

**Cyngor Sir Caerfyrddin
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO
PLANNING COMMITTEE**

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

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

28/03/2024

**I'W BENDERFYNU
FOR DECISION**

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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	28.03.2024
REPORT OF:	HEAD OF PLACE AND SUSTAINABILITY

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL	PAGE
PL/00152	Construction of a new effluent treatment plant to replace the current asset which has become outdated due to improvements in technology and treatment processes at Dairy Partners, The Creamery, Aberarad, Newcastle Emlyn, SA38 9DQ	10
PL/03344	Replacement Clean-In-Place (CIP) tanks and associated new bunding at The Creamery, Aberarad, Newcastle Emlyn, SA38 9DQ	27
PL/06309	Variation of Condition 2 (to W/02132) to amend plans to include revised access ramp and amendments to dwelling at Plot adjacent to Hollybrook, Ffynnondrain, Carmarthen, SA33 6EE	37
PL/06623	Cessation of all use as a public house and the consolidation of the current residential component into 2 no. self contained 2 bed houses at Angel Inn, Salem, Llandeilo, SA19 7LY	46
PL/06809	Replacement of demountable office outbuilding with a residential static caravan at Land part of Poplar Court, Llandeilo Road, Cross Hands, SA14 6NB	56
PL/06943	New dwelling to include provision of new parking and turning facility for existing dwelling house (Waun Cefn) at Land at Wauncefn, Heol Ddu, Ammanford, SA18 2UN	63
PL/07084	Replacement outbuilding for use as a commercial preparation kitchen and domestic storage at 1 Parc Y Saint, Llansaint, Kidwelly, SA17 5JJ	70

PL/07177	Proposed Construction of Livestock Building for Mixed Agricultural and Equine Use with Ancillary Hardstanding and Landscaping [Resubmission of PL/05674 Refused on 18/07/2023] at Land at Mellions, Heol Ddu, Ammanford, SA18 2UG	75
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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/00152
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Application Type	Full planning permission
Proposal	Construction of a new effluent treatment plant to replace the current asset which has become outdated due to improvements in technology and treatment processes
Location	Dairy Partners, The Creamery, Aberarad, Newcastle Emlyn, SA38 9DQ

Applicant(s)	Simon Matthews
Agent	Evans Banks Planning Limited - Jason Evans
Officer	Gary Glenister
Ward	Cenarth
Date of validation	08/07/2020

Reason for Committee

This application is being reported to the Planning Committee as more than one objection has been received.

Site

The application site is to the East of a well established food production unit producing mozzarella cheese for the national food market. The food production unit is situated within an existing employment site in Newcastle Emlyn which forms the South Eastern extremity of the town.

The food production site has a water course known as the Afon Arad running through it in a North South direction with the main food production facility to the West and the effluent treatment plant to the East. The area of the site subject to this application is to the East of the river and within a C2 Flood zone as defined on the Development Advice Maps which accompany TAN15 and is classified as Zone 3 on the more up to date Flood Map for Planning.

The food production site is in a mixed commercial and residential area, with residential properties to the North South and West of the site.

The food production unit is one of the Newcastle Emlyn's largest employers and is also a significant recipient of milk from the local farming community. The unit therefore provides and supports a significant number of jobs.

A second application (PL/03344) is on the agenda for a Clean In Progress (CIP) facility and this will be considered separately.

Proposal

The retrospective application seeks the retention of an effluent treatment plant (ETP) to the East of the main facility. The ETP exclusively serves the food production facility.

The company built the ETP to replace the original treatment facility as the process was failing and the waste was being removed by tanker several times a day in order to avoid waste flowing into the Afon Arad. The work was carried out without the benefit of planning permission during the spring and summer of 2020.

The application proposes the retention of two 7.8m high aeration tanks plus associated plant, the removal of the original settlement tank and the formation of a containment area.

It should be further noted that the applicants are proposing to remove an old filter bed and have removed the sub-base of what's described as a 'turning area' which was also unauthorised. The area to the East of the ETP is proposed as a containment area in the event of a breach of the plant. This is a requirement of the Environmental Permit issued by NRW to avoid potential pollution of the watercourse in the event of a breach. The containment area is proposed to be enclosed in an engineered impermeable bund and a flood barrier system along the Afon Arad which would contain effluent in the event of an emergency or be opened in the event of flooding to prevent displacement of flood water during a flood event.

The site is in flood zone C2 on the Development Advice Maps and Zone 3 on the Flood Maps for Planning, so a Flood Consequence Assessment has been produced. This seeks to assure the Local Planning Authority that the consequences of the development in the event of a flood would not have an adverse impact on its surroundings or the water course itself. It is noted that the more up to date flood map shows the extent of flooding either side of the water course to be smaller than the older assessment. This would provide scope for mitigation for the built structure, in that there is capacity within the site to accommodate any flood water displacement without it affecting third party land up stream of the site. The water level in a flood event is shown as a betterment, ie the capacity of the containment area outside the flood zone exceeds the displacement from the ETP, so less water would 'back up' upstream. It is further noted that down stream the water levels and capacity is unaffected as there would be the same amount of rain water flowing through the site regardless of whether the ETP was built or not.

The conclusion of the FCA is that the site would flood, however there would be a slight betterment for third parties compared with pre development flood depths. The report therefore opines that there would not be a detrimental impact on third parties. On site flooding is considered to be within acceptable depths for commercial non vulnerable development.

The proposal has satisfied the requirements of NRW in terms of its environmental permit. As stated above, one of the conditions is the requirement for a secondary containment field in

the event of a breach of one of the tanks. It should be noted that the Environmental permit is outside the remit of this application which is only looking at the planning merits. However, the work to form this containment field requires permission and has not been carried out pending the determination of this application. If approved, the company will be able to install the barrier system to protect the river in the event of a breach, in accordance with their permit.

The applicants have submitted a Noise Survey and Management Plan which sets out the measures that have been taken to minimise noise to third parties. This established a base line noise figure by switching off both the old and new ETP and then back in isolation to establish the noise generated. It was noted that the chillers and cooling tower pumps of the main factory were evidence when both were deactivated. The survey includes an assessment from neighbouring properties which shows that the old ETP had an increase in dB of 2dB and 3dB to neighbouring properties when switched on. However when the new EPT was activated in isolation, there was no increase in dB compared with the baseline. It is noted that a raft of measures have been installed to ensure that noise is minimised for third parties. The rating level of the new ETP was calculated as 9dB below that of the background noise.

Environmental Impact Assessment is not required for this development in accordance with the EIA Regs. An Environmental Study was however carried out to ensure that the scheme did not cause environmental damage to the Afon Teifi. The ETP has successfully gained an environmental permit but there are conditions that this application seeks to address.

A risk assessment has been submitted which considers the likely risks and mitigations put in place to minimise the effects on third parties. The site is a commercial operation which produces cheese on a large scale so there will be some impact. The key is to identify the issues and seek solutions.

The plant has been assessed for phosphates and is considered to be a significant improvement over the previous arrangements and therefore is acceptable as a reduction of phosphates entering the Afon Teifi SAC via the Afon Arad.

Planning Site History

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

PL/03344 - Replacement Clean-In-Place (CIP) tanks and associated new bunding - Pending

W/35946 - Non-Material Amendment to W/34269 (rotate the plant by 90 degrees anti-clockwise, install slightly larger storage vessel and optimise the shape of the concrete foundation to avoid disturbance to the river course, keep within the 23 tonne hazardous substances consent of W/34259, maintain all critical equipment within the 'red box' leaving only the hard standing truck filling bay to the south) NMA Granted - 30/11/2017

W/35300 - Proposed tanker unloading bay and siting of 13 silos - Full Granted - 21/06/2017

W/34269 - The installation of a 23.3 tonne vertical LNG (Liquefied Natural Gas) tank, vaporisers, pressure reduction system and associated system for the storage and regasification of the natural gas to supply the boilers installed at the site - Full Granted - 06/03/2017

W/34259 - The installation of a 23.3 tonne vertical LNG (Liquefied Natural Gas) tank, vaporisers, pressure reduction system and associated system for the storage and re-gasification of the natural gas to supply the boilers installed at the site - Hazardous Substances – Granted - 10/03/2017

W/29863 - The proposed development comprises the installation of a 1mw steam wood pellet boiler - Full Granted - 13/08/2014

W/07417 - Proposed extension forming cream processing and associated storage/offices/canteen - Full Granted - 13/09/2004

TMT/02513 - Proposed extension forming production and storage areas - Full Granted - 21/11/2002

W/04526 - Provision of 3no silos & control, lean-to extension, switch room extension changing room extension 4 mobile cold stores pipe bridge & associated plant - Full Granted - 30/08/2001

W/03354 - Provision of new canopy to front elevation of boiler house - Full Granted - 04/05/2000

W/02281 - Construction of plant building - Full Granted - 01/02/1999

W/01448 - Provision of silos and associated plant - Full Granted - 26/03/1998

W/01419 - Increasing height of eaves and ridge levels to existing milk intake building - Full Granted - 05/03/1998

W/00583 - DAF building-box profile clad portal frame siting over new DAF plant - Full Granted - 06/03/1997

W/00440 - Proposed new cold store, holding area and plant room - Full Granted - 23/12/1996

W/00439 - Alteration to existing effluent gateway - Full Granted - 02/12/1996

W/00400 - Conversion of milking parlour to 2 bed accommodation unit - Full Granted - 22/11/1996

W/00247 - Installation of water holding tank for fire extinguisher system, extension of existing dry goods storage area, 3 no flag poles, boundary fence, water permeater silo, pumphouse, and effluent balance tanks - Full Granted - 31/10/1996

W/00246 - Conversion of existing dry goods store into cold store and raise by 6 foot - Full Granted - 23/12/1996

D4/20513 - Construction of plumbing station rising main gravity sewers and manholes - Full Granted - 12/12/1990

D4/17702 - Construction of a twin flue self supporting chimney to service a new oil fired boiler plant - Full Granted - 27/04/1989

D4/9363 - Change of use of 4 no houses to offices - Full Granted - 04/02/1982

D4/9447 - Electricity Supply - Approved with Conditions - 08/03/1982

D4/8813 - Electricity Supply - Approved with Conditions - 03/08/1981

D4/8297 - Lighting for creamery car park - Approved with Conditions - 28/05/1981

D4/7997 - Erection of a new security fence and gates - Approved with Conditions - 20/11/1980

D4/7606 - New weighbridge & control house for creamery use - Approved with Conditions - 11/09/1980

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

EMP3 - Employment – Extensions and Intensification

[Carmarthenshire Supplementary Planning Guidance](#)

[Nature Conservation and Biodiversity - Draft Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

The proposal has been subject to multiple consultations since the application was registered in 2020, so for clarity, the summary below reflects the most recent and up to date advice.

Head of Public Protection – Has no objection subject to the imposition of appropriate conditions.

Head of Highways – Has no objection subject to the imposition of appropriate conditions.

Newcastle Emlyn Town Council – Supports the application, however after representation from residents, would expect all conditions and legal requirements to be monitored and adhered to. There is also a suggestion that acoustic barriers be set up around the perimeter of the site.

Local Member(s) - Councillor H Evans has not commented to date.

Cadw – There are three scheduled monuments within 2km, however intervening buildings and vegetation is such that there is unlikely to be an impact and therefore has no comment to make.

Natural Resources Wales – has significant concerns unless appropriate conditions are imposed seeking a revised CEMP and contaminated land information prior to commencement of any further works on site. It is also noted that there would be a reduction in phosphates entering the Afon Teifi SAC and therefore the proposal is not likely to have a significant effect on the SAC.

After initial concerns, a revised FCA has been submitted and NRW draw attention to the flooding being 0.68m on site with climate change and note that there is betterment upstream and no increase downstream. It is noted that the Afon Arad is not a main water course so the onus is on the Local Authority to determine whether the risks are acceptable.

NRW also highlight that the company has been granted an environmental permit for the ETP.

Health and Safety Executive – States that the proposal is within the consultation distance of a Major Hazard Site.

Sustainable Drainage Approval Body (SAB) – states that concerns of surface water and small watercourse flooding have been addressed and are considered acceptable. An application for a sustainable drainage scheme is required which will necessitate surface water management.

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 notices initially and reconsultation by way of letters to interested parties.

Representations have been received from four third parties including a collective community response from 7 households objecting to the proposal and the matters raised are summarised as follows:

- Intensification
- Retrospective
- Amenity
- Noise from pumping into tankers
- Noise from main factory (acoustic fence requested)
- Odour from tanks and slurry tankers
- Vibration from plant
- Overlooking (when tanks are maintained)
- Site should be assessed as a whole
- Loss of water supply
- Character / Location in Residential Location
- Contrary to Policy (GP1 and EMP3)
- Character of Area
- Impact on setting of Grade II Listed Building

- Flooding
- The site and public highway are liable to flooding
- Spillage of effluent or chemicals
- Water Pollution
- Pedestrian Safety (pavement needed)
- Highways – Intensification of Lorry Movements
- ‘Turning Area’
- Health and Safety after explosion near LNG tank
- Complaints against engagement by the company and Planning Authority.

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

Appraisal

The principle of development

The Effluent Treatment Plant (ETP) is required to serve a significant and expanding food production facility that produces cheese for the UK and European market. The original ETP was failing and required extensive tankering away of waste by road (up to 28 tankers per week) to avoid environmental damage from the failing ETP into the Afon Arad. The new ETP was seen as an essential investment in the plant that was required in order to operate and safeguard local jobs. The principle of the development is considered acceptable in order to safeguard the future of the plant.

Intensification

Third parties are concerned that the food production facility has been expanding its production capacity since 2017 and this has resulted in the need for extra ETP capacity which should have been carefully planned and programmed before intensification took place. The objection is primarily to the expansion of the company on the site and the resultant amenity implications said to have arisen due to the cumulative effect of this intensification. Whilst concerns are noted, it is also noted that the company is one of the largest employers in the town and the intensification has resulted in not only direct employment but also indirect employment with numerous farms supplying milk to the plant. The success of the company has been incremental and it has responded accordingly in upgrading the site to accommodate its requirements. The ETP is essential to retaining these jobs without significant harm to the environment. This proposal is to accommodate the intensification of the main food production unit which did not require planning permission and which is not under consideration.

Retrospective

Due to the intensification highlighted above the capacity of the original ETP was exceeded and it was failing to handle the amount of effluent produced, resulting in it being tinkered away. The work to construct the new plant was carried out primarily during the first Lockdown in March 2020 and hence the application is retrospective which seeks to retain the ETP as built and was submitted as a result of Enforcement investigation. The Local Planning Authority does not condone unauthorised development and the use of retrospective applications to regularise works. However, this is covered by S73A of the Town and Country Planning Act as a way for unauthorised development to be assessed.

Amenity - Noise

There are two sources of noise in contention.

Firstly the noise and disturbance from tankers removing sludge from the ETP. This is in the form of pumps on the tankers. The number of tankers has reduced compared with all the effluent being tankered away when the old ETP failed, however the residual sludge still needs to be removed to prevent it from entering the watercourse. This has been the subject of historic complaints to the public protection service who have been investigating under statutory nuisance legislation.

Secondly, noise is said to emanate from main factory and acoustic fencing has been requested. The general noise from the factory is not subject to this application as it is a pre-existing noise source regardless of the ETP. A noise report has been submitted which shows that the ETP does not increase noise levels compared with the main factory at the two closest noise sensitive residential properties. The noise emanating is said to be 40dB with the background level of 49dB, therefore it would not be heard over the noise of the main factory. It is not therefore reasonable to seek acoustic fences to mitigate noise from the ETP.

The Head of Public Protection has assessed the noise report and has no objection subject to the imposition of appropriate conditions as recommended below.

Amenity - Odour

Again, there are two sources of odour, from the tanks themselves and the odour from the tankers removing the sludge. The primary source of odour is from the settlement tanks due to the fact they are open topped in order to facilitate the biological breakdown of the effluent. The latest objection includes photos of foam blowing off the top of the tank as a visual representation of the impact of the tank. A sealed system would not have the desired treatment and would necessitate significant lorry movement to tanker it way. The tanker use is significantly reduced by the new ETP. Odour is controlled by the environmental permit issued by NRW and it's impact on amenity is not therefore considered to be unacceptable as it is assessed under other legislation.

Amenity - Vibration

There is said to be vibration from the ETP, however there is a reasonable distance and / or an intervening highway between the plant and surrounding residential properties, therefore it is not considered to be unacceptable.

Amenity - Overlooking

There is concern that when tanks are being maintained, any employees high on the tank will be able to look into neighbouring gardens. It is however likely that this would be an infrequent occurrence during necessary maintenance and the tanks themselves are would not cause loss of privacy to third parties.

Amenity – Cumulative

There is concern that the site has experienced expansion since 2017 and the impact should be assessed as a whole. It is noted from the site history that there has been a lot of development and expansion, however this has been done in a piecemeal manner. It is noted

that the company had enjoyed market success and has benefitted from Welsh Government grants which have helped in the expansion. The success of the company has resulted in the impact on neighbouring properties changing as the amount of cheese produced has increased and areas of the facility developed to respond to demand. This would have been difficult to identify in 2017 in order to assess the development holistically. The ETP is a result of increased production of effluent and the failure of the original ETP to handle the demand, so is a consequence of the piecemeal development of the site. The main site however is not being assessed and the removal of the ETP if refused would just result in a worse environmental impact by tankering away the effluent.

Amenity - Loss of water supply

It is said that there have been disruptions to water supply as a result of the proposal. The nature of the ETP is that it is a private treatment plant and as such Dwr Cymru Welsh Water has not had an input in the scheme. Any loss of water supply is likely to have occurred in connection with the main food production facility and not therefore material to the consideration of the retention of the ETP.

Location

There is concern that the facility is in a residential location. However, historic maps dated 1935-1936 indicate that a cheese factory was on site and hence the use pre dates the planning system as we know it that was formed in 1948. It is understood that the site was originally a work house and that it changed use in 1922, so has been associated with a creamery and cheese production for over 100 years. The established use pre dates most of the housing and other development which now surrounds it. It should be noted that the ETP needs to be within the curtilage of the main plant so there is no alternative location. The site is in an existing employment area as defined in the adopted Local Development Plan so the principle of B1, B2 and B8 uses is acceptable in principle. There is a small business park to the West and a commercial use to the East as well as individual houses. The site is therefore mixed use in character and is part of a well established employment site. The ETP is not therefore considered to be out of character within its setting.

Contrary to Policy (GP1 and EMP3)

The food production unit is an existing long standing plant at this location. This application is not considering the impact of the intensification of the plant over the years, it is only looking at the merits of the EPT. Given the intensification of the plant itself without the need for planning, the ETP is considered to be a way to minimise environmental impact of tankering away the effluent.

Impact on setting of Grade II Listed Building

The treatment plant is in direct line of sight of a listed cottage. The proposal would therefore have an impact on this property and does not therefore comply with Built Heritage policy. However it is noted that the turning area is being removed and that the area between the proposal and Listed Building is proposed to be used for flood water / secondary containment / sludge tanker turning as necessary. The site is classed as an existing employment area, so there is an expectation that the site would be suitable for some form of commercial development. In this case, the tanks are away from the boundary, so whilst there is an impact, on balance it is not considered to be unacceptable.

Flooding

The site and public highway are liable to flooding. As required by TAN15, the application has been accompanied by a flood risk assessment (FCA). The initial response from NRW expressed serious concerns and opined that there was inadequate information and requested the model that underlay the FCA which was an additional request over that which is needed for a planning application. This has been assessed and there were still concerns, however with the granting of the Environmental permit, the proposal changed to include a containment area which would also offset the displacement of water by the tanks. The old settlement tanks are also proposed to be removed. The revised FCA sets out the proposed flood depths including climate change. NRW's response states the following verbatim:

“From analysing the FCA, it is stated that a maximum flood water depth within the proposed secondary containment lagoon of 0.47m during the 1% Annual Probability of Flooding (APF) Scenario with an allowance for climate change and 0.68m for the 0.1% APF event is predicted. These flood depths would not comply with Table A1.14 of TAN 15 (2004). Within the FCA, Section 8.3 details that the site will flood up to 0.47m in the 1% APF Scenario with an allowance for climate change and 0.68m in the 0.1% APF Scenario. These figures are within the tolerances of TAN 15.

As part of the proposal, the development does not show a noticeable detriment to third parties. Figure 14 of the Hydraulic Modelling report indicates there will be a minor betterment to some areas to the south of the site, including the B4333 carriageway. There is not anticipated to be any change in flood depth on the downstream boundary.

The FCA also notes that there is no change in predicted flood depth on the downstream boundary of the proposal.”

A secondary but related issue is the potential spillage of effluent or chemicals which could affect the watercourse. The site is subject to an environmental permit that has been issued by NRW under other legislation that sits parallel to the planning system. One of the stipulations is that there is a secondary containment area to ensure that in the event of a breach of one of the tanks, the resultant spillage would be contained and not be allowed to enter the water course. This is addressed by the reinforced bunding proposed around the boundary of the site and a barrier system which prevents ingress into the waterway. There are gates proposed so in the event of flooding, the containment area accommodates the water displaced by the tanks and therefore not increase flooding off site. The risk is that the two events could theoretically coincide, however under normal circumstances, the containment are would serve two separate functions (or three if you include turning for sludge tankers). The Afon Arad is an ordinary watercourse not within the control of NRW, so a judgement needs to be determined as to whether the theoretical risk outweighs the environmental harm if the ETP was to be removed.

Water Pollution

The water course is not a main river, however pollution incidents and fish kills are controlled by NRW. The site is being monitored by NRW when incidents are reported and investigated under other legislation.

Pedestrian Safety

There is already a pavement between the site entrance and the town. The ETP is not likely to result in pedestrian movement that would require pedestrian improvements beyond the entrance.

Highways

The ETP is likely to result in the long term reduction in lorry movements in the form of waste removal compared with tankering away all waste. Lorry movements to the main site are not material to this proposal.

'Turning Area'

The unexplained 'turning area' is a steel reinforced structure that appears to have been prepared for infilling with concrete to form a solid base. However as a result of Enforcement intervention, was left unfinished. It is understood that the reinforced sub-base has been removed from the site to form the flooding / containment / turning area. All comments regarding this structure are therefore irrelevant.

Health and Safety

There is concern over health and safety given the fact that there are substances on the site. Third parties draw reference to an explosion near a LNG tank. Health and safety is a matter for the Health and Safety Executive and is controlled by other legislation.

Consultation / Engagement

There are complaints about engagement by the company. It is however understood that the company has had events and invited people to see the facility. The Local Planning Authority has no control over matters which do not require planning permission so community engagement regarding the increase in production and internal processes are not material to this application. The Local Planning Authority has undertaken statutory consultation on the application and has received representations from several third parties at different stages throughout the assessment of this application.

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 scheme as submitted, it is concluded on balance that the food production unit has expanded over the years, to a point where the associated infrastructure was inadequate to serve the unit. The company carried out the work at their own risk during covid in order to safeguard the food production. The subsequent application has been beset with delays due to the need to satisfy the conflicting requirements of the environmental permit and need to ensure the consequence of flooding is not detrimental to third parties including users of the public highway. The Local Planning Authority does not condone unauthorised development but given it's importance to the economy of Newcastle Emlyn and the wider farming community, it was considered important to seek a resolution to the issues before presenting the application to Planning Committee.

There are issues of concern that have been expressed by residents in respect of amenity resulting from the presence of the site with residential properties in relatively close proximity. However, it is firstly important to note that the site has been used for cheese production for over 100 years so is very well established. Secondly, it is important to differentiate between material planning considerations and issues namely noise and odour emanating from the overall site that are controlled by other legislation.

After carefully considering the material planning considerations, the proposal is considered to be an appropriate development which accommodates the needs of the unit and secures it's future in operational terms. The balance between secondary containment and flood consequences has been found and measures have been installed to minimise noise and disturbance to third parties. The ETP is therefore considered to be in accordance with the above policies and it's retention is therefore recommended for approval.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 5 August 2020.

Reason: To comply with Section 73A of the Town and Country Planning Act (as amended).

Condition 2

The development hereby permitted shall be retained / carried out strictly in accordance with the following plans and documents

- Flowscheme WWTP Pre Treatment P19724-004-10
- Flowscheme WWTP FBR P19724-004-11

Dated 24 May 2020

- Proposed Sections RT-7900-PS-07 Rev A
- Proposed Elevations RT-7900-PE-05 Rev A

Dated 10 June 2020

- Lighting Plan (RT-7900-Int&Ext.LP-01)
- Existing Sections (RT-7900-ES-06-Rev.A)
- Risk Assessment
- Environmental Assessment
- Extended Phase I Habitat Survey
- Aluminium Impact
- Noise Survey
- Highways Impact
- Flowscheme

Dated 12 October 2021.

- Site Location and Block Plan (200 R01)
- Demolition Plan 100 R01
- Proposed Secondary Containment Lagoon General Arrangement Plan Layout 101 R02
- Typical Detail Sheet 1 of 2 – Sections and Elevations 102 R02
- Typical Detail Sheet 2 of 2 – Sections and Brackets 103 R01
- Cast in situ concrete slab and wall Setting out information 104 R01
- Cast in situ concrete slab and wall General Arrangement 105 R02
- Cast in situ concrete slab and wall RC Detailing Reinforcement Plan 106 R01
- Cast in situ concrete slab and wall Various Details 107 R02
- Longitudinal Sections E-E, F-F and G-G 108 R02
- Nautilus 400 Flood Barrier System
- Nautilus 400 Flood Barrier Arrangements
- Tensartech Earth Retaining Systems
- Tensartech Natural Green Earth Retaining Structures - Model Specification
- Wrekin HOPE Impermeable Geomembrane

Dated 7th July 2022

- Landscaping Plan DP-0001RevA

Dated 28 10 22

- Flood Consequence Assessment reference 1498-CVD-FCA-001 dated 22 November 2023.

Reason: In the interests of visual amenity in accordance with Policy GP1 of the LDP.

Condition 3

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.

Reason: In the interests of highway safety in accordance with Policy TR3 of the LDP.

Condition 4

The turning and servicing 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 turning and servicing area, is to be obstructed by non-motorised vehicles.

Reason: In the interests of highway safety in accordance with Policy TR3 of the LDP.

Condition 5

No further development shall commence until an amended Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The amended CEMP should include:

- Full details of wheel wash facilities, we note confirmation that these facilities will be 10m away from the watercourse however we advise that temporary drainage is installed at wheel wash areas to ensure no runoff into watercourses.
- All potential pollution including silt run off to be monitored in the Afon Arad daily during the construction phase.

The amended CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: In order to safeguard the environment during the construction of any further development on the site in accordance with Policy GP1 of the LDP.

Condition 6

No further development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 7

Prior to the operation of any further development, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 8

Prior to the operation of any further development, a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
 - Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
 - Timescales for submission of monitoring reports to the LPA e.g. annually
 - Details of any necessary contingency and remedial actions and timescales for actions
 - Details confirming that the contingency and remedial actions have been carried out>
- The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: A land contamination long term monitoring plan should be submitted prior to operation of further development, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on water quality.

Condition 9

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning

Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Condition 10

The Landscape Design Scheme (LDS), as defined in the submitted documents shall be fully implemented in the first available planting and seeding seasons following the grant of this permission. Any existing elements retained or translocated; or new elements installed, constructed, planted or seeded in accordance with the approved scheme which, 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 element in relation to this planning approval is no longer delivered, shall be replaced, within six months of written notification by the local planning authority, or within in the next available planting or seeding season thereafter, with replacement elements of similar size and specification.

Reason: To ensure that the development enhances the character and appearance of the site and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity: thus delivering the objectives of CLDP policies: - SP1 d) and i); GP1 a), f) and i); EQ5; and where appropriate EQ6

Condition 11

The rating level of the noise emitted from the proposed development/application shall not exceed the existing 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 and/or its subsequent amendments.

Reason: In order to protect the amenity of neighbouring properties in accordance with Policy GP1 of the LDP.

Condition 12

At the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142 and/or its subsequent amendments to determine whether noise arising from development exceeds the level specified in condition 11 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 11 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 11. The development shall then be undertaken in accordance with the approved details.

Reason: In order to protect the amenity of neighbouring properties in accordance with Policy GP1 of the LDP.

Condition 13

The development hereby approved shall be implemented strictly in accordance with the recommendations and mitigation measures contained in the Noise Impact Assessment Report undertaken by Parker Jones Acoustics dated 13th June 2020. As well as those measures set out in the Dairy Partners Wales noise management plan.

Reason: In order to protect the amenity of neighbouring properties in accordance with Policy GP1 of the LDP.

Notes / Informatives

Note 1

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

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

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

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

Note 2

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

Application No	PL/03344
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Application Type	Full planning permission
Proposal	Replacement Clean-In-Place (CIP) tanks and associated new bunding
Location	The Creamery, Aberarad, Newcastle Emlyn, SA38 9DQ

Applicant(s)	Dairy Partners (Cymru Wales) Ltd
Agent	Jason Evans - Evans Banks Planning Limited
Officer	Gary Glenister
Ward	Cenarth and Llangeler
Date of validation	26/01/2022

Reason for Committee

This application is being reported to the Planning Committee as more than two objections have been received.

Site

The application site is part of a well established food production facility situated within an existing employment site in Newcastle Emlyn. The site is to the South of the main production building and North East of a series of silos which were approved in 2017 as set out in the planning history.

The employment site forms the South Eastern extremity of the town. The facility, which produces cheese is one of the Newcastle Emlyn's largest employers and is also a significant recipient of milk from the local farming community.

The site is in a mixed commercial and residential area, with residential properties to the North South and West of the site.

The wider site has a water course running through it in a North South direction with the main food production facility to the West and the treatment plant subject of PL/00152 lies to the

East. The second application (PL/00152) for the retention of the Effluent Treatment Plant is also on the agenda and this will be considered separately.

It is noted that the development has taken place since the submission of the application so is now retrospective.

Proposal

The application seeks the erection of a new Clean in Place (CIP) process which involves the relocation of two existing tanks and erection of three new approximately 5m elevated tanks. The tanks are designed to accommodate Acid, Caustic Liquid, Fresh Water and Waste Water in order to carry out the cleaning process.

The tanks are proposed to be approximately 5m high and are situated adjacent to the main factory building and set against the backdrop of the existing tanks that are evident on site.

The new process is aimed to ensure the efficiency of the plant is improved by reducing the time it takes to clean the plant between batches of cheese being produced.

A concrete bunded containment area is also proposed in order to control any leakage from the tanks should a breach occur.

The applicants have submitted a Noise Impact Assessment which sets out the measures that will be taken to minimise noise to third parties. This has been scrutinised by the public protection team.

Planning Site History

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

PL/00152 - Construction of a new effluent treatment plant to replace the current asset which has become outdated due to improvements in technology and treatment processes - Pending

W/35946 - Non-Material Amendment to W/34269 (rotate the plant by 90 degrees anti-clockwise, install slightly larger storage vessel and optimise the shape of the concrete foundation to avoid disturbance to the river course, keep within the 23 tonne hazardous substances consent of W/34259, maintain all critical equipment within the 'red box' leaving only the hard standing truck filling bay to the south) NMA Granted - 30/11/2017

W/35300 - Proposed tanker unloading bay and siting of 13 silos - Full Granted - 21/06/2017

W/34269 - The installation of a 23.3 tonne vertical LNG (Liquefied Natural Gas) tank, vaporisers, pressure reduction system and associated system for the storage and regasification of the natural gas to supply the boilers installed at the site - Full Granted - 06/03/2017

W/34259 - The installation of a 23.3 tonne vertical LNG (Liquefied Natural Gas) tank, vaporisers, pressure reduction system and associated system for the storage and regasification of the natural gas to supply the boilers installed at the site - Hazardous Substances - Granted - 10/03/2017

W/29863 - The proposed development comprises the installation of a 1mw steam wood pellet boiler - Full Granted - 13/08/2014

W/07417 - Proposed extension forming cream processing and associated storage/offices/canteen - Full Granted - 13/09/2004

TMT/02513 - Proposed extension forming production and storage areas - Full Granted - 21/11/2002

W/04526 - Provision of 3no silos & control, lean-to extension, switch room extension changing room extension 4 mobile cold stores pipe bridge & associated plant - Full Granted - 30/08/2001

W/03354 - Provision of new canopy to front elevation of boiler house - Full Granted - 04/05/2000

W/02281 - Construction of plant building - Full Granted - 01/02/1999

W/01448 - Provision of silos and associated plant - Full Granted - 26/03/1998

W/01419 - Increasing height of eaves and ridge levels to existing milk intake building - Full Granted - 05/03/1998

W/00583 - DAF building-box profile clad portal frame siting over new DAF plant - Full Granted - 06/03/1997

W/00440 - Proposed new cold store, holding area and plant room - Full Granted - 23/12/1996

W/00439 - Alteration to existing effluent gateway - Full Granted - 02/12/1996

W/00400 - Conversion of milking parlour to 2 bed accommodation unit - Full Granted - 22/11/1996

W/00247 - Installation of water holding tank for fire extinguisher system, extension of existing dry goods storage area, 3 no flag poles, boundary fence, water permeater silo, pumphouse, and effluent balance tanks - Full Granted - 31/10/1996

W/00246 - Conversion of existing dry goods store into cold store and raise by 6 foot - Full Granted - 23/12/1996

D4/20513 - Construction of plumbing station rising main gravity sewers and manholes - Full Granted - 12/12/1990

D4/17702 - Construction of a twin flue self supporting chimney to service a new oil fired boiler plant - Full Granted - 27/04/1989

D4/9363 - Change of use of 4 no houses to offices - Full Granted - 04/02/1982

D4/9447 - Electricity Supply - Approved with Conditions - 08/03/1982

D4/8813 - Electricity Supply - Approved with Conditions - 03/08/1981

D4/8297 - Lighting for creamery car park - Approved with Conditions - 28/05/1981

D4/7997 - Erection of a new security fence and gates - Approved with Conditions - 20/11/1980

D4/7606 - New weighbridge & control house for creamery use - Approved with Conditions - 11/09/1980

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

EMP3 - Employment – Extensions and Intensification

[Carmarthenshire Supplementary Planning Guidance](#)

[Nature Conservation and Biodiversity - Draft Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Statutory consultation took place and further consultation to public protection on receipt of the noise report.

Head of Public Protection – Has no objection subject to the imposition of appropriate conditions.

Newcastle Emlyn Community Council – Has no observations on the proposed development.

Local Member - Councillor H Evans has not commented to date.

Dwr Cymru/Welsh Water – Has no comments.

Natural Resources Wales – States that a CEMP is required in order to assess the impact on the Afon Teifi SAC and highlights the fact that an Environmental Permit is required and should be obtained prior to construction of the plant. It is noted however that the construction has already taken place so a condition would not be appropriate.

Sustainable Drainage Approval Body (SAB) – Has no objection 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 two site notices.

3No. representations have been received objecting and the matters raised are summarised as follows:

- There are long standing issues with the operation of the site and the unauthorised Effluent Treatment Plant.
- Amenity
- Intensification since 2017 doubling production.
- 24hr 7 Day Operation
- Noise and Disturbance
- Light Pollution
- Odour
- Visual Amenity
- Water Supply
- Highways
- Chemical Spillage
- Flooding
- Employment is questioned

29 Letters of Support have been received from members of the agricultural community.

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

Appraisal

Long Standing Issues

The majority of the public concerns relate to the intensification and development of the site since 2017. This has been done incrementally with no overall strategy for the plant. Issues such as intensification, noise, odour, traffic and light pollution are in relation to the site as a whole and not exclusively to the proposed CIP improvements being assessed in this application. An application seeking the retention of the Effluent Treatment Plant is being considered elsewhere on this agenda. Proposal specific objections are set out below.

Residential Amenity

Concern has been expressed on the impact of residential amenity as follows:

Noise

Noise in general is subject to other legislation and if a statutory nuisance, action can be taken by the public protection team.

After concerns were expressed by third parties, the applicants were asked for a noise assessment specifically for the CIP plant. This has been scrutinised by the public protection team and there is no objection to the CIP tanks as proposed. There will be noise from tankers delivering chemicals, however this is said to be once a month during the day. The

operational noise from pumps is shown to be within acceptable levels. A noise management plan is included which is recommended to be conditioned.

It is noted that the CIP efficiency would reduce the 'down time' for the cleaning process so this would reduce the time when noise emanating from the plant is reduced. The tanks are part of a replacement process aimed at making the facility more efficient and therefore more viable long term. This can be seen as an impact on amenity, however the operation of the plant 24/7 is an existing situation that is not under consideration in this application and the ability to operate is not affected by the installation of the CIP tanks.

Light Pollution

There is third party concern regarding the food production facility in general, however in respect of the proposed CIP tanks, a condition is recommended so that details of any additional lighting are submitted and approved prior to installation.

Odour

This refers to the effluent treatment plant being considered elsewhere on the agenda. The CIP tanks are sealed units and are therefore unlikely to result in any significant odour.

Visual Amenity

The proposed tanks are close to the main factory and existing tanks on site. They are therefore proposed to be seen within this context and back drop. The visual amenity of the area is therefore not likely to be adversely affected.

Water Supply

Dwr Cymru Welsh Water has been consulted on the proposal and has no comments in respect of the proposal.

Highways

The proposal is again assessed within the context of the overall food production facility. The tanks will be subject to delivery of the chemicals for the cleaning process once a month during day time hours as set out in the noise report. This is not likely to be a significant increase in traffic overall.

Chemical Spillage

The proposal includes a 1.5m high concrete containment bund so that any spillage is contained in the event of a breach. The plant is subject to environmental permits from NRW so the capacity and specification will need to comply with the relevant legislation.

Flooding

It should be noted that the site for the CIP tanks is not within a flood zone on either the Development Advice Maps or the Flood Maps for Planning. As stated above, there is a containment bund proposed which would address concerns over any breach which would otherwise result in an impact on the water course.

Employment

Third parties question the levels of employment generated on site, citing lack of key roles which has resulted in environmental incidents. This however is not a material planning consideration nor does it affect the proposed CIP tanks. Contrary to the third parties, the site is within an existing employment area as defined in the LDP and is a significant local employer.

Impact on Afon Teifi SAC

It should be noted that NRW has concerns over the potential impact on the Afon Teifi SAC. However this application is for the infrastructure to provide improved efficiency of the cleaning process and replaces an existing cleaning process evident on site. The proposal should therefore be read in conjunction with PL/00152 which has been subject to a Habitat Regulations Assessment for the waste arising from the plant and given overall the benefits of the proposal, there is a net reduction in the impact on the SAC. The proposal is subject to an Environmental Permit from NRW so the precise impact will be scrutinised and controlled through other legislation.

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 scheme as submitted, it is concluded on balance that the proposal is a relatively minor addition to the overall food manufacturing facility and is aimed at increasing efficiency by reducing the time lost to cleaning. The tanks would be visible however set within the context of the overall site.

After concerns raised by third parties, the applicant was asked to submit a noise assessment which has been scrutinised by the Public Protection team. The proposal is considered to be in accordance with the above policies and is therefore recommended for approval.

RECOMMENDATION - Approval

Conditions & 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 shall be carried out in accordance with the following approved plans and documents:

- Proposed CIP Site Location and Block Plan. (801 – Rev R01)
- Proposed CIP Containment Slab GA Plan (100 - Rev R05)
- Proposed CIP Containment Slab GA Sections Plan (100 - Rev R04)

dated 14 January 2022

- Noise Impact Assessment

dated 25 March 2022

Reason: In the interests of visual amenity in accordance with Policy GP1 of the LDP.

Condition 3

All noise mitigation and noise management plans and measures as detailed in the 'Noise Impact Assessment' and Noise Management Plan prepared by Parker Jones Acoustics dated 25 March 2022 shall be fully implemented during the construction phase of the proposal.

Reason: In the interests of the amenity of third parties in accordance with Policy GP1 of the LDP.

Condition 4

The rating level of sound emitted from any fixed part or machinery associated with the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.

Reason: In the interests of the amenity of third parties in accordance with Policy GP1 of the LDP.

Condition 5

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 4 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 4 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 4. The development shall then be undertaken in accordance with the approved details.

Reason: In the interests of the amenity of third parties in accordance with Policy GP1 of the LDP.

Condition 6

Any floodlighting and external illumination associated with the proposal, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The lighting shall be carried out strictly in accordance with the approved details prior to beneficial use and shall thereafter be permanently maintained.

Reason: In the interests of the amenity of third parties in accordance with Policy GP1 of the LDP.

Notes / Informatives

Note 1

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

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

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

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

Note 2

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

Application No	PL/06309
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Application Type	Removal/variation of conditions
Proposal	Variation of Condition 2 (to W/02132) to amend plans to include revised access ramp and amendments to dwelling
Location	Plot adjacent to Hollybrook, Ffynnonddrain, Carmarthen, SA33 6EE

Applicant(s)	Mr Anthony Sapsted
Agent	Verte Architects - Mr Paul Richards
Officer	Helen Rice
Ward	Trelech
Date of validation	27/10/2023

Reason for Committee

This application is being report to the Planning Committee following receipt of three or more objections from third parties and a call-in request by Councillor Jean Lewis.

Site

The application site lies within the hamlet of Ffynnonddrain, approximately 2km north of Carmarthen Town Centre. Ffynnonddrain comprises a group of dwellings situated along the classified public highway which leads from Trevaughan to the south and up towards Cynwyl Elfed to the north. A further unclassified single track Castell Howell Road links Ffynnonddrain with the larger village of Trevaughan situated to the west.

The application site is located to the rear of the main group of dwellings within Ffynnonddrain and is situated off Castell Howell Road where the land rises steeply up towards Trevaughan. The rectangular shaped plot borders 5no. residential properties along its eastern boundary, agricultural fields to the north, a single bungalow to the west (known as Hollybrook) and the unclassified road to the south. The site rises from east - west and south - north and thus is situated in an elevated position above the adjoining properties to the east. The site currently comprises a incomplete residential dwelling with associated building materials storage and

paraphernalia situated within its wider grounds. The building is set back from the road behind a mound of earth.

Proposal

In order to set out the proposal, it is necessary to explain the back history which has led to the submission of the application.

The site was granted planning permission for the erection of a bungalow with basement garage/workroom in 1998. After planning permission was originally granted for the dwelling in 1998, the applicant submitted a series of amendments to the proposal in 1999/2000, which at that time were not required to be the subject of a formal application and was rather dealt with through the exchange of plans and letters between the applicant/developer and the Local Planning Authority. Such amendments were duly considered by the allocated case officer having regard to relevant policies in force at that time. These included resiting of the dwelling due to land conditions, increase in height of the basement level by 1m and adjustments to window positions. The planning permission as amended was soon implemented with the property built up to the basement level before works ceased and the site remained part built for approximately 20 years until works recommenced to build the upper ground floor above basement level in the summer of 2023.

Following recommencement of works, the Local Planning Authority received a number of queries from local residents concerning the scale of the development. During enforcement investigations, a review of the original planning application file was undertaken to fully establish the suite of plans which comprised the planning permission as amended by the subsequent minor amendment determinations to enable comparison of the scheme as approved and as built. It became apparent that there were discrepancies between what had been approved and that which was being developed on the site. This primarily concerned the proposed access ramp leading up to the upper ground floor and discrepancies in relation to the height, width and depth of the dwelling. Following discussions, the applicant elected to submit this application to vary the approved plans to reflect the building as now built.

As such, this application **only relates to the differences** between what was originally approved (as amended) in comparison to that which has been developed. These differences can be summarised as follows:

- Increase in overall height of 1m
- Increase in depth of 1m
- Approximately 30cm closer to the eastern boundary
- Installation of meandering access ramp up the earth mound and up to the upper ground floor

In addition, during the course of the application, the applicant has confirmed that they would install a privacy screen along the eastern elevation of the access ramp to coincide with the position of windows and access doors, and have already installed obscured glazing in all of the windows (with exception of one serving a bedroom) on the eastern side elevation that faces onto the rear gardens of adjacent properties.

Planning Site History

The following are the relevant planning permissions relating to the site :

W/02132 - Amended elevations to former approved scheme for one bungalow with basement garage/workroom - Full Granted - 17/11/1998

W/00571 - Construction of a bungalow over double garage workroom/storeroom - Full Granted - 07/03/1997

D4/24201 - Siting of two dwellings - Outline Granted - 16/12/1993

D4/19393 - Siting of two dwellings - Outline Granted - 25/07/1990

D4/2389 - Siting of two bungalows - Refused - 08/06/1977

Planning Policy

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

SP1 - Sustainable Places and Spaces

SP5 - Housing

GP1 - Sustainability and High Quality Design

GP2 - Development Limits

H2 - Housing within Development Limits

TR3 - Highways in Developments- Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Newchurch and Merthyr Community Council - No observations received to date.

Local Member(s) - Councillor Jean Lewis is a member of the Planning Committee and has commented that further to the objections raised by residents due to the applicant not following the original approved plan in terms of size, design, style, loss of privacy and its proximity to their houses, that the application would need to be considered by the Planning Committee and that she may ask for a site visit.

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. 9 representations were received from 7 different households, objecting to the development on the following grounds:

- Total loss of privacy
- Loss of light
- Overshadowing
- Detrimental impact upon quality of life

- Presence of workmen working along the ramp/balcony made residents feel uncomfortable in their own rear gardens
- Windows, doors, ramp, walkway and conservatory overlooking private rear gardens of neighbouring residents and rear bedroom windows
- Impact of development on health and well being of residents
- Overbearing and overwhelming impact upon neighbouring residents
- Overdevelopment of the plot
- Dwelling towers above neighbouring properties
- Not in keeping with the existing buildings in the area and does not compliment the hamlet
- Adverse impact upon the residential amenity of the village of Ffynnonddrain and its residents.
- Loss of views
- Earth mound created along frontage has caused overspill of mud and stones into neighbouring properties.
- Earth mound is dangerously close to a piped watercourse which previously collapsed during building works and caused flooding in Castell Howell Lane and is also close to a sewage pipe.
- Dwelling is not in accordance with the original permission
- Proposal was not properly considered in terms of size, scale, privacy, proximity to neighbouring properties, character and appearance when originally granted planning permission originally
- Original proposal was for a bungalow not a three storey house
- Development has broken law rules and should be demolished
- Officers need to visit neighbours to assess impact
- Neighbours not informed of the development
- Dwelling is higher and situated further back in the plot than as originally approved
- Series of amendments made post previous planning permission that were not subject of adequate assessment by the Planning Officer at the time
- Previous assessment of the distance between the dwelling and neighbouring dwellings cited as 28m is incorrect and the distance is rather 23.4m.
- Details of previous Ombudsman file regarding the original permission and subsequent amendments is not available
- Previous developments have had to abide by height restrictions to blend in with the area

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

Appraisal

The main considerations relating to this application is the impact of the differences between that which was approved and that which as been built upon the residential amenity of neighbouring residents and the character and appearance of the area.

Principle of Development

The application site is entirely within the settlement limits of Ffynnonddrain and as such development of a dwelling is acceptable in principle subject to adherence with the LDP policy and any other material planning considerations.

Impact upon residential amenity

The majority of objections received by local residents relates to the development's impact upon their amenity, including loss of privacy and that the dwelling has an overbearing impact upon their rear gardens. The concerns raised are acknowledged and Officers visited the rear gardens of those properties that adjoin the depth of the dwelling, namely Rose Cottage, 3 and 4 Ffynnonddrain Cottage to enable a full assessment of the impact the changes between that which was approved and that which has been built upon residential amenity.

It is noted that a number of the objections received question why a development of this scale was allowed in the first place. A review of the original planning application dating back to 1998 file confirms that letters to adjoining neighbours notifying of the application were sent. The development description referred to a bungalow with basement garage workroom. At that time, those wishing to view the application plans would have been able to view the physical files within the Council Offices, they were not available to view online. No objections to the development were received. It is the case that further amendments were then agreed, which at the time, was dealt with through the exchange of letters which included reposition and increases in height. Whilst it is noted that upon commencement of works, neighbours raised concerns including to the local ombudsman, it was concluded that the decision had been duly assessed and considered against the relevant policies at that time. Therefore the planning permission as amended is lawful and represents the "fall back" position.

The assessment now being undertaken relates to the differences in terms of the dwelling's height, siting and depth in comparison to the approved, "fall back" position and whether these changes would have an unacceptable impact upon the residential amenity of the neighbours in comparison to that approved.

The dwelling, as approved, was to be set back by around 2.7m from the boundary with adjoining rear gardens. Whilst the dwelling as built is some 30cm closer to the boundary, it is not considered that this change amounts to a significant difference to that which was originally approved. It is nevertheless accepted that given the scale of the dwelling coupled with the local topography, the dwelling sits well above the neighbouring properties.

Assessment of the scheme as approved and as built confirms that the level of the upper ground floor and side ramp is comparable to that approved. However, the overall height of the roof, due to a change in pitch, has resulted in an increased eaves to pitch height of 1m. Whilst this will increase the bulk of the property, the increase relates to the roof apex rather than an increase in wall height immediately adjacent to the properties. As such, on balance, it is not considered that the increase in roof height of 1m results creates an unacceptable impact in terms of overbearing in comparison to the approved position. With regards overshadowing, due to orientation of the rear gardens and dwelling, the proposal would increase shadowing towards the end of the day however, the depth of the rear garden areas afforded to each adjoining dwelling is more than 20m and as such, it is not considered that the garden areas in their entirety would be affected.

Turning to loss of privacy, given that the level of the upper ground floor and ramp is comparable to that which was approved, there is no increased overlooking as a result of the changes. The distance window to windows is in excess of the generally accepted criteria of 21m. However, in acknowledging the concerns of neighbours and following a request by Officers, the applicants have agreed to install a privacy screen along the ramp length which coincides with the windows and door openings to mitigate issues of overlooking and improve the privacy to be afforded to neighbouring residents in comparison to the consented scheme,

and the installation and subsequent maintenance of this screen could be the subject of a condition.

Some residents have raised objections in terms of loss of views, however, the loss of a view is not a material planning consideration.

Therefore, whilst the concerns raised by neighbours are fully acknowledged, following assessment of the changes between the approved "fall back" position and as built, it is not considered that the change in height and siting would result in an unacceptable impact upon residential amenity in comparison to the approved position. The proposal does offer improvements over the approved position through the installation of a privacy screen along the side access ramp. Therefore, on balance and having regard to the specific circumstances of the case, the changes subject of this application are considered to comply with Policy GP1 of the LDP.

Impact upon character and appearance of the area

A number of objectors have commented that by reason of its scale and design, the dwelling does not accord with the character and appearance of the area. The village is predominately characterised by traditional cottages, modest two storey dwellings and single storey bungalows.

The overall design and form of the dwelling has not changed from the original approval, it remains to be a bungalow with a basement garage/workshop. However, and as mentioned above, what has been approved in comparison to that built differs in terms of its overall height, depth and siting as well as proposals for the ramp "snaking" up the frontage of the property and to the upper ground floor rather than being concentrated on the side elevation.

It is acknowledged that this is a large property that is at an elevated position within the village. The increase in height from that approved in comparison to that built further adds to the scale of the dwelling, however, this primarily relates to the pitch of the roof rather than the main mass of the dwelling. It is therefore not considered that the increase in height creates a significantly different impact to that which was approved.

Turning to the access ramp, due to the split level nature of the property, an access ramp meeting building regulation standards is required to enable level access into the upper ground floor as the only other alternative access is the approved external staircase or an internal staircase from the basement up to the upper ground floor. Whilst originally the access ramp was to be located entirely on the side of the dwelling, it became apparent that this was not achievable due to site constraints and the required levels to meet with updated building regulations. As such, the applicant now intends to utilise the mound to the front of the dwelling and create a winding path way that gradually rises in line with building regulation standards up to the upper ground floor and along the length of the building providing access via the side door.

The mound itself has been in situ since works to build the basement level commenced and as such in excess of 20 years. The path way has already been partially laid out along with tree and shrub planting along the route, with a steel framework built to take the path from the mound and create the level route up and along the side boundary of the dwelling.

Whilst this differs significantly from the approved position, the mound has the effect of screening the lower basement elevation from the adjoining highway whereas as approved

the full height of the dwelling would have been visible coupled with the steel structure to support the ramp. Therefore, on balance, it is considered that the dwelling as built whilst larger in height provides some improvement in the form of screening in comparison to the original approval.

Other Matters

Whilst referred to above, a number of the objectors raise concerns regarding the original approval back in 1998 and the subsequent amendments. The consideration of the scheme was the subject of review at that time and it was concluded that the decision was lawful. As such, it is not within the remit of this application to consider the previous consented scheme.

Planning Obligations

There is no requirement for a Section 106 Agreement.

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

Having regard to the specific circumstances in this case, particularly that the application only relates to the differences between the dwelling as approved and as now built, on balance it is considered that the changes do not amount to an create an unacceptable impact upon the residential amenity or character and appearance of the area in comparison to the approved dwelling. Whilst larger in terms of height and depth with a differing access ramp route, it is considered that the application improves upon the original scheme through installation of a privacy screen and landscaping works that inadvertently reduces views of the full scale of the southern elevation of the property. The application is therefore considered to comply with Policy GP1 of the LDP and is recommended for approval subject to the below conditions:

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

The development shall be carried out in accordance with the following approved plans and documents

- Location Plan received 25 July 2023
- Block Plan [013] received 3 November 2023
- Proposed "As Built" Elevations [2103-B031B] received 1 March 2024
- Proposed Elevations with Ramp and Planting [2103 B 030] received 17 July 2023
- Basement & Ground Floor Plan received 20 October 1998

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

Condition 2

Within 2 months of the date of this permission or prior to the first beneficial occupation of the dwelling, whichever is the sooner, a 1.8m privacy screen shall be installed along the eastern boundary of the access ramp in accordance with the details included on the As Built Elevations drawing hereby approved. The privacy screen shall thereafter be maintained and remain in this position in perpetuity.

Reason: To ensure the timely provision of the proposed privacy screen in the interests of protecting the amenities of neighbouring residents in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

Condition 3

The garage shall be used for domestic purposes only and not for any business, trade or commercial business.

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

Condition 4

The property shall be used as a single dwellinghouse 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).

Reason: To prevent any separate use on the site and to ensure that the proposed development does not prejudice the amenities of neighbouring residents.

Condition 5

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

Reason: To exert control over the future development of the site to ensure that the character and appearance is maintained and to accord with policy GP1 of the Carmarthenshire Local Development Plan 2014.

Notes / Informatives

Note 1

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

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

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

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

Note 2

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

Application No	PL/06623
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Application Type	Full planning permission
Proposal	Cessation of all use as a public house and the consolidation of the current residential component into 2 no. self contained 2 bed houses
Location	Angel Inn, Salem, Llandeilo, SA19 7LY

Applicant(s)	Paul James
Agent	W Griffiths - Christopher Griffiths
Officer	Kevin Phillips
Ward	Manordeilo and Salem
Date of validation	03/10/2023

Reason for Committee

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

Site

The application site is the existing public house and car parking area within the village of Salem, which is approximately 3 kilometres North of the town of Llandeilo along the C2177 road. The village is identified within the Carmarthenshire Local Development Plan as a sustainable community (SC30, along with Cwm Ifor, Golden Grove, Penybanc, Broad Oak, Manordeilo, Llangathen and Trapp) with Llandeilo its nearest Service centre. Salem is a settlement identified in the Carmarthenshire Local Development Plan with its own development limits with approximately 63 residential properties, a village hall (approximately 230 metres to the North) and Salem Chapel (across the adjacent unclassified highway to the North). The appeal site is served by the village sewage works which is in a field approximately 130 metres to the west, adjacent to the Afon Myddyfi, which is a tributary of the River Tywi SAC(Special Area of Conservation).

Proposal

The proposed development is the conversion of the existing public house which has a single residential unit above (Use Class A3) into two residential units (Use Class C3a), with their respective amenity areas and parking area.

Internally, the right hand half of the building with the existing ground floor bar and seating area and commercial kitchen at the rear and one bedroom above at first floor is to be converted and slightly extended at first floor into a 2 bedroom dwelling, and the left hand side of the Public house with the bar, toilets and pump room at ground floor and three bedrooms and domestic kitchen at first floor is also to be converted to a 2 bedroom dwelling.

Planning Site History

PL/00754 - The proposal converts the existing ground floor (existing main bar area) into one 2-bedroom flat and first floor plan (existing 4 en-suite bedroom flat) into 2 flats (two bedroom flat and one bedroom flat) along with an extension that opens out to abide with Covid regulations and the construction of 2 new holiday units at the rear of the site - Full Refusal - 16/2/2023

Appeal Dismissed on 23 February 2023, due to the inappropriate provision of a Private Treatment Plant proposal at the site within a sewered area, contrary to PPW and Local Development Plan policy.

E/22197 - 2 Residential Dwellings – Withdrawn – 01/02/2010

E/20104 - One Dwelling - Outline - Refused - 09/01/2009

E/12704 - Two Dwellings - Outline - Refused - 29/06/2006

E/02702 - House - Outline - Refused - 17/05/2001

E/00173 - Extension to restaurant and 1st floor - Full Granted - Committee -26/09/1996

P6/190/93 - Extension to restaurant and new guest rooms - Planning Permission Granted - 20/05/1993

P6/19758/92 -Extension for function room/restaurant - Refusal of Planning Permission - 22/10/1992

P6/18551/91 - Double Garage - Planning Permission Granted - 27/06/1991

P6/16452/89 - Extension to public area and private living area - Planning Permission Granted - 23/11/1989

P6/8174/82 - Extension (Kitchen And Store Room - Planning Permission Granted - 29/07/1982

P6/7455/81 - Caravan on part enclosure 3058 - Planning Permission Granted -30/07/1981

P6/6895/80 - Amended Access - Planning Permission Granted - 02/04/1981

P6/6247/80 - Extension of restaurant - Planning Permission Granted - 19/06/1980

P6/3695/78 - Proposed Advertisement Signs - Consent Granted - 29/03/1978

P6/3079/77 - Proposed Alterations - Planning Permission Granted - 16/02/1978

Planning Policy

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

SP1 - Sustainable Places and Spaces

SP2 - Climate Change

SP3 - Sustainable Distribution- Settlement Framework

SP5 - Housing

SP6 - Affordable Housing

SP14 - Protection and Enhancement of the Natural Environment

SP16 - Community Facilities

GP1 - Sustainability and High-Quality Design

GP2 - Development Limits

H2 - Housing within Development Limits

AH1 - Affordable Housing

RT8 - Local Shops and Facilities

TR3 - Highways in Developments - Design Considerations

EQ4 - Biodiversity

EP1 - Water Quality and Resources

EP2 - Pollution

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways - No observations.

Head of Public Protection - No adverse comments to make.

Manordeilo & Salem Community Council - Object to the proposal on the following grounds;

1. The Council objects to the proposed change of use from public house/restaurant to residential dwellings. The Angel Inn has served as a key focal point for the village of Salem and surrounding countryside for many years, not least during the pandemic where it was the hub providing support and a lifeline to local residents during the Covid restrictions.
2. It has not been proven that there is a lack of demand for such a facility, indeed to the contrary the Angel is considered an inherent part of village life and its permanent closure would be a great loss to the community. The fact that all the fixtures and fittings associated with the pub and restaurant have already been sold has pre-empted any serious intention to sell or rent the premises as a viable business.

3. Concern about the apparent discrepancy between the boundary shown on the location plan and the existing boundary fencing, also concern regarding details of access and what is proposed for the unallocated land shown on the plan at the rear of the site.

Local Member(s) - Councillor F Walters has requested that the proposal be considered by the Planning Committee and relays the reasons raised by Manordeilo and Salem Community Council for this request;

1. The Council objects to the proposed change of use from public house/restaurant to residential dwellings. The Angel Inn has served as a key focal point for the village of Salem and surrounding countryside for many years, not least during the pandemic where it was the hub providing support and a lifeline to local residents during the Covid restrictions.
2. It has not been proven that there is a lack of demand for such a facility, indeed to the contrary the Angel is considered an inherent part of village life and its permanent closure would be a great loss to the community. The fact that all the fixtures and fittings associated with the pub and restaurant have already been sold has pre-empted any serious intention to sell or rent the premises as a viable business.
3. Concern about the apparent discrepancy between the boundary shown on the location plan and the existing boundary fencing, also concern regarding details of access and what is proposed for the unallocated land shown on the plan at the rear of the site.

Natural Resources Wales - The application site is within the catchment of the River Tywi Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with NRW Planning Advice (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. It is therefore advised to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

This application for the cessation of use of the building as a public house and the consolidation of the current residential component into 2 no. self-contained two bed houses proposes connection of foul water to the mains sewer. The information set out in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' has been submitted with the application.

The Local Planning Authority will need to take the above into account in its determination of whether the development is likely to have a significant effect on the SAC. Should it be determined that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for the Local Planning Authority to determine.

The presence of bats in the vicinity of the site is noted. Due to the application including works to the roof space it is recommended the Local Planning Authority seeks the advice of the in-house Planning Ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required.

Dwr Cymru/Welsh Water – No comments to make on the Planning application.

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 and 20 representations objecting were received, and the matters raised are summarised as follows:

- There was limited marketing of the property for sale
- The desire to keep the public house open is shown by the formation of a Community Group that aims to purchase the public house..
- The proposal is contrary to Carmarthenshire Local Development Plan policy RT8 Local Shops and Facilities, which will result in the loss of an important Community and Tourism facility.
- The proposal conflicts with NRW guidance on phosphate pollution and it is considered that the proposal will have an adverse impact on the river Tywi SAC.

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

Appraisal

This proposal is hereby submitted to seek planning permission to convert the existing public house which has a single residential unit above (Use Class A3) into two residential units (Use Class C3a), with their respective amenity areas and parking area. The application will undergo thorough scrutiny across various criteria in order to evaluate the proposal as presented and to thereby determine whether it is acceptable in development management terms.

Principle of development

In the context of the current development control policy framework, any proposal of this nature falls to be considered against the general criteria of a number of Carmarthenshire Local Development Plan (LDP) policies. Owing to the loss of a public house this application would typically be examined closely against Policy RT8 of the LDP.

Policy RT8 – Local Shops and Facilities allows for consideration of such proposals. The Carmarthenshire Local Development Plan (2014) identifies and recognises the contribution of local services such as public houses which will contribute to the future viability of settlements and communities, both in terms of providing a service but also in offering ‘meeting places’ where community interaction can occur, and community spirit can be enhanced. Indeed, many of the points of objection received as part of the consultation process, focused on issues related to these points, as can be seen in the summary above.

In addition to the above, General policy GP1 in this instance requires that the change of use would conform to the character and appearance of the site and would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community. Also, an appropriate access should exist or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality.

Also, Strategic policy SP16 also considers the protection of existing community facilities in accordance with the settlement framework and based upon evidence of need. Any proposals that result in the loss of existing facility will be permitted where it can be clearly demonstrated that the facility is no longer viable and that a suitable alternative is accessible within the settlement or sustainable community.

The Council acknowledges the significance of community facilities and services in areas where there is a strong local reliance on them, and 20 objections have been received from local residents to the proposal which are highlighted above. These services play a crucial role in the economic well-being of the communities and also contribute to social inclusion, particularly for individuals with limited mobility within the community. Factors such as demand and the valuable nature of residential land in rural areas often lead to pressure from property owners to alter the purpose or redevelop such facilities for residential use and the potential income from an alternate development may surpass that of a shop or other activity. This policy aims to mitigate the pressures for change by ensuring that unless reasonable alternative facilities are available and the shop or facility is economically sustainable at appropriate rent levels, its closure will not be permitted. While the policy endeavours to safeguard against the loss of facilities, provisions are also made for situations where it can be demonstrated that such facilities are no longer necessary or feasible.

There is limited detail submitted with regards to the marketing of the public house for sale and a local resident has conveyed that there is an intention to purchase the property as a community run public house, however no detail in regard to this has been submitted. However, whilst the relevant planning policies seek to prevent the loss of such facilities in the lower tier settlements (local service centres and sustainable communities), particularly where the loss of the facility might be detrimental to the social and economic fabric of the community, there is a need in determining a proposal of this nature to consider whether the settlement is of sufficient size and has adequate facilities of similar compatible use, which could absorb any potential detrimental impacts to the community. It is considered that the proposal does not conflict with the said policies because the village is served by a Community Hall, in addition to the many amenities at the town of Llandeilo which is only 3km away. In particular, Llandeilo would be more relevant in this case, more so than the sustainable community, as in this case Settlement Cluster SC30 is made up of a number of small settlements with limited facilities themselves, and they all look to Llandeilo as a central commercial and social hub. Therefore, in terms of Salem and this proposal, given the availability of the Community Hall and the proximity to Llandeilo, it is considered in this case that the loss of the pub to housing would not be detrimental to the social and economic fabric of the community.

Impact upon character and appearance of the area

It is considered that the conversion to 2 dwelling from a public house and 1 residential unit above, will not be a significant negative change to the character and appearance of the locality with the new use for two residential units of a similar scale to the existing resulting in a limited change to the visual appearance of the locality. It is acknowledged that there will be less activity at the establishment and with that less vehicles and respective general noise.

Privacy Impacts

The layout as proposed will not result in any issues in terms of impact upon adjoining neighbours' living conditions. The site has a highway each side of the development and the housing site to the south has a mature hedgerow between and the layout is such that there is sufficient distance between the properties to ensure that there are no significant concerns in terms of harm to each resident's living conditions.

Biodiversity Impacts

The proposal has not received a negative consultation response from Planning Ecology and the proposal is accepted subject to the application of two planning conditions.

Highway Impacts

The Head of Transport conveys that there are no observations offered for a proposal that will have less of an impact on highway related matters.

Phosphate and Tywi SAC related

The proposal is a reduction in scale in terms of the residential occupancy of the existing 4-bedroom residential unit and public house, to the proposed two, two-bedroom residential units. Planning Ecology's response to consultation has not resulted in an objection to the proposal in terms of phosphate related issues and therefore the application can be screened out under the Habitat Regulations Assessment.

Other Matters

Planning Ecology - The bat surveyor states that the buildings hold negligible roost potential, and no bats were recorded using the building during the surveys. On the basis of the information provided it is considered that an EPS development licence is not required in this instance and there is a reasonable likelihood that bats will not be affected by the development. Despite not bats being found, enhancements are recommended, and two conditions are requested to be applied to any planning permission.

Strategic Policy and Placemaking Manager - The following planning policy advice is provided in respect of the adopted Carmarthenshire Local Development Plan (LDP).

The application proposes the cessation of all use as a public house and the consolidation of the current residential component into 2 no. self-contained 2 bed houses.

Policies RT8 Local Shops and Facilities, and SP16 Community Facilities are specific to this proposal.

Policy RT8 Local Shops and Facilities.

This policy seeks to prevent the loss of such facilities in the lower tier settlements (local service centres and sustainable communities), particularly where the loss of the facility might be detrimental to the social and economic fabric of the community. Public houses have been included as one of the facilities that are covered under this policy. Therefore in determining the application, you will need to consider the policy's criteria and whether the settlement (or sustainable community of which it forms a part) is of sufficient size and has adequate

facilities of similar compatible use which could absorb any potential detrimental impacts to the community.

In the absence of alternative provision, you will need to be satisfied that the applicant has made all reasonable attempts to market the business over the required period.

Policy SP16 Community Facilities - relates to the "Protection and enhancement of existing facilities". Public houses perform a community function and provide a community use. In accordance with this policy you will need to be satisfied that the applicant has demonstrated that the facility is no longer viable and that a suitable alternative is accessible within the settlement or sustainable community. It is noted that this is the only public house in the settlement (and sustainable community).

Other policies of relevance include:

GP1 - Sustainability and High Quality Design

EQ4 - Biodiversity

EP1 - Water Quality and Resources

You will need to be satisfied that the applicant can meet the above policies, and that any normal public service, amenity, ecological and highway objections can be overcome. These potential objections would include matters in relation to Phosphorous levels in riverine SACs, so I would advise that you be mindful of the latest NRW guidance and any responses from NRW on this application.

Planning Obligations

If the proposal is supported, the legal section will be contacted with regards to drawing up a S106 Agreement in relation to Affordable Housing provision under policy AH1 of the Carmarthenshire LDP. There is an increase in terms of the residential units from 1 to 2 and there will be a requirement for an affordable housing contribution, which equates to £88.82/m² of habitable floor area, which will be required to be accepted within a Unilateral Undertaking Agreement arranged by the Council's Legal section.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted, it is concluded on balance that the proposal is in accordance with the policies of the adopted Local Development Plan and on balance is therefore put forward with a recommendation for approval subject to the following conditions.

RECOMMENDATION - Approval

Conditions & 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 works hereby granted consent shall be carried out strictly in accordance with the following drawings and conditions:

- Bat Survey Report-I&G Ecological Consulting Ltd.-5 December 2023, received 7 December 2023
- Location Plan (3), received 22 September 2023
- Block Plan (4), received 22 September 2023
- Proposed Floor Plans (1-1), received 22 September 2023
- Proposed Elevations (2.2), received 22 September 2023

Reason: In the interest of visual amenity.

Condition 3

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2013 (or any Order revoking or re-enacting that order with or without modification), no development within Schedule Article 2, Part 1, Classes A, B, C, D, E, G, and H shall be carried out within the curtilage of the dwelling hereby approved (other than those expressly authorised by this permission) without the written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to prevent over development of the site.

Condition 4

Prior to the erection of the walling/fencing at the application site as specified on the Block Plan referred to in condition 2 above, detailed drawings and specifications of the aforementioned shall be submitted and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

Condition 5

Prior to the installation of any external lighting at the property, a detailed lighting plan focussing particularly on minimising the lighting impacts around the bat boxes and surrounding trees shall be submitted to the Local Planning Authority for written approval. The lighting plans shall be implemented as approved.

Reason: In the interest of protecting wildlife.

Notes / Informatives

Note 1

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter. In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition). The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action. Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice

Note 2

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

Application No	PL/06809
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Application Type	Full planning permission
Proposal	Replacement of demountable office outbuilding with a residential static caravan
Location	Land part of Poplar Court, Llandeilo Road, Cross Hands, SA14 6NB

Applicant(s)	JC Parks and Developments Limited
Agent	Evans Banks Planning Limited - Richard Banks
Officer	Adam Davies
Ward	Llannon
Date of validation	14/11/2023

Reason for Committee

The application is being reported to committee as its has incurred 19 separate householder objections and has been called in by the Local Member, Councillor Dot Jones.

Site

The site is a 0.02 hectares, rectangular parcel of land, located within the wider, 0.83 Hectare, site of Poplar Court. Poplar Court itself is an over 50's residential park located within the development limits of Cross Hands, 226 metres South West from Cross Hands Roundabout, within Cross Hands village. The site is accessed from an existing shared access off the A476 Trunk Road.

The location plan shows that both the proposed site and the wider site of Poplar Court are within the ownership of the applicant.

Proposal

The proposal seeks Full Planning Permission to replace an existing office building with a new residential static caravan. The dimensions of the caravan are 12.2m length, 3.1metres width and 3.6metres height.

Internally, the dwelling will contain 2 bedrooms, family bathroom and kitchen/living room.

The external materials have not be confirmed within the application.

The dwelling will benefit from 2 parking spaces for occupiers, and a small section of amenity space adjacent to the caravan.

Planning Site History

There is limited planning history regarding the site, however it is a long established residential caravan park.

Planning Policy

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

H2 - Housing within Development Limits

GP1 - Sustainability and High Quality Design

GP2 - Development Limits

AH1 - Affordable Housing

TR3 - Highways in Developments - Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

- **Councillor Dot Jones** - The Local Member voiced her objections to the proposal and requested the proposal be decided at planning committee, along with a site visit. Her concerns are as follows:
 1. The removal of parking spaces is a cause for concern as parking in the vicinity is challenging at best, I disagree that residents can access nearby amenities on foot, if you are disabled or shopping that is not feasible. The proposal to reduce spaces will heavily impact the residents and guests they receive.
 2. I understand residents will receive health care workers and the application states visitors park outside the park home they are visiting, if this was the case then it would cause issues for the fellow residents as the road is only wide enough for one vehicle.
 3. Where the new caravan is proposed to be located is not only parking for visitors but also where the waste facilities are stored for the sight. Has an assessment been undertaken to ensure that the waste collection vehicles have sufficient space to collect and turnaround within the area if planning was granted.
- **Councillor Llinos Mai Davies** - No comment to date.
- **Llannon Community Council** - No comment to date.

- **Highways Planning** - No objections.
- **Public Protection** - No comment to date.

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

Summary of Public Representations

The application was advertised by way of a Site Notice.

- One of the more recurrent objections was the reduction of visitor parking space available to the residents. The proposal will mean a reduction from 9 to 4 parking spaces, with concerns that this will be detrimental to the well-being of many of the residents due to the inability of tradesmen, delivery and visitors to park on the site. It is also suggested that the proposal will impact the ability of larger vehicle (Oil tankers, refuse lorries and emergency services) to access the site.
- There are concerns that the application does not show the true extent of the proposal, in that there are no dimensions for the garden, and relation between the proposal and rear fence. It is suggested that the layout plan is inadequate as it does not give the full details of the space taken up by the development. There are also concerns that the plans do not show the type of residential caravan proposed on site.
- No communication regarding the works have been received under Section 22 of the Mobile Homes (Wales) Act 2013
- The proposal would be against Carmarthenshire County Councils Well Being Objectives which are in favour of supporting their aging population in the community.
- The loss of the office building would mean a removal of residents' communal meeting space.

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

Appraisal

Principle of Development

The application is for a permanent residential caravan within an existing, well established residential caravan park for over 50's. As it will be permanent situated on site, we do not consider policy H9 – Residential Caravans to be relevant as stated by the agent; H9 is concerned with temporary caravans associated with forestry / agriculture, and caravans required in conjunction with the construction of a single dwelling. As the development will not be scrutinised under H9, concerns regarding who will be occupying and the time in which it will be on site are not relevant. The application will be scrutinised against GP2-Development Limits and H2 - Housing within Development Limits.

Design

The proposal is for a modest caravan that fits within the character of the extended site; it's considered that the building is acceptable in terms of its scale and siting. The plans

submitted by the applicant clearly show that the style of caravan is one that is akin to the existing properties within Poplar Court.

The plot will benefit from a small area of garden space attached to the dwelling which will measure 16m². It is considered that this is an adequate amount of amenity area to serve the property.

Highways

It's considered that the application complies with Policy TR3 (Highways in Developments-Design Considerations) in that it will not be detrimental to highways safety or cause significant harm to the amenity of the residents. Currently there are 9 visitors spaces available for the residents to use; if approved, this would be reduced to 4 spaces. Whilst there are concerns that this lack of parking will cause unnecessary harm to the residency who use the visitors parking to access the council waste bins, tradesmen who work on the site and family and friends who visit the residents; our colleagues in highways have raised no objections to the reduced no of parking spaces.

Whilst it is agreed that there will be a slight narrowing of the road, it is not considered that this will cause an impact as the boundary of the proposal does not exceed the length of current parking spaces. This has been shown on the scale plans from which we as planning department get our dimensions.

There are concerns regarding the dimensions of the garden and the plot and their relation to the highway. As mentioned above, the plot will not extend past the extent of the existing parking spaces, of which, there are currently no highways issues. I would like to again highlight that highways have no concerns with the development.

The residents state that assurances were given that all existing 9 parking spaces were for visitors spaces. Whilst this may be true, this is not for the planning department to debate as this would be a civil matter.

Carmarthenshire County Council Well Being Objectives

One objector states that the proposal would be against Carmarthenshire County Councils Well Being Objectives which are in favour of supporting their aging population in the community; however, it is the Councils view that the proposal does support it's objectives in that the proposal is providing much needed residential accommodation for the aging population; whilst still providing adequate visitors parking for the residents.

Section 22 of the Mobile Homes (Wales) Act 2013

The objectors state that no communication regarding the works being received under Section 22 of the Mobile Homes (Wales) Act 2013, this is separate legislation to planning, and therefore not a material consideration.

Residential Communal Area

There are concerns that the loss of the redundant office will mean the removal of residents' communal space. This is not necessarily a planning consideration as the applicant is free to do as they wish with the office block.

Planning Obligations

The proposal, with reference to policy AH1, generates an affordable homes contribution of £1,356.08, based on the dwelling's footprint multiplied by £40.48 per square metre. The proposal also requires a contribution of £2,000 towards the Caeau Mynydd Mawr SPG.

Well-being of Future Generations (Wales) Act 2015 Conclusion

After careful consideration of the submitted scheme, it is concluded that, on balance, the proposal is compliant with policies GP1, GP2, H2, AH1 and TR3 of the Carmarthenshire Local Development Plan (2014) and the proposed dwelling is considered to be an acceptable form of development in this location. As such, the proposal is recommended for APPROVAL.

RECOMMENDATION - Approval

Conditions & 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 shall be carried out in accordance with the following approved plans and documents:

- Proposed Floor Plan and Elevations [A102]
- Site Layout Plan [A103]
- Location Plan [A101]

received 01/11/2023

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

Condition 3

Prior to commencement, details of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to accord with policy GP1 of the Carmarthenshire Local Development Plan 2014.

Notes / Informatives

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 complies with Policy GP1 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that it is appropriate in terms of scale and design, will not cause unacceptable loss of amenity to neighbouring uses and will not result in any unacceptable highway impacts.

It is considered that the proposed development complies with Policy TR3 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that it is appropriate in terms of scale and design and will not result in any unacceptable highway impacts.

Note 1

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

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

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

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

Note 2

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

Note 3

The developer/applicants attention is drawn to the terms of the Unilateral Undertaking under Section 106 of the Town and Country Planning Act dated XXXX which sets out the owner's agreement to make a contribution of £1,356.08 towards the provision of affordable housing.

Application No	PL/06943
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Application Type	Full planning permission
Proposal	New dwelling to include provision of new parking and turning facility for existing dwelling house (Waun Cefn)
Location	Land at Wauncefn, Heol Ddu, Ammanford, SA18 2UN

Applicant(s)	Mrs Thomas
Agent	Davies Richards Design Ltd - Gareth Richards
Officer	Andrew Francis
Ward	Llandybie
Date of validation	12/12/2023

Reason for Committee

The Application is being reported to the Planning Committee as the Applicant is related to an employee of the Place and Sustainability Department.

Site

The application site is a broadly rectangular infill plot of land situated off the northern flank of Heol Ddu, in between the existing established dwellings known as Waun Cefn to the west and Llaethdy to the east. The plot has a road frontage measuring approximately 50 metres, with a typical plot depth of approximately 31 metres, meaning an overall area of approximately 1750 sm m (0.43 acres).

The plot is broadly flat and slopes only gently sloping up from the road. Behind the hedgerow fronting the road, the land is currently a curtilage area serving Waun Cefn and has the appearance of a garden. The ownership plan shows that both adjacent dwellings and land to the north and south of the plot is owned by the applicant.

Proposal

The application seeks Full Planning Permission to erect a new two bedroom bungalow and detached garage on the above described plot. The proposed building measures 10.7 metres

in width by 10.3 metres in depth, with a small 1.5 by 2.3 metre porch proposed in its front elevation.

Internally, the proposed dwelling offers two bedrooms, a wetroom, a living room and a kitchen/dining area all accessed off a central hallway.

Externally, the bungalow proposes a hipped roof, with flat grey concrete tiles, rendered walls, with a face brick plinth and detailing to the elevations.

The proposed single garage is to have a matching aesthetic, measuring 7.2 metres in length by 5.2 metres with, again with a hipped roof and matching materials.

A number of ecological enhancements are proposed, including 2 birdboxes on the garage and a mixed fruit tree orchard and wildflower meadow to be planted on the owned, adjoining land to the north.

Planning Site History

No Planning History.

Planning Policy

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

GP2 - Development Limits

H2 - Housing within Development Limits

SP14 - Protection and Enhancement of the Natural Environment

GP1 - Sustainability and High Quality Design

EQ4 - Biodiversity

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

- **Local Members** – County Councillors W A Davies and D Nicholas have not commented to date.
- **Llandybie Community Council** - has not commented to date.
- **Dwr Cymru Welsh Water** – No objections, advises that the site is crossed by a public sewer and no development should occur within 3 metres either side of the centreline of the sewer. Recommends the imposition of conditions.
- **SAB (Sustainable Drainage)** – Would recommend a FCA due to surface water risk. Not objecting. SuDS application required.

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

Summary of Public Representations

The application was advertised by way of a Site Notice. No observations have been made as a result of the public consultation process.

Appraisal

This application is hereby submitted to seek planning permission to provide one new, modest residential dwelling, within the development limits of Heol Ddu. No objections have been raised with relation to this application, but the applicant is related to a member of staff of the Place and Sustainability Department. As such, this application will undergo thorough scrutiny across various criteria in order to evaluate the proposal as presented.

Principle of Development

The proposal is to be considered against policies GP1, GP2 and AH1 of the LDP. As the plot is situated within development limits and the applicant has agreed to make the affordable home contribution, there is no objection based on these policies.

Design

There is a variety of different style, size and age of dwelling along this section of Heol Ddu and as such, there is no set vernacular that the proposal should strictly adhere to. There are a number of bungalow type dwellings in close proximity to the proposed plot, which itself would be well screened from the road as the existing hedgerow is to be maintained as much as possible. The proposed dwelling offers a modest, hipped roof design that is considered to be acceptable in this context.

Residential Amenity

The application site is fairly generous in size and can accommodate the proposed dwelling, detached garage and amenity space acceptably, without imposing upon the space available for the existing dwelling of WaunCefn, which itself will be left with its own access and garden area. Furthermore, through the use of standard boundary treatments, as shown on the submitted plans, the proposal would not cause any issues of overlooking to the neighbouring properties.

Highways

The application has been assessed by the Authority's Head of Transport who has no objections to the proposal and recommends a number of conditions to ensure continued Highway safety. As such, it is considered that the proposal is compliant with Policy TR3 of the LDP.

Planning Obligations

The proposal, with reference to policy AH1, generates an affordable homes contribution of £4053.33, based on the dwelling's footprint multiplied by £41.98 per square metre. It is understood that this contribution is to be paid prior to the issuing of this permission, should Members be minded to grant it.

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 submitted scheme, it is concluded that, on balance, the proposal is compliant with policies GP1, GP2, H2, AH1, TR3 and EQ4 of the Carmarthenshire Local Development Plan (2014) and the proposed dwelling is considered to be an acceptable form of development in this location. As such, the proposal is recommended for APPROVAL.

RECOMMENDATION - Approval

Conditions & 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 shall be carried out in accordance with the following approved plans and documents:-

- Proposed Plans, Elevations and Block and Location Plans [1902-01A]

Received 7 March 2024

Reason: For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policies GP1, H2 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 3

Prior to the development hereby permitted is first brought into use, the Wetroom (as shown on Proposed Plans & Elevations [1902-01]) shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter.

Reason: In the interest of privacy in accordance with Policy GP6 of the Carmarthenshire Local Development Plan 2014.

Condition 4

The new vehicular access to serve Wauncefn shall be laid out and constructed strictly in accordance with Typical Layout No. 1 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

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

Condition 5

The vehicular access to serve the dwelling hereby approved shall be laid out and constructed strictly in accordance with Typical Layout No. 4 (specification for which is attached to this planning permission), prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

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

Condition 6

Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary and shall open inwards into the site only.

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

Condition 7

Prior to any use of any of the accesses by vehicular traffic, a visibility splay of 2.4 metres x 25 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.

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

Condition 8

There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Heol Ddu Road frontage within 2.4 metres of the near edge of the carriageway.

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

Condition 9

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.

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

Condition 10

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

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

Condition 11

The accesses shall be hard surfaced in a bonded material for a minimum distance of 5.0 metres behind the highway boundary, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.

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

Condition 12

The garage hereby approved shall only be used for private purposes incidental to the enjoyment of the dwelling and not for any trade, business or commercial purposes.

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

Condition 13

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Notes / Informatives

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 proposal complies with Policies GP1, GP2, AH1, and TR3 of the Carmarthenshire Local Development Plan (LDP) in that it is appropriate in terms of scale and design, uses appropriate materials and will not cause unacceptable loss of amenity to neighbouring uses. It is sited within the development limits of Heol Ddu and the applicant has agreed to enter into a legal agreement to secure a contribution towards community benefits as part of the development. The site can provide suitable access, parking and turning facilities and will not generate unacceptable levels of traffic on the surrounding road network or be detrimental to highway safety.

Note 1

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

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

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

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

Note 2

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

Note 3

The developer/applicants attention is drawn to the requirement of Policy AH1 and the owner's agreement to make a contribution of £4,030.08 towards the provision of affordable housing.

Application No	PL/07084
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Application Type	Full planning permission
Proposal	Replacement outbuilding for use as a commercial preparation kitchen and domestic storage
Location	1 Parc Y Saint, Llansaint, Kidwelly, SA17 5JJ

Applicant(s)	Mrs Anna Michelle Batten
Officer	Adam Davies
Ward	Kidwelly and St Ishmael
Date of validation	10/01/2024

Reason for Committee

The application is to be decided by committee due to the applicant being a relation of one of the Development Management Team.

Site

The site is within the residential area of Parc Y Saint; to the Northern section of the Development limits of Llansaint.

The site comprises of the long, flat, rear amenity of 1 Parc Y Saint, and is flanked by West Down Farm and mature hedgerow to the East, 2 Parc Y Saint to the West and pasture to the North.

Proposal

The outbuilding measures, at it's largest, 5.9 metres in length, 2.75 metres in width and 2.8 metres. The proposal looks to replace the existing metal structure and with a block and render outbuilding.

Internally, the outbuilding will contain a kitchen and store room.

The proposal will be sited to the rear of 1 Parc Y Saint and accessed through a side gate.

Planning Site History

N/A

Planning Policy

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

Policy GP1 - Sustainability and High Quality Design

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Local Members - Councillor Crish Davies and Lewis Davies - No response to date.

St Ishmaels Community Council - No response to date.

Public Protection - No objections.

Ecology - No objection, subject to conditions.

Dwr Cymru Welsh Water - No objection, subject to conditions.

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

Summary of Public Representations

The application was advertised by way of a Site Notice. No observations have been made as a result of the public consultation process.

Appraisal

The application is hereby submitted to seek full planning permission to provide a new outbuilding to provide a purpose built kitchen and storage room for the applicants business. The applicant owns a pizza business who supply freshly cooked pizza at parties weddings etc. Due to the nature of work, the dough and ingredients are prepared by the applicant. The proposal will be used as a commercial kitchen needed to prepare the dough and toppings in order for them to go to the forementioned events.

Principle of Development

The proposal is to be considered against policy GP1 of the LDP. As such, it is considered that the outbuilding conforms with the character and appearance of the building and area. It's considered that the outbuilding complies with the above policy.

Design

The building itself falls under permitted development rights meaning that it could be erected without planning permission, however, a planning application is required due to the commercial nature of the kitchen. It is not considered that the building will not cause an intensification of the site as it will only be used as preparation and storage; no sales will be carried out at the property.

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 submitted scheme, it is concluded that, on balance, the proposal is compliant with policies GP1 and TR3 of the Carmarthenshire Local Development Plan (2014) and the proposed outbuilding is considered to be an acceptable form of development in this location. As such, the proposal is recommended for APPROVAL.

RECOMMENDATION - Approval

Conditions & 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 shall be carried out in accordance with the following approved plans and documents:

- Elevation Plans
- Floor Plans
- Location Plan - 2
- Location Plan - 1

received 09/01/2024

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

Notes / Informatives

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 complies with Policy GP1 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that it is appropriate in terms of scale and design, will not cause unacceptable loss of amenity to neighbouring uses and will not result in any unacceptable highway impacts.

It is considered that the proposed development complies with Policy TR3 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that it is appropriate in terms of scale and design and will not result in any unacceptable highway impacts.

It is considered that the proposed development complies with Policy EQ4 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the impacts caused by the proposal have been satisfactorily mitigated, acceptably minimised and appropriately managed to include net enhancements.

Note 1

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

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

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

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

Note 2

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

Application No	PL/07177
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Application Type	Full planning permission
Proposal	Proposed Construction of Livestock Building for Mixed Agricultural and Equine Use with Ancillary Hardstanding and Landscaping [Resubmission of PL/05674 Refused on 18/07/2023]
Location	Land at Mellions, Heol Ddu, Ammanford, SA18 2UG

Applicant(s)	Ms Gillian Kemp
Agent	JCR Planning Ltd - Craig Jones
Officer	Adam Davies
Ward	Llandybie
Date of validation	30/01/2024

Reason for Committee

The application is to be decided by planning committee due to 3 separate householder objections being received.

Site

The site is located to the North East of the development limits of the small hamlet of Heol Ddu; 2.2km North West of Glanaman and 3.1km North East of Ammanford. The site itself is agricultural pasture land to the rear of the dwelling Mellions, of which the applicant is the owner.

The site slopes downwards from North West to South West and is surrounded by agricultural land to North and East, a mature wooded area to the East, and Mellions to the South.

Proposal

The application looks to build a mixed use agricultural building to be used to house the applicants livestock and horses; along with their pigmy goats of which they will be looking to breed as a hobby.

Externally, the building will be a steel portal frame structure with dark green metal box profile sheeting walls, and dark green metal box profile sheeting or eternit fibre cement roof sheets (GREY). It will sit on an area of hard standing.

It will be accessed from a new opening to the rear of Mellions.

Planning Site History

PL/05674 - The construction of a livestock building for mixed agricultural and equine use with ancillary hardstanding and landscaping - 18/07/2023 - Full Refusal

Planning Policy

GP1 - Sustainability and High Quality Design

TR3 - Highways in Developments - Design Considerations

EQ4 - Biodiversity

EP2 - Pollution

Summary of Consultation Responses

- **Councillor Dai Nicholas** - The Local Member objects to the proposal on grounds that the highway is not suitable and the development of the hedgerow compounds this. The Local member believes the extra level of traffic is counterproductive to road safety at this location.
- **Councillor Anthony Davies** - The Local Member objects to the proposal on the grounds that although there are amendments (from the last application) shown to the proposed access, the road at Heol Ddu remains narrow, and highway safety is still a concern with the increase in vehicle movements.
- **Valuations Officer** - Our valuations officer provided no objection to the size of the building, but did recommend incorporating ridge & wall ventilation.
- **Dwr Cymru Welsh Water** - No objection.
- **Natural Resources Wales** - No objection. Subject to conditions.
- **Conservation Ecology** - No objection.
- **Public Protection** - No objection.
- **Highways Department** - No Objection.
- **Llandybie Community Council** - The committee concur with the comments of Carmarthenshire County Councillor, Cllr Anthony Davies and have concerns over the highways and access on such a development at this location.
- **Noise Department** - On initial receipt of the application, the department requested a Noise Impact Assessment to inform the application. On further discussions with the agent, this was redacted and no further objection / comments were submitted.

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

Summary of Public Representations

There are concerns that the development will have a detrimental impact on the privacy and enjoyment of the resident of Chittenden House due to the siting of the development. The objectors state that the ground levels are to be raised to accommodate the structure, which will overlook the neighbouring garden and be in direct line of the bedrooms of Chittenden House.

Due to the nature of the development, there are concerns that there will be a significant increase in noise, all year round, from animals housed in the barn, and flocking around it. The distance between the proposed barn and existing residence is so small that the sound is unlikely to have been dampened. It is concerned that the application should be supported by a Noise Impact Assessment. Along with noise, there are concerns regarding the odour being emitted from agricultural building. It is suggested that no manure management plan has been submitted with the application which increase the concerns regarding odour. As there is no manure plan, there are concerns that the potential impact of the proposal on ecological interest cannot be considered.

It is suggested that the application does not consider the wider environmental impact in that Caeau Pant Y Bryn SSSI site is nearby (350m South East from the proposal) and that Effluent/surface runoff, increased noise and light from the proposed siting of this excessively large permanent barn structure is likely to damage sustained efforts made by the owners of Chittenden House to encourage and support wildlife in the locality; and will have a negative impact on bats within the area. It is suggested that the equine use and storage of manure would leach in to surrounding ground and have a detrimental effect on the amphibians and fish in the neighbouring pond.

There are also concerns regarding the lack of tree survey, and the lack of Japanese Knotweed being referenced within the application. The agent points out that no Green Infrastructure Assessment has been submitted within the application.

The last major topic of objection is regarding Highways. The objectors consider existing access to Mellions is unsuitable and that the proposed widened access (6m) does not conform with the LPA's agricultural access standards; and questions arise regarding the ability of larger vehicles turning within the site.

It is concerned that the entrance to Mellions is tight with poor visibility and on the brow of the steepening hill. An enlarged entrance and the proposed visibility splays cannot offset the brow of the hill, nor the speed of approaching traffic, and that extending the visibility splay will not remedy the safety concerns at the existing access point into Mellions. It is suggested that the agricultural building will cause unacceptable intensification of the county road.

There are questions arising around the current use of the land, with objectors stating that the site is not an Agricultural holding, however the applicant states that current use of the site as "AGRICULTURE" and also declaring that the site is "currently vacant". The objectors state that the fields are fallow. No animals or agricultural activity of any meaningful description is being or has been undertaken at Mellions. The agent states that, referencing the agricultural questionnaire, it is impossible to see how there is any agricultural justification

for the application proposal. The holding does not currently include any animals, nor is the Applicant residing there.

The proposal is for a mixed use/equine building along with hardstanding; of which there are concerns that the hardstanding is likely to exacerbate flooding problems with rapid surface run-off. It is believed that the ground, which is predominantly clay, will not allow the percolation of water. and that a soakaway may not be sufficient. It is suggested that the application submission provides no detail as to how surface or indeed 'dirty' water is to be dealt with.

It is suggested that there are safer access points and suitable locations for the building.

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

Appraisal

Principle of Development

The application seeks the approval for an agricultural building to the rear of the applicants property, Mellions on Heol Ddu, Ammanford. The proposed building will be used to accommodate the applicants animals and livestock, along with feed and machinery. The proposal is not a residential dwelling, but an agricultural building which are exceptions to policy subject to justification, of which the applicant have provided.

There are concerns that the property is not an agricultural holding and the site is not agricultural land, however, the property does not need to be an agricultural holding to have agricultural land; it also does not need to have animals on it full time to be classed as agricultural land, the use would be kept until changed through a change of use application.

The agricultural building is, as stated by the applicant, a precursor to relocate their animals at Mellions. Our valuations team have been consulted and have raised no objections.

The proposal is to be considered against policies GP1, TR3, EQ4 and EP2.

Design

In terms of its design, the proposed building will be of an agricultural design; steel portal frame with dark green profile sheeting. Heol ddu itself is a rural area surrounded by agricultural land, therefore it is considered that the building conforms with the spatial character of the area. Whilst there are concerns regarding its scale, siting, and justification; the ground levels have been reduced in order to reduce its effect on the neighbouring property and we have had no objection from our Valuations team regarding its agricultural justification. It is therefore considered that the proposal is in accordance with Policy GP1.

Highways

The parent application to this resubmission was refused based on Highways grounds; this subsequent application has looked to address the issues. The proposed accessed will be altered to allow for increased visibility splay; this will be achieved through the translocation and reduction in height of the existing hedgerow., and widening of the access.

The translocation of the hedge has raised concerns regarding the 11KV pole and transformer in close proximity, this would need to be brought to the attention of the National Grid as it is outside of the planning remit. There are also concerns regarding the exposure of a pipe under the existing hedge. Any interference with any local authority drainage, would fall under different legislative controls outside the planning system. This does not represent a barrier to the consideration of granting planning permission.

The applicant has submitted proposed traffic flow estimates to inform the application, and based on these, it is not considered that the proposal will generate unacceptable levels of traffic on the surrounding road, outside of that which could be generated without the proposed building.

Therefore, it is considered that the proposal is in accordance with Policy TR3.

Ecology

The applicant has suggested different ecological mitigation measures to accompany the proposal, such as: Bird boxes and tree planting. Whilst there are objections relating to the impact on wildlife and the near by SSSI, it is not considered that this development will have a detrimental impact on the locality. No trees are effected by the proposal, and it is not considered that bats would be effected, therefore, no surveys have been requested.

The Local Planning Authority, based on no objections from our ecology team, or from Natural Resources Wales, considers that the application is in accordance with EQ4, in that there will be minimal ecological harm associated with the development.

Noise / Odour

Whilst the objections regarding sound and odour are noted, and it is agreed that there will be noise and odour generated from the proposal; given the location of the proposal within a rural setting amongst agricultural land, it is not considered that the application would give rise to an unacceptable amount of noise or odour. Our Environmental Health Team initially requested a Noise Impact Assessment, however, once clarity was sought, their request was retracted; they offered no comments regarding odour. Therefore, it is considered that the application complies with Policy EP2 of the Carmarthenshire development plan 2014.

Drainage

Whilst there are substantial concerns regarding the drainage, the applicant has supplied drainage information, in the form of rainwater capture for animals, and a soakaway. This information will be scrutinised by our SAB team within a separate SuDS application.

Manure Management Plan

Concerns are raised regarding a lack of Manure Management Plan associated with the proposal. The applicant has provided a manure management plan on the submitted plan, and whilst the objectors feel this is insufficient, we have received no objection from NRW who only advised that any manure produced should be managed (storage and application to land) in line with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 and Code of Good Agricultural Practice guidance. Therefore, it is considered that the application complies with Policy EP2 of the Carmarthenshire development plan 2014.

Japanese Knotweed

The objectors highlight the potential Japanese Knotweed on sight, however, the spread of Japanese knotweed is not for Local Planning Authority, it is a matter for Dyfed Powys Police.

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 WCFG Act). The decision takes into account the ways of working set out at section 5 of the WCFG 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 WCFG Act.

Conclusion

After careful consideration of the submitted scheme, it is concluded that, on balance, the proposal is compliant with policies GP1, EQ4, EP2 and TR3 of the Carmarthenshire Local Development Plan (2014) and the proposed dwelling is considered to be an acceptable form of development in this location. As such, the proposal is recommended for APPROVAL.

RECOMMENDATION - Approval

Conditions & 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 shall be carried out in accordance with the following approved plans and documents:

- Access Alterations and Hedgerow Translocation [003]
- Site Section Plan [002]
- Elevations and Location Plan [001]

received 26/01/2024

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

Condition 3

Notwithstanding the details as shown on the Access Alterations and Hedgerow Translocations plan (003-2158.a) dated 26/01/2024, the site access shall be widened to at least 7.5 metres for the first 6.0 metres back from the county road carriageway edge, in line with CCC's agricultural access standards.

Reason: In the interest of Highway Safety and in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014

Condition 4

Any access gates shall be set back a minimum distance of 6.0 metres from the highway boundary and shall open inwards into the site only.

Reason: In the interest of Highway Safety and in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014

Condition 5

Prior to any use of the access by vehicular traffic, the visibility splays as shown on the Access Alterations and Hedgerow Translocations plan (003-2158.a) dated 26/01/2024, shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway.

Reason: In the interest of Highway Safety and in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014

Condition 6

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.

Reason: In the interest of Highway Safety and in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014

Condition 7

All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.

Reason: In the interest of Highway Safety and in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014

Condition 8

No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.

Reason: In the interest of Highway Safety and in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014

Condition 9

The access shall be hard surfaced in a bonded material for a minimum distance of 5.0 metres behind the carriageway, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.

Reason: In the interest of Highway Safety and in accordance with Policy TR3 of the Carmarthenshire Local Development Plan 2014

Condition 10

The development hereby approved shall only be used for agricultural purposes as defined under Section 336 of the Town and Country Planning Act 1990 (As amended) and for no other purpose whatsoever.

Reason: To clarify the nature and extent of the approved development.

Notes / Informatives

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 complies with Policy GP1 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that it is appropriate in terms of scale and design, will not cause unacceptable loss of amenity to neighbouring uses and will not result in any unacceptable highway impacts.

It is considered that the proposed development complies with Policy TR3 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that it is appropriate in terms of scale and design and will not result in any unacceptable highway impacts.

It is considered that the proposed development complies with Policy EP1 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the potential noise and odour pollution impacts are minimised.

It is considered that the proposed development complies with Policy EQ4 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the impacts caused by the proposal have been satisfactorily mitigated, acceptably minimised and appropriately managed to include net enhancements.

Note 1

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised

development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

Note 2

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