

# LLANDEILO TOWN COUNCIL

## PLANNING DECISION GUIDANCE

**Passed May 23**

**Review – TBC**

### 1. PURPOSE

#### The Planning System

It aims to:       protect and enhance the environment for current and future generations;  
                          guide appropriate development to the right place, as well as preventing  
                          development which is not acceptable;  
  
                          and address the potential tension between individuals or companies who want  
                          to develop their own land, the impact on neighbours and others, as well as  
                          wider considerations.

#### The Town Council

The key features of a Community and Town Council, which other models of community governance do not provide, are that they operate at a very local level, democratically accountable and are able to raise resources. They are uniquely positioned to be pivots of local democratic action and resourced to lead, change and influence.

Community and Town Councils are also well placed to facilitate the development of Place Plans as part of the supplementary planning guidance underpinning Local Development Plans.

They are ideally placed to share information both with the community and from the community.

A statutory or non-statutory consultee may recommend that a planning application be refused but cannot in most cases direct that this happens.

## 2. DECISION GUIDANCE

### All applications

Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications, they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.

A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. However, issues such as loss of view, or negative effect on the value of properties are not material considerations.

### 2.1 CONSIDERATIONS

The town council will support residents forming responses to applications using the following planning issues that are taken into account during the planning process. The most common "material considerations" include (the list is not exhaustive):

- 2.1.1 Local, strategic, regional and national planning policies
- 2.1.2 Government circulars, orders and statutory instruments
- 2.1.3 Previous planning decisions (including appeal decisions)
- 2.1.4 Design, visual appearance, and materials
- 2.1.5 Layout and density of buildings
- 2.1.6 Loss of daylight or sunlight
- 2.1.7 Overshadowing - loss of outlook (but not loss of view)
- 2.1.8 Overlooking - loss of privacy
- 2.1.9 Noise and disturbance from use
- 2.1.10 Smells
- 2.1.11 Light pollution
- 2.1.12 Highway safety issues and traffic generation
- 2.1.13 Vehicular access
- 2.1.14 Adequacy of parking
- 2.1.15 Loss of important trees
- 2.1.16 Landscaping
- 2.1.17 Nature conservation
- 2.1.18 Intrusion into the open countryside/ Green Belt land
- 2.1.19 Risk of flooding
- 2.1.20 Effect of Listed Buildings and Conservation Areas
- 2.1.21 Archaeology
- 2.1.22 Hazardous materials and ground contamination
- 2.1.23 Disabled person's access

## 2.2 DISREGARDING

We cannot take into account:

- 2.2.1 Loss of view
- 2.2.2 Loss of property value
- 2.2.3 Breach of restrictive covenant
- 2.2.4 Loss of trade to a competitor
- 2.2.5 The level of profit a developer might make
- 2.2.6 Personal circumstances of the applicant (in most cases)
- 2.2.7 Moral objections e.g. to uses such as amusement arcades and betting offices
- 2.2.8 Matters controlled under Building Regulations or other non-planning laws, e.g. structural stability, drainage, fire precautions etc
- 2.2.9 Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of way, covenants etc
- 2.2.10 Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of work etc.
- 2.2.11 The development is already completed

### 3. GENERAL EXAMPLES

#### Objection Example

*I write to object to the above planning application for the following reasons:*

#### **Design**

*The proposed dwellings are not of a design which is in keeping with the scale, character, or appearance of the area. All other dwellings on Smith Avenue are bungalow properties whereas the proposal is for two storey properties.*

#### **Privacy**

*One of the proposed dwellings would have a bedroom window approximately 10 metres from the only living room window of the neighbouring property. This would lead to a significant reduction in privacy at the property.*

#### **Trees**

*The proposal would result in the removal of several TPO trees which contribute to the visual amenity of the area. The removal of these trees would detrimentally impact upon Smith Avenues character and appearance.*

*I therefore consider that the proposal is contrary to policies A, B, and C of the local plan and request that the planning application is refused.*

#### Support Example

*I write to give full support to the above planning application.*

*The proposal would bring a derelict site back into positive use which would benefit the area. The removal of the existing buildings would improve the visual appearance of the area as the buildings are in significant disrepair.*

*In addition, the proposed dwellings would overlook an area of public open space which I believe would increase natural surveillance of the area and would deter anti-social behaviour.*

## 4. LLANDEILO CONSERVATION AREA

### Additional application consideration

#### Definition

Conservation Areas are designated to preserve and enhance the special character of areas of architectural or historic interest.

The designation of such areas comes under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. They are selected according to the quality of the area as a whole, including the contribution of key individual or groups of buildings, trees, open space and streetscape. The purpose of designating a Conservation Area is to provide an additional measure of control over an area considered to be of special historic or architectural value where the character or appearance of which it is desirable to preserve or enhance.

This does not mean that development proposals cannot take place, or that works will be automatically refused. It means however that the Council will have regard to the effect of a proposal on the designation in addition to the normal assessment.

You will need conservation area consent to do the following:

- Demolish a building with a volume of more than 115 cubic metres. There are a few exceptions - you can get further information from the relevant council.
- To demolish a gate, fence, wall or railing more than one metre high next to a highway (including a public footpath or bridleway) or public open space; or more than two metres high elsewhere
- There are certain exemptions from the general requirement to seek conservation area consent for the demolition of buildings in conservation areas.

### 4.1 CONSIDERATIONS

Character is expressed through such things as building styles, materials, street layouts, land use and periods of development. Within the planning system, applications for change within a Conservation Area are assessed to understand the effect that the development might have on significance.

Significance is one of the guiding principles running through Planning Policy Wales 2021 (PPW). This may be archaeological, architectural, artistic, or historic significance and it may derive not only from a physical presence but also from its setting.

Additional regulatory controls are placed upon certain works within Conservation Areas, including demolition, works to trees and advertisements. All planning decisions are required to be assessed against the significance of the area to ensure it is maintained and where possible enhanced.

## 5. LISTED BUILDING GUIDANCE

### Additional application consideration

#### Definitions

- Grade 1: Buildings of exceptional interest, of the highest significance  
Grade 2\*: Particularly important buildings of more than special interest  
Grade 2: Buildings of special interest, warranting every effort to preserve them

### 5.1 CONSIDERATIONS

The purpose of listed building consent is to manage change to make sure that the features which contribute to the building's special architectural or historic interest are retained, as far as possible. These may include its form and layout, the details of its construction, including historical materials and finishes, and historical fixtures, fittings and details, both inside and outside.

In the case of a listed building, any works to alter, extend or demolish the building in a way that affects its character as a building of special interest require listed building consent from the local planning authority, whether planning permission is also needed or not. Listing status covers the entire building, internal and external, and so works which require consent might include the replacement of windows and internal alterations, for example.

It is a common misunderstanding that the special interest of a listed building lies only in its features, such as fireplaces and plasterwork. The special interest is found in its history and architecture. The general form and layout of the building may be as important in this regard as any eye-catching "period feature".

## 6. SUMMARY

In summary it is for Llandeilo Town Council to return comment that identifies local considerations and concerns and provide the ability for residents to put forward either support or objections to Planning Applications by guiding their statements towards relevant policies, publications and documents.

PRINTABLE REFERENCE FORM

√	Ref no.	Description	Comment
	2.1.1	Local, strategic, regional and national planning policies	
	2.1.2	Government circulars, orders and statutory instruments	
	2.1.3	Previous planning decisions (including appeal decisions)	
	2.1.4	Design, visual appearance, and materials	
	2.1.5	Layout and density of buildings	
	2.1.6	Loss of daylight or sunlight	
	2.1.7	Overshadowing - loss of outlook (but not loss of view)	
	2.1.8	Overlooking - loss of privacy	
	2.1.9	Noise and disturbance from use	
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	2.1.19	Risk of flooding	
	2.1.20	Effect of Listed Buildings and Conservation Areas	
	2.1.21	Archaeology	
	2.1.22	Hazardous materials and ground contamination	
	2.1.23	Disabled person's access	

References:

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1 <https://gov.wales/sites/default/files/publications/2019-05/independent-review-panel-on-community-and-town-councils-in-wales-final-report.pdf>

2 <https://www.gov.uk/guidance/determining-a-planning-application>

Paragraph: 016 Reference ID: 21b-016-20140306 Revision date: 06 03 2014

3

[https://www.sandwell.gov.uk/info/200283/planning\\_permission/2268/have\\_your\\_say\\_on\\_planning\\_applications/2](https://www.sandwell.gov.uk/info/200283/planning_permission/2268/have_your_say_on_planning_applications/2)

4 [https://www.planningportal.co.uk/faqs/faq/4/what\\_are\\_material\\_considerations](https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations)

5 <https://www.lichfielddc.gov.uk/planning-guidance/comment-planning-application/2>

6 [https://www.carmarthenshire.gov.wales/home/council-services/planning/conservation-countryside/conservation-areas/?msclkid=45dae501ae7611ecab2316de25bcb8df#.YkWTvujMJO\\_](https://www.carmarthenshire.gov.wales/home/council-services/planning/conservation-countryside/conservation-areas/?msclkid=45dae501ae7611ecab2316de25bcb8df#.YkWTvujMJO_)

7 [Planning+Handbook+a+Guide+for+Local+Authority+Members.pdf](#)

8 <https://cadw.gov.wales/advice-support/historic-assets/listed-buildings/listed-building-consent>