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**TUESDAY, 22 FEBRUARY 2022**

**TO: ALL MEMBERS OF THE PLANNING COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A **VIRTUAL MEETING** OF THE **PLANNING COMMITTEE** WHICH WILL BE HELD AT **10.00 AM** ON **THURSDAY, 3RD MARCH, 2022** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Wendy Walters*

**CHIEF EXECUTIVE**

<b>Democratic Officer:</b>	<b>Emma Bryer</b>
<b>Telephone (direct line):</b>	<b>01267 224029</b>
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Wendy Walters Prif Weithredwr, *Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

# PLANNING COMMITTEE

20 MEMBERS

## PLAID CYMRU GROUP - 10 MEMBERS

- |     |                                      |  |
|-----|--------------------------------------|--|
| 1.  | <b>Councillor Mansel Charles</b>     | Member of Llanegwad Community Council    |
| 2.  | <b>Councillor Tyssul Evans</b>       | Member of Llangyndeyrn Community Council |
| 3.  | <b>Councillor Jeanette Gilasbey</b>  | Member of Kidwelly Town Council          |
| 4.  | <b>Councillor Ken Howell</b>         |  |
| 5.  | <b>Councillor Carys Jones</b>        |  |
| 6.  | <b>Councillor Alun Lenny (Chair)</b> | Member of Carmarthen Town Council        |
| 7.  | <b>Councillor Jean Lewis</b>         |  |
| 8.  | <b>Councillor Dorian Phillips</b>    |  |
| 9.  | <b>Councillor Gareth Thomas</b>      | Member of Llenedi Coummunity Council     |
| 10. | <b>Councillor Eirwyn Williams</b>    |  |

## LABOUR GROUP - 4 MEMBERS

- |    |                               |  |
|----|-------------------------------|--|
| 1. | <b>Councillor Deryk Cundy</b> |  |
| 2. | <b>Councillor John James</b>  | Member of Pembrey & Burry Port Community Council |
| 3. | <b>Councillor Kevin Madge</b> | Member of Cwmamman Town Council                  |
| 4. | <b>Vacancy</b>                |  |

## INDEPENDENT GROUP - 4 MEMBERS

- |    |  |                                      |
|----|--|--------------------------------------|
| 1. | <b>Councillor Sue Allen</b>                |                                      |
| 2. | <b>Councillor Ieuan Davies</b>             |                                      |
| 3. | <b>Councillor Joseph Davies</b>            |                                      |
| 4. | <b>Councillor Irfon Jones (Vice-Chair)</b> | Member of Bronwydd Community Council |

## UNAFFILIATED – 2 MEMBERS

- |    |  |                                 |
|----|--|---------------------------------|
| 1. | <b>Councillor John Jenkins</b>                                 | Member of Llanelli Town Council |
| 2. | <b>Councillor Shahana Najmi</b> –<br><b>Welsh Conservative</b> | Member of Llanelli Town Council |

# **A G E N D A**

1. **APOLOGIES FOR ABSENCE**
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**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO  
PLANNING COMMITTEE**

**Adroddiad Pennaeth Lle a  
Chynaliadwyedd  
Adran yr Amgylchedd**

**Report of the Head of Place  
and Sustainability  
Environment Department**

**03/03/2022**

**I'W BENDERFYNU  
FOR DECISION**

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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>03 MARCH 2022</b>
<b>REPORT OF:</b>	<b>HEAD OF PLACE AND SUSTAINABILITY</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
<b>W/37254</b>	<b>Planning application to erect a straw-bedded young-stock building, maternity building, silage clamp, concrete yard areas and reprofiled lagoon (part retrospective) at Wernolau Farm, Llangynog, Carmarthen, SA33 5BN</b>
<b>PL/01316</b>	<b>Variation of Condition no. 2 of E/35763 (Reserved Matters permission for 2 dwellings granted on 28 September 2017, pursuant to outline planning permission E/30288 granted on 9 July 2014) to allow amended plans for the reduced scale to the dwelling at Plot 1, re-siting of dwelling at Plot 2 with revised parking arrangement and provision of south east boundary wall and treatment at Plots 1 &amp; 2 at plots at Tregarth, Square &amp; Compass, Llangadog, SA19 9ND</b>
<b>PL/03083</b>	<b>Conversion of former school building into residential dwelling and the erection of 20 affordable dwellings on former school grounds, including all associated works at former Coedmor School, Cwmann, Lampeter, SA48 8ET</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>
<b>S/34402</b>	<b>Demolition of former Copperworks School and develop up to 9 new homes at former Copperworks Infants School, land at Morlan Terrace, Burry Port, SA16 0ND</b>



**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/37254</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	PLANNING APPLICATION TO ERECT A STRAW-BEDDED YOUNG-STOCK BUILDING, MATERNITY BUILDING, SILAGE CLAMP, CONCRETE YARD AREAS AND REPROFILED LAGOON (PART RETROSPECTIVE) AT WERNOLAU FARM, LLANGYNOG, CARMARTHEN, SA33 5BN

<b>Applicant(s)</b>	CWRT MALLE LTD - STEFFAN RICHARDS, CWRT MALLE FARM, LLANGYNOG, CARMARTHENSHIRE, SA33 5BN
<b>Agent</b>	READING AGRICULTURAL CONSULTANTS - ALEX LAWRENCE, GATE HOUSE, BEECHWOOD COURT, LONG TOLL, WOODCOTE, RG8 0RR
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Llansteffan
<b>Date of validation</b>	16/05/2018

## Reason for Committee

This application seeks full planning permission (retrospective) for the erection of a straw-bedded young-stock building, maternity building, silage clamp, concrete yard areas and re-profiled dirty water lagoon at Wernolau Farm in Llangynog. The proposal forms part of the Cwrt Malle farm business which is a large dairy farm that extends to approximately 1,418 hectares and is primarily located between the village of Llangynog and Carmarthen.

The application was originally considered by the Planning Committee on 14 November 2019 and a copy of the original report presented to the Committee at this previous meeting is reproduced below. The Committee resolved to grant planning permission subject to the following:

1. The completion of a Section 106 agreement that will prevent the future re-use of existing livestock buildings on the farm holding that are no longer be required as a result of the development.
2. NRW confirming their acceptance of the conclusions of the Authority's Appropriate Assessment that the development will not have a detrimental effect upon water quality within the Carmarthen Bay and Estuaries SAC, either alone or in combination with other development.

3. NRW confirming their acceptance of the applicant's revised Nutrient Management Plan relating to a reduction in the volume of available slurry storage on the holding.

The original application was submitted partly in retrospect in that significant ground excavation works had been undertaken to accommodate the proposed young-stock and maternity buildings, and the silage clamp and dirty water lagoon had already been constructed. The applicant has now also constructed the young-stock and maternity buildings on the site since the application was previously reported to the Committee in November 2019.

With regard to point no.2 of the previous Committee resolution relating to the Appropriate Assessment of the impact of the development upon water quality within the Carmarthen Bay and Estuaries SAC. Further consultation with the Authority's Planning Ecologist and NRW have identified the need for the applicant to undertake an additional assessment of the potential effects of changes in air quality from the proposed development upon the Carmarthen Bay and Estuaries SAC as well as relevant Sites of Special Scientific Interest within 5km of the overall farm holding. A similar assessment has also been undertaken for ancient woodlands within the vicinity of the farm holding. Its purpose is to assess the potential impact that the changes to the stock density and general management of livestock on the wider Cwrt Malle Farm holding resulting from the development will have upon the designated features of the SAC, SSSIs and ancient woodlands by way of changes to the deposition levels of ammonia and nitrogen.

The applicant has provided the abovementioned assessment in an addendum to the original Environmental Statement that accompanied the application. It includes an assessment of the cumulative impact of the development upon these designated sites and features in combination with other relevant agricultural developments permitted in the last five years within 5km of the farm holding. Whilst the assessment indicates that the proposed development in cumulation with other existing and proposed developments will exceed NRW's upper ammonia and nitrogen thresholds for livestock units at two SSSIs (Beacon Bog SSSI and Cors Goch, Llanllwch SSSI) and the Carmarthen Bay and Estuaries SAC, nonetheless it confirms that the changes in the farming operation proposed as part of the development will reduce the cumulative effect of ammonia and nitrogen levels upon these and other designated sites when compared to the existing farm operation without the development proposed being implemented.

Notwithstanding this reduction, and in accordance with NRW advice, the ES addendum sets out a series of mitigation measures which form part of an updated Nutrient Management Plan provided by the applicant that will further reduce the ammonia and nitrogen impacts of the wider holding upon these three designated sites. These include, amongst others, the removal of 54 hectares of slurry spreading land from an area west of Wernolau Farm which are located close to and upwind of the two SSSIs, minor changes to stocking levels at certain of the satellite farms and the continued use of a slurry injection system on the holding. The measures also include the application of impermeable covers to manure heaps on the holding and the dry output from the existing slurry separator at Cwrt Malle, and the application of sealed covers to three existing slurry stores. The latter will serve to reduce existing ammonia emissions from the respective slurry stores by approximately 80%. Despite the reduction in the spreading area of the holding, the remaining area available for the spreading of slurry will significantly exceed that required to meet the current recommended upper limit for nitrogen application in any one year by 290 hectares. The assessment also demonstrates that there will be a decrease in ammonia concentrations and

nitrogen deposition at the ancient and semi natural woodlands within the vicinity of the holding.

It is of note that the wider Cwrt Malle farm holding is not located within the River Towy SAC Phosphate Sensitive Catchment Area which is currently the subject of recent NRW interim advice in relation increased phosphate inputs. The proposal will therefore have no unacceptable impact in this regard.

NRW have confirmed their acceptance and support of the updated Nutrient Management Plan both in terms of the proposed reduction in ammonia emissions within the wider holding and the volume of slurry storage available. In doing so, they've advised that the mitigation measures proposed are in accordance with the Welsh Government's Code of Good Agricultural Practice guidance on reducing ammonia losses from agriculture and recommend that the implementation of the measures contained in the Nutrient Management Plan be a conditional requirement of any permission granted. The Authority's Planning Ecologist has also raised no objection to the development based upon the additional assessment and updated Nutrient Management Plan provided.

In accordance with the requirements of the Conservation of Habitats and Species Regulations 2017, and pursuant to the Committee's previous resolution to approve the application, officers have undertaken a further Appropriate Assessment of the impact of the development upon the Carmarthen Bay and Estuaries SAC. The Assessment concludes that, with the implementation of the Nutrient Management Plan, the development will not have a detrimental effect upon water quality within the SAC either alone or in combination with other development. It has been provided to NRW for approval and whilst no formal response has been received to date, this will be reported in the addendum to this report.

Members should be aware that officers have undertaken a further re-consultation exercise in respect of the addendum to the original ES and updated Nutrient Management Plan with the posting of a further site notice at the application site and a notice in the local newspaper. In response, further letters of representation have been received from Llangain and Llangynog Community Councils wherein they reiterate their previous objections to the application in raising concerns regarding the traffic and pollution impacts of the development. The former question the projected reduction in traffic generation as a result of the development. These concerns are contained and addressed in the original report reproduced below. The Head of Transport and Public Protection have also both re-iterated their previous recommendations on the application wherein they raised no objection.

The application is therefore put forward with a favourable recommendation subject to the updated conditions contained below and the following:-

- 1 The completion of a Section 106 agreement that will prevent the future re-use of existing livestock buildings on the farm holding that are no longer be required as a result of the proposal.
- 2 NRW confirming their acceptance of the Authority's Appropriate Assessment which concludes that the development will not have a detrimental effect upon water quality within the Carmarthen Bay and Estuaries SAC, either alone or in combination with other development.

## **Recommendation – Approval**

## Conditions and Reasons

### Condition 1

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a partly retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 11 July 2018.

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

### Condition 2

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

- Site plan (2A);
- Location of farms plan (9A);

received on 5 November 2018;

- Youngstock shed – north and south elevation (4);
- Youngstock shed – east and west elevation and floor plan (3);
- Silage clamp – elevations (10);
- Maternity building – east and west elevation and floor plan (5);
- Maternity building – north and south elevation (6);
- Location plan (1);

received on 16 March 2018;

- Drainage plan (11);
- Environmental Statement (dated October 2018);

received on 5 November 2018;

- Nutrient management plan (updated 30 November 2021);
- Environmental Statement – Addendum dated February 2021 (Updated November 2021);

received on 6 December 2021;

- Particle site distribution produced by Geosite and testing services Ltd dated 17 June 2019;
- Inspection of silage pit wall at Wernolau Farm produced by HB Tribe dated 2 July 2019;
- Determination of permeability in a triaxial cell produced by Geosite and testing services Ltd dated 17 June 2019;
- Below ground 'earth' nutrient storage lagoon information produced by HB Tribe dated 2 July 2019;

received on 5 July 2019;

- Topographical sections (8A);
- Cross sections (7A);

received on 25 October 2019.

*Reason:* In the interest of clarity as to the extent of the permission.

### **Condition 3**

The vehicular access into Wernolau Farm shall be laid out and constructed strictly in accordance with the details shown on Drawing No. SK01 contained in Appendix 12 of the Environmental Statement (dated October 2018) received on 5 November 2018 within three months of the date of this planning permission. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

*Reason:* In the interests of highway safety (Policies GP1 & TR3).

### **Condition 4**

Prior to the commencement of the access improvement works shown on Drawing No. SK01 contained in Appendix 12 of the Environmental Statement (dated October 2018) received on 5 November 2018 (as required under condition no. 3), a scheme for the translocation of the existing hedgerows either side of the existing access into Wernolau Farm to create the necessary visibility splay improvements, shall be submitted to and approved in writing by the local planning authority. The scheme shall include a method statement for the translocation of the hedgerows to include a methodology of the works, hedgerow aftercare and a detailed programme/timescale of works. The works shall be carried out in strict accordance with the approved details.

*Reason:* In the interests of visual amenity and to retain existing landscape and ecological features (Policy GP1, EQ4 and EQ5).

### **Condition 5**

Within three months of the date of this planning permission, a scheme of landscaping for the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities; and implementation programme. The works shall be carried out in strict accordance with the approved details.

*Reason:* In the interests of visual amenity and to retain existing landscape and ecological features and ensure the provision, establishment and maintenance of an appropriate landscaping scheme. (Policy GP1, EQ4 and EQ5).

### **Condition 6**

The maternity building hereby approved and shown on the site plan (2A) received on 5 November 2018 shall be used solely for the provision of calving facilities in association with the farm holding and for no other purpose.

*Reason:* To prevent the over intensification of the holding and in the interests of safeguarding residential amenity and highway safety (Policy GP1 & TR3).

### **Condition 7**

The young-stock building hereby approved and shown on the site plan (2A) received on 5 November 2018 shall be used solely for the accommodation of calves and replacement heifers in association with the farm holding and for no other purpose.

*Reason:* To prevent the over intensification of the holding and in the interests of safeguarding residential amenity and highway safety (Policy GP1 & TR3).

## **Notes/Informatives**

### **Note 1**

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

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

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

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

### **Note 2**

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

### **Note 3**

The applicant/developer is advised that this permission is granted subject to the completion of a Section 106 agreement that will prevent the future re-use of existing livestock buildings on the farm holding that are no longer required as a result of the proposal.

## ORIGINAL COMMITTEE REPORT – 14 NOVEMBER 2019

<b>Application No</b>	<b>W/37254</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	PLANNING APPLICATION TO ERECT A STRAW-BEDDED YOUNG-STOCK BUILDING, MATERNITY BUILDING, SILAGE CLAMP, CONCRETE YARD AREAS AND REPROFILED LAGOON (PART RETROSPECTIVE) AT WERNOLAU FARM, LLANGYNOG, CARMARTHEN, SA33 5BN

<b>Applicant(s)</b>	CWRT MALLE LTD - STEFFAN RICHARDS, CWRT MALLE FARM, LLANGYNOG, CARMARTHENSHIRE, SA33 5BN
<b>Agent</b>	READING AGRICULTURAL CONSULTANTS - ALEX LAWRENCE, GATE HOUSE, BEECHWOOD COURT, LONG TOLL, WOODCOTE, RG8 0RR
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Llansteffan
<b>Date of validation</b>	16/05/2018

### Reason for Committee

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

### Site

The application site consists of an irregular shaped parcel of land that forms part of Wernolau Farm located approximately 3km to the south west of Carmarthen. It occupies a countryside location being 1.8km to the north west of the village of Llangain and 2.2km to the east of Llangynog. The farm is part of the wider Cwrt Malle farm business which is a large dairy unit that extends to approximately 1,418 hectares. Cwrt Malle Farm consists of the main dairy unit on the holding and is located 1km to the east of the site.

The site covers an area of approximately 4.2 hectares and extends around the western and southern sides of the farmstead of Wernolau Farm being bounded by pasture fields to the west and wooded areas to the south and east. It is accessed via a farm track that leads from the C2078 to the south and extends through the farm to the north and west. The farmstead comprises of four modern cattle accommodation buildings, open feed yards, a number of



older agricultural buildings, slurry and dirty water lagoon, silage clamps and farmhouse. The buildings at the farm are primarily used to accommodate dry cows associated with the main dairy herd at Cwrt Malle Farm.

The western part of the site measures some 1.9 hectares and is located to the west of the farm access. It originally formed part of a large sloping field enclosure which included a silage clamp set on a concrete pad located adjacent to the farm buildings. It has recently been the subject of excavation works which have significantly reduced the levels of the original field to create a large levelled area which consists of a mix of a compacted stone and concrete surface. This area is set at a level of up to approximately 8 metres below that of the remainder of the field enclosure to the west having a graded bank on its northern and southern sides. Its western side consists of a steep excavated face above which is the remainder of the original field enclosure.

The original silage clamp within the site has been removed and replaced by a larger silage clamp which has been constructed close to the centre of the levelled area. It measures 60 metres in length by 13.7 metres wide and its side and rear walls consist of pre-cast concrete panels of 3.7 metres in height. Its eastern side is open and faces the existing farmstead. It has been erected to provide forage for the livestock on the site and in advance of the new livestock buildings proposed in the planning application.

The eastern part of the site is located to the east of the farm access and immediately to the south east of the farm buildings. It measures approximately 2.3 hectares and comprises a field enclosure that slopes down gently towards its southern and eastern boundaries which consist of belts of mature trees and two small watercourses. There is a dirty water lagoon in this part of the site close to the farm buildings. The land has, again, been the subject of significant re-profiling works in that the topsoil and subsoil excavated to form the plateau on the western part of the site has been deposited over this field. The resulting ground levels have been increased by approximately 1.3 metres across the field while the original dirty water lagoon has been reconstructed and re-profiled. The field has also been re-sown with grass.

The wider area wherein the site is located is rural in character consisting of an undulating landscape made up of agricultural fields bounded by hedgerows and scattered areas of woodland. The road network consists primarily of narrow country lanes flanked by high hedgerows. The main roadway serving the site is the C2078 which extends from Johnstown to the north east through to Llangynog and Llanybri to the west. The A40 between St Clears and Carmarthen runs approximately 2km to the north of the site. The river Tywi is located some 8km to the south east of the site.

## **Proposal**

The application seeks full planning permission (part retrospective) for the erection of a straw-bedded young-stock building, maternity building, silage clamp, concrete yard areas and re-profiled dirty water lagoon at Wernolau Farm.

### **Background to the proposal**

Wernolau Farm is part of the wider Cwrt Malle farm business which is a dairy farm that has seen a significant growth in the size of the dairy herd and holding since 2005. The wider holding extends to approximately 1,418 hectares which includes owned and rented land as

well as those with agreements for the spreading of slurry. The majority of the land in the holding is located between the village of Llangynog and Carmarthen.

Cwrt Malle farm is located 1km to the east of the application site and is the location of the milking herd on the holding. The holding has a number of smaller satellite farms which support the main milking operation at Cwrt Malle by providing dry cow accommodation, calving facilities and young stock and heifer accommodation. The calving, young stock and heifer accommodation provide replacement stock for the main dairy herd at Cwrt Malle while the farms also provide additional land for forage and slurry spreading. They consist of six farms located in the area to the south west of Carmarthen and within the vicinity of the villages of Llangain, Llangynog and Llanybri. They are Cowin Grove, New Werncorgam, Old Werncorgam, Pen Y Clun, Maesgwynne and Wernolau Farm. The holding also includes two outlying holdings at Clymblewog Farm near Trelech and Plas Gwar Farm to the east of St Clears.

In addition, the holding has a contract with four third party owned farms which also rear replacement stock until they are ready to join the milking herd at Cwrt Malle. Two of these are located outside the County in Abergavenny and Carew, while the remaining two are located to the north of Carmarthen and the A40 between Carmarthen and St Clears.

The current stocking levels on the holding consist of 1,641 dairy cows which are kept at Cwrt Malle, 313 dry cows which are split between Cwrt Malle and Wernoleu Farm, and 1683 replacement calves and heifers which are kept on the various satellite farms on the wider holding. Planning permission was granted for two additional livestock buildings at Cwrt Farm back in 2012 which allowed for the expansion of the dairy herd as well as providing additional isolation facilities to meet Defra's bovine TB requirements. The development also provided highway improvements on the local road network with the provision of a number of passing places between Cwrt Malle and Wernolau Farms.

Although the current operational arrangement has allowed the milking herd at Cwrt Malle to grow, it generates a large number of daily trips around the out-lying farm units of the holding to check on animals and to transport livestock and bedding. Whilst being a poor use of time, the current arrangement also significantly increases the costs of the holding and the number of traffic movements on the local road network. Calving on the holding currently mainly takes place at both Cwrt Malle and Cowin Grove Farm near Llangynog from where the calves are taken directly to New Werncorgam Farm and are then, at three months old, taken to four other farms on the holding until they are approximately one year old. From one year until 22 months they are then taken to one of five other farms, be it those within the holding or under contract, to be reared from where they are then returned to Wernolau Farm prior to first calving and eventually back to Cwrt Malle and Cowin Grove for calving.

The applicant indicates that whilst the satellite farms are distant of the main unit at Cwrt Malle, many of the buildings on these farms are also in a poor state of repair coming to the end of their lifespan. He has therefore decided to improve the efficiency of the wider holding by consolidating operations at Wernolau Farm and reducing the number of satellite farms that are used to rear replacement cows for the dairy herd.

The construction of the new young stock building will enable the holding to discontinue using buildings at five of the satellite farms to accommodate calves/heifers between one week and 12 month old. These include 4 of the farms within the local area of Cwrt Malle to the south west of Carmarthen (New Werncorgam, Old Werncorgam, Maesgwynne and Pen-y-Clun) as well as Plas Gwar farm near St Clears.

In addition, the new maternity building proposed will provide new modern calving facilities that will replace those used at Cowin Grove Farm to the West of Llangynog and Cwrt Malle Farm. This will also avoid the need to use the existing off site farms at Abergavenny as well as Llein and Pen-y-Coed which are located to the north of Carmarthen and the A40 respectively.

The size of the milking herd will remain the same as a result of the proposal while the replacement herd size will reduce to approximately 1,400 in number. The holding employs approximately 35 staff the majority of whom work at Cwrt Malle Farm and surrounding farms.

### **Development layout and design**

The proposed new young-stock and maternity buildings are to be erected on the levelled area created in the western part of the application site either side of the existing silage which also forms part of the application.

The young-stock shed is to be located to the north of the silage clamp and will measure 73.2 metres in length and 35.1 metres in width. It is to be of a portal frame design comprising 6 metre bays and will have a roof with two varying pitches to meet the specific ventilation needs of the animals to be kept in each side of the building. The roof will reach a height of 9.9 metres. It will have a floor area of 2,569.3 sq metres which has been determined by the minimum floor area requirement per calf recommended by the relevant animal welfare regulations and best practice guidance. It will consist of straw bedded pens and associated walkways and feeding passage. The building's northern side elevation will consist of pre-cast concrete panels up to 2 metres in height with Yorkshire boarding above, while the end elevations will consist of profiled steel sheeting. The southern side elevation of the building will be left open with the exception of a low barrier to prevent the egress of stock. The roof will consist of dark green fibre cement sheets and clear roof lights.

The maternity is to be the same length as the young-stock building with a narrower width of 34.2 metres. It will also have a slightly higher ridge level of 10.4 metres. The building will have a floor area of 2500 sq metres that will comprise 1,367 sq metres of straw bedded loose housing area and 688 sq metres of straw bedded loafing/feeding area. The remaining area will provide a central feed passage. The floor area has been determined by the requirement to provide accommodation for the number of in calf heifers and cows on the holding. Its rear and side elevations will consist of precast concrete panels with Yorkshire boarding above while its front easterly elevation facing the existing farm buildings will provide the gated entrances into the building. The roof will be of the same design as the young-stock building.

The application also seeks retrospective permission for the existing silage clamp on site which will be located between the maternity and young stock buildings. The level area surrounding the buildings and silage clamp will consist of a mix of an unbound permeable stone surface with the existing impermeable concrete areas located either side of the silage clamp being retained as part of the proposal and a new concrete apron being constructed to the front of the maternity building.

The development layout includes a surface water drainage scheme for clean and dirty water. Clean run-off from the buildings and impermeable surfaces will discharge to a new balancing pond to be constructed to the south of the maternity building which will attenuate flows before discharging to a stream to the runs to the south of the site. Provision is made for an

intercepting dirty water drain that will drain into an existing covered reception pit that is located to the front of the silage clamp.

The excavated cut to the north of the levelled area will consist of a graded bank that is already in place and is to be seeded. Until recently there was a similar graded bank along the western side of this part of the site, however, it has since been excavated by the applicant in order to partially infill a slurry lagoon at Cwrt Malle Farm which, in itself, does not require planning permission. The existing steep face is to be stabilised and revegetated using a wire netting geocell system. A new hedgerow is to be planted along the top of the embankment to the north, west and south of the site.

The development includes the re-profiling of the original dirty water lagoon located in the eastern part of the application site as well as the field enclosure wherein it is located. As mentioned above, the soil excavated from the western part of the site has been spread over this area of the site with the original lagoon having been reconstructed and re-profiled to address previous pollution problems and ensure it meets the requirements of the Slurry, Silage and Agricultural Fuel Oil Regulations (SSAFO) Regulations (2010). The levels of the field have been raised by approximately 1.3 metres to improve the workability of the land and sown with grass. The stone from the excavation works has been retained on the farm for future repairs to farm tracks.

Finally, with regard to the access to the development, the junction of the farm track with the C2078 is to be improved as part of the development to provide improved visibility along the classified road.

The application has been accompanied by a suite of supporting documents certain of which are appraised below:-

- Environmental Statement
- Supporting Statement/Policy Appraisal.
- Design and Access Statement.
- Cattle Movement Records.
- Nutrient Management Plan.

### **Environmental Statement**

The development proposal falls under Schedule 2 Part 1(c) of the Environmental Impact Assessment (EIA) Regulations 2017 which relates to intensive livestock installations where the area of new floorspace exceeds 500 square metres. It also falls under Schedule 2 Part 13 (b) whereby it relates to an extension of an existing intensive livestock installation on the wider holding which is already authorised and exceeds the 500 square metre floorspace threshold.

Accordingly, officers screened the application upon its submission and confirmed it to be EIA development on 4 June 2018 on the basis of its location within the catchment of the River Tywi which is part of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and its potential impacts upon the designated Site. The screening opinion also required an assessment of the potential highway, amenity and landscape impacts of the development upon the surrounding environment. A formal scoping opinion was subsequently issued by officers on 27 September as to the precise scope of the EIA and the Environmental Statement presenting the findings of the EIA was submitted on 5 November 2018. The main findings of the ES are summarised below.

- i **Site Selection (Alternatives)** – The ES provides an assessment of the alternatives to the development considered by the applicant, as required under the EIA Regulations.

The applicant considered the option of either ‘doing nothing’, expanding one of the existing farms within the wider holding or alternatively creating a new facility on land in his ownership. Given the high level of traffic movements associated with the holding and the operational inefficiencies of the same, the ES does not consider the approach of ‘doing nothing’ to be an economically or environmentally preferable option. Furthermore, given the numerous existing farms on the holding, it is not considered necessary to develop a new facility on a green-field site.

In terms of the option of expanding one of the existing farms, the applicant has assessed the suitability of existing farm holdings for the proposal. Cwrt Malle was deemed to be unsuitable in that it is restricted in terms of suitable land, while other farm holdings have significant restrictions relating to highway (in terms of distance from the main holding and slurry/manure spreading land), landscape and local amenity impacts. Wernoleu Farm is the preferred location in terms of its likely environmental impacts and the efficiency of the holding in that it is, amongst others, close to the main dairy unit at Cwrt Malle for the management and transfer of cattle, has existing farm infrastructure and is not visually prominent from the surrounding area. Moreover, it has no dwellings in close proximity and has good road access via the C2078.

- ii **Landscape Impact** – An assessment of the potential landscape and visual impacts of the proposal is provided in the ES together with the requirement to mitigate any identified impact. The document confirms that the development does not fall within any Special Landscape Area designated in the LDP. Moreover, whilst it recognises the scale of the development and the buildings proposed, it opines that the landscape has a high tolerance to agricultural developments given the character of the local landscape with farming being the primary land use in the area. Views into the site from the wider area are also heavily restricted by the topography of the landscape as well as surrounding hedgerows and trees and it is not clearly visible from any public rights of way in the area.

The ES concludes that the position of the buildings adjacent to the existing farm buildings and their limited visibility within the local area ensures that the development will have a limited impact upon the surrounding landscape. Its impact will be further minimised with the planting of a hedgerow along the top of the embankment to the north and west of the buildings as well their general design which will include the use of green roofing and elevational treatments.

- iii **Public Amenity** – this chapter focusses on the potential impact of the development and wider holding on the amenity of nearby sensitive receptors in terms of odours, dust, vermin and fly sources. It identifies a number of residential dwellings within the vicinity of the development with the nearest being approximately 200 metres to the west.

In terms of potential odour from the development itself, the ES confirms that the straw bedded loose housing buildings proposed generate a low level of odour while the use of one of the buildings to house young livestock (with low manure output) also means

that the level of odour emissions from the development will be low. Based upon these factors, the separating distance to the nearest property and the prevailing wind direction, it concludes that surrounding properties will not experience any unacceptable odour impacts arising from the proposed new buildings.

Turning to the odour impact from slurry spreading activities, the surrounding land and that associated with the wider holding, including the land at Wernolau Farm, has historically been spread with manure and slurry from the holding. Additional land has been acquired by the applicant in order to accommodate the additional slurry and manure from the increased stock and this, again, has historically been the subject of spreading. The slurry and manure are to be spread in accordance with the recommendations of Defra's best practice guidance 'Code of Good Agricultural Practice for farmers, growers and land managers, Protecting our water, soil and air' (2009) details of which are set out in the Nutrient Management Plan provided in support of the application. It is noteworthy that the ES refers to a small increase in replacement heifers on the holding as a result of the proposal, however, the stocking levels provided by the applicant confirm that there will be a reduction in levels as referred to earlier in this report.

In view of the comparable stocking levels proposed, the fact that the land on the holding has historically been the subject of spreading and that it will be undertaken in accordance with Defra advice, the ES concludes that there will be no unacceptable impact upon the amenity of nearby properties.

In addition, the separating distance to nearby properties combined with the infrequency of dust generating activities at Wernolau Farm lead the ES to conclude that the dust impact of the development will be negligible. It also sets out a series of measures to remove potential fly breeding habitats and vermin within the development to safeguard against any unacceptable impacts upon the surrounding area. These include the effective management of manure, providing natural ventilation within the new buildings and the removal of wasted or unwanted feed. It concludes that the implementation of these measures and separating distances to the nearest properties will ensure the development will not have an unacceptable impact upon existing living conditions.

- iv **Ecology** - this chapter provides an assessment of the ecological impacts of the development upon the application site and the hydrological links between the Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and areas where manure and slurry will be stored and spread on the holding. The application site is located within the catchment area of the stream known as Fernhill Brook which flows into the River Towy within the SAC. The application site itself is of low ecological value while the wider holding comprises of a variety of habitats which together provide suitable conditions for a wide range of species.

The potential impact of the development upon the Carmarthen Bay and Estuaries SAC is acknowledged whereby there is potential for pollution incidents as a result of manure and slurry entering watercourses directly from the application site or wider holding. The potential of indirect effects as a result of manure and slurry storage and spreading activities across the holding is also recognised. The ES highlights that these could lead to an adverse impact upon the ecology of water courses flowing into the SAC and the impacts of the same could include, amongst others, the nutrient enrichment of the watercourse and resultant decrease in water quality. This in turn

could result in a reduction in invertebrate and fish species diversity and populations in the SAC.

With the foregoing in mind, the ES sets out a series of mitigation measures that will be implemented as part of the development to minimise and negate any impact upon the SAC. They include pollution prevention measures that are to be undertaken as part of the construction phase of the development to prevent any unacceptable pollution impacts.

The mitigation measures for the potential operational impacts of the development relate primarily to the day to day management of activities on the holding and the provision of suitable storage and drainage facilities. These include the provision of a 'closed' drainage and storage system for the 'dirty' surface water run-off within the development as referred to above, as well as the appropriate treatment and attenuation of surface water that is to be discharged directly into a watercourse.

The measures set out in the Nutrient Management Plan (NMP) are integral to mitigating the impacts of the holding on the SAC in that they will ensure that all slurry and manures arising from the holding are managed in an effective and responsible way while meeting the crop nutrition requirements of the holding. The NMP quantifies the volume of slurry and manure production on the holding based upon existing outputs and proposed stocking levels as well as providing details of the total slurry storage capacity available throughout the holding. It demonstrates that the holding has more than sufficient land available for spreading the slurry and manure based upon the maximum recommended nitrogen application rate in any one year, and that its application to the land will meet the crop requirements of the holding and minimise the risk of diffuse nitrogen and phosphorous pollution.

The NMP includes measures for the storage of manure heaps in accordance with the recommended guidance whereby it will, amongst others, be kept away from watercourses and land drains or sloping land located close such features. Similarly, it includes a spreading risk assessment of the land within the holding based upon Defra guidance together with detailed spreading measures that will limit the risks of run-off and pollution to the land, wider drainage catchment and the protected SAC.

- v **Traffic** – the ES provides an assessment of the projected traffic impacts of the development on sensitive receptors, pedestrians and the local highway network both during the construction and operational phases of the development. It confirms that the majority of the local highway network serving the site and holding are narrow country lanes with low background traffic although with certain routes vehicles associated with the holding will use some B and C class roads to link with other minor roads.

The assessment focusses on the improvements to the operational efficiencies of the wider farm holding as a result of the proposal in that the construction of the new maternity and young stock buildings at Wernolau Farm will enable the applicant to reduce the number of satellite farms used to rear replacement cows for the dairy herd. Existing traffic movements associated with the holding are shown to be approximately 40,215 each year with approximately 17,000 relating to the daily car movements of farm workers driving to work. Approximately 14,600 of the traffic movements are associated with the rearing of young stock and calving cows and consist of livestock transport between the various farms on the holding and the car

movements of staff performing daily checks on animals. As mentioned earlier, the provision of the modern young stock building at Wernolau will enable the holding to discontinue using livestock facilities in the satellite farms within the surrounding area while, similarly, the new maternity building will also replace existing facilities and avoid the need to use more distant off site facilities.

The development will, in essence, consolidate the numerous vehicle movements associated with the outlying satellite farms by creating a centre hub for the farming operations thereby reducing the overall vehicle movements on the local highway network. As a result, the assessment forecasts that the level of traffic movements will reduce to approximately 30,772 which represents a reduction of 9,443 movements on current routes of the local highway network between the various farms on the wider holding. Traffic movements associated with the dairy herd at Cwrt Malle Farm itself will remain unchanged as a result of the proposal. On the basis of this significant reduction in vehicular movements, the ES concludes that the development will have no unacceptable impact upon the wider highway network.

With regard to the constructional impacts of the development, it is estimated that the construction of the new facilities will take place over a 10 month period. Moreover, a Traffic Management Plan will be prepared in conjunction with the highway Authority which will include a series of mitigation measures designed to minimise the environmental impact of the development. These will include temporary road signage, construction traffic routing and timings as well as measures such as wheel washing and road sweeping.

### **Nutrient Management Plan**

The NMP seeks to ensure that organic manure and slurry applications are in line with the crop requirements of the holding while limiting the impact of its storage and spreading on the local environment including surrounding watercourses and the Carmarthen Bay and Estuaries SAC.

It confirms that the cropping on the holding comprises of grass silage, grazing, forage maize and wholecrop cereals although the farm is mostly laid down to grass. The dairy cows are housed indoors all year round and the dry-cows are housed for six months of the year and kept outside for the remainder. Similarly, replacement cows are housed for part of the year. The cattle grazed outdoors are integrated within the crop rotation on the holding.

Details of the total available slurry storage across the holding are provided in the NMP with these amounting to approximately 35,611 cubic metres and consisting of existing slurry stores at the various farms on the holding, including both Cwrt Malle and Wernoleu. Slurry produced on the holding is applied to the land in up to four cycles annually using both an umbilical system within a serviceable distance of the slurry stores and via slurry tankers on off lying land.

The NMP demonstrates that the holding has 1,313ha of available land for spreading and, based upon the recommended upper limit for organic nitrogen application set out in Defra's 'Protecting our Water, Soil and Air – a Code of Good Agricultural Practice for farmers, growers and land managers (2009)' this exceeds the spreading area requirement by 342ha. This will allow the applicant to rotate the manure applications and minimise the pollution risk of the holding. Moreover, the crop requirements for phosphorous on the holding exceeds



the phosphorous content of the manures and slurry to be spread on the land thereby reducing the risk of diffuse phosphorous pollution.

Details of the spreading areas are included in the NMP as are a series of detailed measures based upon Defra guidance to limit the risk of run-off and pollution. These include, amongst others, ensuring that no spreading occurs in areas close to watercourses, springs or boreholes, only applying the slurry when soil and ground conditions permit its application and avoiding periods when heavy rain is forecast. Provision is also made for the checking of watercourses adjacent to spreading areas.

## Planning Site History

W/36387	Silage clamp Full planning permission	03 November 2017
W/34116	Concrete silage pad Agricultural notification – prior approval not required	15 July 2016
W/29609	Extension to existing concrete silage pad to provide adequate feed storage for stock and to comply with SSAFO Regs 2010 Agricultural notification – prior approval not required	21 February 2014
W/26013	Roof over existing open feed yard area Full planning permission	13 March 2012

## Planning Policy

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

SP14	Protection and Enhancement of the Natural Environment
GP1	Sustainability and High Quality Design
EMP3	Employment – Extensions and Intensification.
TR2	Location of Development – Transport Considerations.
TR3	Highways in Developments – Design Considerations.
EQ4	Biodiversity
EP1	Water Quality and Resources.
EP2	Pollution
EP3	Sustainable Drainage.

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

## Summary of Consultation Responses

**Head of Transportation & Highways** – No objection subject to the imposition of suitable conditions.

**Llangynog Community Council** – Has objected to the proposal for the following reasons:

- Concerns regarding the pre-application consultation process.
- Impact upon the environment and wildlife.
- Infrastructure cannot cope with the expansion of the site despite the reduction in traffic associated with the movement of animals and feed lorries.
- Lack of explanation as to how the proposal will result in reduced traffic levels.
- Question the data provided in respect of the slurry being distributed on the holding and whether it complies with the relevant regulations. Also suggest that the slurry lagoon should be covered to reduce the amount of rainfall entering the lagoon which in turn reduces the volume of slurry distributed on the holding.
- Concerns that the concentrated methane gas being produced as a bi-product of the size of the farming unit is above the levels considered safe by European Health Standards.

**Llangain Community Council** – Has objected to the application for the following reasons:

- The reduction in the daily movements of animal bedding, feeds and machinery along Heol Smyrna and Church Road is welcomed.
- The amount of slurry being produced and transported will be unchanged and with the extra cattle at Wernolau, there will be extra slurry and having tankers travelling continuously from dawn until late at night has had an adverse effect upon Heol Smyrna and Church Road as well as devaluing property prices.
- Slurry management needs to be addressed before further planning is considered.
- Concerns that a building to be demolished at Penyclun Farm will be replaced by a slurry lagoon resulting in further increased traffic along Church Road.

**Local Member** - County Councillor Carys Jones is a member of the Planning Committee and has declared an interest in the application in that she sits on a panel which mediates between the community and community councils and Cwrt Malle Farm. On this basis, she's confirmed that she will not be participating in the determination of the application.

**CADW** – No objection.

**Welsh Water** – No objection.

**Head of Public Protection** – No objection subject to the imposition of suitable conditions securing the mitigation measures detailed in the Environmental Statement in relation to odour, dust, flies and vermin.

**Head of Waste and Environmental Services (Land Drainage)** – No objection to the surface water system proposed to dispose of clean water from the development.

**Natural Resources Wales** – No objection subject to the imposition of conditions relating to the management of slurry, manure and dirty water on the holding.

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

## Summary of Public Representations

The original application has been publicised with the posting of a number of site notices within the vicinity of the site and a press notice. The Environmental Statement (ES) subsequently submitted as part of the application process and subsequent amendments to the same have been publicised with further site and press notices.

As a result of these publicity exercises 15 letters of objection have been received from local residents while further letters have been received from the Llangain Action Group and the Assembly Member for Carmarthen West, Angela Burns. It is of note that the letters of objection from local residents were received from the occupiers of 4 properties in the local area with the respondents having commented on the original application and the ES subsequently submitted.

The respondents raise the following concerns:

- The farm is already too big and there is a need to stop it getting any bigger because the volume of heavy lorries travelling along Alltynap Road throughout the day has already affected the quality of life of local residents.
- Any increase in livestock at the farm will exacerbate the pollution of watercourses in the area with both slurry and sediment. The slurry and sediment run into a Fernhill Brook and into the River Tywi therefore impacting upon the Carmarthen Bay and Estuaries (SAC) and Afon Tywi (SAC).
- Cwrt Malle is a well-documented serial polluter and the County Council have a statutory and moral responsibility to protect its residents and the environment.
- Slurry has poured onto the public highway close to existing properties.
- The slurry is from a farm with bovine TB and residents do not want it on their property.
- Retrospective planning permission has previously been granted on the farm and the current application is also part retrospective.
- Residents' concerns have been dismissed to the detriment of the aquifer, highway network, air quality and noise pollution.
- Effect on human health.
- Effect on tourism.
- The need for an up to date and accurate forecast of traffic movements.
- Increased articulated lorry movements along Alltynap Road.
- The dairy unit is too large for its location within a network of rural lanes.
- Increased traffic such as lorries, tractors, trailers, and slurry tankers on narrow country lanes and resulting road safety issues and damage to road surfaces and roadside verges.
- More animals and slurry.
- An Environmental Impact Assessment is needed to examine the pollution impacts of the development.
- Question the accuracy of the nutrient management plan in that one of the fields classed as medium risk has fresh water springs and is used for flood relief for part of Alltynap Road.
- A number of fields in the nutrient management plan are not rented or available to the applicant.
- Concerns that a vehicle haulage business with the resulting added traffic is to be started up at Cwrt Malle.

- The proposal is contrary to Policy GD12 of the Authority's previous UDP in that the levels of traffic will cause harm to highway safety and the amenity of residents living alongside the network
- The application must be viewed in light of other developments that have taken place at Cwrt Malle and its associated farm holding with a further 300 head of cattle resulting in a total amount of livestock at somewhere in the region of 3000.
- The application states that the calves will be straw bedded, however, the applicant could alter this arrangement in the future with a knock-on effect of increased slurry.
- The continual expansion of the farm is already having an effect upon neighbouring properties with odours from virtually non-stop slurring.
- Effect on small tourist ventures in the area.
- Effect of increased traffic upon hedgerows and wildlife as slurry is spilled in transition.
- Damage to roads and properties from heavy goods vehicles.
- The herd size of 3,637 cattle has grown significantly since 2011 when it was approximately 1800 in number and the applicant gave an undertaking at the time that it would remain at this number plus or minus 5%.
- Constant volume of heavy goods vehicles all hours of day and night along Alltynap Road hauling feed and goods to Cwrt Malle as well as other traffic that use the route as an alternative to get to the industrial estate in Johnstown.
- Risk to pedestrians' safety.
- There is no pasture available for grazing as the entire farm is either stubble or freshly sown winter wheat.
- Lack of slurry storage.
- The projected fall in traffic movements is welcomed, however, the level of traffic is still high for the narrow lanes.
- The applicant has previously been convicted of discharging slurry into a watercourse.

## **Appraisal**

The main issues in the determination of the application are appraised below.

### **Principle of the development & highway impacts**

A common ground of concern amongst respondents is the size of the farm holding with many suggesting that it is already too big and that its continual expansion must be stopped. The majority of respondents refer to the impact of the holding's expansion upon the local highway network in terms of increased traffic movements and opine that the highway infrastructure serving the site cannot cope with existing traffic levels. Reference is made to the flow of heavy goods on the road network particularly along Alltynap Road with the hauling of goods and feed to Cwrt Malle Farm.

The wider Cwrt Malle holding has been the subject of significant expansion since 2005 both in terms of the size of the holding and the dairy herd. This has been achieved through the expansion of the dairy herd at Cwrt Malle with the construction of new buildings and facilities as well as the acquisition of further satellite farms in the surrounding area. The latter has principally served to provide additional land for forage production and slurry spreading on the holding as well as utilising the buildings on these farms to provide additional accommodation for young replacement stock for the milking herd.

The current dispersed nature of the holding is not sustainable in the long term from an economic and costs perspective whereby it requires a large number of daily trips between the separate farms as part of the operation of the wider holding. The current proposal is designed to improve rather than expand the operational facilities of the holding by consolidating the young stock accommodation for the replacement herd from a number of the satellite farms to Wernolau Farm. This will allow the holding to discontinue using existing buildings on a number of surrounding farms while, similarly, the new maternity building proposed will replace existing facilities elsewhere on the holding as well as precluding the need to use existing off site facilities on third party farms. The applicant has demonstrated that the application site offers the preferred location at which to consolidate the operations given its proximity to the main dairy unit, its road access via the C2078 and separating distance to nearest residential properties.

The size of the dairy herd will therefore remain unchanged as a result of the proposal while the predicted level of replacement stock will reduce in number. A number of livestock and storage buildings have been demolished on the wider holding in recent years and the applicant has agreed to enter into a Section 106 agreement that will prevent the future use of the livestock buildings on the satellite farms that are to be replaced by the new youngstock and maternity buildings. This will safeguard against their future re-use and the further expansion of the holding while any further expansion of the dairy herd at Cwrt Malle Farm will be constrained by the need for further accommodation buildings which will, in themselves, require planning permission.

The scale and design of the new buildings are commensurate with their intended use and the operational requirements of the holding based upon current stocking numbers and will provide new modern purpose built facilities that will meet the minimum floor area requirement for livestock as recommended by the relevant animal welfare legislation and best practice guidance. The Authority's agricultural adviser is satisfied that the scale and design of the buildings are justified based upon proposed stocking levels while also providing sufficient capacity to allow animals to be retained on the holding during periods when they can't be transported such as, for example, when TB restrictions are in place. The silage clamp will serve to provide forage for the new livestock at the site while the reconstructed lagoon has remediated the previous substandard lagoon on the farm to ensure it complies with the SSAFO Regulations and does not result in the pollution of surrounding watercourses. The design of the new silage clamp and dirty water drainage system also comply with the SSAFO regulations.

The proposed buildings are well related to and adjacent to the existing farm buildings at Wernoleu Farm to allow the easy transfer of cattle between the accommodation buildings while also being close to the main dairy unit at Cwrt Malle for the management and transfer of cattle. They will be restricted to their intended use of providing young stock and maternity facilities by the imposition of suitable conditions on the permission granted to ensure that they are used for such purposes rather than to expand the dairy facilities on the wider holding.

Turning to the respondents' highway concerns, the ES provides a detailed assessment of the impact of the proposal upon the surrounding road network both during the construction and operational phases of the development. It predicts that the consolidation of the young stock and maternity facilities at Wernolau Farm will reduce the current annual traffic movements associated with the holding by 9,443. The reduction will relate primarily to the transport of livestock and traffic movements associated with the daily checking of stock and

the assessment demonstrates that all of the road links associated with the farms within the holding will experience an overall decrease in traffic flows as a result of the development.

The traffic movements associated with the dairy herd at Cwrt Malle Farm including existing HGV movements will remain unchanged as a result of the proposal while the consolidation of livestock accommodation will result in a small increase in the movement of manure to three of the farms on the wider holding equating to 118 be vehicle movements per year. Nonetheless, the development will provide significant betterment to the current level of traffic movements on the local road network compared to the existing situation and this in turn will ensure the proposal will cause no unacceptable harm to the living conditions of existing residents on the local road network.

The findings of the assessment have been the subject of a thorough analysis by the Head of Transport who has raised no objection to the development subject to the imposition of appropriate conditions. He is satisfied that the level of traffic on the surrounding road network will be reduced as a result of the development and has recommended the imposition of conditions securing the submission of a traffic management plan to mitigate the construction impacts of the development and the improvement of the existing junction leading into Wernolau Farm. The permission will be conditioned in accordance with his advice.

In terms of the concern raised that the applicant has obtained a HGV operator's license on the holding that will increase traffic flows. The applicant has confirmed that he has acquired a large articulated HGV for forage harvesting and solid manure spreading on land distant from the main Cwrt Malle holding which reduces the level of vehicular movements on the local highway. The operator's license is required to use this vehicle and for no other purpose.

The proposal is considered to be in accord with the objectives of paragraph 5.6.6 of Planning Policy Wales (2018) which advocates that planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. It is also in compliance with the requirements of Policies GP1 and EMP3 of the LDP, the latter of which relates to the expansion of existing rural enterprises, in that it will not intensify the existing enterprise or result in adverse amenity or environmental issues, and is of an appropriate scale and form compatible with its location. Moreover, the proposal accords with Policy TR3 of the LDP in that it will be served by a suitable access and will not generate an unacceptable level of traffic on the local road network or cause significant harm to the amenity of residents.

### **Pollution and Ecological Impacts**

A further common ground of concern amongst respondents is that the disposal of slurry from the development does not comply with the relevant regulations and the potential impact upon existing watercourses and ecology. A number of respondents suggest that the development impacts upon the Carmarthen Bay and Estuaries SAC while others refer to previous pollution incidents on the holding.

The application has been accompanied by a detailed NMP for the wider Cwrt Malle holding which seeks to ensure that organic manure and slurry applications are in line with the crop requirements of the holding and to limit the impact of its storage and spreading on the local environment including watercourses and the Carmarthen Bay and Estuaries SAC. It provides detailed information relating to the slurry storage facilities and available spreading land across the entire holding. The latter significantly exceeds the spreading area

requirement needed to meet Defra's recommended upper limit for nitrogen application in any one year whereby the holding will comply with the Nitrate Pollution Prevention (Wales) Regulations 2013 and not cause any unacceptable pollution of the land. Similarly, the crop requirement for phosphorous on the holding exceeds that contained in the organic manures produced which safeguards against the risk of diffuse phosphorous pollution. Detailed measures are also provided in respect of the method of spreading slurry and manure on the holding in accordance with Defra's guidance in order to prevent, amongst others, the risk of run-off and pollution of watercourses within the vicinity of the land.

NRW have raised no objection to the NMP and are satisfied that the slurry, manure and dirty water from the holding will be managed in an acceptable way that will prevent any unacceptable pollution impacts in the wider environment including the Carmarthen Bay and Estuaries SAC. It is of note that since the receipt of their response, the volume of available slurry storage on the holding has been reduced by 4,300 cubic metres from that contained in the original NMP whereby part of the smaller slurry lagoon at Cwrt Malle Farm has recently been filled in with excavated material from the application site. Officers are currently awaiting NRW's observations on this change to the NMP and these will be presented in the addendum to the report.

The Authority's Planning Ecologist has also raised no objection to the development and recommended the imposition of a condition securing the submission of a Construction Management Plan to safeguard against any unacceptable pollution impacts during the construction phase of the development. Furthermore, in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017, the Authority has undertaken an Appropriate Assessment of the impact of the development upon the Carmarthen Bay and Estuaries SAC which concludes that, with the implementation of the NMP and the pollution prevention measures proposed, the development will not have a detrimental effect upon water quality within the SAC either alone or in combination with other development. The Appropriate Assessment will shortly be sent to NRW for approval and the recommendation to grant planning permission is therefore subject to them confirming their acceptance of its conclusions.

In addition, the Authority's land drainage officer has raised no objections to the surface water drainage scheme proposed to dispose of run off from the new buildings in that it will provide an attenuated discharge of the clean water to a nearby watercourse.

The proposal is therefore in accordance with the objectives of Policies SP14, EQ4, EP1, EP2 and EP3 of the LDP in that it will not result in any unacceptable ecological and pollution impacts.

### **Living conditions and amenity**

Turning to the impact of the development upon the living conditions of the residents of neighbouring properties, the nature of the livestock accommodation provided with straw bedded housing and young livestock will result in low odour emissions while the separating distances to the nearest neighbouring properties will safeguard against any unacceptable amenity impacts. Similarly, in terms of the spreading of slurry and manure, the spreading land on the holding has in the past been spread with cattle manure and slurry and the development will not change this current practice. As highlighted above, the slurry and manure are to be spread in accordance with the recommendations of Defra's best practice guidance and the Authority's Head of Public Protection has raised no objection to the proposal from an odour or air quality perspective. He has also raised no concerns in terms

of the impact of the development by way of dust, vermin or flies and has recommended that the mitigation measures set out in the ES to safeguard against such impacts are implemented as part of the development. The planning permission will be conditioned in accordance with his advice.

In addition, the Authority's Head of Public Protection and NRW have not raised any concerns in respect of the human health impacts of the slurry produced and spread on the farm holding.

The proposal is therefore in accord with the objectives of policies GP1 of the LDP in that it will not unacceptably harm the living conditions of the occupants of surrounding properties.

### **Landscape impacts**

The ES provides a thorough analysis of the potential landscape and visual impact of the development. The site does not fall within any Special Landscape Designation and its location on low lying land combined with the presence of surrounding trees and hedgerows will mean that the new buildings and silage clamp will have a limited impact upon the surrounding landscape. Although being large in scale, the buildings will be located adjacent to the farmstead and existing buildings, and the lowering of the original ground levels of the site will mean that they will sit below and be partially screened by the elevated land to the west and north. Moreover, the re-profiling of the slurry lagoon and surrounding field enclosure as part of the proposal has had no harmful landscape impact upon the surrounding area

Whilst the majority of the steep excavated face along the western side of the site will be screened from the surrounding area by the new livestock buildings, it is to be revegetated as part of the development using a netted geocell system to minimise its visual impact. A condition securing the provision of suitable landscaping scheme will be imposed on the permission granted.

The proposal is therefore in accord with the objectives of policies GP1 of the LDP in that it will not unacceptably harm the appearance of the surrounding rural area.

### **Other matters**

It is not considered that the proposal will have an unacceptable impact upon tourism in the area in that the agricultural use of the site and wider holding is in keeping with that of the surrounding rural area. Matters relating to damage caused to the highway and properties are not material planning considerations and cannot therefore be given weight in the determination of the application.

With regard to concerns that a building no longer required on the farm holding will be replaced by a slurry lagoon, the creation of a new lagoon will, in itself, require planning permission thereby ensuring that the requirement and acceptability of any such proposal is fully considered.

Whilst concerns regarding the retrospective nature of the application are noted, nonetheless this does not affect the Authority's determination of the proposal whereby it must still be considered on its merits and against the objectives of the relevant policies of the LDP and national planning policy.



Finally, with regard to concerns regarding the publicity of the development, officers are satisfied that it has been publicised in accordance with the relevant statutory requirements.

## **Planning Obligations**

The permission granted will be subject to the completion of a Section 106 agreement that will prevent the future re-use of the livestock buildings on the farm holding that will no longer be required as a result of the proposal.

## **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 examination of the site, together with the representations received to date, the proposed development is considered to be acceptable and in compliance with the key policy objectives of the Authority's adopted LDP as well as those of National Planning Policy.

There has been a significant growth and intensification of farming operations on the wider Cwrt Malle holding over previous years which has had an impact upon the local area particularly in terms of the level of traffic movements on the road network. However, the current proposal seeks to consolidate and improve its operational efficiencies with the overall scale of the farming operations therefore remaining unchanged. It will significantly reduce the number of farms required to provide the replacement stock for the main dairy operation while providing new modern purpose built accommodation that will replace existing substandard facilities. Moreover, the improvements will provide economic benefits by reducing the costs of the holding thereby helping to sustain the business and the large number of jobs it provides in the long term.

The ES provides a cogent assessment of the likely impacts of the development upon the surrounding environment and demonstrates that it will provide significant betterment to the local road network by reducing existing traffic volumes. Furthermore, the development will result in no unacceptable amenity or landscape impacts while also satisfying the ecological objectives of the LDP and the Habitat Regulations in not having a detrimental effect upon the wider environment and the conservation status of the Carmarthen Bay and Estuaries SAC.

For these reasons, the application is put forward with a favourable recommendation subject to the following:

- 1 The completion of a Section 106 agreement that will prevent the future re-use of existing livestock buildings on the farm holding that will no longer be required as a result of the proposal.

- 2 NRW confirming their acceptance of the Authority's Appropriate Assessment which concludes that the development will not have a detrimental effect upon water quality within the Carmarthen Bay and Estuaries SAC either alone or in combination with other development.
- 3 NRW confirming their acceptance of the applicant's revised Nutrient Management Plan reflecting the recent reduction in the volume of available slurry storage on the holding.

## Conditions

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a partly retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 11 July 2018.
- 2 The development shall be carried out in accordance with the following approved plans and documents:
  - Site plan (2A)
  - Location of farms plan (9A)  
received on 5 November 2018
  
  - Youngstock shed – north and south elevation (4)
  - Youngstock shed – east and west elevation and floor plan (3)
  - Silage clamp – elevations (10)
  - Maternity building – east and west elevation and floor plan (5)
  - Maternity building – north and south elevation (6)
  - Location plan (1)  
received on 16 March 2018
  
  - Drainage plan (11)
  - Environmental Statement (dated October 2018)  
received on 5 November 2018
  
  - Nutrient management plan (dated 8 November 2019)  
received on 25 October 2019
  
  - Particle size distribution produced by Geosite and testing services Ltd dated 17 June 2019
  - Inspection of silage pit wall at Wernolau Farm produced by HB Tribe dated 2 July 2019.
  - Determination of permeability in a triaxial cell produced by Geosite and testing services Ltd dated 17 June 2019.
  - Below ground 'earth' nutrient storage lagoon information produced by HB Tribe dated 2 July 2019  
received on 5 July 2019
  
  - Supplement to Environmental Statement dated 17 September 2019  
received on 18 September 2019.

- Current replacement/calving cow movements (amended September 2019) received on 27 September 2019
- Slurry spreading locations (17)
- Topographical sections (8A)
- Cross sections (7A) received on 25 October 2019.

- 3 The vehicular access into Wernolau Farm shall be laid out and constructed strictly in accordance with the details shown on Drawing No. SK01 contained in Appendix 12 of the Environmental Statement (dated October 2018) received on 5 November 2018, prior to the commencement of any works on the construction of buildings hereby approved. Thereafter it shall be retained, unobstructed, in this form in perpetuity
- 4 Prior to the commencement of any works on the construction of the buildings hereby approved, a detailed Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 5 Prior to the commencement of any works on the construction of the buildings hereby approved, details of the materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6 Prior to the commencement of the access improvement works shown on Drawing No. SK01 contained in Appendix 12 of the Environmental Statement (dated October 2018) received on 5 November 2018 (as required under condition no. 3), a scheme for the translocation of the existing hedgerows either side of the existing access into Wernolau Farm to create the necessary visibility splay improvements, shall be submitted to and approved in writing by the local planning authority. The scheme shall include a method statement for the translocation of the hedgerows to include a methodology of the works, hedgerow aftercare and a detailed programme/timescale of works. The works shall be carried out in strict accordance with the approved details.
- 7 Prior to the commencement of any works on the construction of the buildings hereby approved, a scheme of landscaping for the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities; and implementation programme. The works shall be carried out in strict accordance with the approved details.
- 8 Prior to the commencement of any works on the construction of the buildings hereby approved, details of the design of the roof and 'clean' surface water drainage scheme shown on the Drainage plan (11) received on 5 November 2018 shall be submitted to and approved in writing by the local planning authority. The approved

scheme shall be implemented in accordance with the approved details prior to the use of the buildings hereby approve

- 9 The maternity building hereby approved and shown on the site plan (2A) received on 5 November 2018 shall be used solely for the provision of calving facilities in association with the farm holding and for no other purpose.
- 10 The young-stock building hereby approved and shown on the site plan (2A) received on 5 November 2018 shall be used solely for the accommodation of calves and replacement heifers in association with the farm holding and for no other purpose.
- 11 Prior to the commencement of any works on the construction of the buildings hereby approved, a Pollution Prevention Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the PPMS shall be implemented as approved.

As a minimum the PPMS must include the following points.

- Storage facilities for all fuels, oils and chemicals.
- Any water features on the site and how they will be protected.
- How any watercourses will be crossed or confirmation that this is not applicable.
- Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
- Details of the nature, type and quantity of materials to be imported on to the site.
- Measures for dealing with any contaminated material (demolition waste or excavated waste).
- Details on waste types that will be produced and how they will be managed.
- Details on any invasive species on site and how they will be managed.
- Identification of any buried services, such as foul sewers, so that they are protected.
- Details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0300 065 3000.

## Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3-4 In the interests of highway safety (Policies GP1 & TR3).
- 5-7 In the interests of visual amenity and to retain existing landscape and ecological features and ensure the provision, establishment and maintenance of an appropriate landscaping scheme. (Policy GP1).

- 8 To ensure the installation of an appropriate drainage scheme and to prevent the pollution of the environment. (Policies GP1, EP2 & EP3).
- 9-10 To prevent the over intensification of the holding and in the interests of safeguarding residential amenity and highway safety (Policy GP1 & TR3).
- 11 To prevent the pollution of the environment. (Policies GP1 and EP3).

## Notes

- 1 The applicant/developer is advised that this permission is granted subject to the completion of a Section 106 agreement that will prevent the future re-use of existing livestock buildings on the farm holding that are no longer required as a result of the proposal.
- 2 Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.
- 3 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

<b>Application No</b>	<b>PL/01316</b>
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<b>Application Type</b>	Removal/Variation of a Condition
<b>Proposal &amp; Location</b>	VARIATION OF CONDITION NO. 2 OF E/35763 (RESERVED MATTERS PERMISSION FOR 2 DWELLINGS GRANTED ON 28 SEPTEMBER 2017, PURSUANT TO OUTLINE PLANNING PERMISSION E/30288 GRANTED ON 9 JULY 2014) TO ALLOW AMENDED PLANS FOR THE REDUCED SCALE TO THE DWELLING AT PLOT 1, RE-SITING OF DWELLING AT PLOT 2 WITH REVISED PARKING ARRANGEMENT AND PROVISION OF SOUTH EAST BOUNDARY WALL AND TREATMENT AT PLOTS 1 & 2 AT PLOTS AT TREGARTH, SQUARE & COMPASS, LLANGADOG, SA19 9ND

<b>Applicant(s)</b>	MR JANES
<b>Agent</b>	DAVIES RICHARDS DESIGN PARTNERSHIP – GARETH RICHARDS
<b>Case Officer</b>	Kevin Phillips
<b>Ward</b>	Cilycwm
<b>Date registered</b>	06/05/2021

## Reason for Committee

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

## Site

The site are two plots with two detached bungalows, each with separate accessways; plot 1 has an access from the highway to the North (C2162), which runs from the roundabout at the A40 Trunk Road and plot 2 has an access from a housing site at Sunny View, Ashfield Row which also leads onto/from the C2162. To the South East of the site there are residential properties that front the A 40 (T), which include Square and Compass (26 Ashfield Row), Bridge View, Golwg yr Afon, Mount Pleasant and Sycamore Lodge and to the North West and South West there are three bungalows that border plot 1 and 2.

## Proposal

The application is for the consideration of amendments to the Outline and Reserved Matters permissions, which includes the rising of the ground levels, which subsequently resulted in

the need for South and South-East retaining/boundary walls and treatments which are the principal issues of contention in this application, the reduction to the scale of the bungalow at plot 1, and the re-siting of the bungalow at plot 2 with revised parking arrangements.

## Planning Site History

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

E/35787	Removal of conditions 11, 12 and 13 on E/30288 (Code for Sustainable Homes) Non-Material Amendment granted	10 July 2017
E/35763	Provision of detailed plans & particulars to allow Reserved Matters to be approved allow construction of bungalows to commence including appearance, siting, landscaping, scale, layout & access (Reserved Matters to E/30288 for two dwellings) Reserved Matters granted	28 September 2017
E/30288	Erection of bungalows on two separate plots Outline granted	09 July 2014
E/24724	Erection of two bungalows on separate plots Outline granted	27 June 2011
E/15818	Erection of two bungalows on separate plots Outline granted	14 May 2007
TG/04159	Erection of two bungalows on separate plots Outline granted	17 July 2003
P6/19725/92	Bungalow Full granted	10 September 1992
P6/19431/92	Housing site Full granted	14 May 1992
P6/17739/90	Removal of Condition 8 on 16363/89 Full granted	
P6/16363	Housing site Full granted	16 January 1990
P6/8981	Residential development Full granted	16 February 1984

## Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')  
Policy GP1 Sustainability and High Quality Design  
Policy TR3 Highways in Developments - Design Considerations

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – Any planning permission shall be subject to the application of 7 highways related conditions.

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

**Local Member(s)** - Councillor T A J Davies conveys:-

1. The ground level and boundary wall have been raised to a height overlooking other properties.
2. Concerns regarding the safety aspect of the retaining wall as constructed with four inch blocks placed upright are not sufficient in strength to resist the lateral pressure created by the increased ground level.
3. Concerns that the plans submitted are not accurate on site with regards to the original plot level.

If the planning officer therefore approves this application, I would like to call in this application so that it can be brought before the planning committee.

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

## Summary of Public Representations

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

Four representations were received, 2 objecting, 1 commenting and raising concerns and 1 in support, and the matters raised are summarised as follows:

- The scale of the proposed walls are dominant and harmful to the living conditions of the adjacent residents.
- The structural integrity of the boundary wall is questioned in relation to its ability to withstand the pressure being exerted by the considerable amount of built-up ground behind it.
- The copper beach hedge along the SE boundary is objected to.
- One resident has raised concern and does not object but conveys that if it was rendered and made tidy or even painted it would vastly improve the appearance and does not require a hedgerow on the boundary.
- A resident to the rear of plot 1 has written to convey that they are supportive of the wall that has been constructed at the rear of their property.



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

## Appraisal

### Principle of Development

The proposal is part retrospective for amendments to a 2 bungalow development that has a historical aspect with various approvals that had not been progressed, with only the foundations and walls therein having been constructed on plot 1 and left for many years in that position. The approval of the latest Outline and Reserved Matters approval in 2014 and 2017 respectively resulted in a development progressing in 2020, which resulted in the rising of the ground levels at the site, tapering from the North West to its greatest increase by approximately 1m at the South East and South West boundary, the subsequent bungalow floor level increase, which subsequently resulted in the need for retaining/boundary walls which are the principal issues of contention in this application. The application also includes the reduction to the scale of the bungalow at plot 1, a slight re-siting of the dwelling at plot 2 with a revised parking and access arrangement change for plot 1.

### Impact Upon Character and Appearance of the Area

The site is in a residential area and the development of bungalows at this location is an appropriate proposal, however the impact of the retaining/boundary walls to the site is having a negative impact upon the living conditions of local residents. The original detail submitted in the application indicated a retaining block wall along the south-east boundaries with Square and Compass (26 Ashfield Row), Bridge View, Golwg yr Afon, and Mount Pleasant and the South West wall bordering with Sycamore Lodge and 6 Golwg yr Haul. The retaining wall is for the two dwellings and is at its greatest height of approximately 2.5m-3.0m at the rear of plot 1 which faces Square and Compass (26 Ashfield Row), Bridge View and the Local Planning Authority has received a letter of support for the wall from Square and Compass (26 Ashfield Row), and Bridge View have not commented.

It has been considered that the height of the wall has its greatest impact upon the living conditions of Golwg yr Afon, as the level of the dwelling is approximately 1.5 metres below original ground level which had a mature hedgerow and fencing along the border with plot 2 and the border is only 2.5m from the rear of Golwg yr Afon and therefore amended plans were received, which reduced the height of the wall at the rear of this property, to plot 2 site level, with the introduction of a timber fence 1.5m high set back one metre from this boundary to reduce its imposition and over-dominance upon the living conditions of residents at Golwg yr Afon.

The boundary wall at plot 2, at the rear of Mount Pleasant is approximately 3m above ground level and 14.5m away from the dwelling, and the eastern gable end of Sycamore Lodge is approximately 12.5m from the boundary wall and it is considered that the distance of the wall from the dwelling does not result in an over-dominant aspect for the residents of these two properties. However, the walls are presently left as exposed block work and this is considered to be visually harmful and therefore in the interest of improving the visual appearance of the walls, it shall be required that the walls are finished in cement render, as relayed on the amended plans, which will allow for their painting to lessen the visual harm caused.

Concern has been raised by a couple of residents regarding the mode of construction of the wall and the agent has submitted a structural report of the wall at plot 1, undertaken by a qualified structural engineer which concludes:-

“Our analysis calculations show that the wall construction satisfies the Eurocode Standards for retaining walls. Given this and what we could see from our visual inspection and provided that the information provided by the client regarding the footing construction and backfill material is correct, we are satisfied that the wall is adequately constructed.”

The structural engineers report conveys his satisfaction with the mode of construction of the wall and unless the Local Planning Authority receives any evidence that the wall is not appropriately constructed at plot 2, it shall be accepted that it has also been adequately constructed. It remains that the powers afforded by the Party Wall Act 1996 can be implemented by the affected parties if they do not consider that the wall has been constructed satisfactorily, which falls outside of the realms of Planning Law.

### Highway Impacts

The existing access at plot 1 has an elevated wall fronting the C2162 highway, which obstructs visibility when exiting and does not adhere to highway specification. Therefore, the highways conditions stipulated by the Head of Transport will require an access arrangement that will reduce the boundary wall along the C2162, providing an access that will adhere to highway requirements.

## **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**

The planning application's principal issues for consideration are the rising of the ground levels, which subsequently resulted in the provision of South and South-East retaining/boundary walls and treatments and the reduction to the scale of the bungalow at plot 1, re-siting of the bungalow at plot 2, with revised parking arrangements. The bungalow changes and parking revisions are accepted in terms of a design, scale, siting and highways related considerations.

The ground level changes and boundary wall constructed at the site is presently not an appropriate finish to the boundary, however following the removal of the wall above plot 2 ground level and replacement with a 1.5 metres high timber fencing set back from the boundary wall and its whole finish is cement render, it is considered that the proposal in planning terms is an acceptable development that adheres to Local Plan policy.

After careful consideration of the scheme as submitted it is concluded on balance that the amendments proposed are reasonable subject to adherence to the planning conditions, which requires the revision of the access at plot 1, completion of the wall and fencing at the

plot 2 and cement rendering of the whole wall. Therefore, on balance the proposal is supported subject to the conditions referred to below.

## **Recommendation - Approval**

### **Conditions and Reasons**

#### **Condition 1**

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 19<sup>th</sup> May 2021

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

#### **Condition 2**

The works hereby granted consent shall be carried out strictly in accordance with the following approved plans and documents:-

- Proposed Elevations, Floor Plan, Block & Location Plan (01 Rev L), received 11 November 2021;
- Site Cross Sections (02 Rev D), , received 2 August 2021.

*Reason:* In the interest of visual amenity and to define the permission

#### **Condition 3**

The new vehicular access shall be laid out and constructed in accordance with the plan no. 1498-01 Rev. L within 3 months of the date of this permission Thereafter it shall be retained, unobstructed, in this form in perpetuity.

*Reason:* In the interest of highway safety.

#### **Condition 4**

The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.

*Reason:* In the interest of highway safety.

#### **Condition 5**

The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.

*Reason:* In the interest of highway safety.

### **Condition 6**

There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole C2162 road frontage within 2.4 metres of the near edge of the carriageway.

*Reason:* In the interest of highway safety.

### **Condition 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.

*Reason:* In the interest of highway safety.

### **Condition 8**

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 purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

*Reason:* In the interest of highway safety.

### **Condition 9**

The access shall be hard surfaced for a minimum distance of 5.0 metres 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.

*Reason:* In the interest of highway safety.

### **Condition 10**

The cement render to the boundary walls and the proposed boundary fence at plot 2 shall be completed within 3 months of the date of this planning permission.

*Reason:* In the interest of visual amenity.

## **Notes/Informatives**

### **Note 1**

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

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

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

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

## **Note 2**

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

<b>Application No</b>	<b>PL/03083</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONVERSION OF FORMER SCHOOL BUILDING INTO RESIDENTIAL DWELLING AND THE ERECTION OF 20 AFFORDABLE DWELLINGS ON FORMER SCHOOL GROUNDS, INCLUDING ALL ASSOCIATED WORKS AT FORMER COEDMOR SCHOOL, CWMANN, LAMPETER, SA48 8ET

<b>Applicant(s)</b>	BARCUD – MR ALEX DAWSON
<b>Agent</b>	BARCUD – GERAINT ROBERTS
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Llanybydder
<b>Date registered</b>	25/11/2021

## Reason for Committee

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

## Site

The application site is a 0.95ha parcel of land including the former Coedmor School situated in the rural village of Cwmann in the North of the County. The village approximately 7km North East of Llanybydder and less than one km to the South East of Lampeter which is in neighbouring Ceredigion.

Cwmann as a settlement is takes the form of an inverted 'U' with development off three road corridors. The site is close to the edge of the settlement on the South Eastern arm. The former school is in a predominantly residential area which consists of a mix of single and two storey dwellings.

The site has residential properties to the North that front onto the A482. The nearest dwelling has a minimum rear garden of 12m so is set off from the site boundary. The nearest unit on the site to the closest frontage dwelling is a bungalow which is also off set from the boundary to ensure a reasonable separation distance.

A small water course is evident along the western boundary of the site following the line of an established mature hedgerow of trees with a house and garden beyond. The site has open countryside to the South which is at a higher level.

The replacement school is approximately 140m away to the north of the former school house. The new school access is diagonally opposite the application site entrance.

The part of the site with the former school house and demountable class rooms is within the settlement development limits of Cwmann, however the school yard and the remainder of the site which is set at an elevated level to the South of the school is outside limits. The site was originally owned by the County Council and was sold to the applicant with a development brief that included the possibility of an affordable housing exception site subject to justification.

There is an existing access to the site which serves the former school and business centre.

## **Proposal**

The application seeks full planning permission for the conversion of the former school house to a four bedroom market dwelling along with the removal of the existing school related development and the construction of 20 affordable dwellings. All of the new dwellings are proposed to be affordable housing under Policy AH2 exceptions as a site outside but immediately adjacent to a settlement.

The development is made up of three distinct elements.

Firstly the restoration and conversion of the school house to a market dwelling. The proposal includes four bedrooms and a large open plan kitchen and living space with separate utility room and bathrooms. Externally the school house would remain largely unaltered so the character would remain as existing.

Secondly, 2No. single storey disabled bungalows, these are strategically situated in the North East and South West corners to reduce the impact on neighbouring properties. One bungalow is proposed to be sold as a low cost home ownership unit, the other one as a social rental property. The Head of Housing states that there is a specific need for a disabled bungalow for a local family who are not satisfactorily housed and there are no suitable Council homes available.

Thirdly, 18No. two storey dwellings. These comprise 2No. 3 Bedroom Low cost home ownership units, 8No. 2 Bedroom socially rented units and 8No. 1 Bedroom socially rented units.

Given the topography, a 2.4m high 'crib lock' retaining wall is proposed which runs in an East-West direction separating the school and the low cost home ownership units from the elevated section of the site which formed the yard and the elevated land to the East of the yard. A smaller retaining structure is proposed in the North East corner of the site which defines the garden for the single storey unit. This is a change from the original submission which saw an additional home and a much larger retaining structure. Through negotiation, the scheme is now more sensitive to the topography and is therefore likely to have less impact on third parties.

Access is proposed via the existing former school access which is located in the North West corner of the site.

Surface water is subject to an application to the Sustainable Drainage Approval Body. However, the design concept of a surface water attenuation pond is shown in the North East corner of the site. The existing pattern of drainage along the southern and Western boundaries is to remain, so that the watercourse is not adversely affected.

Foul water is proposed to use the existing connection from the school / business centre.

The scheme is designed to Development Quality Requirements (DQR) for affordable housing. The applicant has a significant housing grant for the scheme from the Welsh Government, subject to planning permission being approved.

## Planning Site History

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

W/39398	Change of use from school classrooms to offices Full planning permission	14 November 2019
W/19668	Placement of a demountable classroom with toilet facilities Full planning permission	9 October 2008
W/11145	Reinforcement work on existing overhead line 10KM Electricity Approval	8 November 2005
TMT/04371	Overhead electricity line Electricity Approval	25 July 2003
TMT/03128	Siting of demountable classroom building for educational purposes Full planning permission	20 February 2003
D4/10175	Erection of an indoor toilet block Historic decision	21 December 1982
D4/9886	Siting of a mobile unit for use as a nursery school Historic Decision	19 August 1982
D4/1890	Erection of mobile classroom Historic Decision	26 November 1975

## Planning Policy

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

SP16 Community Facilities

SP18 The Welsh Language

GP1 Sustainability and High Quality Design

GP2 Development Limits

GP3 Planning Obligations

H2 Housing within Development Limits



AH1 Affordable Housing  
AH2 Affordable Housing – Exceptions Sites  
EMP1 Employment – Safeguarding of Employment Sites  
TR3 Highways in Developments - Design Considerations  
EQ4 Biodiversity

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

Biodiversity and Nature Conservation

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – Has no objection subject to the imposition of appropriate conditions. However, a sum of £44,000 is sought for Active Travel and sustainable travel infrastructure in the local area.

**Head of Leisure Services** – An on-site play facility is not considered appropriate however the Community Council should be consulted to see if a contribution is needed towards an existing open space. It is noted that pedestrian improvements are required to provide safe access. This is reflected in the Head of Transport's comments above.

**Pencarreg Community Council** - Objects to the proposal for the following reasons:-

1. Sewerage capacity – there are existing capacity issues;
2. Surface Water – the area is already over capacity;
3. Current Developments – there is no need for additional housing;
4. The Welsh Language – more housing would dilute the language;
5. School capacity – the local school is already over-subscribed;
6. Local Facilities – Lack of post office pub etc;
7. Phosphates;
8. Ground stability – there is a buried water course and infilling which makes the ground unstable.

**Local Member(s)** - Councillor IW Davies has not commented to date.

**Dwr Cymru/Welsh Water** – Has no objection.

**Natural Resources Wales** – Has no objection to the proposed development.

However, it is noted that there are bats present and a European Protected Species licence is therefore required.

It is also noted that the site is in the catchment area of the River Teifi Special Area of Conservation and any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. NRW concludes "However, the application as submitted is unlikely to increase the amount of

phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Teifi SAC.”

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

## Summary of Public Representations

The application was the subject of notification by way of Site and Press Notices.

Seven representations were received objecting and the matters raised are summarised as follows:-

- The Principle of Development;
- Levels;
- Amenity;
- Privacy;
- Noise;
- Highways;
- Scale (demand);
- Welsh Language;
- Land Stability;
- Surface Water;
- Sewerage;
- Layout;
- Local Facilities;
- Open Space.

Further consultation with the Local Member, Community Council and the objectors, was carried out on receipt of amended plans and the Welsh Action Plan. Three responses have been received to date stating that the changes have not addressed the issues raised and repeating the initial concerns.

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

## Appraisal

### Principle of Development

The proposal seeks to change the use of an existing business centre (formerly a school) to residential. Policy EMP1 seeks to safeguard allocated and existing employment land, however it is noted that the business centre permission was for the two demountable classrooms and the user was the current applicant who needed office space whilst an office suite was being developed in nearby Lampeter. It is understood that the end user has moved to permanent offices elsewhere and the site is no longer required so is currently vacant.

Policy AH2 refers to exception sites for affordable housing schemes being acceptable where justified. The following response has been received from Housing. “The Housing Service can confirm that the ward of Llanybydder is an area of housing need. There is under-supply of social rented homes across all house types in Llanybydder ward, which results in people in urgent housing need having to wait an unacceptable length of time to be rehoused.” The

scheme has been designed to accommodate the greatest need locally, including a disabled person who cannot find a suitable bungalow locally. It is considered that there is justification locally and that an affordable housing exception site is justified in this instance.

### Levels/Over Bearance/Privacy

There is concern locally that the ground levels will result in development at a higher level than the properties along the road and that this will result in loss of privacy and over bearance.

The site slopes down to the county road and has been formed by the process of cut and fill to create a level school yard at the back of the site that is set at a higher level than the school buildings but lower than the adjacent countryside to the South. Further elevated and uneven land is included to the East of the yard. This has resulted in a steep slope which cuts across the site and therefore makes development challenging. In order to develop the site and achieve the DQR standards for affordable homes, there must be a minimum amount of level garden area and minimal gradient for drives, parking etc. In order to achieve this, the rear plateau is proposed to be lowered further and a crib lock retaining structure is proposed so that the top plateau can be developed safely. The result is that even with ground lowering, the majority of units are proposed to be on a development plateau at a higher level than the school house.

In respect of the concerns of residents, the design has been amended to reduce the height of the crib lock wall to 2.4m with a landscaped batter slope below, and a unit has been removed so that the development is further from the boundary. A house type has been chosen which has velux type roof windows in a car slide roof to the rear rather than upstairs windows serving bedrooms, so any impact is proposed to be minimised. It is considered that there is a reasonable distance from the higher units to the houses along the highway, and given the amendments, there is not likely to be an unacceptable over bearing impact or loss of privacy.

### Noise

A residential scheme would have different noise characteristics compared with a school, however there are safeguards under public health legislation, so any statutory nuisance can be investigated and action taken if necessary outside planning legislation. There would be noise during construction, however this would be temporary.

### Scale (demand)

There is concern over the scale of development being excessive and that there is no demand for such a number of affordable homes locally.

The site is an affordable exception site which can only be justified for 100% affordable units immediately adjacent to the settlement development limits. In this case, the scheme for 20 affordable homes is being backed by the Housing section and would be drawing down a housing grant. The demand for small low cost social housing is evident in order to secure the housing grant and the scale is therefore considered appropriate.

## Welsh Language

The site is in the Pencarreg Welsh Linguistic Area which indicates that over 60% of the population speak Welsh. The applicant was asked to submit a Welsh language appraisal, and has duly submitted a "Welsh Language Action Plan". It is considered that an affordable scheme would provide opportunities for people to secure a foot on the housing ladder in the rural North of the County so would avoid local people in need having to move away. The applicant is a housing association with a local letting policy which has prioritised local Welsh speakers elsewhere, in neighbouring counties. A copy of the applicant's local letting policy has been submitted, however this is not a material planning consideration. Policy SP18 requires a phasing plan to ensure that communities are not overwhelmed, however given the small scale and nature of the development, it is not likely to have a detrimental impact. The language appraisal concludes the following:-

*"The development is predominately for affordable dwellings and the occupiers of the dwellings will be selected from the Council's Common Housing Register and be subject to Barcud's Local Lettings Policy, it is therefore highly likely that the occupiers of the dwellings will have a strong connection with Cwmann. This can include people currently in the village that want to move to smaller or more accessible accommodation, young people currently living at home and wanting their first own accommodation, or persons employed locally that require accommodation. As such, the level of in-migration as a result of the development is likely be minimal.*

*In view of the above, the new residents of the dwellings are likely to come from the existing local community. The development will increase the number and type of affordable accommodation available to the local community and allow for the retention of existing Welsh speakers within a community where this a strong percentage of people with Welsh language skills.*

*When new residents are not Welsh speakers they may wish to learn the language and take part in village and other local cultural events and Barcud will promote this opportunity through its mitigation measures. Furthermore, any children occupying the dwellings will learn the language at school. Both these factors will help reduce the overall number of non-Welsh speaking households in the community and result in a positive contribution on the Welsh language."*

The language appraisal includes the following mitigations as quoted from the appraisal:-

*"Despite the impact assessment's conclusion that the proposed development is unlikely to have a significant impact on Welsh Language, Barcud as part of its core principles always seeks to promote the Welsh language and provide added community benefits through its housing developments and it has therefore put together the following package of measures to safeguard and promote the Welsh Language through this development:*

- 1. Barcud will adopt a Local Lettings Policy for the development which gives priority to people with a local connection.*
- 2. The name of the finished development (place name) will be Welsh and relate to the local historic context. The name will be chosen in collaboration with the Community Council.*
- 3. All signage to be Welsh or bilingual.*

4. *The marketing of the development will be bilingual and published in local Welsh language publications.*
5. *A Welcome Pack will be provided for new residents providing information on Welsh language and culture in the local area.*
6. *Barcud will provide a Welsh medium learning activity for local children in collaboration with the local school. This will take the form of a visit/tour to the development site by a Welsh speaking Development Officer.*
7. *All new residents that are not Welsh speakers will be provided with an opportunity to attend Welsh language course through Barcud.”*

Given the above, the development is not likely to have a detrimental impact on the Welsh language.

### Land Stability

It is noted that the topography of the site has been altered in the past and the design has been modified through negotiation so that the layout better reflects the existing topography. A crib lock retaining wall system is proposed in order to formalise the break in slope and ensure the safe and efficient development of the site. This retaining wall system will need to be fit for purpose and engineered to suit the ground conditions. As a housing association, the applicants are duty bound to carry out due diligence and ensure the wall is engineered to the correct standards. Any buried water course as identified by the Community Council would need to be addressed in the surface water scheme which is governed by the Sustainable Drainage Approval Board (SAB).

### Surface Water

The scheme is subject to a sustainable drainage scheme which needs to be approved by the SAB team. It is noted that a SAB pre application submission has been received and a suitable solution has been agreed subject to a formal application. A surface water pond is proposed, which will need to be fit for purpose. It is noted that a water course runs along the western boundary. The proposed surface water scheme shows existing arrangement being retained for this water course, however surface water from the houses and road is proposed to be directed to the proposed pond and not add to the flow in the water course. Excess water from the pond is proposed to be drained at a controlled rate into an existing surface water sewer, so there is no additional impact from the development.

### Sewerage

The site has traditionally been a School and more recently been partially used as a Business Centre. The sewer connection and capacity is considered acceptable and no objection has been received from Dwr Cymru/Welsh Water.

### Traffic

The Head of Transport has no objection to the scheme for 20 new houses along with the conversion of the school. It is noted that a crossing improvement is proposed between the site and the new School. The access and parking is considered acceptable, however a

contribution has been sought towards Active Travel, so that residents can access the village open space and the wider network by non-motorised means.

### Layout

As mentioned above, the units are affordable and there are Development Quality Requirements (DQR) that have to be applied in order to get the housing grant. The layout has been designed in order to comply with these standards. It is considered that whilst gardens are relatively small, there is sufficient space to satisfy the DQR, so they are considered fit for purpose.

### Local Facilities

The village does not benefit from a wide range of facilities however is approximately 7km from Llanybydder and less than a kilometre from Lampeter in neighbouring Ceredigion, which both have a greater range of facilities. An increase in population will increase demand for facilities which may make it more viable to introduce provision in the future.

### Open Space

There is an open space in the village which would serve the development. The County Council parks department has been consulted and they recommended that an on-site facility would not be appropriate and that the Community Council be consulted as they own the open space in the village. The Community Council has however objected to the scheme and has not sought a contribution. Active travel from the site to the village is proposed to be improved through the contribution sought by highways, so as a consequence, the open space will be more accessible.

### Phosphates

The site would produce phosphates through foul drainage and general residential land use. NRW have introduced guidelines for development which has precluded most development within the Towy and Teifi catchments. NRW have been consulted on this proposal and states the following:-

*“We note the application site is within the catchment of the River Teifi Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.*

*However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Teifi SAC.”*

It is therefore considered that the proposal would not have a significant impact and is therefore considered to be acceptable.

## **Planning Obligations**

The site is proposed to have 20 new affordable dwellings and the conversion of the School House to a market dwelling. This is secured by a condition as set out below. There is also a contribution of £44,000 towards active travel to be secured via S106 agreement.

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

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

## **Conclusion**

After careful consideration of the scheme as submitted it is concluded on balance that whilst the site is challenging, the proposal has been adapted to make the best use of the existing topography and has resulted in the minimisation of impact to neighbouring properties. The design and appearance is considered to be acceptable.

The proposal is a significant rural affordable housing scheme in an area which is said to be in housing need. The housing section support the proposal stating that there are significant delays in finding families affordable homes in the Llanybydder ward currently.

One consequence of the current shortage of affordable housing is the potential loss of local people to other wards and the diluting of the concentration of the Welsh language usage. The applicant is seeking to address this through retention of local people as a priority in their local letting policy.

The site is in the Teifi catchment area, which is affected by the phosphate issue, however there is a more intensive use on the site (albeit currently unused) and both Dwr Cymru and NRW have responded with no objection to the proposed scheme. This application is therefore recommended for approval subject to the Habitat Regulations Assessment/Test of Likely Significant Effect being signed off.

## **Recommendation – Approval**

### **Conditions and Reasons**

#### **Condition 1**

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

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

## Condition 2

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans dated 23 November 2021:-

- 1:2500 & 1:250 scale Location Plan, Topo/Survey Data, Sections. Drawing No. R533-S-01-B;
- 1:50 & 1:100 scale Semi-Detached House Floor Plans, Elevations & Section. Drawing No. R533-P-05;
- 1:50 & 1:100 scale Disabled Bungalow Floor Plan, Elevations and Section. Drawing No. R533-P-06;
- 1:50 & 1:100 scale Floor Plans, Elevations & Section. Drawing No. R532-P-07;
- 1:50 & 1:100 scale Semi-Detached House Floor Plans, Elevations and Building Section. Drawing No. R532-P-08;
- 1:100 scale Floor Plans, Elevations & A-A Building Section. Drawing No. R533 P-09;
- 1:200 scale Offsite Highways Plan. Drawing No. LAM-HYD-XX-XX-DR-C-1201
- NTS Proposed Finishes. Drawing No. R533 P-10;

and the following plans dated 1 February 2022:-

- 1:250 scale Block Plan. Drawing No. R533 P-01A;
- 1:200 scale Proposed Levels – Strategy Layout. Drawing No. LAM-HYD-XX-XX-DR-C-2100 P02;
- [Scale as shown] Site Sections – Sheet 1 of 2. Drawing No. LAM-HYD-XX-XX-DR-C-201-P03;
- [Scale as shown] Site Sections – Sheet 2 of 2. Drawing No. LAM-HYD-XX-XX-DR-C-202-P03;
- 1:200 scale Contour Plan Showing Site Sections. Drawing No. LAM-HYD-XX-XX-DR-C-200-P03;
- 1:200 scale Proposed Site Sections/Street Views. Drawing No. R533 P-03A.

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

## Condition 3

Prior to commencement of development a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:-

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of the new build housing units on the site (i.e. not including the converted School House);
- ii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and



- iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing.

*Reason:* To ensure that the affordable units are retained as such in perpetuity in accordance with Policy AH2 of the LDP.

#### **Condition 4**

Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.5 metre carriageway, 1.8 metre footways, and 6.0 metre kerbed radii at the junction with the A482 road.

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

#### **Condition 5**

The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.

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

#### **Condition 6**

The gradient of the vehicular access serving the development shall not exceed 1 in 20 for the first 15 metres from the edge of the carriageway.

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

#### **Condition 7**

Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 90 shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.

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

#### **Condition 8**

Other than as shown on the approved plans referenced above, 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 internal estate road frontage within 2.0 metres of the near edge of the carriageway.

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

#### **Condition 9**

The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained

unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

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

### **Condition 10**

Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.

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

### **Condition 11**

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

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

### **Condition 12**

The mitigations set out in the approved Welsh Language Action Plan shall be implemented in full for each occupant/purchaser of the affordable housing units.

*Reason:* To support the Welsh language in accordance with Policy SP18 of the LDP.

## **Notes/Informatives**

### **Note 1**

#### **A European protected species (EPS) Licence is required for this development.**

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at:

<https://naturalresources.wales/permits-and-permissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>.

### **Note 2**

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

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

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

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

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

### **Note 3**

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)).

### **Note 4**

The applicant/developer's attention is drawn to the signed Section 106 Legal Agreement which secures a contribution of £44,000 towards Active Travel which is considered to be reasonably necessary to serve the development.

**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>S/34402</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	DEMOLITION OF FORMER COPPERWORKS SCHOOL AND DEVELOP UP TO 9 NEW HOMES AT FORMER COPPERWORKS INFANTS SCHOOL, LAND AT MORLAN TERRACE, BURRY PORT, SA16 0ND

<b>Applicant(s)</b>	PEMBREY & BURRY PORT TOWN COUNCIL
<b>Agent</b>	DARKIN ARCHITECTS - DAVID DARKIN
<b>Case Officer</b>	John L J Thomas
<b>Ward</b>	Burry Port
<b>Date of validation</b>	12/09/2016

## Reason for Committee

This planning application was previously presented to the Planning Committee on the 24/08/2017, when Members resolved to approve the application, subject to a compliance with the stated conditions, and completion of the necessary Section 106 agreement. Since that time both the Planning Service and Legal Service have been endeavouring to get the Section 106 completed, but without any progress from the applicant, agent, or their solicitors. As such, with over 4 ½ years delay and no progress in concluding this matter, the planning application is again presented to the Planning Committee with a recommendation to **refuse**, in the absence of a legal agreement to secure the required community benefits, contrary to adopted LDP policy.

The original 2017 Committee Report has also been reproduced at the end of this report for clarity.

## Recommendation – Refusal

### Reasons for Refusal

#### Reason 1

The proposal does not comply with policies GP3, AH1, and REC2 of the Carmarthenshire Local Development Plan (2014), and Supplementary Planning Guidance (SPG) documents: Affordable Housing (adopted June 2018), and Planning Obligations (adopted December 2014). In that, it does not contribute to the creation of sustainable places and spaces, since the application has not been accompanied by the required legal agreement to secure the

provision of Affordable Housing on site, or payment of the requisite financial contribution towards open space provision/improvement, with no justification to evidence why such provision should not be provided.

### ORIGINAL COMMITTEE REPORT - 24 AUGUST 2017

<b>Application No</b>	<b>S/34402</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	DEMOLITION OF FORMER COPPERWORKS SCHOOL AND DEVELOP UP TO 9 NEW HOMES AT FORMER COPPERWORKS INFANTS SCHOOL, LAND AT MORLAN TERRACE, BURRY PORT, SA16 0ND

<b>Applicant(s)</b>	PEMBREY & BURRY PORT TOWN COUNCIL , MELANIE CARROLL-CLIFFE, MEMORIAL HALL, PARC Y MINOS STREET, BURRY PORT, SA16 0BN
<b>Agent</b>	DARKIN ARCHITECTS - DAVID DARKIN, 1 JOHN STREET, LLANELLI, SA15 1UH
<b>Case Officer</b>	John L J Thomas
<b>Ward</b>	Burry Port
<b>Date of validation</b>	12/09/2016

#### CONSULTATIONS

**Head of Transport** – No objection subject to conditions.

**Head of Street Scene (Land Drainage)** – No response received to date.

**Head of Public Protection** – No objection subject to conditions.

**Pembrey and Burry Port Town Council** – It should be noted that Pembrey and Burry Port Town Council are in fact the applicant in this instance.

**Local Members** - County Councillor J James is a Member of the Planning Committee and has therefore made no representations.

As the application was registered in September 2016 prior to the recent local elections, the former local member County Councillor P E M Jones was consulted on the application. County Councillor P E M Jones made no comments.

**Natural Resources Wales** - No objection subject to conditions.

**Dwr Cymru/Welsh Water** – No objection subject to conditions.

**Dyfed Archaeological Trust** – Whilst promoting the retention and re-use of the building raise no objection subject to a condition requiring a photographic record.

**Lee Waters (Assembly Member for Llanelli)** - Has submitted two letters. The first letter dated 4<sup>th</sup> October, 2016 stated that he had received an enquiry from a number of constituents regarding the proposed demolition of Copperworks School in Burry Port.

His constituents are concerned that this is a building of historical importance that has been used successfully to host community groups, such as the local Scouts.

According to Ken Edwards, Burry Port Town Councillor, the school is no longer fit for purpose and it has been deemed unsafe by building inspectors. However, his constituents believe that money from European funds was secured to maintain the school.

He therefore asked for the redevelopment proposals with regard to Copperworks School to be investigated. There is an action group in Burry Port who want to do something positive with the building, given that they believe Burry Port does not have a suitable community hall. They would like to know if this is a viable option for the future of the building.

In his second letter of the 15<sup>th</sup> February, 2017, he advised that he had more recently met with Nia Griffith MP and representatives from Pembrey and Burry Port Town Council in order to find out more information regarding this application for planning consent. The representatives provided detailed information regarding the condition of the building, which confirmed what Councillor Ken Edwards had previously indicated.

Also, it was clarified at the meeting that contrary to what was stated in my previous letter, **no European funding had been received for this building**, although it was thought that potentially some grant funding had been obtained by Burry Port Town Band for sound proofing the other building on the site.

At the meeting, the Town Council representatives also explained the background regarding the action group (Regenerate our Copperworks Site) which had made an approach regarding alternative usage of the building. Mr. Waters was informed that this **group was given a considerable period of time to provide viable proposals but despite an extension of the original deadline, no meaningful progress was made with such plans.**

**Neighbours/Public** – The application was advertised by virtue of a number of site notices. To date eight letters of representation have been received objecting to the application on the following grounds:-

- Copperworks school is an important part of Burry Port's heritage and should be retained not demolished. Very little of the town's industrial heritage now remains. It was built by the Elkington's and Masons for the children of the workers of the copper works.

- The scheme is not in the interest of Burry Port's residents as demonstrated by a petition that was gathered locally which had over 500 signatures as referred to by the objectors.
- The high quality stone and copper slag boundary walls should also be preserved or at the very least incorporated into any new development scheme.
- The building should be re-used for community use. A voluntary body exists that plans to make the building a safe and useful facility at no expense to the Town Council and they should be given a genuine opportunity to do this. Local residents have not been given an opportunity to establish a clear strategy for an alternative use that would save the buildings and continue their use serving the community.
- If the Town Council had spent a reasonable amount of money on the school over the years then it would still be in a serviceable condition, which would have benefitted the community as a whole.
- There is sufficient land allocated for residential development in the area.
- There are supposedly tunnels under the school and copperworks that have been there for the past 100 years, and should be investigated to see if it would be feasible to open them up to the public.
- Concern over the replacement of the boundary between the site and the rear of properties at Woodbrook Terrace. A fence will not be as robust as a wall.
- Potential overlooking and loss of privacy concerns in relation to plots 6 and 9.

## **RELEVANT PLANNING HISTORY**

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

LL/04339	Provision of a car park Full planning permission	11 July 2003
LL/02478	Erection of demountable building for school/nursery use Full planning permission	19 November 2002
D5/15604	Conversion of school and buildings to light industrial use Refused	2 September 1993
D5/15276	Conversion of school & buildings to residential plots on grounds Withdrawn	28 April 1993
D5/7753	Electricity consent Overhead lines	12 February 1985
D5/1815	One relocatable classroom Full planning permission	17 December 1976



## **APPRAISAL**

**This application is subject to a Section 106 legal agreement**

### **THE SITE**

The application site consists of the former Copperworks School site located at Morlan Terrace in Burry Port. The site which measures approximately 51m in width by 56m in depth is surrounded by residential properties at Morlan Terrace to the north and west, Woodbrook Terrace to the east, and Burrows Terrace to the south. An existing children's playground abuts the southern boundary of the site at Burrows Terrace.

The original Copperworks School building which is shown on the Authority's historic maps of 1876 to 1890 occupies a central position within the site. A later annex building which is shown on the Authority's historic maps of 1898 to 1907 occupies a position in the north eastern corner of the site on the boundary with the rear of properties at Woodbrook Terrace. Both buildings are single storey in nature, have a mixture of brickwork and render to the walls, and a mix of slates and corrugated steel sheeting to the roofs. The boundaries of the site are defined by stone and copper slag boundary walls.

### **THE PROPOSAL**

The application seeks outline planning permission with all matters reserved for the demolition of the existing buildings located on the application site and the construction of up to 9no. dwellings. An indicative site plan submitted with the application depicts three separate terraces of three two storey properties with a centrally located estate road. Two of the terraces front Morlan Terrace to the north, whilst the third terrace fronts the playground at Burrows Terrace to the south.

In addition to the required drawings, the outline planning application itself has been accompanied by the following supporting information:-

- Design and access statement
- Bat Survey
- Foul and surface water drainage report
- Planning justification statement

### **PLANNING POLICY**

#### **Local Planning Policy Context**

The application site is located within the defined settlement limits of Burry Port as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014.

In respect of the applications policy context reference is drawn to the following Strategic and Specific planning policies: -

Policy SP1 of the LDP promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP2 of the LDP supports proposals which respond to, are resilient to and adapt to minimise for the causes and impacts of climate change. Proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN15.

Policy SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LSP's settlement framework. In this respect Burry Port is identified as a Service Centre.

Policy SP6 of the LDP ensures the delivery of affordable housing that in turn will contribute to the creation of sustainable communities within the Plan area. The LPA has produced Supplementary Planning Guidance on affordable housing.

Policy SP9 of the LDP promotes the provision of an efficient, effective, safe and sustainable integrated transport system.

Policy SP13 of the LDP states that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets, and, where appropriate, their setting in accordance with national guidance and legislation.

Policy SP14 of the LDP states that development should reflect the need to protect, and wherever possible enhance the County's natural environment in accordance with national guidance and legislation.

Policy SP16 of the LDP relates to community facilities and states that any proposals that will result in the loss of an existing facility will be permitted where it can be clearly demonstrated that the facility is no longer viable and that suitable alternatives are available.

Policy SP17 of the LDP states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy SP18 of the LDP states that the interests of the Welsh language will be safeguarded and promoted.

Policy GP1 of the LDP 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.

Policy GP2 of the LDP states that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP3 of the LDP states that the Council, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new development. The LPA has produced Supplementary Planning Guidance on planning obligations.

Policy GP4 of the LDP states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's

improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy H2 of the LDP states that proposals for housing developments on unallocated sites within development limits of a settlement will be permitted provided they are in accordance with the principles of the plan's strategy and its policies and proposals.

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites. On such proposals for 5 or more dwellings affordable housing will be required to be provided on site.

Policy TR2 of the LDP states that developments which have the potential for significant trip generation, should be located in a manner consistent with the plan's objectives and in locations which are well served by public transport and are accessible by cycling and walking.

Policy TR3 of the LDP highlights 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 EQ1 of the LDP states that proposals affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ4 of the LDP relates to biodiversity and 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 (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EP1 of the LDP states that proposals 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.

Policy EP2 of the LDP states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

Policy EP3 of the LDP requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

Policy EP5 of the LDP states that proposals for development in coastal locations will be permitted provided that they are necessary in that location and they do not increase the risk of erosion, flooding or land instability.

Policy REC2 of the LDP states that all new residential developments of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards of 2.4ha per 1000 populations. In the event that these standards cannot be met, or where there is sufficient existing provision already available to service the development, then off site financial contributions will be sought as and where appropriate.

### THIRD PARTY REPRESENTATIONS

As aforementioned in this report eight letters of representation have been received objecting to the application, whilst two letters have also been received from the Local Assembly Member Lee Waters AM. The material reasons for objection raised will now be addressed individually as part of this appraisal.

The main reason for objection raised relates to the proposed demolition of the former Copperworks School building. Objectors opine that the former school building is an important part of Burry Port's heritage and thus should be retained and used for community use. Reference is drawn to the existence of a local voluntary body who have this intention in mind and objectors state that they should be given a genuine opportunity to progress their proposals. It is stated that if the Town Council had spent a reasonable amount of money on the school over the years then it would still be in a serviceable condition, which would have benefitted the community as a whole. The Local Assembly Member has been approached by a number of his constituents in relation to this, whilst he has also met with the applicant in order to find out more information from their perspective. His comments have already been summarised in this report.

In relation to this issue, the LPA asked Pembrey and Burry Port Town Council to address these concerns, and subsequently the LPA received a justification statement from them to this effect. The key points of the justification statement are as follows:-

- Pembrey and Burry Port Town Council took the very difficult decision to vacate the larger of the two buildings on the former Copperworks School site in 2014, when it became evident, on expert advice, that it was no longer safe to be used by the various community groups meeting there. It was possible for the Council to provide alternative accommodation for most of the user groups in other Town Council facilities. All of the user groups had vacated the building by June 2014.
- On further inspection of the building once it was vacated, the full extent of the essential works became clear, the cost of which were assessed at **over £200,000**. The works included a new roof, totally new electrical wiring, a new central heating system, an underground leak which would require extensive excavation works, new windows and new floors.
- In a letter dated the 30<sup>th</sup> June, 2016, following a site visit on the 23<sup>rd</sup> June, 2016, the County Council's Principal Building Control Officer confirmed that the building was in a **potentially dangerous condition** and therefore it was recommended that the building is not occupied. It was also recommended that the building should be secured to maintain public safety.
- The Town Council has considered a number of options for the building. These included the option of renovating and improving the building. In this regard the Town Council concluded that it did not have the finances to carry this out. Such a programme would

take up the majority of the Town Council's reserves and would put it in a position which would contravene Financial Regulations. The Town Council considered that it could limit the withdrawal of reserves by borrowing some of the funds required but it concluded that in the face of growing and increasing demands on its resources to meet other community needs, this would not be a proper and prudent action to take.

- The Town Council concluded that this option would not represent value for money as it was clear that there were other suitable facilities in the area which are easily available to the community and that these facilities would shortly be greatly extended through the construction of a new community school nearby.
- It also concluded that the value of the building once renovated would be less than the cost of the renovation and that could only be justified if there was a total gap in community facilities in the area, which was not the case.
- The Town Council also had regard to the fact that there was a strong likelihood that it would be having assets transferred to it from the County Council in the near future, which would place further financial pressure on the Town Council's resources.
- In relation to giving a community group the opportunity to improve the building, the Town Council was approached by a new group (Regenerate our Copperworks Site) which wanted the opportunity to see if it could produce a plan for the building and some positive indication of funding being secured. The Town Council was initially prepared to allow the group a six month period to demonstrate meaningful progress. By the end of the six month period the group had not contacted the Town Council. Accordingly, the Town Council contacted the group and on realising that little progress had been made it extended the deadline to enable them to demonstrate progress.
- The group was still unable to demonstrate any meaningful progress and did not produce a business plan or any indication that funding may realistically be secured in a reasonable timescale.
- Ultimately, the Town Council considered that the only viable option for the site was to dispose of the asset for housing suitable for first time buyers. The Town Council was mindful of the fact that the condition of the building continues to deteriorate. The Town Council also took into account that even whilst empty and boarded up, the asset was costing the Council an amount of money equivalent to an increase in its precept of 2.5% per year.
- The Town Council is not in a financial position to consider the re-development of the site itself and therefore, it seeks outline planning consent in order to sell the building. The sale proceeds will be utilised by the Town Council to ensure the necessary maintenance of its other facilities, which will continue to benefit the communities of Pembrey and Burry Port.
- The Council also strongly feels that the construction of new housing on this site will greatly assist in the regeneration of the area.

The LPA considers that the justification statement provided by the applicant outlines in detail the reasoning behind the current proposals, and also what alternatives have been considered. The latter includes options for renovation and re-use for community purposes, including giving a local group an opportunity to advance their proposals. It is considered

that the justification statement satisfies the requirements of Policy SP16 of the LDP in that it has been clearly demonstrated that the facility is no longer viable and that suitable alternatives are available in the settlement of Burry Port.

The LPA would not contest the fact that the current proposals will result in the loss of buildings that form an important part of the history and heritage of Burry Port. The buildings are of local significance having been built in the late 19<sup>th</sup> Century and serving as a local school. Notwithstanding this however the buildings themselves are not listed nor located within a conservation area, and are thus offered no statutory protection preventing their demolition. The buildings are not therefore considered to have sufficient historical or architectural merit to warrant protection.

As requested by the Authority's Archaeological Advisors a condition will be imposed on any planning permission granted requiring a detailed photographic record of the building prior to its demolition.

Some of the objectors have also drawn reference to the high quality stone and copper slag boundary wall that surrounds the site, which in their opinion should be preserved or at the very least incorporated into a new development scheme. One resident has also raised concern over replacing the boundary wall between the application site and the rear of Woodbrook Terrace with a fence, stating that a fence will not be as robust as a wall. In relation to this issue Members are reminded that the current application is in outline form only with all matters reserved for future consideration. The LPA agrees that the existing boundary walls are an attractive historic feature and there is scope for part retention and incorporation into any future development scheme. In relation to this matter it is recommended that a condition is imposed on any planning permission granted that requires a boundary treatment scheme to be submitted for approval as part of any subsequent reserved matters submission.

Reference is also drawn to the potential presence of tunnels under the school building dating back in excess of 100 years. It is opined that the presence of such tunnels should be investigated and if such tunnels exist then they should be opened up to the public. In relation to this there are no identified constraints in this respect whilst the Authority's Archaeological Advisors Dyfed Archaeological Trust has not raised any such issue.

Some objectors have opined that sufficient land is already allocated for residential development in Burry Port and thus there is no need for the current proposals. In this respect whilst the application site is not allocated for residential development, it is nevertheless located within the defined settlement limits of Burry Port as outlined in the Adopted LDP, and therefore there is no in principle objection to residential use. The application site is surrounded by residential dwellings and thus the proposed use is considered the most appropriate and compatible use for this area.

The final issue of concern raised relates to potential overlooking from plots 6 & 9. In this respect and as aforementioned, the plans submitted are purely indicative at this stage. Detailed consideration will be given to such matters at any subsequent reserved matters stage.

## CONCLUSION

The application site is located within the defined settlement limits of Burry Port as delineated within the Adopted LDP and as such there is no in-principle objection to developing the site for residential use.

The indicative plans submitted with the application depict that the application site can adequately accommodate up to 9 No dwellings with associated access, parking and amenity areas.

It is considered that there are no loss of amenity issues associated with the proposed development, whilst it is considered that the issues of concern and objection raised have adequately been addressed as part of the above appraisal.

In terms of drainage, it is proposed to dispose of foul water via the mains sewer which is considered to be the most sustainable and acceptable method. With regards to surface water disposal the drainage report submitted with the application indicates that the results of percolation tests prove that soakaways are feasible on the site. The report also indicates that both foul and surface water runoff from the existing buildings located on the site enters the combined sewer system. Surface water runoff from the large extent of hardstanding around the building may also enter the sewer. The proposal therefore to use soakaways as part of any future residential development will result in betterment by removing surface water from the combined sewer in the locality. The report provides a number of different scenarios and calculations to evidence this. These drainage proposals are considered acceptable and the proposal accords with the requirements of the CBEEMS Memorandum of Understanding.

The Bat survey report submitted with the application concluded that there were no signs of roosting Bats within the building and therefore the Authority's Planning Ecologist has confirmed that an European Protected Species licence is not required. Nevertheless the Planning Ecologist recommends the imposition of a precautionary condition on any planning permission granted.

In terms of the European Protected Estuary site the Authority's Planning Ecologist has stated that this application is within 400m of the Carmarthen Bay & Estuaries SAC, Burry Inlet SPA and Ramsar Site. As a competent authority under the Habitats Regulations the LPA has to consider the impact of development on the features for which the SAC, SPA or Ramsar sites are designated and where necessary undertake a Test of Likely Significant Effect. It is considered the development proposed within this application will not impact on the SAC, SPA and Ramsar habitat or species features. The designated site is separated from the proposed development by an area of previously developed land (50m wide) and a natural buffer approximately 350m wide. There are no water courses directly connecting the application site to the designated site. It is considered unlikely that the development will cause any adverse effects including sediment transfer and deposition, turbidity, noise, visual presence, physical disturbance, contamination, nutrient transfer, salinity and oxygenation. The development will not change the coherence of the site or the Natura 2000 network. There will be no reduction in the area of habitat within the designated site. There will be no direct or indirect change to the physical quality of the environment (including the hydrology) of the habitats within the site. There is unlikely to be any ongoing disturbance to species or habitats for which the site is notified or changes in species composition or population size of any feature. Therefore on this occasion the Authority's Planning Ecologist has not undertaken a detailed TLSE.

Finally in terms of community benefits the applicant has agreed to requests for 20% affordable housing to be provided on site, whilst a financial contribution of £24,000 has also been agreed to provide new playground apparatus on the existing park at Burrows Terrace to the immediate south of the site. These community benefit contributions will need to be secured via a Section 106 agreement.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted LDP.

As such this application is put forward with a favourable recommendation subject to the imposition of the following conditions and subject to the completion of a Section 106 agreement. Members of the Planning Committee are therefore respectfully requested to resolve to approve the application and grant the Authority's Head of Planning plenary powers to release the planning permission upon the successful completion of the above mentioned S.106.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The permission now granted relates to the land defined by the 1:1000 scale location plan received on the 2nd December, 2015.
- 2 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
  - a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 3 Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the Local Planning Authority.
- 4 Detailed plans indicating the positions, height, design, materials and type of boundary treatment to be retained and erected shall be submitted for the written approval of the Local Planning Authority as part of any subsequent reserved matters submission.
- 5 Development shall not begin until a photographic survey of the existing building has been carried out in accordance with guidelines provided by the Local Planning Authority's archaeological advisors – The Dyfed Archaeological Trust- Development Management. The resulting photographs should be approved by the planning authority prior to the commencement of development and deposited with the regional Historic Environment Record, held and maintained by the Dyfed Archaeological Trust, Corner House, 6 Carmarthen Street, Llandeilo, Carmarthenshire, SA19 6AE, (Tel 01558-823121).



- 6 Prior to the occupation of any of the dwellings herewith approved, a 1.8 metre wide footway shall be provided along the entire site frontage with the Morlan Terrace Road. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.
- 7 No development shall take place on the application site until the applicant has:
- Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.
  - Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
  - Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.
- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 9 Prior to the importation of any soil a copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual shall be submitted to and approved in writing by the Local Planning Authority.
- 10 Works shall not take place until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition/construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.
- 11 Prior to the commencement of the development, a scheme for the control of noise shall be submitted to and approved by the Local Planning Authority. The scheme shall comply with the guidance found in the BS5228: Noise Vibration and Control on

Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

- 12 During the demolition and construction phases, no works or demolition or construction shall take place other than within the hours of 07:30 – 18:00 Monday – Friday, Saturday 08:00 – 13:00 and not at all on Sundays, Bank or Public Holidays.
- 13 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.
- 14 The finished floor levels of the dwellings should be set a minimum of 300mm above the existing ground levels on the relevant parts of the application site. Detailed drawings indicating this will need to be submitted for the Local Planning Authority's approval as part of any subsequent reserved matters submission.
- 15 The development works hereby approved shall be carried out in strict accordance with the recommendations and enhancement sections (6.2-6.3) of the 2015 submitted bat report and Section 6 of the 2016 submitted bat report and full details of enhancements proposed must be provided as part of any subsequent reserved matters submission.

## **REASONS**

- 1 In the interest of visual amenity.
- 2 Required by Section 91 of the Town and Country Planning Act 1990.
- 3 In order to ensure a satisfactory layout of the site and in the interest of visual amenities.
- 4 In the interest of visual amenity.
- 5 To record historic environment interests whilst enabling development.
- 6 In the interest of highway and pedestrian safety.
- 7-9 To protect human health.
- 10 To ensure that the amenity of local residents is adequately protected from dust during construction.
- 11&12 In the interest of preserving residential amenity.
- 13 To ensure a satisfactory form of drainage.
- 14 To prevent flooding.
- 15 In the interests of biodiversity.

## REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP6 of the LDP in that provision is made for affordable housing within the scheme.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP16 of the LDP in that the applicant has clearly demonstrated why the facility is no longer viable and that suitable alternatives are available.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy SP18 of the LDP in that the interests of the Welsh language will be safeguarded and promoted.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the site is located within the defined settlement limits of Burry Port and accords with all other policies of the plan.
- It is considered that the proposal complies with Policy GP3 of the LDP in that the application will be subject to a Planning Obligation to meet the requirements arising from the development.

- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy H2 of the LDP in that the proposed housing element of the scheme is located within defined settlement limits and accords with the principles of the plan's strategy and its policies.
- It is considered that the proposal complies with Policy AH1 of the LDP in that provision is made within the proposed scheme for affordable housing.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.
- It is considered that the proposal complies with Policy EP5 of the LDP in that the proposed development in this coastal location will not increase the risk of erosion, flooding or land instability.
- It is considered that the proposal complies with Policy REC2 of the LDP in that a financial contribution towards improving off site open space will be made.

## NOTES

- 1 This planning permission is granted subject to the covenants contained in the legal agreement under Section 106 of the Town and Country Planning Act 1990 dated \*\*\*\*\* in order to secure 20% affordable and housing and in connection with the payment of £24,000 to provide new playground apparatus on the existing park at Burrows Terrace.

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.
- 3 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

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## PLANNING COMMITTEE

Thursday, 3 February 2022

**PRESENT:** Councillor A. Lenny (Chair)

**Councillors:**

S.M. Allen, J.M. Charles, D.M. Cundy, I.W. Davies, J.A. Davies, W.T. Evans, S.J.G. Gilasbey, J.K. Howell, J.D. James, J.P. Jenkins, C. Jones, H.I. Jones, M.J.A. Lewis, K. Madge, B.D.J. Phillips, G.B. Thomas and J.E. Williams

**Also in attendance:**

Councillor Hazel Evans who addressed the Committee in respect of Planning Application number PL/03049.

**The following Officers were in attendance:**

R. Griffiths, Head of Place and Sustainability  
I.R. Llewelyn, Forward Planning Manager  
J. Thomas, Senior Development Management Officer [Aman Gwendraeth]  
S. Murphy, Senior Solicitor  
H. Rice, Development Management Officer  
P. Roberts, Development Management Officer  
Z.A. Evans, Senior Technician [Planning Liaison]  
M. Evans Thomas, Principal Democratic Services Officer  
E. Evans, Principal Democratic Services Officer [Webcasting]  
E. Bryer, Democratic Services Officer  
J. Owens, Democratic Services Officer [Note Taker]  
A. Eynon, Principal Translator

**Virtual Meeting - 10.00 am - 12.36 pm**

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Cllr. J.A. Davies. [Note: Cllr J.A. Davies was present from 11:20hrs].

**2. DECLARATIONS OF PERSONAL INTERESTS**

There were no declarations of personal interests.

**3. DETERMINATION OF PLANNING APPLICATIONS**

**3.1 RESOLVED** that the following planning applications be granted subject to the conditions detailed within the Report/Addendum of the Head of Planning and or reported at the meeting:-

<b>PL/01154</b>	<b>Residential development at land off Heol Glyndwr, Pontyates</b>  (Note: consent is also subject to a Section 106 Agreement).
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	<p>A request was made that the contribution emanating from the Section 106 Agreement be put towards to play park adjacent to the fuel station within the village.</p>
<p><b>PL/02213</b></p>	<p><b>Reserved matters application for two dwellings and associated discharge of conditions 5, 9, 10 and 12 of outline planning permission W/32038 (proposed affordable dwellings (exceptions housing) resubmission of W/29836) at land off High Street, Llansteffan, Carmarthen, SA33 5JN.</b></p> <p>(Note: the outline planning permission previously granted is subject to a Section 106 Agreement).</p> <p>In response to a request, the Forward Planning Manager confirmed that the Affordable Housing Scheme would be considered as part of the ongoing review of the provision of training for Community Councils to ensure that members were kept abreast of planning related legislation.</p> <p>A request was made that matters pertaining to the impact of the development from a surface water drainage perspective be fully considered by the Authority.</p>
<p><b>PL/02798</b></p>	<p><b>Alterations and extensions to Pinewood Lodge. Re-submission for PL/01052 previously refused application at Pinewood Lodge, Bronwydd, Carmarthen, SA33 6BE.</b></p>
<p><b>PL/03011</b></p>	<p><b>Extension to dwelling to include demolition of part of previous dwelling (retrospective) at Teifi Castle, Cwmann, Lampeter, SA48 8JN.</b></p>
<p><b>PL/03049</b></p>	<p><b>Proposed erection of new detached building for use in connection with existing rural enterprise storage business which will form additional storage space/units to lower ground floor and office and recreation space to upper ground floor at Dragon Guard Storage, Capel Iwan Road, Newcastle Emlyn, SA38 9LP.</b></p> <p>A representation was received from the local member in support of the application based upon the appraisal detailed within the Head of Planning's written report. In particular, the local member expressed that there would be no detriment to the character and appearance of the area; there would be no drainage requirements and furthermore, the proposal sought to make the best use of the site in order to meet the identified demand, with no adverse impact upon the living conditions of nearby residents.</p> <p>The Development Management Officer responded to the issues raised during consideration of the report.</p>





**4. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 6TH JANUARY, 2022.**

**RESOLVED** that the minutes of the meeting of the Committee held on the 6<sup>th</sup> January, 2022 be signed as a correct record.

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**CHAIR**

\_\_\_\_\_  
**DATE**

*[PLEASE NOTE: These minutes reflect the order of business itemised on the agenda for the meeting which may differ from that on any webcast recording as applications with members of the public attending to speak would have been dealt with first.]*