

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR AMGYLCHEDD**

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

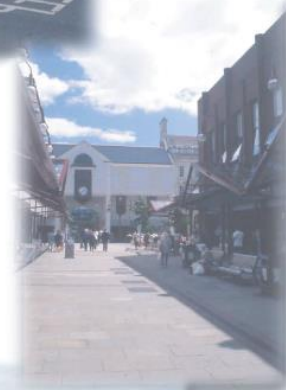
**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN/**

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

**AR 16 Mawrth 2021  
ON 16 March 2021**

**I'W BENDERFYNU/  
FOR DECISION**

***Ardal  
Gorllewin/  
Area West***



**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.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>16.03.2021</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/39819</b>
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<b>Application Type</b>	FULL
<b>Proposal &amp; Location</b>	CHANGE OF USE OF LAND TO RESIDENTIAL CURTILAGE AND BARN CONVERSION TO AN ANNEX OF THE MAIN DWELLING GELLI DRYGAR, TRAWSDRE ROAD, CEFNEITHIN, LLANELLI, SA14 7HL

<b>Applicant(s)</b>	MR & MRS N. DURBIN
<b>Agent</b>	NICOLE JONES ARCHITECT
<b>Case Officer</b>	EILIAN JONES
<b>Ward</b>	GORSLAS
<b>Date registered</b>	21 NOVEMBER 2019

## Reason for Committee

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

## Site

The site consists of a farm known as Gelli Drygar, located adjacent to the A48, near Foelgastell. The farm contains the farmhouse and various outbuildings within the yard. All buildings are grouped relatively close together, albeit the farm access separates the house from the outbuildings. The site access connects to an unclassified rural lane which is generally in a north-south alignment. Historically, it would appear that the southern part of the connected to Foelgastell. However, since the construction of the A48, the unclassified road has been severed and is now a no-through road. The northern part of the lane is a traditional narrow rural lane connecting to various C-Class roads with Maesybont being the nearest village or to a formalised junction with the A48 itself.

## Proposal

The proposal involves the conversion and re-use of an agricultural building to provide additional ancillary accommodation to the dwellinghouse. The conversion process would involve alterations to the building, including an extension. Since the building is detached from the dwellinghouse and is located adjacent to the yard, the proposal also involves the change of use of the land to be incorporated in the residential curtilage of the main dwellinghouse.

## Planning Site History

D4/15482 Conversion of Existing Farmhouse into Two Dwellings  
Full Granted 14 January 1988

## Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) (CLDP)

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution- Settlement Framework  
SP14 Protection and Enhancement of the Natural Environment  
GP1 Sustainability and High Quality Design  
GP4 Infrastructure and New Development  
H5 Adaptation and Re-use of Rural Buildings for Residential Use  
TR2 Location of Development – Transport Considerations  
TR3 Highways in Developments – Design Considerations  
EQ4 Biodiversity  
EP1 Water Quality and Resources  
EP2 Pollution  
EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

[The following guidance documents are considered relevant to the determination of this application:](#)

[Caeau Mynydd Mawr SPG](#)

[Nature Conservation and Biodiversity SPG](#)

[Adaption and Re-use of Rural Buildings for Residential Use SPG](#)

[Placemaking and Design SPG](#)

[National Planning Policy and Guidance](#)

[Planning Policy Wales](#) (PPW) Edition 10, December 2018 is considered relevant to the determination of this application.

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

TAN 5 Nature Conservation and Planning (2009) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

TAN 6 Planning for Sustainable Rural Communities (2010) seeks to provide practical guidance on the role of the planning system in supporting the delivery of sustainable rural communities.

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

## Summary of Consultation Responses

**Gorslas Community Council** - No written observations received to date.

**Local Member(s)** - No written observations received to date.

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

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

**Drainage Officer** – No objections to the proposal

**Natural Resources Wales** – No objections to the proposal. Advise that a European Protected Species Licence would be required.

**Dwr Cymru/Welsh Water** – No objections to the proposal.

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

## Summary of Public Representations

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

4 representations were received, 4 objecting, and the matters raised are summarised as follows:

1. Increase in traffic and highway safety
2. Concerns that the proposal would not be solely residential and that it could be potentially use for business/commercial use which would not be compatible with neighbouring uses
3. Proposal would set a precedent and history of refusals for residential development in the area
4. Impact on Ecology/Biodiversity, including trees and Caeau Mynydd Mawr
5. Impact on residential amenity, including loss of privacy, noise and anti-social behaviour

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

## Appraisal

The proposal involves the conversion and re-use of an agricultural building to provide additional ancillary accommodation to the dwellinghouse. The conversion process would involve alterations to the building, including an extension. Since the building is detached from the dwellinghouse and is located adjacent to the yard, the proposal also involves the change of use of the land to be incorporated in the residential curtilage of the main dwellinghouse.

Planning history indicates that permission was granted for the conversion and extension of the main dwellinghouse into two separate units of accommodation. Correspondence with the applicant and agent explains that in 1988 the property contained two separate

residential units but there was a familial link between the two. Due to subsequent need for additional care to be provided for some occupants, the building was adjusted and became a single dwellinghouse.

#### Principle of Development, Design, Impact on Visual Amenity and the Character, Appearance and Integrity of the Countryside

It is understood that there are several generations of the family residing in the main house and that the elder members require day to day care, which is largely provided by younger members. The younger generation have children and the existing farmhouse does not have sufficient space to accommodate their needs as they intend to continue living as a single family. The agent has clarified that extending the farmhouse would not provide sufficient space but since there was an agricultural building nearby that was not being used, it was determined that its conversion and adaptation would be their preferred option.

Whilst the agricultural building is detached, it is within the farmyard and within close proximity to the farmhouse, thereby enabling care to be provided within the family, whilst retaining some semi-independent living between different generations. The agent has clarified that the applicant wishes to keep the farm as one planning unit and do not intend to separate the titles. The proposal therefore is considered as a form of ancillary annex to the main farmhouse rather than forming separate units of accommodation. The application is therefore assessed on that basis, whereby the existing farmhouse, the proposed converted agricultural building and the extended curtilage would be kept as one planning unit.

The site is located outside the development limits of a defined settlement and, therefore, is deemed to be in the countryside. Development in such areas are strictly controlled, largely to protect the character, appearance and integrity of the countryside and direct the majority of developments to urban and sustainable locations. Notwithstanding this, certain developments are permitted within the countryside provided that their use and need is justified. In the case of this particular planning application, the principle of the proposal and several detailed aspects of the scheme is considered largely against Policies H5 and GP6 of the LDP.

The proposal involves a traditional stone and rendered barn which is rectangular in shape. It has a pitched roof, currently covered by corrugated metal sheeting. Whilst the barn is located on sloping ground, it has a uniformed eaves and ridge heights.

In the context of Policy H5 of the LDP, whilst limited information has been submitted to demonstrate that attempts have been made to secure an alternative business use, it is concluded that given the remote location of the site, its close proximity to the farmhouse and to the farmyard, it would not be conducive in attracting another business. It has been deemed to be surplus to requirements in terms of agricultural need which was evident during the site visit whereby it was subject to limited storage use and other barns were available and in use. It is therefore considered that criterion a) of Policy H5 has reasonably been met.

With regards to criterion b) of Policy H5, it is acknowledged that the overall aim of the project is to provide ancillary accommodation to the farmhouse rather than forming a separate dwelling. Given the subordination of the residential use of the barn to the main farmhouse and that the proposal would not inhibit the wider site to continue undertaking agricultural activities under a single planning-unit, it is considered that this criteria has



been met. Furthermore, given the number of buildings within the yard, it is considered that the proposed conversion of one of those buildings would be subordinate with reasonable balance between residential and non-residential buildings at the site.

Criterion c) of Policy H5 requires any residential conversion to contribute to the provision of affordable housing. In the case of this application, the scheme is essentially a householder proposal, providing additional habitable floorspace to an existing dwellinghouse, albeit in a detached building. As such, it is considered in this particular instance that the proposal would not generate the need to secure contributions. Notwithstanding this, it is considered reasonable and necessary to impose a condition which restricts the use of the building for purposes which are ancillary to the main farmhouse. This would enable contributions to be secured should there be any attempt in future to apply for planning permission to create a separate residential unit, thereby promoting sustainable development and meeting the affordable housing objectives of the LDP. Also such a condition would be necessary to avoid any doubt or ambiguity surrounding the extent of any permission issued, given that the description of the development is that of an annex, supported by evidence of need for ancillary accommodation for an expanding family, spanning several generations but living as a single-planning unit with some members offering care and support to others within the household. Having regard to the above, it is considered that criterion c) of Policy H5 is met.

With regards to criteria d) and e) of Policy H5, a structural survey has been submitted indicating that the building is capable of being converted with extensive alteration, extension or re-construction. Notwithstanding this, there would be changes being made, the most noticeable would be the construction of a new roof, the need to install a ring beam to support the walls and an extension on the rear elevation.

With regards to the new roof and ring beam, this would involve raising the eaves height of the building by approximately 600mm which is the minimum needed to install the ring beams. With the inclusion of a new roof on top, the overall height of the barn would be increased by approximately 700mm. Whilst this increase is not ideal, it is concluded that the overall character and appearance of the building would not, on balance, be unduly harmed. This is especially when this would enable a consistent eaves and ridge height across the building with no significant change in the pitch of the main roof, which are key to reflecting the character of the existing building.

With regards to the extension, this would be located on the rear. It is understood that the building did historically have a structure in this position however this has been demolished many years ago with no clear evidence on its size, design or appearance. Some remnants of the ruin of this structure is visible, and a section of the main part of the building has been left as an opening. Nevertheless, having regard to the above, it is considered that a limited extension in this location could be accepted, in principle, without unreasonable harm to the character and appearance of the host building and the wider countryside setting. This is reinforced by this part of the elevation being devoid of any significant architectural features due to the large opening and it being on the rear.

Following extensive negotiation, the scale and size of this extension has been reduced to ensure that it would not represent an extensive extension in the context of criteria d) and e) of Policy H5. The proposed extension would measure 4m x 5.3m with a pitched roof reaching maximum heights of 2.2m (eaves) and 3.9m (eaves). It would be finished in

render and slate and have a scale and design which is subordinate to the main part of the building.

The building is located in a rather remote location and away from significant or prominent views in the landscape. This is largely due to the sloping nature of the topography and the building appearing in a sunken position when viewed from the nearest public position which is an unclassified road and is a no-through road. This public position is at an approximate distance of 50m and screened by various trees, hedgerows and grazing fields.

It is considered that the proposal with the proposed alterations and extensions, would not, on balance, result in unreasonable harm to visual amenity or to the wider countryside setting. This traditional agricultural building demonstrates sufficient architectural quality to be considered appropriate for conversion in the first instance whilst sufficient features would be retained following the proposed alterations and extensions, with some additional visual benefits derived from a slate roof finish instead of metal sheeting and original stonework repaired. It is however considered necessary to impose a condition for the agreement of all external finishes, to ensure that they are appropriate and sympathetic to this building and its rural surroundings. It is also considered necessary to impose conditions for the joinery of all windows, doors, openings and roof lights to be agreed and also full details of the external flue, so that they are sympathetic to the character and appearance of the building. A further condition removing permitted development rights is also reasonable and necessary to ensure that any future extensions of alterations made to the building is brought under planning control. Subject to this, it is considered that the proposal, on balance, satisfies criteria d) and e) of Policy H5.

Due to the nature of the proposal, the extent of the residential curtilage of the property would be extended. This however has been kept to a minimum, as demonstrated by the revised location and block plans which shows a small maintenance pathway around the side and rear of the building to be converted with a marginal larger space for a small patio area at the rear. Limiting the outdoor space surrounding the converted building reinforces the rationale for the proposal which is to provide ancillary accommodation to the main farmhouse and not form a separate dwelling, especially since the main farmhouse already has adequate provision of outdoor amenity space.

Policy GP6 is also considered relevant since this proposal would essentially represent an enlargement of the residential curtilage of Gelli Drygar and the provision of an annex extension for ancillary purposes to that property. Having regard to the assessment made under Policy H5, it is concluded that the proposal, subject to conditions, would also be compatible with the criteria of Policy GP6.

Whilst it is acknowledged that this proposal would effectively provide a large annex containing 4 bedrooms with all facilities capable of independent occupation, the proposal is assessed on its own merits and what has been applied for is an ancillary annex to Gelli Drygar farmhouse whereby there is a justified need for the development and that it would be kept as one planning unit. It is also recognised that the majority of the development would derive from utilising an existing building and the alterations and extension made to be building would not, on balance, result in unreasonable harm to visual amenity or to the wider countryside setting. Regard is also given to recent decisions made by the Planning Committee relating to rural development proposals and how such Policies have been more broadly interpreted (examples: W/39684, W/39913 and PL/00101).

## Residential Amenity

The proposal is generally in a remote location and away from immediate neighbouring properties. The nearest neighbouring property is Gelli Drygar Cottage which is located on the corner between the unclassified road and the private drive leading to the application site. The distance between this neighbouring property and the agricultural building to be converted is approximately 30m and approximately 14m separates the building and the neighbouring curtilage. The proposal is largely associated with an existing building albeit an overall increase in height of approximately 700mm and a single-storey extension at the rear. The application site however is located on a lower level and the private access drive, trees and hedgerows separate the two curtilages. No windows within the converted building would directly face the neighbouring property. The first-floor window on the side elevation serving a bedroom would have an indirect relationship, largely facing the private drive leading to the site and the adjacent field. Furthermore, there would be sufficient distance, screening and topographical factors present to ensure that there would not be any unreasonable harm to the amenities of the neighbouring property.

Whilst there may be a degree of noise and disruption to the neighbouring property during the conversion process, these matters are unfortunately a by-product of any development, from domestic extensions to larger developments. However, it is considered that these matters would be temporary and do not hold significant weight in the determination of this application to withhold permission. Once the conversion process is completed, it is considered that its use as an ancillary annex to Gelli Drygar farmhouse would not generate significant levels of adverse noise nor would a residential use in principle, lead to anti-social behaviour or unreasonable harm to the amenities of this neighbouring property. It is considered that no other property would be directly affected by the proposal. The Public Protection Department of the Council do not have any objections to the proposal.

It is noted that concerns have been raised about a potential commercial use arising from the proposed development. However, the proposal is assessed on the basis of what is applied for, namely an ancillary annex to Gelli Drygar farmhouse with the plans demonstrating a domestic use which is compatible with neighbouring uses. Notwithstanding this, it is considered reasonable and necessary to impose a condition which restricts the use of the building for purposes which are ancillary to the main farmhouse which would ensure that it would not become a separate dwelling house or for uses which are materially commercial.

## Ecology/Biodiversity

The proposal would not involve the felling of any trees or would unduly affect any significant landscape features surrounding the site. The proposal would however largely involve utilising an existing building and given its condition and rural location, an ecological survey report has been submitted. The report indicates that there is evidence of bats using the building and, as such, a European Protected Species Licence would be required which is a separate consenting process. Notwithstanding this, the Council's Ecologist and Natural Resources Wales do not have any objections to this planning application subject to conditions for the development to be carried out in accordance with the ecological survey report, an agreement of ecological enhancements and the agreement of any external lighting.

The site is located within the catchment of the Caeau Mynydd Mawr Special Area of Conservation. Since this proposal would be an ancillary annex to Gelli Drygar farmhouse which largely utilises an existing building, it is considered that it does not generate the need for contributions towards ecology.

### Drainage and Utilities/Infrastructure

The site is not within a flood risk area defined by Welsh Government Technical Advice Note 15. Since the proposal is deemed as householder development and likely to be below the requirements for separate SAB approval, further details on drainage was requested during consideration of this planning application. Since the development largely utilises an existing building with only a relatively small extension and changes to the outdoor spaces, it is considered that the proposal would not generate any significant increase in surface water or flood risk. It is understood that the intention of the proposal is to create soakaways which would lead into the grazing field at the rear of the building. Percolation tests have been submitted and reviewed by the Council's Drainage Officer who is satisfied that this would be possible, and no objections are raised.

Limited details have been provided with regards to foul water, however it is understood that the site is not within reasonable proximity to a public sewer and that the current farmhouse utilises a private system. The application forms indicate that a septic tank would be used. Welsh Water and Natural Resources Wales have not raised any objections to the proposal. Since this proposal would be an ancillary annex to Gelli Drygar farmhouse, it is considered that the proposed arrangements are acceptable and would not generate pollution. It is however considered reasonable to impose a condition which restrict surface water from discharging into the foul drainage system. Given the proximity of the proposed converted building to the existing farmhouse, it is considered that the site would have other utilities and infrastructure necessary to support the proposed development.

### Access, Parking and Highway Safety

It is acknowledged that this proposal would provide additional residential space in a relatively remote and rural location, with narrow lanes leading to the site. However, this proposal would be an ancillary annex to Gelli Drygar farmhouse and conditions would be imposed so that it could not form a separate dwellinghouse or for uses which are materially commercial. As such, it is considered that the overall site, inclusive of the proposal, would remain as a single planning-unit and there is sufficient space within the curtilage of the site for parking. Enabling all family members to be present on the site, and being on-hand to offer immediate care, would effectively limit traffic movements to and from the site.

The Highways Authority have carefully reviewed the proposal and on the basis that it would be an ancillary annex to Gelli Drygar farmhouse, with conditions to control its use, they have no objections. It is therefore considered that the proposal would not be unduly detrimental to highway safety or unsustainable in transportation terms.

### Other Matters

In response to other matter raised by third parties which are not already covered within this report, the following response is provided.

Concerns have been raised that this proposal would set a precedent and that there have been refusals for residential uses within the area. Each application is assessed on its own merits and in context to adopted planning policies and guidelines. This submission is for an ancillary annex to Gelli Drygar farmhouse and would largely involve the conversion of an existing building. The proposal has been assessed against the relevant policies and guidelines, in particular Policy H5 of the LDP which specifically considers adaptation and re-use of rural buildings for residential use. Having reviewed the planning history of the area, previous refusals were associated with the construction of a new building for a rural enterprise and had circumstances which were materially different to that presented in this particular application. As such, only limited weight could be attributed to those factors.

## **Planning Obligations**

Due to the nature of the proposal, namely an ancillary annex to Gelli Drygar farmhouse which largely involves the conversion of an existing building, it is considered that this proposal would not generate the need for contributions towards affordable housing or towards ecology (Caeau Mynydd Mawr). Notwithstanding this, it is considered reasonable and necessary to impose a condition which restricts the use of the building for purposes which are ancillary to the main farmhouse. This would enable contributions to be secured should there be any attempt in future to apply for planning permission to create a separate residential unit, thereby promoting sustainable development and meeting the affordable housing objectives of the LDP.

## **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded, on balance, that the proposed development accords with Policies SP1, SP2, SP3, SP14, GP1, GP4, H5, TR2, TR3, EQ4, EP1, EP2 and EP3 of the LDP.

This agricultural building benefits from architectural merit and is structurally sound and capable of conversion without extensive alteration, extension or re-construction. This agricultural building benefits from architectural merit and is structurally sound and capable of conversion without extensive alteration, extension or re-construction. The proposal, whereby the existing Gelli Drygar farmhouse, the proposed converted building to be used as an ancillary annex to the farmhouse and extended curtilage, would be kept as one planning unit, represents an acceptable form of development which would not, on balance, unreasonably harm the spatial and rural character and appearance of the area or deemed to be contrary to the objective of delivering sustainable development. Furthermore, the proposal would not have any significant adverse effect on visual amenity, highway safety, ecology/biodiversity or drainage infrastructure.

## Conditions and Reasons

### Condition 1

The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

*Reason:*

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

### Condition 2

The development hereby permitted shall be carried out in accordance with the following schedule of plans and documents:

A – Location Map [dated 17/10/2020, Scale 1:1000 (received 13 November 2020)

B – Block Plan [dated 17/10/2020, Scale 1:500] (received 13 November 2020)

1 – Existing Floorplan [dated 28/05/2019, Scale 1:100] (received 25 June 2019)

2 – Existing Elevations [dated 25/05/2019, Scale 1:100] (received 25 June 2019)

3 – Proposed Floorplans [dated 30/12/2020, Scale 1:100] (received 4 January 2021)

4 – Proposed Elevations [dated 06/11/2020, Scale 1:100] (received 13 November 2020)

Survey for Bats & Barn Owls [September 2018] (Conducted by N. Bunn, Bat & Barn Owl Surveying Services, received 25 June 2019).

*Reason:*

In the interests of visual amenity, residential amenity, ecology/biodiversity and for the avoidance of doubt or confusion as to the extent of the permission hereby granted.

### Condition 3

The development hereby approved shall be used for private domestic purposes which is ancillary to the enjoyment of the host dwellinghouse known as Gelli Drygar only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). At no time shall a separate curtilage be established, or the development be let, leased, sold or otherwise disposed of as separate units of accommodation nor shall the development be used for trade or commercial purposes.

*Reason:*

For the avoidance of doubt or confusion as to the extent of the permission hereby granted and to clarify the nature and justified need of the development and avoid the creation of dwellings in the open countryside. Also, in the interests of sustainable development, highway safety and residential amenities.

#### **Condition 4**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 [as amended] (or any order revoking, amending and re-enacting that Order), no development of the types described in Schedule 2, Part 1, Classes A, B, C, D, E and G shall be carried out to any part of the development hereby approved without the written permission of the Local Planning Authority.

*Reason:*

To exert control over the future development of the site. In the interests of visual amenity and to protect the integrity, character and appearance of the building and the surrounding countryside. Also, in the interests of residential amenity, general amenity and highway safety.

#### **Condition 5**

Notwithstanding the submitted plans, no development shall commence until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

*Reason:*

In the interests of visual amenity and to protect the character and appearance of the building, its setting and the wider countryside.

#### **Condition 6**

No development shall commence until the size, design, material, appearance and joinery of all windows, doors and external openings (including roof lights) of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented as approved and completed prior to the beneficial use of the approved development.

*Reason:*

In the interests of visual amenity and to protect the character and appearance of the building, its setting and the wider countryside.

#### **Condition 7**

No development shall commence until a scheme of ecological enhancements and a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the document Survey for Bats & Barn Owls [September 2018] (Conducted by N. Bunn, Bat & Barn Owl Surveying Services, received 25 June 2019). The scheme shall be implemented in accordance with the approved details and timetable and thereafter retained in perpetuity.

*Reason:*

In the interests of ecology/biodiversity.

## **Condition 8**

Prior to the installation of any external lighting, a detailed lighting plan, focusing particularly on minimising lighting impacts to features of importance to nocturnal wildlife and maintaining flight lines and dark corridors, in accordance with the recommendations within Appendix 2 of the document Survey for Bats & Barn Owls [September 2018] (Conducted by N. Bunn, Bat & Barn Owl Surveying Services, received 25 June 2019), shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved lighting plan.

*Reason:*

In the interests of ecology/biodiversity.

## **Condition 9**

Surface water from the development hereby approved shall not at any time discharge into any foul drainage system.

*Reason:*

To prevent overloading of the system, the interests of pollution prevention, to protect the environment and general amenities.

## **Notes**

### **Note 1**

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

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

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

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



**Note 2**

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).

<b>Application No</b>	<b>PL/00725</b>
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<b>Application Type</b>	Discharge of Condition
<b>Proposal &amp; Location</b>	DISCHARGE OF CONDITIONS 7, 11, 13 & 22 ON W/31728 (DETAILS OF ASSIGNED ARCHAEOLOGIST, CONSTRUCTION METHOD STATEMENT, DETAILS OF HYDROLOGICAL AND ECOLOGICAL CLERK OF WORKS, TV RECEPTION STUDY) LAND NORTH OF ESGAIRLIVING FARM, RHYDCYMERAU, LLANDEILO, SA19 7RG

<b>Applicant(s)</b>	EnergieKontor UK Ltd
<b>Agent</b>	N/A
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Llanybydder
<b>Date registered</b>	05/11/20

## Reason for Committee

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

## Site

The site of the approved turbines is an upland area of the county with a scattering of individual farmsteads and residential properties dispersed within the landscape. The area is characterised by a mix of upland pasture and forestry plantations with an elevation of approximately 354m AOD. The site is to the North of the B4337 which links Llanybydder and Rhydcymerau. A minor road runs to the North and East accessing properties.

Access to the turbines is proposed through a holding known as Esgairliving with use and upgrading of an existing farm track with an improved junction proposed onto the B4337.

The sparsely populated area has a scattering of residential properties. The landscape officer's report on the original application stated that there were 5 dwellings within 1km of the site. None of the dwellings are within 500m which is the guide for larger wind farm development set out in National guidance so whilst not directly applicable provides a guide.

Planning permission for two 100m turbines was approved in 2016 and this application seeks to discharge conditions in respect of this extant permission. Subsequently an

application to amend the turbine type to allow 125m turbines was submitted and refused by Carmarthenshire County Council in 2018. The applicant took the refusal to appeal which was allowed by the Welsh Government on the recommendation of the Planning Inspectorate. However, a third party challenged the Welsh Government and won at the Court of Appeal so the decision was quashed.

## **Proposal**

This application seeks to discharge Conditions 7 (Archaeology), 11 (Construction Method Statement), 13 (Ecology and Hydrology) and 22 (TV Reception) of planning permission W/31728.

Analysis of the conditions, supporting information and consultation responses are set out in the appraisal section below.

It should be noted that this application is for discharge of condition only and is not examining the merits of the scheme itself which has extant planning permission.

## **Planning Site History**

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

W/39299 - non material amendment to w/31728 (installation and 25 year operation of two wind turbines, with a tip height of up to 100m, and associated infrastructure including turbine foundations, new and upgraded tracks, crane hardstandings, substation, upgraded site entrance and temporary construction compound (major development)) which seeks to split the discharging of condition 12 into two phases  
- non-material amendment granted 03/09/2019

W/39125 - discharge of conditions 7, 11, 13, and 21 on w/31728 (archaeologist presence, construction method statement, ecological and hydrological clerk of works and habitat management plan)  
- discharge of planning condition refused 26/11/2019

W/34341 - variation of condition 2 on w/31728 (turbine height) - variation of planning condition  
refused - appeal upheld 14/02/2018

W/32967 - discharge of condition 2 on w/31702 (installation of infra-red aviation warning lights)  
- discharge of planning condition granted 23/11/2015

W/31728 - installation and 25 year operation of two wind turbines, with a tip height of up to 100m, and associated infrastructure including turbine foundations, new and upgraded tracks, crane hardstandings, substation, upgraded site entrance and temporary construction compound(major development)  
- full granted 08/03/2016

## **Planning Policy**

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

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
GP1 Sustainability and High Quality Design  
TR3 Highways in Developments – Design Considerations  
EQ4 Biodiversity  
RE2 Local, Community and Small Wind Farms

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

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** - recommends a condition regarding wheel and chassis washing facilities.

**Heath of Public Protection (Noise)** – no request for construction hours was made in respect of the Construction Management Plan, however standard construction times are recommended. It should be noted that the submitted information refers to the separate Condition 9 which sets out the permitted construction times and this discharge of condition is not seeking to amend or contradict the approved condition.

**Head of Public Protection (Dust)** – has no objection to the information supplied however the recommendations will need to be implemented for the condition to be fully discharged.

**Ofcom** – No response has been received to date.

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

## Summary of Public Representations

The application was not subject to public consultation as it is not a Planning Application, however it was published on the weekly list and has been identified by third parties.

Representations have been received from three parties objecting to the discharge of conditions and the matters raised are summarised in the appraisal below.

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

## Appraisal

Condition 7

*The developer shall ensure that a professionally qualified archaeologist is present during the undertaking of any ground works, so that an archaeological watching brief can be carried out. The archaeological watching brief will be undertaken to the standards laid down by the Institute for Archaeologists. The Planning Authority will be informed, in writing at least two weeks prior to the commencement of the development, of the name of the said archaeologist.*

Condition 7 requires a qualified archaeologist to be present during ground works and details of the archaeologist to be provided at least two weeks prior to commencement. The applicant has provided details of the archaeologist so the condition can be discharged in so far as the archaeologist needs to be identified. Given the fact that the work also needs to be carried out, the condition is hereby **PARTIALLY DISCHARGED**.

#### Condition 11

*(1) No development shall commence until a construction method statement has been submitted to and approved in writing by the local planning authority.*

*(2) The construction method statement shall include details of -*

- (a) the timing of construction works, including the timing of vegetation removal to avoid the potential for effects on reptiles and nesting birds and European protected species;*
- (b) the wheel washing facilities, including siting;*
- (c) the timing of works and methods of working for cable trenches, foundation works and erection of the wind turbines;*
- (d) the cleaning of site accesses and the adjacent public highway and the sheeting of all heavy goods vehicles taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;*
- (e) the pollution control and prevention measures to be implemented including
  - (i) sediment control,*
  - (ii) the bunding of fuel, oil and chemical storage areas,*
  - (iii) sewage disposal,*
  - (iv) measures for the protection of water courses and ground water and soils and,*
  - (v) a programme for monitoring water bodies before and during construction, including details of the action to be taken if monitoring indicates adverse effects on water bodies;**
- (f) the disposal of surplus materials;*
- (g) the management of construction noise (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise);*
- (h) the handling, storage and re-use on site of soil;*
- (l) the design and construction methods of the site access track including drainage provisions, and the pollution prevention measures to be implemented to ensure there are no polluting discharges from tracks and disturbed areas including provision to ensure that no polluting discharge from the access tracks and disturbed areas enters any watercourse;*
- (j) the nature, type and quantity of materials to be imported on site for backfilling operations or construction of access tracks;*
- (k) the management of dust;*
- (l) the proposed temporary site compounds for storage of materials, machinery and parking within the sites clear of the highway, including the siting of the temporary buildings and all means of enclosure, oil/fuel and chemical storage and any proposals for temporary lighting, and details of proposals for restoration of the sites of the temporary compounds and works within 12*

- months of the first export date;*
- (m) the design and construction of any culverts;*
  - (n) mitigation measures to be implemented to avoid harm to protected species and minimise damage to Local Biodiversity Action Plan habitats.*
  - (o) the restoration of the parts of the site which will be temporarily used for construction; and*
  - (p) any other measures set out in the Environmental Report.*
  - (q) specific method statements for the cut and fill operations associated with the access track, including details of proposals to maximise the successful establishment of native plant species.*

*(3) Before any wind turbine is removed or replaced a revised construction method statement, dealing with that removal or replacement, shall be submitted to and approved by the local planning authority.*

*(4) The construction method statement shall be implemented as approved.*

There has been internal consultation within the Council and the following matters have been noted.

### Highways

Wheel Washing facilities have been sought by further condition, however as this application is seeking to discharge the conditions imposed, a further condition is not possible. The submission has therefore been amended to include the following wording.

*“During the construction phase banksmen would be available at the entrance to the site from the public road to check vehicles in and out and would physically brush clear any debris if present on the wheels and chasses, in addition they would also be equipped with pressure washers and would use these as necessary.*

*Stone and aggregate required for the construction the access tracks, turbine foundations, hardstanding areas will be imported using clean materials. Contractors will ensure that delivery vehicles stay on the new access track and would not be in a position to drag unsuitable material onto the public road.”*

The above puts the onus of responsibility on the site management to ensure that material is not taken onto the public highway. Use of brushes and pressure washers would ensure that where necessary, mud is removed from the vehicles exiting the site onto the public highway.

### Ecology

Reference is made to the requirements of the Habitat Management Plan, however this is Conditioned separately under Condition 21 which would provide a more detailed long terms strategy for managing the site. The CMS cross refers to this more detailed document.

The handling of peat needs special attention and the CMS has been amended to refer to keeping peat in a wet condition to avoid degrading and that micro-siting will endeavour to avoid peat in the first place.

Long term maintenance of drainage channels is sought, however this is something that needs to be included in the long term maintenance through the habitat management plan rather than being confined to the construction period.

### Public Protection

Has no objection to the discharge of conditions in so far as the information on dust control is acceptable. It is noted however that provision 4 includes the requirement for the plan to be implemented, so the condition can not be fully discharge until the works are complete.

In respect of construction times, the report does not seek to amend or contradict the times set out in Condition 9 so whilst there is variance between the public protection comments received in respect of the discharge of condition, Condition 9 is the extant approved condition that needs to be implemented.

### Third Parties

There is concern that the CMS does not address potential run off and slippage onto the road. The CMS has been amended to include monitoring of the access and checking vehicles leaving the site to ensure no material is being deposited on the road.

The CMS does not address translocation of plants along the access track. There is however an ecological clerk of works so any plants that may be of ecological value can be appropriately translocated.

There is no indication of where the stone and cement is coming from – which will impact delivery route. The CMS states that the nature and quantity of the imported material will be depending on a pre-commencement topographical survey. An acceptable delivery route has been determined for the largest vehicles so smaller vehicles are not considered likely to have a detrimental impact.

Reference to the substation and cable route however this is covered by a separate planning application.

Timing – the commencement of development within the bird nesting season would be detrimental to protected species. There is reference to there being no works without an appropriate survey and as stated above, an ecological clerk of works will be employed to ensure that works are done in an appropriate way.

Wheel washing is not covered. This has been added as discussed above.

It is considered that the information submitted is sufficient to **PARTIALLY DISCHARGE** the condition in so far as information is required prior to commencement. A number of issues have been raised which are covered by other conditions and the CMS will need to be implemented as set out before it can be fully discharged.

### Condition 13

*No development shall commence until an ecological clerk of works and a hydrological clerk of works have been appointed in consultation with the relevant planning authority. The ecological clerk and hydrological clerk of works shall be a*

*suitably qualified environmental professional and shall be retained throughout the duration of civil construction works on site to advise on minimizing ecological and hydrological effects of the construction activities.*

The ecological and hydrological Clerk of Works has been identified so the condition can be **PARTIALLY DISCHARGED**. The works will need to be carried out in accordance with their professional advice.

#### Condition 22

*No development shall commence until a scheme has been submitted to and approved by the local planning authority providing for the investigation of and remediation of any interference with television reception at any dwelling which lawfully existed or had planning permission at the date of this decision. The scheme shall be implemented as approved.*

A report on the impact on TV reception has been submitted and Ofcom has been consulted.

A survey has been done based on sample locations and it does not claim to be a comprehensive survey of every dwelling within a specified range of the turbine locations. The report opines that there would not be any significant impact on terrestrial television in this location from the Carmel transmitter and there are also 2 alternative transmitters at Mynydd Pencareg and BlaenPlwyf so if for any reason one was affected there are alternatives available which had an acceptable reception strength. The report further opines that there would be no impact on satellite reception and for mitigation if there is an unforeseen impact would be Freesat which would allow free satellite access to television services. The covering letter is clear that there is a sequence of stages to investigate any complaints and that the mitigation would be determined in each case.

Third parties have expressed concern over the report in terms of the larger turbines that the report is predicated upon and the micro-siting coordinates being different to that approved, however the applicant has clarified that neither of these issues would make a material difference to the results and if anything, the assessment of larger machines would be a worst case scenarios as the impact from smaller machines would be less. Any micro-siting differences are likely to be *de-minimis*.

## **Planning Obligations**

Not applicable.

## **Well-being of Future Generations (Wales) Act 2015**

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.



## **Conclusion**

After careful consideration of the information submitted, it is concluded on balance that the conditions should be partially discharged as set out above and full discharge would follow provided the construction and implementation is in accordance with the conditions.