

**ADRODDIAD PENNAETH CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

**REPORT OF THE HEAD OF
PLANNING, DIRECTORATE OF
ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 06 EBRILL 2017
ON 06 APRIL 2017**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal
Dwyrain/
Area East*



Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yn rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	06 APRIL 2017
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	E/33695
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Application Type	Full Planning
Proposal & Location	FULL PLANNING FOR THE ERECTION OF A POULTRY UNIT ON FARM TO ACCOMMODATE FREE RANGE CHICKENS (EGG PRODUCTION) TOGETHER WITH ASSOCIATED FEED BINS, INTERNAL FARM ACCESS AND ASSOCIATED WORKS AT GODRE GARREG, LLANGADOG, SA19 9DA

Applicant(s)	T V HUGHES & CO, GODRE GARREG, LLANGADOG, SA19 9DA
Agent	ROGER PARRY AND PARTNERS - GAIL LEWIS, THE ESTATES OFFICE, 20 SALOP ROAD, OSWESTRY, SHROPSHIRE, SY11 2NU
Case Officer	Kevin Phillips
Ward	Llangadog
Date of validation	21/04/2016

CONSULTATIONS

Head of Transport – Initially recommended the refusal of the application as the traffic generated by the development would use an existing access which is unsuitable because there is restricted visibility at the county road. However, following a traffic survey and improvement to the design of the access and the proposed provision of a passing bays along the road leading to/from the site, the application has been supported subject to the application of conditions.

Head of Public Health & Protection – Requests that a suitably worded condition is applied to any planning permission, requiring that the business is operated in compliance with the Design and Access Statement mitigation measures, to ensure that the amenity of local residents/businesses is adequately protected from dust during construction.

As the proposed location of the proposed development is within close proximity to a number of residential dwellings, it is also recommended that a further seven suitably worded noise related conditions are applied to any permission.

The comments provided in response to the application consultation do not prejudice any Environmental Health enforcement action required as a result of the proposals, therefore it is important that any development does comply with all Environmental Health legislation, particularly that of statutory nuisance under the Environmental Protection Act 1990.

Head of Corporate Property – No objections.

Llangadog Community Council – Objects to the proposal. Whilst the Community Council has no issue with the applicant wishing to diversify their business and move into egg production, they do feel that the current proposed location for a poultry unit of this size and scale is inappropriate due to its close proximity to several neighbouring properties (under 200m)

The Community Council would like to ensure that the planning authority ensures that there is sufficient separation between the residential properties and the proposed poultry unit to mitigate against any detrimental effects of noise smell and visual amenity as set out in planning law.

Local Member – County Councillor A James requests that the Planning Committee determines the application. The reasons for this request are as follows:-

- The planning application includes details in relation to the mitigation of the scheme with landscaping details and ammonia modelling to protect the SSSI;
- Access to/from the site is an important consideration;
- The applicant is diversifying at the site and the employment benefits for his family are an important consideration.

Natural Resources Wales – Following a detailed consideration of the proposal that includes detailed manure management and nutrient plans, it is recommended that any permission shall include conditions that require within one month of granting planning permission, the submission of a planning application for the erection of a covered manure store at Godre Garreg; no manure spreading shall take place within a 10m wide buffer zone measured from any nearby water course bank top for the whole extent of the site; on an annual basis the manure management plan will be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless other agreed in writing with the Local Planning Authority; all vehicles used for the movement of manure shall be sheeted and/or fully covered and the storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the protection of Air, Water and Soil.

In addition, a Test of Likely Significant Effect (TLSE) for the proposed development has been undertaken and it was concluded that planning permission should only be granted if relevant conditions are attached. The conditions would address significant concerns that have been identified with regard to manure management. Poultry waste from the unit will be managed in line with the approved manure management plan and during the operational lifetime of the poultry unit an updated manure management plan is to be submitted to the Local Planning Authority for written approval on an annual basis reflecting any changes in the operation. The nutrient management plan which informs the manure management plan is also to be updated as required as agreed with the Local Planning Authority in writing.

Subject to the imposition of the specified conditions it is considered that the development will have no significant effect on the River Tywi Special Area of Conservation (SAC).

The comments above only relate specifically to matters that are included on Natural Resources Wales checklist and Planning Consultations (March 2015) which is published on NRW website. NRW have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

National Grid – No comments received.

Dwr Cymru/Welsh Water – No comments received.

Dyfed Archaeological Trust – Require a historic environment appraisal of the site to be undertaken, which has subsequently been done and has been approved by the Trust.

Neighbours/Public – This application has been publicised by the display of a site notice in the vicinity of the application site. Thirty nine letters of objection have been received and 32 letters of support have been received and the reasons of objection are as follows:-

- The proposal is a large scale building that will be detrimental to the visual amenity of the landscape.
- The proposal will result in highway safety problems with vehicles accessing and exiting the site.
- The proposal is within the river Tywi flood zone and there will be pollution of the environment as a result.
- The proposal will result in the loss of hedgerow.
- The proposal will be detrimental to local living conditions as a result of noise.
- The proposal will be detrimental to local living conditions as a result of smells.
- There will be an increase in rats and fly infestation.
- There will be a devaluation of local properties.
- The welfare of the chicken business is questioned.
- The proposal will increase in Antibiotic resistance.
- The proposal will Impact upon the tourism of the locality.
- The proposal will Impact upon the heritage of Llangadog village.
- There is concern regarding the spread of manure.

The letters of support of the application refer to:-

- Expansion and diversification of a rural business is essential for a rural community
- The proposed development will allow a young farmer to succeed in a new rural enterprise
- A modern poultry will not cause any harm in for local residents in terms of smells and noise
- The proposal allows quality food to be produced locally
- Chicken manure will be beneficial to farming practices in the locality and rather than importing in from far afield, the manure can be supplied from a local source.

PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

THE SITE

The application site is part of two large fields within the Tywi Valley, approximately 220 metres south/south east of the dairy farm, Godre Garreg, Llangadog. Access to the site is from an unclassified road that runs across Carregsawdde Common and ends at Devanah and Dolau farm. There are two properties to the south of the application site with a mature hedgerow in between along the field boundary; Brofana (formerly Kite Cottage) at 30 metres and Ty Newydd a further 17 metres to the south. Opposite the proposed access there is a bungalow Derwen Deg which is approximately 90 metres to the east of the poultry unit; Bwlchagored is located approximately 140 metres to the north east fronting the highway to the site. The village of Llangadog is approximately 1 kilometre to the North East across the river Sawdde and the village of Carregsawdde is approximately 400 metres to the East.

THE PROPOSAL

The application seeks planning permission to erect a free range poultry unit; the hen house is shown to measure 140 metres x 20 metres, being of a rectangular design, with a 3.1 metre eaves height and 6.2 m height to the ridge, four feed bins at 8.95 metres in height, are proposed to be sited at the mid-point of the southern elevation. The roof will have box profile sheeting and the elevations will be a mass concrete base with box profile sheeting to the eaves. The elevation facing towards the farm will have pop holes to the site to allow the hens to exit and enter. The east gable elevation will have four, 3 metre wide double doors and a standard door opening in the western side of the south elevation and one centrally positioned in the west gable elevation.

The building is specifically designed for the housing of free range hens and is to meet the relevant regulations and codes for bird welfare. The proposed development will have the capacity to accommodate up to 32,000 laying hens.

The proposed units will not only house the poultry, but will include the mechanical processing and packing of eggs via a conveyor belt system. Essentially, the chickens will lay eggs within certain designated areas within the units; the eggs will enter onto a conveyor system (this may also be done manually); then transported into the packaging/grading area whereby they are mechanically sorted and graded into crates. The crates are then sealed and stored at optimum temperatures before being collected. The whole process is low labour intensive.

The poultry unit is to be served by a new, revised access approximately 25 metres from the boundary with Brofana and Ty Newydd which runs along the south side of the building with a turning facility at the western extremity. A hardstanding area for parking is to be provided at the eastern side of the building for staff, deliveries and collections.

PLANNING POLICY

The application falls to be considered against Policies within the Carmarthenshire Local Development Plan (LDP). The relevant policies are:

Policy SP14 is a strategic policy that requires that development should reflect the need to protect and wherever possible enhance the County's natural environment and should be considered in accordance with national guidance/legislation and the policies and proposals of this plan.

Policy GP1 is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy EMP 4 provides advice on the consideration of farm diversification proposals, and requires that it is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm; is of a scale and nature appropriate to the existing farm operation; the scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements; the scale and scope of any retail use (where planning permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy (see policy RT1); it would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape.

Proposals should give priority to the conversion of suitable existing buildings on the working farm. Where justified new building should be integrated with the existing working farm complex and not detrimental to the respective character and appearance of the area and surrounding landscape.

Policy TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EQ4 states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements; there are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.

Policy EQ6 states that Special Landscape Areas are designated in specific locations and proposals for development which enhance or improve the Special Landscape Areas through their design, appearance and landscape schemes will be permitted (subject to the policies and proposals of the Plan).

Policy EP1 requires that proposals for development will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County. Proposals will wherever possible be required to make efficient use of water resources.

Policy EP2 requires that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.

Policy EP3 requires that proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.

Nationally, Technical Advice Note 6 "Planning for Sustainable Rural Communities" (July 2010) provides guidance on the subject of new agricultural buildings that requires local planning authorities seek to ensure such development is essentially required at that location, sensitively related to existing settlement patterns and landscape features, and is of an appropriate size, scale and design. These principles serve to ensure the proposal is justified, and complements rather than detracts from the site and surroundings in which it is proposed.

THIRD PARTY REPRESENTATIONS

The details in relation to the letters of objection received shall be considered herewith.

The proposal is a large scale building that will be detrimental to the visual amenity of the landscape.

Although large, the proposed free range egg production unit, is not considered to be overly large in relation to it's setting with a mature hedgerow and supporting landscaping to supplement the existing hedgerow to the south and additional native species woodland planting to the western and northern side to screen the development. Although having some concerns in relation to the impact of the building in the landscape, the Landscape Officer has recommended the imposition of conditions to be imposed on any permission to mitigate the impact.

The proposal will result in highway safety problems with vehicles accessing and exiting the site.

The proposed development has been considered in detail by the Head of Transport in relation to the vehicular movements, visibility splays and turning facilities and the proposal is supported subject to the application of relevant conditions.

The proposal is within the flood zone and there will be pollution of the environment as a result.

Following the submission of detailed information to Natural Resources Wales including a TLSE, the proposal received their support, in that any fluvial flood risk to the unit was likely to be negligible. Therefore there is not considered to be any significant risk through pollution of the local rivers as a result of flooding.

The proposal will result in the loss of hedgerow.

A length of hedgerow along the eastern boundary at the proposed access and western side of the proposed site is to be removed, however there will be native species hedgerow planted adjacent to the western side and a further native species woodland planting to screen the development from wider views and a hedgerow and a further native species hedgerow is to be planted from the eastern side of the building to the highway hedgerow in addition to further native species woodland planting to screen the development from wider views and to aid integration into the landscape.

The proposal will be detrimental to local living conditions as a result of noise and smells.

As detailed in the summary consultations section above, the proposal has received a favourable recommendation from the Head of Public Health and Protection subject to the imposition of a number of relevant conditions on any permission.

There will be an increase in rats and fly infestation.

It is considered that as far as flies are concerned, they could be controlled by way of Statutory Nuisance powers under the Environmental Protection Act 1990, this would include management practices at the unit to ensure fly larvae etc. are controlled as conveyed in the Design and Access Statement submitted with the application. Rats can be controlled via pest control treatments, and minimising access to foodstuffs etc. and legal notices for rodent problems can be served if deemed necessary.

There will be no employment created by the proposal and there is no viable need for the proposal.

The proposed development will add to the existing agricultural business viability of the farm with the introduction of three full time and 1 part time employees.

The application is not supported by an Environmental Impact Assessment.

The proposal comes under "Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes" as defined in Column 1 as it is deemed a permanent agricultural building; the area of development does not exceed the 0.5 hectare threshold.

It would appear that the proposed development falls within Schedule 2 of the 2016 Regulations (part 1C) and as such only requires an EIA 'if it is a development, with an area of new floorspace that exceeds 500 square metres. In this instance the proposed shed measuring 120 metres x 20 metres would have a floor-space equating to 2800 sq. metres. The development therefore falls to be considered against the indicative thresholds and criteria stipulated in Column 2 of schedule 2 (part 1C).

The relevant circular provides guidance and stipulates that such developments on previously uncultivated land would only require an EIA if it is designed to house more than “50,000 layers, turkeys or other poultry”. From the information given by the landowner, the building has been designed to accommodate 32,000 poultry, on the basis of the above it is not considered that the requirement of an EIA are applicable.

In the consideration of the above it necessary to consider the characteristics of the development in combination with its proposed location in order to identify the potential for interactions between a development and its environment and therefore determine whether there are likely to be significant environmental effects. Having received a favourable response to consultation from NRW in relation to the TLSE, it is considered that the proposed development will not have a significant impact upon the local environment.

There will be a devaluation of local properties/The welfare of the chicken business is questioned/ The proposal will increase in antibiotic resistance.

These are not considered to be a material planning matters in the determination of the application.

The proposal will impact upon the tourism of the locality.

It is not considered that an agricultural building as a diversification scheme to an existing farming enterprise will have any significant harm to the tourism of the locality. It is appreciated that there is a small scale exempted caravan site adjacent at Ty Newydd, however the retention and strengthening of the landscape feature will not result in the proposal having any harmful impacts on the caravan site.

The proposal will impact upon the heritage of Llangadog village.

The building is sufficiently distant from the village of Llangadog to ensure that there will not be any harm to its heritage.

There is concern regarding the spread of manure.

The updated manure management plan considers the requirements of the current Glastir agreement. The plan shows that there is insufficient land available to apply all the poultry manure produced. The excess is to be exported off the holding by a (specialised) contractor. The plan also refers to the construction of a new manure store on the holding. NRW has confirmed that the nutrient management plan is based on soil samples taken in 2013 is acceptable, commenting that the applicant should refer to best practice and be aware that the soil nutrient levels should be checked every three to five years to give a suitable baseline for the production of the nutrient management plan.

As noted in the summary of consultations section above, the proposal has been the subject of a involved detailed consideration by NRW, including the assessment of manure and nutrient management plans and the undertaking of a TLSE and it has been concluded that the proposal shall not have a significant effect on the River Tywi Special Area of Conservation. The application of conditions recommended by NRW to the planning permission and their adherence will protect the environment from any concerns.

CONCLUSION

The proposed poultry building is sited away from Godre Garreg farmyard and buildings at a location accessed from an unclassified road to the south east, which has three dwellings in what can be considered as within close proximity to the proposal. As indicated, a thorough consultation exercise has been undertaken, indicating NRW and the Head of Public Protection to appropriately consider, the key areas of concern regarding the visual harm; smells and noise; the manure management plan. and the highway impacts of the development.

It is considered that the principal concern in relation to smells and noise can be appropriately controlled with the professional management of the business and adherence to conditions applied to the planning permission. Although there would be negligible odour from the buildings when in operation, there may be some odour from the buildings during the cleaning period, which is for a short period of time every 14 months and this is not considered significant enough to warrant a negative determination of the proposal.

The Head of Transport is satisfied that the traffic movements, access and parking/turning provision at the site with passing bays proposed to be provided, is acceptable and has received a favourable response to consultation subject to the application of conditions.

The Landscape Officer has considered the proposed development and in the course of the application requested improvements to the application's landscaping scheme with regard to which it has been concluded that the proposed development will not have a significant visual impact on the amenity of adjacent uses, properties, residents or community; the scheme retains important local features and ensures the use of good quality hard and soft landscaping; embraces opportunities to enhance biodiversity and ecological connectivity; not adversely affect those features which contribute local distinctiveness/qualities of the county, and to the management and/or development of ecological networks [wildlife corridor networks], accessible green corridors and their continuity.

The Landscape Officer has raised some concern regarding the scheme's adherence with policy GP1 of the LDP regarding the ability to conform with and enhance the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing. Also, the scheme's ability to incorporate existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges; and utilises materials appropriate to the area within which it is located. In addition, concern is raised whether the proposal protects and enhances the landscape, townscape, historic and cultural heritage of the county and there are no adverse effects on the setting or integrity of the historic environment. The ability of the proposal to enhance or improve the Tywi Valley Special Landscape area in relation to policy EQ6 is also raised.

The Planning Ecologist has undertaken a Test of Likely Significant Effect (TLSE) on the proposal with NRW consultation, which is a process in determining planning applications, whereby local planning authorities should have regard to the Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Habitats Directive in respect of the land use planning system. The consideration of the likelihood of significant effects is a form of screening process or risk assessment. The planning authority must consider whether the proposed development would be likely to have a significant effect on any European site or European offshore marine site alone and in combination with other plan or projects. In doing so, it must adopt a precautionary approach. The TLSE was forwarded to NRW who have indicated that they are satisfied with the findings of the

assessment and the proposed mitigation measures and consider that subject to the measures and conditions referred to therein being applied to any permission, their significant concerns regarding the development would be addressed.

The operation of the free range egg production business is typically seen as an extension to an existing farm business and the rural location proposed is where in planning terms it is expected to see this type of enterprise. Taking into consideration the comments of the consultees and the issues of objection received, and balancing this with the policy guidance that is available through the Carmarthenshire LDP as well as other national guidance, it is considered that at this location with the landscaping mitigation, the proposed poultry unit is acceptable and the successful operation of the business in both planning and business terms is reliant upon adherence to the planning conditions and effective management of the business. While the proposed development shall have an impact within the Tywi Valley Special Landscape area, a balance has to be made between the visual harm to the landscape and the economic benefits of this farm diversification scheme. It is considered that the siting has implemented as much of the existing hedgerow screening and will apply sufficient additional landscaping improvements to allow the balance to tip in favour of the application.

In light of the aforementioned report of the proposed development, it is recommended on balance that planning permission be granted for this development subject to the conditions below.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The above approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below:-
 - Elevations, Floor Plan and Feed Bins (03) 1:50 scale, 1:500 scale, received 2 October 2015;
 - Revised Site and Landscape Plan 04, 1:1000 scale, received 15 December 2016;
 - Plan showing Passing Bay 1:500 scale, received 25 November 2016;
 - Passing Place plan 1:250 scale, received 15 December 2016.
- 3 The building hereby approved shall only be used for the purposes of agriculture as defined by Section 336 of the Town and Country Planning Act 1990.
- 4 The use of the poultry unit shall be for free range egg laying only; any change to the operation must first be approved in writing by the Local Planning Authority.
- 5 Any external artificial lighting incorporated with the proposed poultry unit shall be installed in accordance with the relevant lighting engineers' guidance to reduce any potential light nuisance to neighbouring properties. Any such proposals for artificial lighting is to be agreed in writing by the Local Planning Authority prior to installation.

- 6 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway for the initial 15.0m measured from the nearside edge of carriageway and 10.0 metre kerbed radii at the junction with the U4502 road.
- 7 Any access gates shall be set back a minimum distance of 15.0 metres from the highway boundary, and shall open inwards into the site only.
- 8 The existing means of vehicular access into the site shall be permanently stopped up, and the public highway reinstated to the written approval of the Local Planning Authority, prior to the new means of vehicular access herein approved, being brought into use.
- 9 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 57 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. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
- 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.
- 11 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 12 The site access road shall be hard-surfaced for a minimum distance of 15.0 metres behind the nearside edge of carriageway, in materials which shall be subject to prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.
- 13 A passing bay, giving a carriageway width of 5.5 metres over a 10 metres linear length of the road, shall be provided as shown on the Passing Place drawing dated 13/12/2016. This shall be implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 14 Within one month of the granting of this planning permission the applicant shall submit a planning application for the erection of a covered manure store at Godre Garreg farm, Llangadog. No work shall commence on the poultry unit hereby approved until the covered manure store has also been granted planning permission and the poultry unit shall not be operational until the covered manure store has been completed and is ready to be used in association with the approved poultry unit.
- 15 No manure spreading shall take place within a 10 metre wide buffer zone measured from any nearby water course bank top for the whole extent of the site (banked off is defined at the point at which the bank meets normal land levels). The buffer zone shall be without structure, hardstanding, footpath, fences or overhanging development.

- 16 During the operational lifetime of the poultry unit an annual updated manure management plan reflecting any changes in the operation is to be submitted to the Local Planning Authority for their written approval. The nutrient management plan which informs the manure management plan is also to be updated and submitted in conjunction to the Local Planning Authority for their written approval.
- 17 All vehicles used for the movement of manure shall be sheeted and/or fully covered.
- 18 Poultry waste from the unit will be managed in line with the approved Revised Manure Management Plan (January 2017), received 26 January 2017.
- 19 The rating level of the noise emitted from the proposed development as a whole shall not exceed the background noise level. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.
- 20 If the authority receives a justified complaint with respect to the development, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for rating and assessing industrial and commercial sound, to determine whether noise arising from development exceeds the level specified in condition 19 above. The assessment shall be undertaken under the supervision of the Local Authority.
- 21 In the event that Condition 19 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 19. The development shall then be undertaken in accordance with the approved details.
- 22 Deliveries and collections associated with the proposed development shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 23 Any associated works with the proposed development, such as cleaning, maintenance shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 24 Fans shall not operate between the hours of 23:00 and 07:00.
- 25 During the construction phases, no works or construction shall take place other than within the hours of 08:00 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays.
- 26 The approved Detailed landscaping and planting of the site as approved within the Landscape Plan approved in condition 2 above shall be fully implemented during the first available planting and seeding season following the commencement of the development.
- 27 Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design,

within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3-5 To prevent any separate use on the site, and to ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.
- 6-13 In the interest of highway safety.
- 14-18 To ensure that there is no significant effect to any designated site.
- 19-25 In the interest of protecting the living conditions of local residents.
- 26-27 In the interest of the visual amenity of the locality.

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development adheres to the requirements of policy SP14 of the Carmarthenshire Local Development Plan which ensures that proposed development does not unacceptably harm the Tywi Valley Special Area of Conservation.
- The proposed development adheres to the requirements of policy GP1 of the Carmarthenshire Local Development Plan which ensures that proposed development promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. The development proposal should also not have a significant impact on the amenity of adjacent land uses and properties.
- The proposed development adheres to the requirements of policy EMP4 of the Carmarthenshire Local Development Plan which ensures that proposed development is a form of farm diversification, and requires that it is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm; is of a scale and nature appropriate to the existing farm operation; the scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements; the scale and scope of any retail use (where planning

permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy (see policy RT1); it would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape. As the proposal is a new building and not integrated with the existing working farm complex, it remains that it is considered that the proposal is not detrimental to the respective character and appearance of the area and surrounding landscape.

- The proposed development adheres to the requirements of policy TR3 of the Carmarthenshire Local Development Plan which ensures that proposed development relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.
- The proposed development adheres to the requirements of policy EQ4 of the Carmarthenshire Local Development Plan which ensures that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements; there are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.
- The proposed development adheres to the requirements of policy EQ6 of the Carmarthenshire Local Development Plan which ensures that proposed development in Special Landscape Areas are designated in specific locations and proposals for development which enhance or improve the Special Landscape Areas through their design, appearance and landscape schemes will be permitted (subject to the policies and proposals of the Plan). The proposal is a diversification scheme for an established agricultural enterprise, at a sensitive siting and with a detailed landscaping scheme which will mitigate for the impact of the building within the landscape, and provides biodiversity benefits to the locality.
- The proposed development adheres to the requirements of policy EP1 of the Carmarthenshire Local Development Plan which ensures that proposals for development will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County. Proposals will wherever possible be required to make efficient use of water resources.

- The proposed development adheres to the requirements of policy EP2 of the Carmarthenshire Local Development Plan which ensures that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.
- The proposed development adheres to the requirements of policy EP3 of the Carmarthenshire Local Development Plan which ensures that proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.
- The proposal complies with Welsh Assembly Government issued advice contained in Technical Advice Note 6 "Planning for Sustainable Rural Communities" in that the proposed development is appropriate to the site and surrounding landscape.

NOTES

- 1 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).
- 2 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.

- 3 The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.
- 4 The burning of waste on the site should at no time be permitted which is likely to emit dark or black smoke, or smoke which would constitute a smoke nuisance at the nearest sensitive residential property.
- 5 All waste manure must be stored in a satisfactory manner/covered to ensure it does not give rise to an odour nuisance beyond the site boundary.
- 6 Appropriate methods of clearing the waste and cleaning the unit must be adopted to minimise the effect of dust / odours affecting neighbouring properties.
- 7 All dead stock must be stored in appropriate containers to reduce the potential for odours and flies.
- 8 Adequate procedures must in place for controlling flies if necessary.
- 9 Appropriate methods must be in place for the control of vermin if required.
- 10 Adequate procedures must be adopted to ensure the litter/manure inside the unit is kept dry and in such a condition as to reduce the ammonia produced.
- 11 It should be noted that the proposed development should be adequately controlled with regard to other emissions or deposits so that the development does not at any time constitute a statutory nuisance as defined by Section 79 of the Environmental Protection Act 1990.
- 12 Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Highway Authority.
- 13 The applicant should take due care and attention to avoid the deposit of mud on the road from construction vehicles using the access.
- 14 No drainage from the development site shall be connected to or allowed to discharge into the road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the road.

Application No	E/34849
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Application Type	Outline
Proposal & Location	ONE RESIDENTIAL DWELLING (LOCAL NEEDS) AT LAND OPPOSITE, TEGFAN, TALLEY, LLANDEILO, SA19 7YL

Applicant(s)	MR R VAUGHAN, C/O AGENT,
Agent	JCR PLANNING LTD - JASON EVANS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
Case Officer	Kevin Phillips
Ward	Manordeilo & Salem
Date of validation	14/12/2016

CONSULTATIONS

Head of Transport – Comments that any permission shall be subject to the application of two highways conditions.

Chief Executive (Valuations Manager) – No comments received to date.

Head of Public Protection and Housing, (Housing Services) – The ward of Manordeilo and Salem is an area of high housing need. This need could be best met by providing either a mix of 2 bedroom, 4 person houses and 3 bedroom, 5 person houses for low cost home ownership or by providing 2 bedroom, 4 person houses for affordable rent.

Manordeilo and Salem Community Council – No comments received to date.

Local Member – County Councillor J Davies is a member of the Planning Committee and has not commented to date.

Public Rights of Way Officer – Footpath 64/43 abuts the proposed development site (runs along the adjacent farm track). If the application is approved, reference should be made to the applicant/developer of the existence of the footpath and to the requirement not to obstruct or encroach upon it at any time. If the development affects the Public Right of Way it is recommended that the applicant contacts the Public Rights of Way department.

Neighbours/Public – The application has been publicised by the posting of a site notice to the front of the site. In response, two letters of representation have been received who object to the application and raise the following concerns:-

- Concern regarding the possible building up of the land to achieve a level base and a flood risk to downstream houses
- The land acts a flood plain which acts as a flood plain, which holds the water back from the adjacent property to the west and the culvert under the B4302 road.
- Concern that any waste treatment plant will pollute the adjacent watercourse
- There is a public footpath that passes the front of the site and the proposed development would harm the visual amenity of the area
- The track running to/from the site is not appropriate for the proposed development
- The easement to the site is controlled by Blaennant farm, Talley and they would not agree to changes to the access to the site or the removal of the hedge under their ownership.

RELEVANT PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

This planning permission is dependent upon the developer, prior to the commencement of development, entering into a Section 106 Agreement with Carmarthenshire County Council.

THE SITE

The application site is a small agricultural enclosure approximately 24 metres in depth and between 21 and 37 meters in width, to the rear of Blaen Isaf, Talley (that front the main B4302 road), and opposite Tegfan. Entrance to the site is approximately 65 metres along the track that leads to Blaenig Uchaf, Talley. The site borders the curtilage to Blaen Isaf to the south west, further agricultural land opposite Blaenig Isaf to the north east and a stream borders the north west, running from north east to south west.

THE PROPOSAL

The application seeks outline planning permission for the construction of a Local Needs dwelling on the site with all matters reserved. An indicative drawing has been submitted that shows the dwelling is to be positioned in the centre of the site with the parking spaces and turning area to the south.

PLANNING POLICY

In the context of the current development control policy framework the site is located adjacent to the defined development limits for Talley as contained in the Carmarthenshire Local Development Plan (December 2014). The following policies are of relevance to the proposal.

Policy GP1 is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy AH2 – Affordable Housing – requires that proposals for 100% affordable housing development on sites immediately adjacent to the Development Limits of defined settlements (Policy SP3), will in exceptional circumstances be permitted where it is to meet a genuine identified local need and where the site represents a logical extension to the Development Limits and is of a scale appropriate and in keeping with the character of the settlement, the benefits of the initial affordability will be retained for all subsequent occupants, it is of a size, scale and design compatible with an affordable dwelling and available to low or moderate income groups and there are no market housing schemes within the settlement being, or projected to be developed which include a requirement for affordable housing

Policy TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EP2 states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land. Policy EP3 requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

Policy SP1 states that proposals for development will be supported where they reflect sustainable development and design principles.

THIRD PARTY REPRESENTATIONS

Letters of representation have been received from three local residents and the issues raised are commented on herewith.

Concern regarding the possible building up of the land to achieve a level base and a flood risk to downstream houses.

This is an outline planning application and therefore the issues of levels and excavation will be considered as details in the reserved matters application. The dwelling is shown to be sited in the centre of the plot and it is not considered that this will have any significant impact upon the stream that borders the site to the north west.

The land acts a flood plain, which holds the water back from the adjacent property to the west and the culvert under the B4302 road.

The site of the proposed dwelling as indicated on the indicative plans submitted in this application show that the dwelling is sited well away from the stream that borders the site and at a much higher level than the stream. The Reserved Matters application will contain further details in relation to levels in order to determine specifically whether there are any engineering works proposed closer to the stream and to consider the surface water run-off from the site to provide a sustainable drainage system.

Concern that any waste treatment plant will pollute the adjacent watercourse.

The form of waste treatment facility for the site will be a matter for consideration within the Building Regulations application, which shall ensure that an appropriate waste treatment plant will be provided to avoid any pollution of the stream that borders the site.

There is a public footpath that passes the front of the site and the proposed development would harm the visual amenity of the area.

A public footpath does run along the track that leads to Blaenig Uchaf and beyond, however, it is not considered that an appropriate design of dwelling at this location opposite Tegfan which recently had a replacement dwelling approved (E/28737) and below Blaenig Uchaf, will have any significant harm to the visual amenity of the locality; at a site adjacent to the village settlement limits.

The track running to/from the site is not appropriate for the proposed development.

The proposal has received a favourable recommendation from the Head of Transport and a proposal for 1 additional dwelling along this track does not justify a negative recommendation. The Head of Transport requires a typical layout number 5 to be provided at the entrance to the site, which would be an improvement for passing for existing traffic along the track.

The easement to the site is controlled by Blaennant farm, Talley and they would not agree to changes to the access to the site or the removal of the hedge under their ownership.

The easement issue is a civil matter between the two private parties. As noted above, the applicant will be required to provide a typical layout number 5 at the entrance into the site, which will require the removal of a section of hedgerow and the authorisation of any third party owners will also be needed in order to provide the required access, if this is required.

CONCLUSION

On balance, and after careful examination of the site and its surrounding environs, together with the representations received, the proposal is considered to represent an acceptable form of local need residential development at the edge of the settlement limits for Talley. It is considered that a dwelling can be developed within the plot and the application of conditions for any permission will ensure that it will be in keeping with and complement the general character and appearance of the surrounding area.

The site is located adjacent to the development limits of Talley and its development complies with the key policy and sustainability objectives of both the Authority's LDP and National Planning Policy.

In consultation, the Forward Planning Manager has responded that the Planning Statement within the application addresses all the criteria relating to Policy AH2 Affordable Housing – Exceptions Sites i.e. local need development proposals adjacent to the development limits. There is no reason why the application cannot be supported in policy terms

The Landscape Officer requires detailed consideration of the existing and proposed landscaping at the site and this will be a matter that can be considered within the Reserved Matters application.

The proposed layout of the development and means of access thereto are acceptable while the new dwelling will be well related to the existing services and facilities in Talley, as well as being within easy access of existing public transport facilities. The proposal will also make a positive contribution towards the provision of affordable housing in the locality. Furthermore, there are no amenity, highway or public service objections to the development.

The application is put forward with a favourable recommendation subject to the proposed conditions and the signing of a Local Needs Section 106 Agreement.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
 - a) the expiration of five years from the date of this outline planning permission;
 - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 3 The permission now granted relates to the land defined by the 1:2500 scale Location Plan and 1:500 scale Block plan received on 14 October 2016.
- 4 Development shall not commence until detailed plans of the access, appearance; landscaping; layout; and scale of the building stated in the application, has been submitted, and received the written approval of the Local Planning Authority.
- 5 The external walls of the proposed dwelling shall be constructed of materials which reflect the character and style of local buildings and the roof shall be covered in natural or fibre cement slates or flat profiled tiles coloured dark grey.
- 6 The development hereby permitted shall be designed to reflect the architectural style and appearance of local dwellings/buildings.
- 7 No development shall take place until details and plans showing the finished floor/roof levels of the dwelling hereby approved, together with cross sections through the site

have been submitted to and approved in writing by the Local Planning Authority, such details to form part of any Reserved Matters application for the site. Development shall be carried out in accordance with those details approved, unless otherwise agreed in writing with the Local Planning Authority.

- 8 Prior to the commencement of development full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.
- 9 The new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Council's (Transport and Engineering Service) Typical Layout No. 5 specification, prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 10 Prior to any use of the access 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. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
- 11 A detailed landscaping scheme for the whole site including the retention of any existing landscape features and the indication of tree 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.
- 12 Any trees planted/trans-located in accordance with condition 11 above which, within a period of 5 years of planting are subsequently removed, dying or become seriously damaged, or diseased, shall be replaced in the next planting season with other of similar size and species to the written approval of the Local Planning Authority.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 The application is in outline only.
- 3 For the avoidance of doubt.
- 4-8 In the interest of visual amenity and to protect the living conditions of local residents.
- 9-10 In the interest of highway safety.
- 11-12 In the interest of visual amenity.

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development accords with Policy GP1 of the LDP in that the proposed dwelling represents an acceptable form of development which is appropriate to the character and appearance of the surrounding area; furthermore it will not give rise to any substantially statutory or third party objection sufficient to warrant refusal of the planning application.
- The proposed development accords with Policy AH2 of the LDP in that the proposal will meet a genuine identified local need and the site represents a logical extension to the Development Limits and is to be of a scale appropriate and in keeping with the character of the settlement, the benefits of the initial affordability will be retained for all subsequent occupants, it is to be of a size, scale and design compatible with an affordable dwelling and available to low or moderate income groups and there are no market housing schemes within the settlement being, or projected to be developed which include a requirement for affordable housing
- The proposed development accords with Policy GP1 of the LDP in that the proposal relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

NOTE(S)

- 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.

- 2 This application has been determined within the scope of the delegated authority granted to the Head of Planning by the Meeting of Carmarthenshire County Council on 12 October 2011 (Minute No 7 refers).

- 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).
- 4 The planning permission hereby granted is subject to the developer, prior to the commencement of development, entering into an agreement with Carmarthenshire County Council under Section 106 of the Town and Country Planning Act 1990 ensuring that the proposed dwelling remains available as an affordable dwelling for those with local housing needs in perpetuity.

Application No	E/35109
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Application Type	Full Planning
Proposal & Location	CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A3 (FOOD AND DRINK) - INCLUDING ANCILLARY SEATING AND THE INSTALLATION OF EXTRACTION AND VENTILATION EQUIPMENT AT 9 CROSS INN BUILDINGS, COLLEGE STREET, AMMANFORD, SA18 3AL

Applicant(s)	DOMINO'S PIZZA UK & IRELAND LTD, C/O AGENT
Agent	DPP PLANNING - ABBIE CONNELLY, SOPHIA HOUSE, 28 CATHEDRAL ROAD, CARDIFF, CF11 9LJ
Case Officer	Andrew Francis
Ward	Ammanford
Date of validation	14/02/2017

CONSULTATIONS

Ammanford Town Council – No observations received to date.

Local Member – County Councillor D Harries has not commented to date.

Welsh Government Transport Division – Although raised some concern, having had consideration to other similar uses on the trunk road in close proximity, a further response is awaited.

Neighbours/Public – The application was advertised by means of a Site Notice. Three letters of objection has been received as a result. The points of objection have been summarised as follows:

- The building is behind double yellow lines, whilst the pavement has bollards and the site is in close proximity to a traffic light controlled pedestrian crossing to the south east and a three way junction to the north-west. There are also no parking zig zag lines in close proximity – the area has very strict no parking regulations for 222 metres to the north-west and 262 metres to the south east. This proposal will cause a problem for highway safety and people trying to park close will cause illegal parking and negatively impact on highway safety.
- Further traffic issues will occur when delivery vehicles are present. The application states that the site has 6 parking spaces, but it is unlikely these spaces will be used

as they will likely be filled by staff. As such, this will cause further traffic issues, contrary to policy.

- There are other takeaways in the area and they all contribute towards environmental issues such as litter. Another takeaway will only increase this problem.

RELEVANT PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

THE SITE

The application site is addressed as 9 Cross Inn Buildings, which is an existing commercial building situated on the south west flank of College Street and forms part of the Cross Inn group of commercial buildings that are prominently situated on the corner of Wind Street and College Street and include The Square public house and the former Rok Sport shop, presently being fitted out as a gents barbers shop.

The application building is terraced and has been unused for some time. It is situated within the Retail Frontage of Ammanford as defined within the Carmarthenshire Local Development Plan (LDP).

THE PROPOSAL

Planning permission is sought to change the use of the existing building from an A1 retail unit into an A3 use, for the sale of hot food and drink, which includes ancillary seating and the installation of extraction and ventilation equipment.

PLANNING POLICY

The Development Plan to be used for the consideration of this application is the Carmarthenshire Local Development Plan (LDP), adopted in December 2014. The land is situated within the development limits for Ammanford as defined in Inset Map GR3. The Town Centre Inset Map conveys that the application site is situated within the defined Secondary Retail Frontage Area of Ammanford.

The retail policies of the LDP specifically consider the change of use from retail uses to non-retail uses in such areas. Policy RT3 is applicable which states that proposals for non-retail uses will be permitted on ground floor frontages of the designated Secondary Retail Frontage where they would;

- a) Not lead to a concentration on ground floor non-A1 frontages exceeding four consecutive properties or a concentration of 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.

Policy SP8 also state that proposals will be permitted where they maintain and enhance the existing retail provision within the County, and protect and promote the viability and vitality of the defined retail centres.

Furthermore, as highway objections have been received on a Trunk Road, policy TR1 applies which states that proposals which do not restrict traffic movement and/or compromise the safety of the primary road network and core network will, where appropriate be supported.

THIRD PARTY REPRESENTATIONS

This application was advertised by means of a Site Notice. Three letters of objection has been received as a result. The points of objection has been summarised and are discussed as follows:

- The building is behind double yellow lines, whilst the pavement has bollards and the site is in close proximity to a traffic light controlled pedestrian crossing to the south east and a three way junction to the north-west. There are also no parking zig zag lines in close proximity – the area has very strict no parking regulations for 222 metres to the north-west and 262 metres to the south east. This proposal will cause a problem for highway safety and people trying to park close will cause illegal parking and negatively impact on highway safety.

With regard to this first and main point, this is the issue that was stressed by all the objectors and caused some concern to the Welsh Government's Transport Division in their response also. The location of the building is situated approximately thirty metres from the three way junction that serves College Street, High Street and Wind Street and during busy times often has cars stopped or moving slowly due to the weight of traffic moving through the traffic lights.

However, as has been highlighted clearly in the objections, the restrictions to parking outside the application site are comprehensive – there are double yellow lines on the road and kerb to discourage parking on the highway and there are bollards on the kerb to stop cars parking on the kerb in this location. Furthermore, some 5 metres beyond the application site to the north east begins a series of zig zag 'no stopping' lines to further discourage parking. In all, the discouragement to parking outside the application premises is very high, if it can be done so at all given the amount of traffic that flows past the site, particularly in busy periods. In this instance, it is considered that the restrictions to parking are significant and would adequately discourage customers of the proposed A3 unit to stop outside the shop.

Further to the above, it needs to be also noted that there is a large public car park situated behind the buildings on the opposite side of College Street, accessed via the Arcade, a short walk away. For customers who have driven to collect their orders, it is considered that this facility would be the appropriate place to park.

It should also be noted that there are many similar A3 units operating in the near vicinity of this proposal. Whilst many of these are long established and have not required a change of use planning permission to operate, an appeal decision that occurred on a nearby building in very similar circumstances (6 Wind Street) that sought to change the use of that building to an A3 restaurant following refusal by the Local Planning Authority, directed by the Trunk Roads agency, was successful subject to a condition precluding

any takeaway use. That decision was somewhat unusual at the time as the Inspector in his determination referred to the potential takeaway use falling within class A5 of the Use Classes Order, a class that applies to England only.

Taking all the above into consideration, particularly the highly restrictive parking measures and close proximity of the public car park, on balance it is not considered that this proposal fails to comply with policy TR1 of the LDP.

- Further traffic issues will occur when delivery vehicles are present. The application states that the site has 6 parking spaces, but it is unlikely these spaces will be used as they will likely be filled by staff. As such, this will cause further traffic issues, contrary to policy.

With regard to the issue of delivery vehicles, as these are employed by the company they are easier to control and potentially condition if required to ensure that the rear access and parking area is used and that deliveries are made when the shop is closed and the road is potentially quiet. In addition, and as described above, the abundance of parking restrictions and deterrents at the front of the premises would also make it more difficult to deliver items via the front opening. Given the potential control available over the staff and delivery vehicles and the parking restrictions in place at the front of the store, it is considered that these vehicles will not cause further traffic issues and would not be contrary to policy. Clarification has been sought with regard to the stated six parking spaces, as described in the application. However, the existing retail use can be recommenced without planning permission and receive deliveries much in the same way the proposed A3 unit would.

- There are other takeaways in the area and they all contribute towards environmental issues such as litter. Another takeaway will only increase this problem.

With regard to the final point of objection, it is acknowledged that A3 outlets have the potential for an increase in litter, causing a reduction in levels of public amenity.

Whilst not a material planning consideration, littering is a criminal offence under the Environmental Protection Act 1990. Furthermore, the site is within the town centre location with litter bins in the vicinity.

CONCLUSION

As with every planning application, each case has to be considered on the balance of the differing views. In this particular instance, the initial highway safety concerns are acknowledged and have been considered carefully. However, paragraph 10.1.5 of Planning Policy Wales (PPW) (November 2016) states that whilst retailing (A1 uses) should continue to underpin commercial centres, it is only one of the factors which contribute towards their vibrancy. Policies should encourage a diversity of uses in centres including A3 uses which promotes a lively centre and reduces the need to travel to visit a range of facilities.

Furthermore, in terms of policy RT3, the proposal complies with all aspects of the policy as the proposal does not lead to a concentration of ground floor non A1 frontages within the Secondary Retail frontage totalling more than four in a row, wouldn't undermine the retail function of the centre and the vitality or viability of the area by creating a level of non-retail ground floor frontage detrimental to the retail character and function of the area.

The town centre location is also beneficial when considering the proximity of one of the town's main car parks which is convenient for customers of the proposed A3 unit to utilise when collecting orders.

It should also be taken into consideration that an existing shop, that has been vacant for some considerable time, would be brought back into beneficial use. With regard to this point, if the shop was re-opened as an A1 retail unit, without the need for planning permission, the shop would still require deliveries in much the same way as the proposed A3 unit so in highways terms, there would be no particular increase in harm from the proposed unit over the unit opening as a A1 retail unit.

Finally, the proposal is intended to bring eight full time and twenty five part time jobs to the town

Given the above discussion, on balance, the application is recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The use of 9 Cross Inn Buildings, Ammanford is to be used strictly as an A3 (Food and Drink) use as defined within the Use Classes Order, 1987 (as amended).
- 2 The development shall be carried out strictly in accordance with the following approved plans received on 1st February 2017:-
 - 1:1250 scale Location Plan (0005);
 - 1:500 scale Block Plan (0006);
 - 1:50 scale Proposed Elevations (0004);
 - 1:50 scale Proposed Floor Plans (0003).
- 3 The use of the retail unit shall be limited between the hours of 09:00 – 23:00 Monday to Sundays and Bank Holidays.
- 4 The rating level of sound emitted from any fixed part or machinery associated with the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.
- 5 Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of sound immissions arising from the development to determine whether they exceed the sound levels specified in Condition 4. The assessment shall be undertaken under the supervision of the Local Authority.
- 6 In the event that Condition 4 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in Condition 4. These measures will then be implemented forthwith.

REASONS

- 1-2 In the interest of amenity.
- 3 In the interest of public amenity.
- 4-6 To prevent unacceptable noise arising from the site.

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- It is considered that the proposed development complies with policy RT2 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that the proposed use of the building is for retail, within the defined Retail Frontage of Ammanford.
- It is considered that the proposed development complies with policy TR1 of the Carmarthenshire Local Development Plan, 2014 (LDP), in that the proposal would not unduly restrict traffic or compromise the safety of the primary road network by virtue of the existing restrictions in place at the premises and the proximity of a large public car park.

NOTES

- 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.

- 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).

ADDITIONAL ITEM FOR DECISION

Application No	E/33595
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Application Type	Full Planning
Proposal & Location	CONVERSION OF A WATER STORAGE TANK AND THE PLANT SHED TO A HOLIDAY LET AT LAND AT BRYNGIOALLT, FELINGWM, CARMARTHEN, SA32 7PX

Applicant(s)	MR DEIAN OWEN, 10 CLOS GER Y BRYN, TIRCOED, SWANSEA, SA4 9IL
Agent	NICOLE JONES ARCHITECTS - NICOLE JONES, 6 MYRDDIN CRESCENT, CARMARTHEN, SA31 1DX
Case Officer	Ceri Davies
Ward	Llanegwad
Date of validation	05/04/2016

RECOMMENDATION – REFUSAL

APPRAISAL

This application was reported to the Planning Committee on 21 March 2017 at which, following an inspection of the application site, it was resolved that planning permission be refused with the reasons for refusal to be reported back to the Committee for ratification. The following reasons which are considered to reflect the concerns of the Committee are put forward for endorsement;

REASON

- 1 The proposal is contrary to Policy H5 – Adaptation and Re-use of Rural Buildings for Residential Use of the Carmarthenshire Local Development Plan:

Policy H5

Proposals for the conversion and re-use of buildings in rural areas outside the Development Limits of a defined settlement (Policy SP3) for residential purposes will only be permitted where:

- a. **The authority is satisfied that every reasonable endeavour has been made to secure an alternative business use and the application is supported by a statement of evidence to the Council's satisfaction of appropriate efforts that have been undertaken to achieve this;**
- b. **Any residential use would be a subordinate element associated with a wider scheme for business re-use; or,**
- c. **The residential use contributes to the provision of affordable housing to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:**
 - i) **The benefits of the initial affordability will be retained for all subsequent occupants;**
 - ii) **It is of a scale compatible with an affordable dwelling and would be available to low or moderate income groups.**

Proposals will also be required to demonstrate that the following criteria can be met:

- d. **The building is structurally sound, substantially intact and is of sufficient size to accommodate the proposed use without extensive alteration, extension or re- construction;**
- e. **The building demonstrates and retains sufficient quality of architectural features and traditional materials with no significant loss of the character and integrity of the original structure.**

In that the cumulative amount of new building work serves to demonstrate that the application buildings are neither structurally sound nor of sufficient size to be able to accommodate the proposed use without extensive alteration, extension or re-construction.

2 The proposal is contrary to Policy TSM4 – Visitor Accommodation of the Carmarthenshire Local Development Plan:

Policy TSM4

Proposals for new build serviced or self-catering holiday accommodation will be permitted within the development limits of defined settlements (Policy SP3) where it accords with the relevant criterion under Policy SP15.

Outside the development limits of defined settlements (Policy SP3) proposals for permanent serviced or self-catering visitor accommodation will be permitted where it consists of the re-use and adaptation (including conversion) of existing buildings and complies with criteria d) and e) set out in Policy H5.

In that the proposal, at a location outside of the development limits of any settlement, is not compliant with criterion d) set out in policy H5, as the cumulative amount of new building work serves to demonstrate that the application buildings are neither structurally sound nor of sufficient size to be able to accommodate the proposed use without extensive alteration, extension or re-construction.