

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR  
AMGYLCHEDD**

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

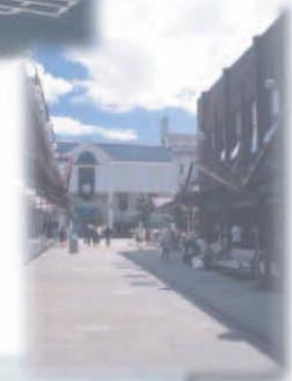
**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

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

**AR 14 TACHWEDD 2019  
ON 14 NOVEMBER 2019**

***I'W BENDERFYNU/  
FOR DECISION***

*Ardal  
Dwyrain/  
Area East*



**Cyngor Sir Gâr  
Carmarthenshire  
County Council**



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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>14 NOVEMBER 2019</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
<b>E/39337</b>	<b>Variation of condition 22 of E/33695 (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) 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 Sunday. In the event of emergencies, deliveries and collections can be made outside of the specified hours provided that the Local Planning Authority are notified in writing at Godre Garreg, Llangadog, SA19 9DA</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>E/39337</b>
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<b>Application Type</b>	Variation of Planning Condition(s)
<b>Proposal &amp; Location</b>	VARIATION OF CONDITION 22 OF E/33695 (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) 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 SUNDAY. IN THE EVENT OF EMERGENCIES, DELIVERIES AND COLLECTIONS CAN BE MADE OUTSIDE OF THE SPECIFIED HOURS PROVIDED THAT THE LOCAL PLANNING AUTHORITY ARE NOTIFIED IN WRITING AT GODRE GARREG, LLANGADOG, SA19 9DA

<b>Applicant(s)</b>	TV HUGHES AND CO - EIFION HUGHES, GODRE GARREG, LLANGADOG, SA19 9DA
<b>Agent</b>	ROGER PARRY & PARTNERS CARMARTHEN -GAIL JENKINS, C/O 1 GREAT OAK STREET, LLANIDLOES, SY18 6EQ
<b>Case Officer</b>	Kevin Phillips
<b>Ward</b>	Llangadog
<b>Date of validation</b>	21/08/2019

## Reason for Committee

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

## Site

The application site is a poultry unit in part of two large fields within the Tywi Valley, adjacent to the dairy farm, Godre Garreg, Llangadog. 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 properties to the south of the application site with a mature hedge row in between along the field boundary; Brofana (formerly Kite Cottage) and Ty Newydd to the south, and opposite the new access there is a bungalow Derwen Deg to the East of the poultry unit. The village of Llangadog is approximately 1 kilometre to the North

East across the river Sawdde and the village of Carreg sawdde is approximately 400 metres to the East.

## Proposal

The application is for the variation of condition 22 (copied below) of planning permission E/33695 (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) for the deliveries and collections associated with the proposed development which shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Sunday. In the event of emergencies, deliveries and collections can be made outside of the specified hours provided that the local planning authority are notified in writing at Godre Garreg, Llangadog.

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.

## Planning Site History

E/37954	DISCHARGE OF CONDITIONS OF E/33695 Discharge of Planning Condition Granted	21/01/2019
E/37720	ERECTION OF A STEEL PORTAL FRAMED BUILDING, WITH CONCRETE PANEL WALLS AND BOX PROFILE STEEL SHEETING TO THE EAVES FOR USE OF A COVERED MANURE STORE, TOGETHER WITH ALL OTHER ASSOCIATED WORKS Full Granted	02/10/2018
E/33695	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 Full Granted	31/05/2018

## Planning Policy

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

GP1

TR3

[Carmarthenshire Supplementary Planning Guidance](#)

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

## Summary of Consultation Responses

**Head of Public Health and Protection (Noise)** - Due to severe workload pressures at present, The Pollution and Wellbeing Team are unable to provide a bespoke response with regard to noise for specific consultations.

The Pollution and Wellbeing Team have however produced the a document 'Planning and Noise,' which contains useful information and conditions.

**Llangadog Community Council** - No observations received to date.

**Local Member** - Councillor A James has declared an interest in the 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 a site notice.

Five representations objecting to the proposal have been received, and the matters raised are summarised as follows:

- It is considered unreasonable to amend conditions that were applied to protect the living conditions of local residents.
- The acceptance of the revised hours will result in the applicant having whatever traffic to the site that they wish.
- The ability to have collections at unreasonable hours and for emergency situations is unreasonable.
- The use of Llangadog Common on Sundays and bank holidays will be impacted unreasonably.

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

## Appraisal

### Principle of development

The applicant has changed the egg collector they originally had hoped to work with due to changes in the egg market whilst they were securing consent for the Free Range Poultry Unit at Godre Garreg. Their new egg purchaser requires collection of eggs on a Sunday and a Wednesday. This is in breach of the relevant deliveries and collection condition and therefore the applicant would like to vary the condition to ensure they are in adherence with all planning conditions.

### Impacts upon the Living conditions of residents

The proposal will be to enable another egg collector to pick the eggs up at a different time to that agreed with a previous collector and the principal issue will be whether the lorry collection on Sunday will have a significant harm upon the living conditions of local residents. In addition, the applicant has requested that the hours allow for emergency

events, deliveries and collections outside of the specified hours provided that the local planning authority are notified in writing at Godre Garreg.

It is considered that the collection of eggs by a lorry on a Sunday, even though it is the day of the week that usually has less activity, will not have any significant harm upon the living conditions of local residents, primarily Derwen Deg, Kite Cottage and Ty Newydd.

However, the request for the condition to allow for emergency events, deliveries and collections outside of the specified hours provided that the local planning authority are notified in writing at Godre Garreg, is not considered to be needed and if there are emergencies then by their very nature they should not be harmful to the living conditions of local residents in this rural setting.

### **Highway Impacts**

The change to the collection arrangements will not result in any significant change to highway movements to/from the application site.

### **Response to the Issues of Objection Received**

**It is considered unreasonable to amend conditions that were applied to protect the living conditions of local residents.**

It remains that it is considered that the amendment to the condition to allow for deliveries and egg collections on Sunday also will not result in a significant harm to the living conditions of residents in this agricultural setting.

**The acceptance of the revised hours will result in the applicant having whatever traffic to the site that they wish**

The revised hours will allow for the necessary deliveries to the site and the collection of eggs and will not result in any significant increase in traffic to the detriment of local residents.

**The ability to have collections at unreasonable hours and for emergency situations is unreasonable**

Should there be emergencies at the poultry unit, then by their very nature they should not be harmful to the living conditions of local residents in this rural setting and it is not considered required to include this in the revised condition.

**The use of Llangadog Common on Sundays and bank holidays will be impacted unreasonably**

It is considered that the change of hours of delivery and collection for the poultry unit to allow for collection on Sunday will not unacceptably impact upon the local residents' ability to use and enjoy the local Common land.

### **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 change to the operating house to allow for delivery and collection of eggs on Sundays in this rural location will not have any significant harm upon the living conditions of local residents.

## RECOMMENDATION – APPROVAL

### Conditions

- 1 The works hereby granted consent shall be carried out strictly in accordance with the following approved plans and documents:-
  - Section Through Loading Bay (010), received 8 February 2018;
  - Revised Location Plan (002), received 9 March 2018;
  - Revised site Plan (001), received 2 August 2019;
  - 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.
- 2 The poultry unit building approved in planning permission E/33695 shall only be used for the purposes of agriculture as defined by Section 336 of the Town and Country Planning Act 1990.
- 3 The use of the poultry unit approved in planning permission E/33695 shall be for free range egg laying only; any change to the operation must first be approved in writing by the local planning authority.
- 4 Any external artificial lighting incorporated with the proposed poultry unit approved in planning permission E/33695 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.
- 5 Any access gates on the new access road to serve the poultry unit approved in planning permission E/33695 shall be set back a minimum distance of 15.0 metres from the highway boundary, and shall open inwards into the site only.
- 6 The existing means of vehicular access into the application site for the poultry unit

approved in planning permission E/33695 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.

- 7 The access, visibility splays and turning area required to serve the poultry unit approved in planning permission E/33695, 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 approved in planning permission E/33695 shall be provided prior to any use of the approved poultry unit. 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.
- 9 The site access road to serve the poultry unit approved in planning permission E/33695 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.
- 10 No manure spreading in association with the poultry unit approved in planning permission E/33695 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.
- 11 During the operational lifetime of the poultry unit approved in planning permission E/33695 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.
- 12 All vehicles used for the movement of manure in association with the poultry unit approved in planning permission E/33695 shall be sheeted and/or fully covered.
- 13 Poultry waste from the unit the poultry unit approved in planning permission E/33695 will be managed in line with the approved Revised Manure Management Plan Rev 13 12 17, received 8th February 2018.
- 14 The rating level of the noise emitted from the poultry unit approved in planning permission E/33695 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.
- 15 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 14 above. The assessment shall be undertaken under the supervision of the local authority.

- 16 In the event that Condition 14 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in Condition 14. The development shall then be undertaken in accordance with the approved details.
- 17 Deliveries and collections associated with the poultry unit approved in planning permission E/33695 shall only be taken at or dispatched from the site between the hours of 08:00 through to 20:00 on Monday to Sunday.
- 18 Any associated works with the poultry unit approved in planning permission E/33695, 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.
- 19 Fans approved in planning permission E/33695 shall not operate between the hours of 23:00 and 07:00.
- 20 The detailed landscaping and planting of the site as approved within Condition 2 of planning permission E/33695 shall be fully implemented during the first available planting and seeding season following the commencement of the development.
- 21 In reference to condition 20 above, 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.

## **Reasons**

- 1 In the interest of visual amenity.
- 2-4 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.
- 5-9 In the interest of highway safety.
- 10-11 To ensure that there is no significant effect to any designated site.
- 12 In the interest of protecting the living conditions of local residents.
- 13 In the interest of protecting the living conditions of local residents and to prevent pollution of the environment.

14-19 In the interest of protecting the living conditions of local residents.

20-21 In the interest of the visual amenity of the locality.

## 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](http://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.