

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

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

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

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

**AR 15 MAI 2018
ON 15 MAY 2018**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal
Dwyrain/
Area East*



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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	15 MAY 2018
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

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

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

Members will recall that this planning application was reported to the Planning Committee on 24 August 2017 that in turn resulted in a site visit by the Committee on 3 October 2017. Following the site visit it was resolved to refuse planning permission with the primary areas of concern relating to the location of the proposed unit, its proximity to nearby properties and the harm to the amenities of the occupiers of those properties which could arise. In the interim, between the aforementioned committee resolution on 3 October 2017 and the issue of the decision notice, the agent proposed an amended location, which resulted in the submission of revised plans that now detail the proposed poultry unit adjacent to the farm. The proposed access point on to the public highway is to remain as previous with the track to the amended location running along an existing hedgerow.

CONSULTATIONS

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

Head of Public Health & Protection – There remain discrepancies to be resolved in terms of the noise and odour report which are being addressed presently and therefore it is

proposed to convey the outcome in the addendum to this report that shall be prepared shortly before the meeting.

Head of Corporate Property – No comments received.

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

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

Local Member– Councillor A James at the 3rd October 2017 consideration of the proposal, declared an interest in the application as he has previously sold land elsewhere to the applicant.

Natural Resources Wales – Planning permission should only be granted if the scheme can meet the following requirements and conditions, which would address significant concerns that have been identified relating to drainage, pollution prevention and protected sites.

1. In terms of drainage, a drainage plan in relation to foul water drainage is required to be approved by NRW.

This has been submitted to NRW and their response is awaited.

2. Full details of the sterilisation of the building following the 14 month cycle is required to be submitted.

Again, this information has been submitted to NRW and their response is awaited.

3. A test of likely significant effect (TLSE) of the proposal on the Tywi Special Area of Conservation (SAC) is required to be undertaken. This is to be undertaken by the Authority's Planning Ecologist and will be submitted to NRW for their approval.

During the operational lifetime of the poultry unit an updated manure management plan (MMP) is to be submitted to the Local Planning Authority for written approval on an annual basis reflecting any changes in the operation. The nutrient management plan which informs the MMP is to be updated as required and as agreed with the Local Planning Authority. All poultry manure produced is to be managed in line with the approved MMP.

The MMP considers the requirements of the current Glastir agreement. The plan shows that there is not sufficient land available to apply all the poultry manure produced. The excess is to be exported off the holding by a specialist contractor. The plan also refers to the construction of a new manure store on the holding, which we [NRW] understand will form part of a separate planning application.

The nutrient management plan is based on soil samples taken in 2013. The applicant should refer to best practice and be aware that the soil nutrient levels should be checked every three to five years to give a suitable baseline to produce the nutrient management plan.

The Design and Access Statement produced by Roger Parry and Partners LLP, referenced 131217, states that the manure applied to the holding will be incorporated into the land within 24 hours. The details on how this will be carried out are to be included in the Manure Management Plan

National Grid – No comments received.

Dwr Cymru/Welsh Water – No comments received.

Dyfed Archaeological Trust – No comments received.

Neighbours/Public – The previous siting of the proposed poultry unit away from the farm resulted in 79 letters of objection, in addition to an online petition with over 1300 signatures and 33 letters of support. The reasons of objection were as follows:-

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

The letters in support of the application refer to:-

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

The site notices erected in respect of the current, revised scheme that proposes the poultry unit adjacent to the farm resulted in a further 7 letters of objection and 1 letter of support have been received.

The further issues of objection raised reflect the above reasons of objection. In addition, it is raised that the proposed manure store has been included in the planning application. Although the agent initially included plans of the proposed manure store within the

application that building has subsequently been removed and is not be the subject of this application. Should planning permission be granted for the poultry shed, the manure store will be subject to a separate planning application, which again shall include the relevant public consultation exercise

PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

THE SITE

The application site is part of three large fields to the south of the existing farm, Godre Garreg, Llangadog, located approximately 57 metres from the farm. Access to the site is from an unclassified road that runs across Carreg Sawdde Common and ends at Devanah and Dolau farm. There are two dwellings to the north-east of the application site, Bancyfelin at approximately 80 metres away and Rhosawel at approximately 115 metres. To the east there is Bwlchagored and Dolgarreg, which are approximately 100 metres and approximately 115 metres respectively away from the proposed poultry unit. Derwen Deg is approximately 137 metres to the south-west and Brofana (formerly Kite Cottage) and Ty Newydd are approximately 143 metres and approximately 170 metres away to the south respectively.

THE PROPOSAL

The application seeks planning permission to erect a juniper/olive green free range poultry unit; the rectangular hen house is shown to measure 140 metres x 20 metres, with a 3.1 metre eaves height and 6.69 m height to the ridge. Four feed bins at 7.64 metres in height are proposed; to be sited two at each end of the northern elevation, and a loading bay at the north-west corner of the building. The roof will have box profile sheeting and the elevations will be a mass concrete base with box profile sheeting to the eaves. The elevation facing away from the farm will have pop holes to the site to allow the hens to exit and enter. The south-east gable elevation will have four double doors with a standard central single door in the north elevation. The roof of the proposed poultry unit is now to include 16 green coloured exhaust chimneys with fans, with 8 spread evenly along the towards the end of the north-west elevation of the building and 8 at the south-east elevation and there will also be 8 green coloured inlet chimneys along the length of the building with no fans. The exhaust chimneys will be 1.2 metres above the plane of the roof and the inlet chimneys will be 1.5 metres above the ridge.

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

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

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

PLANNING POLICY

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

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

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

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

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

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

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

change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.

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

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

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

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

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

NEIGHBOURS/PUBLIC REPRESENTATIONS

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

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

Although large, the proposed free range egg production unit, is not considered to be overly large in relation to its setting with the farm sited to the north, the building being away from a public vantage point and the detailed supporting landscaping to screen the development.

Although having some concerns in relation to the impact of the building in the landscape, the Landscape Officer has not objected to the proposal, recommending the imposition of conditions on any permission to mitigate the impact.

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

The proposed development has been considered in detail by the Head of Transport in relation to the vehicular movements, visibility splays and turning facilities and the proposal is supported subject to the application of relevant conditions. This will include a passing bay within highway limits, at the western edge of Llangadog common, opposite Dolgarreg.

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

Following the submission of detailed information including a TLSE to Natural Resources Wales, the proposal at the initial location received their support, in that any fluvial flood risk to the unit was likely to be negligible. Therefore there is not considered to be any significant risk through pollution of the local rivers as a result of flooding. A further amended TLSE will be required for the current, revised location adjacent to the farm

The proposal will result in the loss of hedgerow.

A native woodland copse will be planted to the west of the access to the site with existing hedgerow restocked and a new native tree belt to aid screening will be planted to the northern boundary with Brofana and Ty Newydd. A new native species hedgerow with native trees will be planted along the eastern border of the access road to the poultry building and along the northern boundary of the access road and building, in addition to the translocation of the existing hedgerow to the north of the building and a section of hedgerow to the south. A couple of native woodland copses to aid the screening of the views from west and to soften the field boundary edge to the south is to be planted, in addition to the strand of trees at the boundary with Bancyfelin.

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

There remain discrepancies to be resolved in terms of the noise and odour report which are being addressed presently and therefore it is proposed to convey the outcome in the addendum to this report that shall be prepared shortly before the meeting

There will be an increase in rats and fly infestation.

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

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

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

The application is not supported by an Environmental Impact Assessment.

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

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

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

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

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

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

The proposal will impact upon the tourism of the locality.

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

The proposal will impact upon the heritage of Llangadog village.

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

There is concern regarding the spread of manure.

The updated manure management plan considers the requirements of the current Glastir agreement. The plan shows that there is insufficient land available to apply all the poultry manure produced. The excess is to be exported off the holding by a (specialised) contractor. The plan also refers to the construction of a new manure store on the holding. NRW has confirmed that the nutrient management plan based on soil samples taken in 2013 is

acceptable, commenting that the applicant should refer to best practice and be aware that the soil nutrient levels should be checked every three to five years to give a suitable baseline for the production of the nutrient management plan.

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

CONCLUSION

The proposed poultry building is now to be sited adjacent to Godre Garreg farmyard and buildings at a location that will remain to be accessed from an unclassified road to the south east. The siting of the proposal adjacent to the farm has resulted in the closest residential property now being Bancyfelin, approximately 80 metres to the north-east. While the previous submission to the Planning Committee included chimneys of a lower height (0.6 metres above the plane of the roof), which were not considered to add significantly to the assessment of the impact in terms of visual harm to the landscape at the previous location adjacent to the hedgerow bordering Brofana and Ty Newydd, it is considered that with the siting now being adjacent to the farm and distant from public view points; being further from residential dwellings and substantial additional landscaping improvements, the current revised siting albeit with taller chimneys does not raise concerns in terms of visual impact that would merit the refusal of planning permission.

The Local Planning Authority has carried out a thorough consultation exercise in respect of the revised siting and following a further lengthy period of consideration and deliberation of the responses from the statutory consultees and the public, the principal areas of concern regarding the application concerned the visual harm, smells and noise, the highway impacts of the development, and the manure management plan.

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

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

It has been established that the proposed passing bay, north-east and opposite the highway that leads to Godre Garreg farm, as required by the Head of Transport is also within the limits of Llangadog Common. Following consultation with the Common Lands Officer, the applicant has agreed to apply for a land exchange under Section 147 of the Commons Act 2006. This is a procedure outside of the remit of Planning where the piece of land that is required for the passing bay would be removed from the register and replaced by another piece of land that is owned by the authority but which is not currently common land. While the required land exchange is not directly a Planning matter there is however, a condition

(number 13) that is worded to the effect that the passing bay has to be provided prior to any part of the development being brought into use.

The Landscape Officer has considered the amended location of the proposal, which has included the input of a landscape consultant in terms of landscaping mitigation. While it is recognised that the proposed development presents challenges to relevant policy objectives with specific concerns that the proposed development is located within a sensitive landscape and the proposed development involves fragmentation of the existing field pattern and expansion of man-made, rectilinear elements in the form of large scale built form and associated access areas into the wider rural landscape, it is concluded that following the receipt of requested amendments, the proposed development away from residential properties and the public highway represents a more acceptable development proposal than the previous scheme

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

There will be a requirement to undertake a further TLSE for the current, revised location, which at the time of writing this report, has not been completed.

The operation of the free range egg production business is typically seen as an extension to an existing farm business and the rural location proposed is where in planning terms it is expected to see this type of enterprise. Taking into consideration the comments of the consultees and the issues of objection received, and balancing this with the relevant national and local policy guidance, it is considered that with the detailed landscaping mitigation, the proposed poultry unit is acceptable and the successful operation of the business in both planning and business terms is reliant upon adherence to the planning conditions and effective management of the business. While the proposed development shall have an impact within the Tywi Valley Special Landscape area, a balance has to be made between the visual harm to the landscape and the economic benefits of this farm diversification scheme.

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

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The above approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below:-
 - Section Through Loading Bay (010), received 8 February 2018
 - Passing Place plan 1:250 scale, received 8 February 2018
 - Revised Location Plan (002), received 9 March 2018
 - Revised site Plan (001), received 9 March 2018
 - Proposed Elevations and Floor Plan Option 2 (GG003), received 19 March 2018
 - Cross Section Site Levels (006), received 19 March 2018
 - Figure 1-Landscape Proposals, received 19 March 2018
 - Figure 2- Planting Specification, received 19 March 2018
 - Drainage Plan (GEL/HUGH/GG011DP), received 19 April 2018
- 3 The building hereby approved shall only be used for the purposes of agriculture as defined by Section 336 of the Town and Country Planning Act 1990.
- 4 The use of the poultry unit shall be for free range egg laying only; any change to the operation must first be approved in writing by the Local Planning Authority.
- 5 Any external artificial lighting incorporated with the proposed poultry unit shall be installed in accordance with the relevant lighting engineers' guidance to reduce any potential light nuisance to neighbouring properties. Any such proposals for artificial lighting is to be agreed in writing by the Local Planning Authority prior to installation.
- 6 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway for the initial 15.0m measured from the nearside edge of carriageway and 10.0 metre kerbed radii at the junction with the U4502 road.
- 7 Any access gates shall be set back a minimum distance of 15.0 metres from the highway boundary, and shall open inwards into the site only.
- 8 The existing means of vehicular access into the site shall be permanently stopped up, and the public highway reinstated to the written approval of the Local Planning Authority, prior to the new means of vehicular access herein approved, being brought into use.
- 9 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 57 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access road in relation to the nearer edge of carriageway. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
- 10 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

- 11 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 12 The site access road shall be hard-surfaced for a minimum distance of 15.0 metres behind the nearside edge of carriageway, in materials which shall be subject to prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.
- 13 A passing bay, giving a carriageway width of 5.5 metres over a 10 metres linear length of the road, shall be provided as shown on the Passing Place drawings approved in condition 2 above. This shall be implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 14 Within one month of the granting of this planning permission the applicant shall submit a planning application for the erection of a covered manure store at Godre Garreg farm, Llangadog. No work shall commence on the poultry unit hereby approved until the covered manure store has also been granted planning permission and the poultry unit shall not be operational until the covered manure store has been completed and is ready to be used in association with the approved poultry unit.
- 15 No manure spreading shall take place within a 10 metre wide buffer zone measured from any nearby water course bank top for the whole extent of the site (banked off is defined at the point at which the bank meets normal land levels). The buffer zone shall be without structure, hardstanding, footpath, fences or overhanging development.
- 16 During the operational lifetime of the poultry unit an annual updated manure management plan reflecting any changes in the operation is to be submitted to the Local Planning Authority for their written approval. The nutrient management plan which informs the manure management plan is also to be updated and submitted in conjunction to the Local Planning Authority for their written approval.
- 17 All vehicles used for the movement of manure shall be sheeted and/or fully covered.
- 18 Poultry waste from the unit will be managed in line with the approved Revised Manure Management Plan Rev 13 12 17, received 8th February 2018.
- 19 The rating level of the noise emitted from the proposed development as a whole shall not exceed the background noise level. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.
- 20 If the authority receives a justified complaint with respect to the development, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for rating and assessing industrial and commercial sound, to determine whether noise arising from development

exceeds the level specified in condition 19 above. The assessment shall be undertaken under the supervision of the Local Authority.

- 21 In the event that Condition 19 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in Condition 19. The development shall then be undertaken in accordance with the approved details.
- 22 Deliveries and collections associated with the proposed development shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 23 Any associated works with the proposed development, such as cleaning, maintenance shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.
- 24 Fans shall not operate between the hours of 23:00 and 07:00.
- 25 During the construction phases, no works or construction shall take place other than within the hours of 08:00 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays.
- 26 The detailed landscaping and planting of the site as approved within Condition 2 above shall be fully implemented during the first available planting and seeding season following the commencement of the development.
- 27 Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within the lifetime of the approved development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.
- 28 The existing hedge/hedgerow along the south eastern *boundary of the enclosure with the unclassified 4502 road* shall be protected through all construction phase operations and thereafter retained, and maintained at a minimum height of 2.5 metres above the adjacent carriageway. Prior to any management works to the hereby defined hedge/hedgerow, which would result in laying or coppicing to a height below the hereby specified minimum height, a method statement for the works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented as the approved method statement. Any existing hedge/hedgerow or part thereof, which, within the lifetime of the approved development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the existing hedge/hedgerow[s] in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification.
- 29 No development or site clearance shall take place until a method statement for the translocation of the existing hedge/ hedgerow(s), as approved in condition 2 above

has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include an implementation programme and shall be in compliance with relevant guidance as provided by the Local Planning Authority.

- 30 The hedge/ hedgerow translocation method statement as approved to discharge condition 29 shall be fully implemented as the implementation programme unless otherwise agreed in writing by the Local Planning Authority. Any section of existing hedge/hedgerow translocated in accordance with the approved method statement which, within the lifetime of the approved development is removed; dies; becomes diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the existing hedge/hedgerow(s) in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification
- 31 Prior to the commencement of any works associated with the development hereby approved, a Construction Exclusion Zone (CEZ) shall be established to protect: -
- all trees, groups of trees or woodland located within, on, or with a canopy spread which overhangs the site boundary and which are identified for retention.
 - all shrub masses, hedges and hedgerows located within or on the site boundary which are identified for retention.

The CEZ shall be defined by a barrier of a specification appropriate to exclude the degree and proximity of all construction phase operations. The barrier shall form a continuous length, aligned as follows:

- to the perimeter of root protection areas, defined in accordance with BS5837, of all trees, groups of trees or woodland as identified above.
- to 1.5m from the edge extent of above ground growth of shrub masses, hedges and hedgerows as identified above.

Any construction operations and access within the CEZ shall be limited to those undertaken in compliance with the recommendations of BS5837. The CEZ shall be enforced throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

REASONS

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

19-25 In the interest of protecting the living conditions of local residents.

26-31 In the interest of the visual amenity of the locality.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposed development adheres to the requirements of policy SP14 of the Carmarthenshire Local Development Plan which ensures that proposed development does not unacceptably harm the Tywi Valley Special Area of Conservation.
- The proposed development adheres to the requirements of policy GP1 of the Carmarthenshire Local Development Plan which ensures that proposed development promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. The development proposal should also not have a significant impact on the amenity of adjacent land uses and properties.
- The proposed development adheres to the requirements of policy EMP4 of the Carmarthenshire Local Development Plan which ensures that proposed development is a form of farm diversification, and requires that it is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm; is of a scale and nature appropriate to the existing farm operation; the scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements; the scale and scope of any retail use (where planning permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy (see policy RT1); it would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape. As the proposal is a new building and not integrated with the existing working farm complex, it remains that it is considered that the proposal is not detrimental to the respective character and appearance of the area and surrounding landscape.
- The proposed development adheres to the requirements of policy TR3 of the Carmarthenshire Local Development Plan which ensures that proposed development relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.
- The proposed development adheres to the requirements of policy EQ4 of the Carmarthenshire Local Development Plan which ensures that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species

and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements; there are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.

- The proposed development adheres to the requirements of policy EQ6 of the Carmarthenshire Local Development Plan which ensures that proposed development in Special Landscape Areas are designated in specific locations and proposals for development which enhance or improve the Special Landscape Areas through their design, appearance and landscape schemes will be permitted (subject to the policies and proposals of the Plan). The proposal is a diversification scheme for an established agricultural enterprise, at a sensitive siting and with a detailed landscaping scheme which will mitigate for the impact of the building within the landscape, and provides biodiversity benefits to the locality.
- The proposed development adheres to the requirements of policy EP1 of the Carmarthenshire Local Development Plan which ensures that proposals for development will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County. Proposals will wherever possible be required to make efficient use of water resources.
- The proposed development adheres to the requirements of policy EP2 of the Carmarthenshire Local Development Plan which ensures that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.
- The proposed development adheres to the requirements of policy EP3 of the Carmarthenshire Local Development Plan which ensures that proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.
- The proposal complies with Welsh Assembly Government issued advice contained in Technical Advice Note 6 – ‘Planning for Sustainable Rural Communities’ in that the proposed development is appropriate to the site and surrounding landscape.

NOTES

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

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

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

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

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

3 The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

4 The burning of waste on the site should at no time be permitted which is likely to emit dark or black smoke, or smoke which would constitute a smoke nuisance at the nearest sensitive residential property.

5 All waste manure must be stored in a satisfactory manner/covered to ensure it does not give rise to an odour nuisance beyond the site boundary.

6 Appropriate methods of clearing the waste and cleaning the unit must be adopted to minimise the effect of dust / odours affecting neighbouring properties.

7 All dead stock must be stored in appropriate containers to reduce the potential for odours and flies.

8 Adequate procedures must in place for controlling flies if necessary.

9 Appropriate methods must be in place for the control of vermin if required.

10 Adequate procedures must be adopted to ensure the litter/manure inside the unit is kept dry and in such a condition as to reduce the ammonia produced.

11 It should be noted that the proposed development should be adequately controlled with regard to other emissions or deposits so that the development does not at any

time constitute a statutory nuisance as defined by Section 79 of the Environmental Protection Act 1990.

- 12 Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Highway Authority.
- 13 The applicant should take due care and attention to avoid the deposit of mud on the road from construction vehicles using the access.
- 14 No drainage from the development site shall be connected to or allowed to discharge into the road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the road.

Application No	E/35873
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Application Type	Full Planning
Proposal & Location	NEW HOUSE WITH INTEGRAL GARAGE AT PLOT 11 GWAUN HENLLAN, TIRYDAIL, AMMANFORD, SA18 2FD

Applicant(s)	TEILO PROPERTIES LIMITED - MS ANNE JONES, CAENEWYDD, RHOSAMAN, LLANDEILO, SA19 6NP
Agent	MR ROBERT HIGGINS, 105 PENYBANC ROAD, PENYBANC, AMMANFORD, CARMARTHENSHIRE, SA18 3QP
Case Officer	Andrew Francis
Ward	Pontamman
Date of validation	25/07/2017

CONSULTATIONS

Head of Transport – Recommends the imposition of conditions.

Dwr Cymru Welsh Water – No objections to the proposal.

Ammanford Town Council – No observations received to date.

Local Members - County Councillor D C Evans has not commented to date.

Neighbours/Public – Seven Neighbour Consultation Letters were sent out to advertise the application. Two letters of objection were received as a result. The points of objection are summarised below:-

- A two storey dwelling at this location would be harmful to the privacy of the occupiers of the nearby bungalow dwellings. The site was originally meant to be all bungalows.
- The rear of the plot and the adjoining plots is a low area that fills with water when wet and never properly dries, affecting all the neighbouring gardens. This is due to the built up area of the gardens surrounding the area all draining down which will be exacerbated if the drainage for this plot feeds into this area. This could be improved with a suitable drainage scheme.
- The large two storey house which could accommodate many occupiers will probably cause more noise and disturbance from its occupiers than a smaller bungalow dwelling with less occupiers.

RELEVANT PLANNING HISTORY

E/15276	One House with Integral Garage Full Planning Permission Granted	14 August 2007
E/05211	New Bungalow Full Planning Permission Granted	1 December 2003
AM/01707	Road Layout and Infrastructure (To Serve 44 No Plots for Dwellings - Development) Full Planning Permission Granted	30 October 2002
E/02081	Residential Development Renewal of Outline Planning Permission E/00530 and Removal of Condition No 5 of That Permission (Re: Amman Valley Trunk Sewer) Outline Permission Granted	23 May 2000
E/00530	Residential Development (Renewal of Outline Planning Consent P6/4/176/93 Allowed On Appeal 24/05/95) Outline Granted	10 July 1997
P6/19111/91	Residential Development Refused	10 March 1992
P6/18012/90	Residential Development Withdrawn	28 March 1991
P6/176/93	Residential Development Refused	01 July 1993

APPRAISAL

THE SITE

The application site is a broadly rectangular plot of land situated fairly centrally within the new residential development known as Gwaun Henllan at Tirydail, Ammanford. The plot is bounded on three sides by the curtilages of other dwellings, whilst it fronts on to the site road at Gwaun Henllan.

The plot is slightly sloping to the rear. Opposite the proposal and the dwelling to the north are two storey dwellings, whilst to the south and to the rear, single storey bungalows are present.

The plot measures 28 metres in depth and has a road frontage of 14.5 metres and is one of the last plots to be developed on this site.

THE PROPOSAL

The applicant seeks Full Planning Permission to construct 1 two storey dwelling with integral garage and associated access and driveway on the above-mentioned plot. The proposed dwelling presents a frontage with three half dormers on the main roof of the building with one full dormer above the garage, which is stepped down from the main roofline. The rear elevation has been amended to reduce the eaves level and in terms of the dimensions, the overall width of the dwelling proposed is 12.1 metres and the overall depth is 9.2 metres, and creates a rectangular footprint of these dimensions. Overall, the dwelling is proposed to be maximum of 7.9 metres high. In terms of finishes, the proposed dwelling is to be in keeping with the other dwellings on the site with a face brick and render finish and concrete roof tiles.

Internally the ground floor proposes a lounge, kitchen, dining room, living room utility room and garage. The first floor proposes 4 bedrooms, one with en-suite, and one bathroom.

PLANNING POLICY

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. Given that this is a proposal to develop a residential dwelling within the residential limits of Ammanford, policy H2 is particularly relevant. This states that proposals for such developments on unallocated sites will be permitted provided they are in accordance with the principles of the Plan's strategy, policies and proposals.

Policy GP1 also applies. Specifically for this application it requires that:-

- It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- Utilises materials appropriate to the area within which it is located;
- It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- It has regard to the generation, treatment and disposal of waste.

As the proposal is for a residential dwelling with no exceptions, a commuted sum is required towards the Affordable Housing Fund as set out in policy AH1. This states that:-

Where an open market residential site falls below the above thresholds, a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas as set out above. Commuted sum charges will be based on floor space (cost per sq.m).

NEIGHBOURS/PUBLIC REPRESENTATIONS

Seven Neighbour Consultation Letters were sent out to advertise the application. Two letters of objection were received as a result. The points of objection are summarised and discussed below:-

- A two storey dwelling at this location would be harmful to the privacy of the occupiers of the nearby bungalow dwellings. The site was originally meant to be all bungalows.

With regards to this point, the proposed dwelling is designed to be a two storey dwelling, but with a modest height necessitating the use of dormer windows in the roof of the dwelling thus allowing to proposal to be in keeping with the dwellings adjacent to the plot and the dwellings opposite (No's. 25 – 31). The proposal's typical maximum height is 7.2 metres at both end elevations which again is similar to the existing adjacent dwellings and would not be unusual in relation to the rest of the site.

Taking into account the bungalow dwellings to the west of the proposed site, the separation distances would be at least 21 metres between the rear faces of the dwellings which is considered to be an adequate gap.

Furthermore, it should be noted that this is the last vacant plot on the site. It would make more sense for a site amenity perspective to develop it rather than to leave it vacant and overgrown.

- The rear of the plot and the adjoining plots is a low area that fills with water when wet. This is due to the built up area of the gardens surrounding the area all draining down which will be exacerbated if the drainage for this plot feeds into this area.

With regard to the issues of drainage that are raised at this location, this may well be as a result of the undeveloped nature of this site and the fact that the dumped soil and vegetation on this plot feeds water to the rear of the site exacerbating the pooling problem.

The development of this site and the requirement to implement a suitable sustainable drainage scheme to dispose of the surface water generated by the development will also improve the situation, as one objector actually alludes to in their letter.

- The large two storey house which could accommodate many occupiers will probably cause more noise and disturbance from its occupiers than a smaller bungalow dwelling with less occupiers.

Turning to the final point, the occupiers of the dwelling are not known at this point in time so this point is purely hypothetical. However, it is a similar size and design to many other houses on the site so fits comfortably with the existing character and appearance of the existing estate.

CONCLUSION

In considering this application, the plot the last vacant plot on the Gwaun Henllan estate and as such is well integrated within the existing built environment. The design of the proposed dwelling is similar to the other two storey dwellings on the estate and fits on the plot acceptably, maintaining adequate separation distances to all the neighbouring properties. As such, it is considered that the proposed dwelling would not cause any detrimental impacts upon the amenities or privacy of any neighbouring dwellings and in line with the above-mentioned LDP policies and the requirements of Planning Policy Wales.

The proposal is considered to fit well within the plot and would not affect the character of the area given the mixture of dwellings on the site. The design of the proposal is acceptable and will not be detrimental to the overall character or appearance of the area and will help improve the drainage issues currently experience at this location.

The plot can adequately accommodate the proposed dwelling and associated parking, turning and amenity areas. Therefore, having due regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the grant of planning permission on this site represents a sensitive infilling of a gap within an existing pattern of development. As such this application is recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans received on 13 March 2017:
 - The 1:500 scale Block and Location Plans (02)
 - The 1:50 and 1:100 scale Proposed Plans and Elevations (01)
- 3 Prior to the commencement of development the applicant shall submit, for the written approval of the Local Planning Authority, details of all external finishes inclusive of their colour and specification. The development shall then be implemented as approved.
- 4 All planting, seeding or turfing shall be carried out in the first planting season following the completion of the development.
- 5 The new vehicular access shall be laid out and constructed strictly in accordance with Typical Layout No. 2 (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.
- 6 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole Estate Road frontage within 2.0 metres of the near edge of the carriageway.

- 7 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.
- 8 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.
- 9 The access shall be hard surfaced for a minimum distance of 5.0 behind the highway boundary, in materials which shall be subject to the prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.
- 10 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 highways and no surface water from the development shall be disposed of, or connected into, existing highway surface water drains.
- 11 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2-4 In the interest of visual amenity.
- 5-10 In the interest of highway safety.
- 11 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

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

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

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

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

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk)
- 3 The applicant will be required to enter into a Section 106 Agreement or Unilateral Undertaking to ensure the provision of the following:
 - A commuted sum of £7636.16 towards an Affordable Housing Fund as per the requirement in Local Development Plan policy AH1 based upon a 181.9 square metre footprint in the low viability (10%) sub market area at £41.98 per square metre.

SUMMARY REASONS FOR APPROVAL

In accordance with Article 3 of the Town and Country Planning (General Development Procedure) (Wales) (Amendment) Order 2004, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan (comprising the Carmarthenshire Unitary Development Plan 2006) and material considerations do not indicate otherwise. The policies, which refer, are as follows:

- The proposed development accords with policy GP1 of the LDP in that the proposed development represents an acceptable form of development which is appropriate to the character and appearance of the surrounding area, is of an acceptable design and will not have an unacceptable impact upon the residential amenity of nearby properties and provides an acceptable access and parking facilities.
- The proposed development accords with policy H2 of the LDP in that the land is situated within the settlement limits for Ammanford and the proposal does not conflict with other policies within the plan.
- The proposed development accords with policy AH1 of the LDP in that the proposed development provides a contribution towards the affordable homes fund.

Application No	E/36854
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Application Type	Full Planning
Proposal & Location	CHANGE OF USE OF THE 3 BEDROOM DWELLING FROM C3 USE TO A C4 HMO OF 6 BEDROOMS. ASSOCIATED ALTERATIONS TO ONE REAR WINDOW AND CHANGE OF OTHER RELEVANT WINDOWS AS WELL AS ROOFING OF A LEAN-TO-ROOF TO MEET SAFETY REGULATIONS AT 16 HALL STREET, AMMANFORD, SA18 3BW

Applicant(s)	PROP SOURCE WALES -J JONES, POST BOX 77, AMMANFORD, SA18 2LS
Agent	STUDIO FONTANELLE - SAI GIRIDHAR, 3 LLANERCH TERRACE, LLANELLI, SA15 3RR
Case Officer	Andrew Francis
Ward	Ammanford
Date of validation	23/02/2018

CONSULTATIONS

Ammanford Town Council – No observations received to date.

Local Member – County Councillor D Harries raises serious concerns with the application, summarised as following:-

- The people living in the property will be young people and might have behavioural issues. Other similar accommodation in Ammanford has raised serious issues over the years.
- There is a chapel next door and private houses in the street who would be unhappy if there were disturbance.
- The proposal would devalue property if it became problematic.

Neighbours/Public – One neighbour consultation letter has been sent out to advertise the application. Six letters of objection from five separate addresses and a nine name petition have been received as a result. A letter from the local MP has also been received on behalf of the objectors. The points of objection are summarised as follows:-

- There has been previous antisocial behaviour on this street including damage to cars, drunken arguments late at night and needing to clean vomit from their property linked to

the tenants of the housing association flats at the end of the street. The last thing needed is more flats and anti-social behaviour.

- Parking spaces on the street are at a premium, despite a residents permit parking system being in place, this development would make it worse.
- Many of the residents on the street are elderly, they have been told a lot of undesirable people will be moving into the property. Such a use is inappropriate in this location.

Natural Resources Wales – Offer no objections to the proposal. Advises caution if work is to be done to the lean to roof at the rear.

Head of Transport – No objections to the proposal. The parking requirement for both the C3 dwelling and C4 HMO would be the same. In addition, the location is in a sustainable location in the town centre so parking requirements can be relaxed.

RELEVANT PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

THE SITE

The application site is an existing end of terrace dwelling addressed as 16 Hall Street, Ammanford. Hall Street itself is a narrow one way street with the eastern part occupied by terraced dwellings and the western part characterised by a chapel and a public hall. The application building shares a boundary with the chapel's garden area to the east.

Vehicular access to the street is via a narrow access off High Street, adjacent to the Gerymanwydd flat complex. The application building has two allocated car parking spaces and 1 visitor parking space available in the public car park that is located to the rear of Quay Street.

The existing building is a double fronted 3 bedroom dwelling and is served by a modest rear garden.

THE PROPOSAL

The description of the proposal is 'Change of Use of the 3 bedroom dwelling from C3 use to a C4 HMO of 6 bedrooms. Associated alterations to one rear window and change of other relevant windows as well as roofing of a lean-to-roof to meet safety regulations'. The application therefore is a full planning application for a change of use.

The existing internal floor layout is to see modest changes in the ground floor with stud wall partitions built across the two current full length rooms to create two ground floor bedrooms, a kitchen and a living room. The first floor provides 4 bedrooms with a small bathroom.

The external elevations are to essentially stay the same, with only modest changes to the rear. The lean to roof is to be replaced to make it more insulated and the existing bathroom window is to be slightly enlarged as it now serves a bedroom.

PLANNING POLICY

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development Plan (LDP) adopted in December 2014.

In the context of the current development control policy framework the site is within the settlement development limits of Ammanford as defined in the Carmarthenshire Local Development Plan (LDP) adopted December 2014.

The LDP policies which the proposal has been assessed against are Sustainability & High Quality Design (GP1), Development Limits (GP2), Housing within Development Limits (H2) and Conversion or Subdivision of Existing Dwellings (H3) which are all deemed relevant to this form of development.

Policy GP1 – Sustainability and High Quality Design

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing.
- c) Utilises materials appropriate to the area within which it is located.
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community.
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality.
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water.

The relevant parts of the policy can be seen above. The proposal satisfies the relevant parts of Policy GP1 as it conforms to the existing character as the spatial characteristics of the proposal are in keeping with the existing dwelling. The proposal does not seek to change the existing dwelling house, meaning that the existing features and character is to be retained.

The impact on the amenity of adjacent land uses is seen to be minimal, with no significant impact to adjacent land uses, properties or residents as the proposal is for a change of use to a HMO from a dwelling house – there is no significant change in use as both aspects are residential, and there is no uplift in bedrooms provided.

Policy GP2 – Development Limits

Development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework. Proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

The development is within limits and therefore satisfies the requirements of Policy GP2 which are highlighted above.

Policy H3 Conversion or Subdivision of Existing Dwellings

Proposals for the conversion or sub-division of appropriate dwellings into flats or dwellings of multiple occupation, will be permitted provided that:

- (a) It would not result in an over-intensification of use;
- (b) Suitable parking provision is available, or made available;
- (c) The architectural quality, character and appearance of the building is, where applicable, safeguarded and its setting not unacceptably harmed.

In regards to (b), there is no need for the applicant to provide parking provisions as the dwelling currently provides three parking spaces and proposed three parking spaces, thus meets the Head of Transport's requirements. Plus, the site is located in a sustainable location. The proximity of the dwelling to immediate amenities can be seen in page 5 of the supportive statement which has been submitted, stating the following:

Destination	Walking	Bicycle	Bus	Car/Taxi
Ammanford Bus Station	5 mins	N/A	N/A	N/A
Ammanford Railway Station	14 mins	4 mins	1 min from bus station	3 mins
Pantyyfynon Railway Station	22 mins	6 mins	N/A	5 mins

The architectural quality and character of the dwelling would not be harmed, as the only material alterations to the dwelling is the replacement of existing windows in order to provide escapes. This would satisfy Part (c) of Policy H3.

NEIGHBOURS/PUBLIC REPRESENTATIONS

Comments made by third party representations have raised a number of issues relating to the proposal. These are summarised and discussed as follows:-

- There has been previous antisocial behaviour on this street including damage to cars, drunken arguments late at night and needing to clean vomit from their property linked to the tenants of the housing association flats at the end of the street. The last thing needed is more flats and anti-social behaviour.

With regard to this first point, at this stage it is not known who the occupiers of the property will be and it is taking a prejudicial view that the occupiers will partake in anti-social behaviour. Submitted in support of the application, a Tenancy Management Plan provides safeguards to the landlord and the neighbouring properties that the tenants will be responsible and well behaved. In short, the Tenancy Management plan, run by Plush Estate Agents requires that:

- The tenants are working with references
- If under 25, the tenant will require a guarantor
- If there are any issues, Plush Estate Agents works to find a solution that works for all parties. Anti social behaviour is not tolerated
- Initial tenancy of 6 months, to assess suitability
- Property is inspected every 3 months

- On line maintenance log for quick repairs

There is a requirement for a variety of affordable housing options in Ammanford and this proposal offers one of the solutions in a sustainable location.

- Parking spaces on the street are at a premium, despite a residents permit parking system being in place, this development would make it worse.

As shown in the application and as commented by the Head of Transport, who does not object to this application, the requirement for a three bed dwelling is 3 parking spaces, whilst the requirement for a six bed HMO is also three spaces, so the proposal is neutral in terms of parking requirements. This property has 2 permit spaces and 1 visitor parking space allocated in the public car park accessed off the road to the rear of Quay Street, to the rear of this application site. It is also acknowledged that this site is located in a town centre location in close proximity to many amenities and public transport hubs. As such, whilst Hall Street is narrow, this objection cannot be sustained.

- Many of the residents on the street are elderly, they have been told a lot of undesirable people will be moving into the property. Such a use is inappropriate in this location.

As discussed in the first point raised above, the tenants of the proposed property are not known yet. Furthermore, there is a tenancy management plan in place in order to vet the tenants to ensure that they would be suitable clients and well behaved. In addition to this point, locations such as this, close to the town centre, are where such uses are best situated as they are the most sustainable location for such developments.

Further to the neighbour letters, Local Member D Harries also raised the following concerns:

- The people living in the property will be young people and might have behavioural issues. Other similar accommodation in Ammanford has raised serious issues over the years.

In considering this point, there is nothing in the application to state that the tenants will have behavioural issues. In fact, the tenancy management plan actively seeks to avoid such a scenario.

- There is a chapel next door and private houses in the street who would be unhappy if there were disturbance.

With regard to this point, it is likely that most properties would be unhappy if a neighbour were to create a disturbance, irrespective of where that disturbance were to come from. As mentioned above, the tenancy management plan actively seeks to avoid these issues occurring.

- The proposal would devalue property if it became problematic.

As Members will be aware, the loss of property value is not a material planning concern and not something that can be taken into consideration when making a determination.

CONCLUSION

In addition to the discussion points above, the site is within the settlement limits of Ammanford and within 60 metres of the defined Town Centre of Ammanford. This establishes it as a very sustainable location for such a development and as therefore, the principle this type of development would normally be considered as acceptable, provided all other material considerations can be met.

Prior to the change in the Use Classes Order in Wales in 2016, dwellings such as this could change into houses of multiple occupation supporting up to 6 people, living as a family unit, without planning permission. It was only after this change to the Order that a new Use Class was introduced – C4 and applications were required. It is considered that in this instance, the proposal would not lead to a detrimental impact on the surrounding land uses as it may be expected that a family of 6 could occupy this dwelling with a similar impact.

In addition to the tenancy management plan, the applicant would also be required to comply with HMO regulations and obtain a license prior to any occupation of the dwelling, and the building would have to be compliant with the relevant building regulations set out by Building Control.

The material issues raised have been addressed by conditions to be imposed on the permission, should it be minded to approve. On balance, the concerns relating to the development which are considered to be planning related have been identified and addressed accordingly.

The proposed development is not considered to be detrimental to the existing street scene or the character of the street as there is virtually no change and it will allow for the continued beneficial use of this building. As such, the application is recommended for approval, subject to the following conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced no later than the five years from the date of this permission.
- 2 The works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans dated 24 January, 2018:-
 - The 1:200 and 1:1250 scale Location Plan (P05)
 - The 1:50 scale Proposed Front and Rear Elevations (P04)
 - The 1:50 scale Proposed Ground and First Floor Plans (P02A)
- 3 The premises shall be used as a house in multiple occupation for no more than six persons and shall not be used for any other purpose.

REASONS

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

- 2 To ensure that only the approved works are carried out.
- 3 To ensure the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposed development complies with policy GP1 of the Carmarthenshire Local Development Plan (LDP) in that the proposal conforms with and respects the character of the original dwelling and appearance of the site by virtue of its virtually unchanged external design. It is considered that the proposed use would not have an unacceptable impact upon the amenity of adjacent land uses or the residents of the properties. The proposal, by virtue of its sustainable location does not give rise to parking or highway safety issues and provides for the satisfactory generation, treatment and disposal of surface and foul water.
- It is considered that the proposed development complies with policy GP2 of the Carmarthenshire Local Development Plan (LDP) in that the site is located within the development limits and on the edge of the Town Centre in a sustainable location.
- It is considered that the proposed development complies with policy H3 of the Carmarthenshire Local Development Plan (LDP) in that the submitted plans submitted show that dwelling's conversion to a six bedroom House in Multiple Occupation would not result in over intensification of use as the property as a house could be occupied by 6 people. The property is also served by three parking spaces in the Council car park and the external elevations of the dwelling will be retained as existing.

NOTE(S)

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

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

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

