

**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 24 AWST 2017
ON 24 AUGUST 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:	24 AUGUST 2017
REPORT OF:	HEAD OF PLANNING

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REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
	There are no recommended applications for refusal.

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 bay along the road leading to/from the site, the application is now supported subject to the imposition of conditions.

Head of Public Health & Protection – Requests that a suitably worded condition is applied to any planning permission, requiring the business to be 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 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 residential 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 should include conditions that shall 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 – Required 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; 79 letters of objection have been received, in addition to an online petition with over 1300 signatures and 33 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 Local Planning Authority received amended section plans on Monday 3 April 2017 prior to reporting the proposal to the Planning Committee on 6 April 2017, which indicated that the proposed poultry unit was to include ventilation chimneys (the majority of which were some 1.8 metres above the plane and 1.0 metre in diameter) on the building's roof, followed by elevational plans on Tuesday 4 April 2017 which showed that a total of 24 ventilation chimneys are to be added to the roof.

The aforementioned changes to the proposed poultry unit were not supported by the Local Planning Authority and as a result a revised, ventilation design of a reduced scale is now to be considered, following a new public notification exercise that included a site notice and letters duly informing the local community council and local member.

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 juniper/olive green 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 6.69 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 roof of the proposed poultry unit is now to include 16 colour coded exhaust chimneys with fans, with 8 spread evenly along the width of the centre of the building and 8 towards the north-west elevation and there will also be 8 colour coded inlet chimneys along the length of the building with no fans. The exhaust chimneys will be 0.6 metres above the plane of the roof and the inlet chimneys will also be 0.6 metres above the ridge.

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 its 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 not objected to the proposal, recommending the imposition of conditions 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. This will include a passing bay within highway limits, at the western edge of Llangadog common, opposite Dolgarreg.

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 has 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 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 considerations 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 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 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. The Local Planning Authority has consulted numerous consultees and following a lengthy period of consideration and deliberation of the responses from the statutory consultees and the public, the principal areas of concern regarding the application concerned the visual harm, smells and noise, the highway impacts of the development, and the manure management plan.

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 a passing bay 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 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. From the initial report of the application in April 2017, the proposal now includes substantially reduced chimneys on the roof of the building (0.6 metres above the plane of the roof), which are not considered to add significantly to the assessment of the impact in terms of visual harm. 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:-
- Proposed Elevations and Floor Plan – Option 2 (Godregarreg 03), received 28 June 2017
 - 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.
- 28 The existing hedge/hedgerow along the south eastern *boundary of the enclosure with the unclassified 4502 road* shall be protected through all construction phase operations and thereafter retained, and maintained at a minimum height of 2.5 metres above the adjacent carriageway. Prior to any management works to the hereby defined hedge/hedgerow, which would result in laying or coppicing to a height below the hereby specified minimum height, a method statement for the works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented as the approved method statement. Any existing hedge/hedgerow or part thereof, which, within the lifetime of the approved development 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 existing hedge/hedgerow[s] in relation to this planning approval is no longer delivered, shall be replaced in the next planting 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.

26-28 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 be 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/35527
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Application Type	Full Planning
Proposal & Location	DETACHED GARAGE AT 1 BRYN ROAD, PENYGROES, LLANELLI, SA14 7PW

Applicant(s)	STEVE EVANS, BERESFORD HOUSE, 1 BRYN ROAD, PENYGROES, SA147PW
Agent	,
Case Officer	Andrew Francis
Ward	Penygroes
Date of validation	15/05/2017

CONSULTATIONS

Llandybie Community Council – No objections to the proposal.

Local Member - County Councillor D Thomas has not commented to date.

Neighbours/Public – Nine neighbour consultations were sent out to advertise the application. Two letters of objection has been received as a result. The points of objection are summarised as follows:

- The application is not for a detached garage – it is a bungalow. Why is there so much cavity wall insulation for a garage?
- The building has caused a neighbouring property to lose their views over to the mountain.
- The first floor eastern side window and door overlooks the neighbour's garden and houses.
- The application for the 'proposed' garage wasn't submitted until the garage was already built and watertight. Question 10 asks about proposed materials but they have already been used and there is no mention of the cavity walls and insulation.
- Without height measurements on the plans, how can neighbours make informed decisions on such planning applications?
- When the applicant's moved in they removed some boundary hedge between themselves and 78-86 Waterloo Road stating that the land was the applicant's even though the hedge must have been there since before the 1930's.
- It is likely that this will come in as a future change of use.

RELEVANT PLANNING HISTORY

E/19051	Double Storey Extension to Side of Dwelling - Living Room Ground Floor, Bedroom First Floor and Double Garage Full Planning Permission Granted	6 June 2008
E/13859	One Bungalow Outline Permission Granted	7 September 2006

APPRAISAL

This report is as a result of a planning enforcement investigation.

THE SITE

The application site is the existing rear garden of 1 Bryn Road, Penygroes. Bryn Road is a small spur road off Waterloo Road.

The existing property is the first property on the southern flank of Bryn Road and as such bounds the rear gardens of a number of properties along Waterloo Road. The existing plot is fairly large and rectangular, sloping down from the road level.

A large double garage was approved planning permission back in June 2008 under reference E/19051. This has now been mostly completed and forms the subject of this application.

THE PROPOSAL

The proposal for consideration is for the retention of the amendments already added to the double garage under construction at 1 Bryn Road, Penygroes.

The building as currently constructed is of the same size as originally approved, measuring 8.28 metres in depth by 9.2 metres in width and 5.35 metres in height, therefore, the principle of this garage at this size has already been approved.

The amendments to the originally approved design are as follows –

- The front elevation has two slightly larger garage doors and now omits a regular door.
- The west elevation now features one window at first floor level, with one window and a regular domestic sized door at ground level, whereas the previous design had the external door at first floor, with two windows at ground floor level.
- The east elevation now features one obscure glazed window at first floor, with two windows at ground floor, whereas the previous design has no openings.
- The rear elevation on both designs has no openings.

The main change, as it relates to the neighbours are the changes to the east elevation, in particular the window at first floor level, as the ground floor windows look into a hedge.

PLANNING POLICY

The development plan is the Carmarthenshire LDP. The relevant policies for consideration of this application is Policy GP1 of the Carmarthenshire Unitary Development Plan.

Policy GP1 requires in this instance that the proposal conforms with and enhances the character and appearance of the site/area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing; utilises materials appropriate to the area in which it is located; would not have a significant impact upon the amenity of adjacent land uses, properties, residents or the community and provides for the satisfactory generation, treatment and disposal of both surface and foul water.

THIRD PARTY REPRESENTATIONS

Following the issue of nine neighbour consultation letters, two letters of objection have been received as a result of the consultation process. The points of objection are summarised and discussed as follows:

- The application is not for a detached garage – it is a bungalow. Why is there so much cavity wall insulation for a garage?

The application was and remains for a double garage to store the applicant's show car and associated parts. As mentioned above, the garage as built remains the same dimensions as originally approved. The issue of insulation is not something that planning usually looks at, it is a Building Regulations matter. Planning is concerned with and is happy with the use of the building.

- The building has caused a neighbouring property to lose their views over to the mountain.

As Members will be aware, there are certain points of objection that cannot be treated as material to an application. Loss of a view is one such objection.

- The first floor eastern side window and door overlooks the neighbour's garden and houses.

With regard to the first floor eastern side window, this is shown as being obscure glazed in order to retain the neighbour's privacy and will be conditioned to remain as such. Therefore, this is considered to be sufficient mitigation to protect the privacy of the neighbouring properties.

- The application for the 'proposed' garage wasn't submitted until the garage was already built and watertight. Question 10 asks about proposed materials but they have already been used and there is no mention of the cavity walls and insulation.

As described above, planning permission was granted in 2008 for this garage originally and that is what was commenced. The applicant has incorporated some modest design changes into the building and, as such, has sought to regularise them by submitting a new application to consider them. As mentioned above, the issue of insulation is a matter for Building Regulations.

- Without measurements on the plans, how can neighbours make informed decisions on such planning applications?

When applications are received, all plans must be drawn to a recognised scale. That way, all drawings can be measured accurately to not only check the size of a building, but also, other dimensions such as the heights and locations of windows and other openings, the information which, if shown on the plans, would quickly make a plan unreadable.

- When the applicant's moved in they removed some boundary hedge between themselves and 78-86 Waterloo Road stating that the land was the applicant's even though the hedge must have been there since before the 1930s.

Boundary issues whilst concerning for neighbours cannot be adjudicated on by the Planning Department as it keeps no records of land ownership.

- It is likely that this will come in as a future change of use.

The garage previously approved was conditioned to be used only for purposes ancillary to the dwelling and cannot be used as any separate form of accommodation. If that was to occur or be proposed, a planning application would be required.

CONCLUSION

In considering the plans submitted, given that the garage has already been approved at this size, essentially, the only issue under consideration is the amendments to the proposal from the original design. Of these amendments, it is the window at first floor level on the east elevation that is causing the most concern. As these windows are required as fire escapes and the proposed window is to be obscure glazed, the privacy of the neighbours is to be retained.

As this is the only change that would affect the neighbours, all other aspects of the proposal in terms of the size and basic design remain acceptable. Therefore, the application is recommended for approval.

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 development shall be carried out strictly in accordance with the following approved plans received on 11 May 2017.
 - The 1:500 and 1:2500 scale Block and location Plan,
 - The 1:100 scale Floor Plans and Elevations.
- 3 The garage hereby approved shall be used for the domestic vehicular parking and storage needs of the occupiers of 1 Bryn Road, Penygroes only and shall not be used for any trade, business or commercial purposes.

- 4 The first floor window on the east elevation of the garage hereby approved shall remain obscure glazed in perpetuity.

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 – 4 To protect the amenity and privacy of neighbouring dwellings.

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 GP1 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that the proposed garage is of a scale and design that is acceptable in a residential setting and will not have a significantly detrimental effect upon the amenity of the occupiers of the neighbouring dwellings.

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).

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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)