the interests of safeguarding visual and residential amenity.

## 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/05786</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Construction of dwelling for local needs eligibility - policy
<b>Location</b>	Plas Newydd, Llangain, Carmarthen, SA33 5AY

<b>Applicant(s)</b>	Vivian Jenkins
<b>Agent</b>	Harold Metcalfe Partnership - Ceri Evans
<b>Officer</b>	Charlotte Ford
<b>Ward</b>	St Clears and Llansteffan
<b>Date of validation</b>	12/04/2023

## Committee Report Update

This application was first reported to the Planning Committee on 22 June 2023. The original report that was presented to the Planning Committee is reproduced below. Whilst the application was recommended for refusal by Officers, the Committee were minded to grant planning permission against officer recommendation.

Officers commented that given the recommendation for refusal, the need for a S106 agreement had not been pursued with the applicant and therefore the Planning Committee were advised, following its resolution, that such discussions would take place and that officers would report back to the Planning Committee following any progress made and to include a list of recommended conditions to be included on the decision notice.

Following the above, Officers have since discussed the need for a Section 106 agreement with the applicant who has recently confirmed acceptance of this approach and has provided the initial information required for the Council's legal section to begin the process of preparing the documentation. At the time of writing this was at the very initial stages of the process and therefore should any updates be available, these will be reported to the Planning Committee.

Whilst the officer's recommendation to refuse the application based on the reasons set out in the original report still stands, in the event that the Planning Committee continue to resolve that planning permission should be granted, it is recommended that such a decision is

subject to completion of the above mentioned legal agreement and the below recommended planning conditions.

In the event that the required legal agreement is not signed within 12 months from the date of the Planning Committee resolution, delegated authority is given to the Head of Place & Sustainability to refuse the application.

## **RECOMMENDATION - Approval**

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### **Conditions & 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:

- Block Plan
- Location Plan
- Proposed Floor and Elevations Plan [4796/1]

Received 04/04/2023

*Reason:*

For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

#### **Condition 3**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, amending and re-enacting that Order), no development of the types described in Schedule 2, Part 1, Classes A, B, C, and E other than that hereby approved, shall be carried out without the written permission of the local planning authority.

*Reason:*

To exert control over the future development of the property to ensure that it remains of a scale and design compatible with an affordable dwelling to meet a genuine identified local need.

#### **Condition 4**

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 interests of highway safety and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

#### **Condition 5**

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, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

*Reason:*

In the interests of highway safety and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

#### **Condition 6**

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 and turning facilities is to be obstructed by non-motorised vehicles.

*Reason:*

In the interests of highway safety and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

#### **Condition 7**

Prior to the commencement of any works associated with the development (including site vegetation clearance, excavation, heavy machinery entering site or the on-site storage of materials) a Tree Protection Plan (TPP) shall be submitted and agreed in writing by the Local Planning Authority. The TPP shall be in compliance with the recommendations of BS5837, and provide details of protective measures, operations and construction exclusion zones for all trees, large shrubs and hedges identified for retention. The approved Tree Protection Plan shall be fully implemented, prior to the commencement of any works associated with the development; and thereafter shall be maintained in its entirety, throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

*Reason:*

To ensure that existing trees and landscape elements of suitable quality and condition are retained and effectively accommodated and protected as part of approved development in accordance with policies SP1, SP14, GP1 and EQ5 of the Carmarthenshire Local Development Plan 2014.

## **Condition 8**

No development or site clearance shall take place until an appropriate and comprehensive Detailed Landscape Design Scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions and shall be in compliance with relevant guidance as provided by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented prior to the occupation of the development hereby approved.

*Reason:* To ensure that the development respects, reflects, and enhances local character, distinctiveness; and gives due consideration to features which contribute to local distinctiveness and the landscape in accordance with policies SP1 SP14, GP1 and EQ5 of the Carmarthenshire Local Development Plan 2014.

## **Notes / Informatives**

### **Note 1**

This permission is subject to a Section 106 Agreement to tie the occupancy of the dwelling to those that can demonstrate a genuine identified Local Need as defined in the Glossary to the Carmarthenshire County Local Development Plan 2014.

### **Note 2**

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

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

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

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

### **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)).

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## **Previous report submitted to the Planning Committee on the 22/06/2023:**

### **Reason for Committee**

This application is being reported to the Planning Committee at the request of the Local Member Cllr Carys Jones (Vice Chair of the planning Committee)

### **Site**

The application site comprises part of an agricultural field situated off the C2079 (Glasfryn Square to Rhydlydan B4312) and subsequent track road with Plas Newydd Farm being to the south east of the site. The application site is located some 1.6km west of the development limits of Llangain and 2.4km south east of Llangynog.

The site itself comprises the southern corner of an agricultural field with a frontage onto the unclassified track road that serves Plas Newydd Farm. The remainder of the agricultural field, within which the application site is located, is currently delineated by hedgerow on all sides. The area surrounding the application site is characterised by scattered farmsteads and dwellings with no defined settlement in close proximity.

### **Proposal**

The application is a resubmission of 2 previously refused outline applications for a local needs dwelling on the same site. The applicant seeks full planning permission for a new detached dwelling outside of development limits. The proposed bungalow measures 129m<sup>2</sup> and is comprised of 4 bedrooms, bathroom, lounge, kitchen/dining area and a utility room.

The proposal is for a local needs dwelling and a supporting statement has been submitted outlining the rationale for the proposal and information relating to the circumstances of the applicant. The applicant was born and raised in Llangain and is the 5th generation to live in the vicinity of Plas Newydd farm, and now being responsible for the farming of 50 acres due to both the applicant parents being now retired. The applicant and their partner both work in Ysgol Y Dderwen (Carmarthen) and state that they have been unable to secure a dwelling within Llangain given their budget and prevailing house prices.

### **Planning Site History**

PL/04230 - Construction of dwelling for local need eligibility - Outline Refusal - 12/9/2022

PL/04868 - Construction of dwelling for local needs eligibility - Outline Refusal - 15/12/2022



## Planning Policy

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

SP1 - Sustainable Places and Spaces  
SP2 - Climate Change  
SP3 - Sustainable Distribution- Settlement Framework  
SP14 - Protection and Enhancement of the Natural Environment  
GP1 - Sustainability and High-Quality Design  
GP2 - Development Limits  
GP3 - Planning Obligations  
AH2 - Affordable Housing – Exceptions Sites  
AH3 - Affordable Housing – Minor Settlement in the Open Countryside  
TR2 - Location of Development – Transport Considerations  
TR3 - Highways in Developments – Design Considerations  
EQ4 - Biodiversity  
EQ5 - Corridors, Networks and Features of Distinctiveness  
EP1 - Water Quality and Resources  
EP2 - Pollution  
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.

## Summary of Consultation Responses

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

**Local Member - Councillor C. Jones** - Requests that the application is referred to the Planning Committee for determination for the following reason:-  
For discussion with the Planning Committee on a Local Needs basis.

**Llangynog Community Council** - The above application was reconsidered by Llangynog Community Council. It was resolved to support this application.

**Conservation (Trees)** – Requires the submission of a BS 5837 tree report.

**Rights of Way** - No objection subject to advisory note being attached to the granting of any permission.

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. One public representation has been received at the time of writing this report expressing support for the application.

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

## Appraisal

### Principle of the development

Whilst there is a general presumption against the erection of new dwellings outside of defined settlements within the countryside, the LDP, having regard to guidance set out in PPW recognises that there are opportunities and that sensitive infilling or small gaps and/or minor extension to such groups could be considered acceptable provided that they provide for affordable housing to meet genuine identified local need.

Policy AH3 provides the criterion against which such applications must be considered and specifies:

Proposals in the open countryside for affordable housing for a single dwelling will be permitted within settlements, hamlets and groups of dwellings without Development Limits where it is to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:

- a) It represents sensitive infill development of a small gap within an otherwise continuous built up frontage; or, a minor extension which does not result in ribbon development or perpetuate existing ribbon development;
- b) It is of a scale and size appropriate to, and in keeping with (and not detrimental to) the character (including landscape and townscape) of the area;
- c) The benefits of the initial affordability will be retained for all subsequent occupants;
- d) It is of a size, scale and design compatible with an affordable dwelling and is available to those on low or moderate incomes.

The definition of local need is defined in the Glossary of Terms in the LDP and reads as follows:

*"Residents (and their dependents) of the community and town council area or adjoining community and town council area. Present residents whose circumstances may relate to current substandard or unsatisfactory accommodation or where they are forming a new family or leaving the parental home for the first time will be considered as will those who make a significant contribution to the social, cultural and economic vitality of the community and town council area.*

*In addition, the definition will apply to those persons with a long standing link with the community and town council area including a period of established residence within the last twenty years. Those persons who have a proven functional need to live close to their place of work or to a resident through an essential need arising from age or infirmity may also be deemed eligible for consideration."*

Having regard to the supporting statement which accompanied the application, it is concluded that the applicant would meet the definition of local need. It is considered on balance that the applicant has provided sufficient information to demonstrate that they meet the definition, in that they have a long standing link to the local area. The applicant and their

partner are in full time employment in Ysgol Y Dderwen, Carmarthen (9.3km from the application site). The supporting information also indicates that the applicant farms approximately 50 acres of the family-owned farm at Plas Newydd which is adjacent to the proposed application site and has aspirations for its future. Although no further information as to the farming enterprise has been provided. The applicant states that they contribute to the local community of Llangain in a social and cultural sense through involvement in the organisation of town events. Within the supporting statement the applicant has advised that their budget is not sufficient to buy a home in Llangain.

In terms of criteria (a) of LDP Policy AH3, the proposed development should represent a *“sensitive infill development of a small gap within an otherwise continuous built-up frontage; or, a minor extension which does not result in ribbon development or perpetuate existing ribbon development”*. Having further regard to the site’s location, Paragraph 3.56 of PPW Edition 11 states that *“development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation.”* The sites’ location is not within the development limits of Llangain. Although there are some properties within the site’s general locality, these would not be categorised as either a settlement or a hamlet. It is considered that the dwellings within the locality of the application site are located some distance from the site. They are dispersed in a fragmented pattern some distance away from each other, not close enough to reasonably be considered a group of dwellings for the purposes of this policy. Notwithstanding this, consideration has been given to the remaining criteria of Policy AH3.

In terms of the remaining criteria of Policy AH3, namely (b), (c) and (d), as stated above the application is for a property intended to meet a local need for affordable housing. Regard is given to the Welsh Government document “Welsh Development Quality Requirements 2021 – Creating Beautiful Homes and Places”. This sets out the National minimum functional quality standards for new and rehabilitated general needs affordable homes. According to this document the largest affordable dwelling specified is 114sqm, which is suitable for 7 persons/4 bedrooms. The previously refused schemes sought permission for a dwelling that had a floorspace of between 160 and 240m. The proposal has been amended to reduce the scale to 129sqm, which whilst exceeding, is nevertheless considered to be modest and reflects the needs of the applicant and their family as outlined in the supporting statement. As such, officers no longer raise objection to the proposed size, scale and design of the dwelling.

Whilst no supporting information regarding the estimated build budget, land value or professional fee have been submitted as part of this application, the supporting statement states that the average house price in Llangain over the last year, according to Zoopla and Rightmove is £330,000, which is 20% higher than the previous year. As such, the majority of the building work will be undertaken by the applicant with the help of friends and family who have trades. In doing so it is anticipated the costs will be significantly less than £330,000. The consultation response from the valuations officer includes details of an on-line search for 4 bedroomed properties within a 5 mile radius of the subject site and results showed that there were two being advertised for prices of £200,000 or below.

Whilst the initial affordability of the property could be retained for all subsequent occupants through the completion of a Section 106 agreement to control the future sale of the property and ensuring the property would remain affordable in the longer term, this has not been pursued given the policy objection to the development in relation to its siting as referred to above.

Whilst the proposal is now considered to have partly addressed the previous reason for refusal in terms a reduction in scale, it remains that the siting of the dwelling in this remote location fails to meet Criteria (a) of Policy AH3. The proposal therefore would result in an isolated sporadic new dwelling in the countryside divorced from built form to the detriment of the character and appearance of the area.

### Conservation (Trees)

The proposal has the potential to impact upon the surrounding hedgerows/trees during the construction phase to enable access into the site. As such, whilst the Conservation Officer has not raised in principle objections to the development, it is requested that additional tree information would be required.

## **Planning Obligations**

The initial affordability of the property could be retained for all subsequent occupants through the completion of a Section 106 agreement to effectively control the future sale of the property. This has not been pursued with the applicants given the fundamental objection to the development as outlined above.

## **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 represents an isolated sporadic new dwelling in the countryside divorced from built form to the detriment of the character and appearance of the area. By reason of its remote siting, the dwelling is considered to be contrary to policy Policy AH3 of the Local Development Plan in that it is not within a settlement, hamlet or group of dwellings and is therefore recommended for refusal.

## **Full Refusal**

### **Reason 1**

The site is located in the countryside where there is a presumption against new residential development unless in exceptional circumstances. The proposed site is not within a settlement, hamlet or group of dwellings and does not represent a sensitive infill of an otherwise continuous built up frontage nor does it constitute a minor extension and as such development of the site would result in a sporadic, fragmented and disjointed pattern of residential development that would be harmful to the rural character and appearance of the area. As such, it is considered that the proposal would constitute inappropriate and intrusive rural development that would be harmful to visual amenity, the character and appearance

of the countryside and at odds with the principles of sustainable development, contrary to Policies SP1, SP14, GP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014).

<b>Application No</b>	<b>PL/06001</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Remove existing buildings, install Modular building and create an enclosed external area within the grounds of the school for provision of an outdoor play/learning area for autistic pupils. The area will consist of new pedestrian access, new vehicular access privacy, fencing and a rubber crumb play area
<b>Location</b>	Former School, Heol Elfed, Burry Port, SA16 0AL

<b>Applicant(s)</b>	CCC Property Maintenance Manager - Mr Jason Jones
<b>Agent</b>	Niall McDonald
<b>Officer</b>	Paul Roberts
<b>Ward</b>	Pembrey
<b>Date of validation</b>	13/06/2023

## Reason for Committee

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

## Site

The application site consists of an irregular shaped parcel of land that forms part of the grounds of the vacant Parc-y-Tywyn primary school located off Heol Elfed in Burry Port. The school previously relocated to a new site in 2018 and has since been vacant, being located immediately to the west of Glan-y-Mor comprehensive school and sharing the same access.

The site measures some 0.1 hectares in area and is located to the west of the main school building. Until recently it consisted of two portacabin structures that were used as classrooms but have since fallen into a state of disrepair and been removed from the site. The site includes grassed and tarmac areas located to the front and rear of the portacabin structures as well as part of a pedestrian footway leading from the access to the school.

The site and wider school grounds are located to the rear of the residential properties of Heol Elfed to the south, being set at a higher level than the properties and their rear gardens. It is separated from these properties by grassed areas falling within the grounds of the school, as well as a courtyard of domestic garages and an access lane that provides access to these. To the west of the site is a large hardstanding play area that also falls within the grounds of the school.

## Proposal

The application seeks full planning permission for the replacement of two former portacabins on the site with a new modular building and associated external play area that will provide a new specialist teaching facility for secondary school pupils with an autism spectrum disorder. Permission is sought for a temporary three year period while proposals for a new permanent purpose built facility are progressed.

The new teaching facility will form part of Glan-y-Mor secondary school and provide accommodation for 20 pupils, eight of whom are already within the main school. It will cover a floor area of approximately 23 metres by 12 metres and has been designed to assist with pupil development offering life skills and sensory rooms, calming rooms and specially designed classrooms. The new play areas will be provided on the land immediately to the west of the building and consist of a mix of hardstanding and 'rubber crumb' surfaced areas that will be enclosed with 2.4 metre high screen fencing. The ground levels of the site are to be raised to provide a level surface for the new classroom and play areas and the facility will be separated from the vacant school building by new fencing.

The proposal includes alterations to the existing vehicular access within the school grounds whereby it will be extended to provide access for emergency and delivery vehicles to the tarmac area to the front of the new classroom. Staff car parking spaces are provided adjacent to the main school building while the existing drop-off and pick-up bays located along the access into the school will be available for vehicles dropping-off and collecting pupils at the school.

The application has been accompanied by an ecological appraisal of the site which confirms the site is of negligible ecological value.

## Planning Site History

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

S/23002 - Placement of 1 no. double mobile unit of temporary accommodation for the purpose of teaching. works will include such items as drainage, external paths, steps, ramps etc. - Full planning permission - 24/6/2010

S/24624 - Proposed change of use of land from recreational to form part of the school grounds, to include the provision of new tarmac playground area and erection of a 2.40m high anti climb fencing and gates to secure the perimeter boundary - Full planning permission - 5/7/2011

## Planning Policy

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

SP1 Sustainable Places and Spaces  
SP3 Sustainable Distribution - Settlement Framework  
SP14 Protection and Enhancement of the Natural Environment  
SP16 Community Facilities  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
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 no objection.

**Pembrey and Burry Port Town Council** - Have not commented on the application to date.

**Local Members** - County Councillor Hugh Shepardson supports the application commenting that it will provide a much needed facility in the area. Cllr Michael Thomas is a member of the Planning Committee and has not commented on the application to date.

**Dwr Cymru/Welsh Water** - Have not commented on the application to date.

**Sustainable Drainage Approval Body (SAB)** - Have confirmed that the surface water drainage scheme proposed to serve the development will require separate SAB approval.

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

## Summary of Public Representations

The application has been publicised with the posting of a site notice within the vicinity of the site. In response, a petition signed by 16 local residents living in properties along Heol Elfed has been received which raises the following issues of concern :

- Visual invasion of the respondents' homes.
- Overlooking of neighbouring gardens.
- Noise impact.
- Suggest that a visual and sound barrier be erected around the grounds of the school.

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



## Appraisal

Policy SP16 – ‘Community Facilities’ of the LDP provides the principal policy context for the proposal and supports the provision of new community facilities in accordance with the settlement framework of the Plan and based upon evidence of need. The policy permits proposals for new education developments where it supports the settlement framework and accords with the policies of the plan. Allied to this, Policy GP1 – ‘Sustainability and High Quality Design’ supports development proposals where they, amongst others, conform with and enhance the character and appearance of the site and do not have a significant impact upon the amenity of adjacent properties and residents.

The proposal has been submitted on behalf of the Council’s Education and Children Services Department who have identified a shortfall of suitable learning spaces for pupils with an autism spectrum disorder in the Burry Port and surrounding area. The new facility is designed to temporarily meet this identified need while proposals for a new permanent purpose-built facility are progressed and developed by the Council. It will re-use the grounds of the existing school which are currently vacant and underused, while the replacement of the former run-down portacabin structures on the site with the new classroom and associated play areas will significantly improve the appearance of the site in the surrounding area. Further, the site is well related to school facilities at Glanymor School of which it will form part, while being served by its own vehicular access and pedestrian facilities. It is located within the development limits of Burry Port which is identified as a Service Centre in the LDP’s Settlement Framework in recognition of its sustainable location and its wide range of services and facilities.

Turning to the respondents’ visual concerns, whilst the site is set at a higher level than the properties of Heol Elfed to the south and the ground levels will be increased to provide a level surface for the development, nonetheless, the proposed new classroom will replace two former portacabins that have recently been removed from the site, having a comparable floor area and height to these structures. The replacement of the previous unkempt structures will improve the visual appearance of the site in the surrounding area while the modest scale of the building and separating distance of some 44 metres to the rear elevation of the nearest residential property will ensure the development will not be visually intrusive or harm the outlook of neighbouring residents. Similarly, the internal alterations to the vehicular access within the school grounds will not be visually discordant and will be separated from the respondents’ properties by the existing courtyard of garages and the access lane serving these.

In terms of privacy, the provision of the 2.4 metre high screen fencing around the new play area will mean that pupils and staff using the development will have no outlook towards the respondents’ properties. Moreover, the south eastern elevation facing these properties will be devoid of any fenestration with the exception of a fire exit door.

As to the noise concerns raised by the respondents, the proposal relates to a new classroom and play facility for just some 20 pupils which will represent a significant reduction in pupil numbers from that associated with its previous use as a primary school. The facility will be sufficiently distant of the respondents’ properties to safeguard against any unacceptable impact in this regard, and it is noteworthy that the previous use of the wider site as a primary school is still extant whereby it could be re-used for such purposes with significantly more pupils and staff numbers without the need for planning permission.

The proposal is considered to be in accord with policies SP16 and GP1 of the LDP in that it has been designed to meet an identified need for additional specialist pupil facilities in the Burry Port area and will re-use an existing under-used and vacant school site and its associated access and parking facilities. Further, it will cause no unacceptable material harm to the living conditions of neighbouring residents.

Members will note from the conditions below that condition no. 4 will permit the development on a temporary basis for a four year period rather than the three years sought under the application. This is to allow the applicant sufficient time to undertake the development and provide of the new facilities prior to their use.

## **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 examination of the site, together with the representations received to date, the proposed development is considered to be acceptable and in compliance with the key policy objectives of the Authority's LDP as well as those of National Planning Policy.

For these reasons, the application is put forward with a favourable recommendation.

## **RECOMMENDATION – Approval**

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## **Conditions & 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 13 June March 2023.

*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 and documents:

- Proposed location and block plan (BPS220208981PNM Rev G)

Received on 3 August 2023

- Proposed site levels (BPS420063350NM)
- Proposed elevations and floor plan [HD/13351/01 Rev G]

Received on 2 August 2023

- Material details/boundary fencing details

Received on 9 June 2023

- Preliminary Ecological Appraisal – Crestwood Environmental Ltd – 16 June 2023.

Received on 20 June 2023

*Reason:*

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

**Condition 3**

A Landscape and Ecological Design Scheme (LEDS) shall be submitted to and approved in writing by the local planning authority within three months of the date of this planning permission. The scheme shall provide the location, extents, and specification information sufficient to fully define all existing landscape and ecological elements retained or translocated; and new elements installed, constructed, planted, or seeded, together with a timetable for implementation.

The scheme shall specifically deliver the following:

- i) The recommendations in section 4.1.11 of the Preliminary Ecological Appraisal by Crestwood Environmental Ltd dated 16 June 2023.
- ii) 4 new trees (these should be native or of value to wildlife eg flowering and/or fruiting) to replace the 4 trees of very low ecological value that will be removed.

The development shall be implemented in accordance with the approved details.

*Reason:*

To provide a suitable landscaping scheme that will enhance the character and appearance of the development and surrounding landscape, while safeguarding against any unacceptable ecological or biodiversity impacts and delivering a Net Benefit for biodiversity.

**Condition 4**

The building hereby approved shall be removed from the land in its entirety and the land shall be restored on or before a period of 4 years from the date of this planning permission in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority.

*Reason:*

To reflect the temporary nature of the permission.

## **Condition 5**

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

*Reason:*

In the interests of highway safety.

## **Condition 6**

Notwithstanding the submitted plans, details of the constructional design and finishes of the retaining wall features proposed as part of the development, as shown on the proposed site levels (BPS420063350NM) drawing received on 2 August 2023, shall be submitted to and approved in writing within three months of the date of this planning permission. The development shall be implemented in accordance with the approved details.

*Reason:*

In the interests of visual amenity.

## **Condition 7**

The proposed new fencing shown on the Proposed location and block plan (BPS220208981PNM Rev G) received on 3 August 2023 shall be provided in accordance with the details shown prior to the use of the building and associated external play areas and retained thereafter for the lifetime of the development.

*Reason:*

In the interests of safeguarding residential amenity.

## **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)).