

**Cyngor Sir Caerfyrddin
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO
PLANNING COMMITTEE**

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

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

23/05/2024

**I'W BENDERFYNU
FOR DECISION**

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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	23.05.2024
REPORT OF:	HEAD OF PLACE AND SUSTAINABILITY

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
PL/06099	A change of use proposal to Class C3 for the conversion of 7 new residential flats at Chapel, Norton Road, Penygroes, Llanelli
PL/06388	Construction of earth bank farm nutrient storage lagoon at Land South of Trelech, Trelech, Carmarthen, SA33 6QZ

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/06099
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Application Type	Full planning permission
Proposal	A change of use proposal to Class C3 for the conversion of 7 new residential flats
Location	Chapel, Norton Road, Penygroes, Llanelli

Applicant(s)	Mr Daniel Davies D.J & M.E Davies Rental
Agent	Miss Angharad Randall
Officer	Andrew Francis
Ward	Penygroes
Date of validation	25/01/2024

Reason for Committee

Three or more letters of objection have been received as a result of the consultation process.

Site

The application site consists of the existing Penygroes Capel Anibynwyr (Penygroes Congregational Chapel), which is situated on Penygroes Square, on the corner of Norton Road and Gate Road. The large, grey traditional chapel building has been closed for some years, with the Local Planning Authority receiving several different queries over the years for its potential re-use.

The chapel building sits on a fairly large plot which accommodates the existing graveyard, mainly to the north (side) of the chapel, though some graves are situated to the front (west) of the building. The site also includes the detached Sunday School building to the north west, running parallel to Gate Road.

The existing building shows a fairly typical internal layout with the organ and pulpit sited on the rear wall, opposite the access doors, and with stairs leading from both sides of the access way to an open balcony area at first floor.

Proposal

This planning application seeks the conversion of the existing chapel building into seven separate residential flats, over three floors. Six of the flats, over the ground and first floor are to be 2 person, 1 bedroom flats measuring 54 sq. m., whilst the seventh flat in the roof space is to be a 4 person, 2 bedroom flat measuring 110 sq. metres.

Flats 1,2, 4, 5 and 7 are to be accessed via the existing front access of the building, whilst flat 3 is to be accessed via a new access on the southern side elevation towards the rear of the building and flat 6, at first floor, is to be accessed via an external staircase via a new side entrance on the northern side of the building.

The six flats on the the ground and first floors are of an identical size and provide an open plan kitchen/living area, shower/W.C and storage area to complement the one bedroom. The two bedroom flat on the roof space provides much the same, but over a more generous open plan living/dining area.

Externally, through various amendments, the changes have been kept to a minimum to retain the character of the existing building. Where possible, existing openings have been utilised, with six new rooflights proposed in the roof (three on each slope) to serve the flat in the roof space, whilst one existing window is to be converted to a door on the northern elevation and is to be connected to a steel staircase to provide external access to flat 6. Obscure glazing is also proposed to all windows on the front elevation and all first floor windows on the southern elevation of the building facing Norton Road, as well as those serving the shower rooms/W.C's.

A modest landscaping scheme is proposed with a new hedgerow to be planted alongside the existing path to the north of the building.

Planning Site History

E/30965 - Reduction of roof pitch to vestry by increasing eave height to increase internal headroom. Internal reconfiguration of vestry in order to accommodate part m compliant wc facilities - Full Granted - 30/10/2014

Planning Policy

In the context of the Authority's current Development Plan the site is within the defined development limits of Penygroes as contained in the adopted Local Development Plan (LDP). It is not the subject of any designation or allocation in the Plan. Reference is drawn to the following policies of the Plan:-

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

- SP1 Sustainable Places and Spaces
- SP3 Sustainable Distribution- Settlement Framework
- GP1 Sustainability and High Quality Design
- GP2 Development Limits
- GP3 Planning Obligations
- H2 Housing within Development Limits
- AH1 Affordable Housing

EQ1 Protection of Buildings, Landscapes and Features of Historic Importance
EQ4 Biodiversity
EQ7 Development within the Caeau Mynydd Mawr SPG Area

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Head of Transportation & Highways - No objections to the proposal. The proposed C3 use is considered to be a less intensive use than the existing D1 use.

Valuations Manager - No challenges to the viability have been made.

Llandybie Community Council – Raise concerns that there is no parking provision connected with this development and the impact this would have on Highways, with parking being pushed to other areas of the village.

Local Member(s) - Councillor D Thomas supports the principle of the development as it maintains the building and understands that it will fall into disrepair and become an eyesore and a danger if nothing is done. However, acknowledges that many residents are worried about the issues with parking.

Dwr Cymru/Welsh Water – No objection, subject to condition.

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

Summary of Public Representations

The application was advertised by means of a Site Notice. Six letters of objection from five separate addresses have been received as a result of the consultation process. The points of objection are summarised as follows:

- The Chapel is right on the square and has no parking amenities to serve it. The required parking will cause issues for the surrounding roads which will be dangerous.
- The previous flat development by this applicant in the square caused the occupants of the flats to disregard parking regulations.
- There are grave stones all around the chapel which could be disturbed and should be protected. Using the chapel for financial gain is disrespectful to many people's final resting place.
- The flats will introduce noise.
- Services are held in the adjacent Festri. How will footfall through the main chapel gates be controlled?
- How is this not a Listed Building?

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

Appraisal

With regard to the proposed development, the summarised points of objection above mainly focus on Highways and parking issues, with some concern raised regarding the impact of the development upon the graveyard and how it may affect the final resting place of the denizens of Penygroes that now are interred at the site.

Principle of development

The application site is located within the defined development limits of Penygroes and within a mixed use area that is mostly residential in feel. As such the principle of change of use for residential and conversion of the existing building at the site is accepted, albeit subject to compliance with relevant Local Development Plan policies.

Impact upon character and appearance of the area

The application has gone through the Statutory Pre-Application process and various amendments prior to being presented before the Planning Committee. It is considered that the proposal presented is a sensitive re-use of the existing building that allows the external character of the building to be retained and in turn allows an important cultural, visual and historical part of the village to also be retained. At the same time, 7 new residential units are to be provided, that would appear to be catered for the first time buyer/renter or young professional end of the market, whilst providing contributions to the Authority's Affordable Housing fund, as well as the Caeau Mynydd Mawr Special Area of Conservation.

The external structure will still be unmistakably the Penygroes Congregational Chapel, with sympathetic changes and additions, only where necessary to accommodate the proposed internal changes. It is noted that this building is not Listed and therefore does not enjoy the protection offered under such status, but this can sometimes be a blessing and a curse when it comes to re-using and reintegrating disused buildings that are historically important to a village, back into use and stop them falling into a state of disrepair as Listed Building status may often cause costs to be too high and the flexibility of the potential change to be too strict to allow developers to viably reuse the building.

As it is, the proposal has been considered, utilising the best principles of building conservation, appropriate to the building, location and use proposed and compliant with Policy EQ1.

Highway Impacts

The main point of objection raised by all objectors relates to Highways and specifically parking. The chapel, as it stands does not have any dedicated car parking to serve it, which has been true since its construction. It is noted that car parking has become a 20th and now 21st century issue and wasn't such a problem when the chapel was constructed long before the invention of the motor car in 1825. However, it is the issue that is the most prominent in the objectors minds and must be suitably addressed.

The current use of the chapel, under the Use Classes Order (1987) is as a D1 Use, which the building could re-open and be used as that use tomorrow, without planning permission.

This could involve opening as the following:

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,
- (b) as a crèche, day nursery or day centre,
- (c) for the provision of education,
- (d) for the display of works of art (otherwise than for sale or hire),
- (e) as a museum,
- (f) as a public library or public reading room,
- (g) as a public hall or exhibition hall,
- (h) for, or in connection with, public worship or religious instruction,
- (i) as a law court

When the Head of Transport considered the proposed use of the building as 7 residential units, the response acknowledged that the site does not benefit from any dedicated off-street parking provision, and the proposals relate to a 'car-free' development. However, it is also noted that the site is sustainably located with good access to sustainable travel modes and local amenities, all within acceptable walking distance. The applicant has proposed bicycle storage to the rear of the building for those that wish to cycle. Taking into account the existing D1 use associated with building and the type of use that may occupy the building without requiring planning permission, it is considered that these uses have a greater parking demand when considered against the CSS Wales' Parking Standards 2014, than that of the proposed C3 residential use. Therefore, the proposed development may be considered the least intensive use of the site and as such, no objection is offered.

The point of objection relating to the occupiers of a previous flat development disregarding parking regulations is not material to the planning consideration and is to be managed through parking enforcement.

As such, despite the concerns and objections raised, as the proposed use is considered in parking terms to be less intensive than the existing use, and given the site's relatively sustainable location, at the centre of the village, it is considered that these objections cannot be sustained.

Privacy and Noise Impacts

Concerns are raised by third parties in relation to the issue of noise from the proposed use. Using a similar logic to the above, the use of the site as 7 residential units, all adhering to current Building Regulations as they apply to noise in particular should mean that the building would not generate levels of noise that would be disruptive to occupiers of neighbouring buildings. The continued use of the site as a potential D1 Use, which is the fallback position which must be considered, is likely to result in a potentially much more disruptive and noisy use of the building. As such, this point of objection also cannot be sustained.

With regard to the concern over footfall through the main gates during services in the adjacent Ffestri, the proposal is for the development of 7 residential units with a total of 8 bedrooms and 16 people. When the chapel had a larger congregation, the main gates would have managed with far more than an additional 16 people using them, indeed, it would be expected that an extra 16 parishioners would have been welcomed. Therefore this point of concern is also not sustainable.

In terms of issues of general privacy, the proposal is offering obscure glazing to protect the potential for overlooking for and from the occupants of the buildings opposite of Norton Road, whilst maintaining the existing openings to retain the original character of the building. Similarly with regard to the proposed rooflights, given their height and position in the roof, these would not afford direct overlooking of any property and therefore existing levels of privacy will be maintained.

Graveyard Concerns

Some changes to the graveyard at the front of the site are proposed, with a modest grassed area proposed where existing gravestones are currently sited. Should changes be proposed, this is not a material planning matter. It is understood that the Authority's Public Protection Team would be involved, though should any exhumation be necessary, a licence will be required from the Home Office, with the Authority's Public Protection Department overseeing any exhumations. If gravestones were to be moved, family members must be consulted, with every effort made to find relatives to consult with before any gravestones can be moved, which can then only be moved or laid nearby; at the edge of the graveyard, for example.

Biodiversity Impacts

A Bat Survey Report has been submitted with the application which concludes that there are no bats currently utilising the building. Planning Ecology have reviewed the submission and confirmed no objection subject to a condition requiring the hedgerow proposed be specified and safeguarded and details of any external lighting to be submitted for approval.

Planning Obligations

The Heads of Terms have been issued to the applicant to secure the required affordable housing contribution and a contribution towards the maintenance and enhancement of the Caeau Mynydd Mawr marsh fritillary butterfly habitat scheme as required by Policy EQ7. The Authority's legal team will be instructed to complete the Section 106 Agreement subject to a resolution being received from the Planning Committee to grant planning permission. As such, the application will comply with the requirements of Policy AH1 and EQ7.

In the event that the required legal agreement is not signed within 12 months from the date of the Planning Committee resolution, delegated authority is given to the Head of Place & Sustainability to refuse the application.

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 based on the current plans, alongside third-party comments and responses from statutory consultees, it is concluded on balance that the proposed conversion is acceptable. The application site is located within the defined settlement limits as delineated within the Adopted LDP and therefore there is no in-principle objection to developing the site for residential use. Furthermore, the external alterations are minor in nature and will not detract from the character and appearance of the existing building which makes an important contribution to the streetscene. The proposal is not considered to be contrary to LDP Policy EQ1.

It is considered that the issues of concern and objection raised have adequately been addressed as part of the above appraisal. The proposed development will not result in highway safety concerns or a loss of amenity or privacy which would warrant refusal.

On balance, the proposal is considered to be in accordance with the above identified LDP policies and the application is therefore put forward with a favourable recommendation subject to the applicant entering into a Section 106 Agreement securing a commuted payment towards the provision of affordable housing and the maintenance and enhancement of the Caeau Mynydd Mawr Special Area of Conservation in the locality in accordance with the requirements of Policies AH1 and EQ7 of the LDP.

In the event that the required legal agreement is not completed within 12 months from the date of the Planning Committee resolution, delegated authority is given to the Head of Place & Sustainability to refuse the application.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

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

Reason:

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

Condition 2

The development hereby permitted shall be carried out strictly in accordance with the details shown on the following plans and documents:-

- Proposed Elevations and Floor Plans [03 Rev B]

Received 22 April 2024;

- Preliminary Roost Assessment for Bats - Bat & Barn Owl Surveying Services - November 18th 2023

Received 28 November 2023;

- Block and Location Plan [01 Rev A]
- Proposed Block Plan [04 Rev B]

Received 11 October 2023;

- Existing Elevations and Floor Plans [02]
- Proposed Section Elevation
- Proposed Side Section Elevation

Received 23 September 2023;

- Planning Statement
- Landscaping Plan

Received 9 June 2023.

Reason:

In the interests of visual amenity and to confirm the extent of the permission.

Condition 3

The development hereby permitted is for conversion of the former Chapel to a maximum of 6 no. 1 bedroom flats and 1 no, 2 bedroom flat as shown on the Proposed Elevations and Floor Plans [03 Rev B].

Reason:

In the interest of clarity and to confirm the extent of the permission.

Condition 4

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

Reason:

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

Condition 5

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason:

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

Condition 6

Within the first planting season following conversion of the chapel, the hedgerow shown on the landscaping and site plans shall be planted as a native species hedge. The hedge shall comprise native species of suitable stock size planted at a minimum of 6 plants per linear metre, in two staggered rows into a cultivated trench of 600mm width. Plant stock shall comprise a minimum of 5 different native species representative of the species composition of local hedgerows.

Any hedge plants which, within a period of 5 years after implementation of the approved development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the hedge in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification.

Reason:

To ensure that the development enhances the character and appearance of the site and embraces opportunities to enhance biodiversity and ecological connectivity in accordance with policies SP1 d) and i); GP1 a), f) and i); EQ5 of the Carmarthenshire Local Development Plan 2014.

Condition 7

Prior to the installation of any external lighting a detailed lighting plan focusing particularly on minimising lighting impacts around the bat boxes and bat flight paths shall be submitted to the local planning authority for written approval. Thereafter any lighting installed shall be in accordance with the approved details.

Reason:

In the interests of visual amenity and biodiversity and to accord with Policies GP1, EQ4 and SP14 of the Carmarthenshire Local Development Plan.

Condition 8

The windows as indicated as being 'Obscure Glazed' on the approved plans 'Proposed Elevations and Floor Plans [03 Rev B]' shall be glazed in obscure glass and maintained as such thereafter in perpetuity.

Reason:

In the interests of neighbouring amenity and to accord with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

Notes / Informatives

Note 1

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

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

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

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

Note 2

The affordable housing contribution required in line with Policy AH1 and the Caeau Mynydd Mawr contribution in line with Policy EQ7 of the Local Development Plan has been secured with the applicant agreeing to enter into a Section 106 Agreement.

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).

Application No	PL/06388
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Application Type	Full planning permission
Proposal	Construction of earth bank farm nutrient storage lagoon
Location	Land South of Trelech, Trelech, Carmarthen, SA33 6QZ

Applicant(s)	Meredith Thomas
Agent	H.B Tribe Chartered Engineer - Hugh Tribe
Officer	Charlotte Greves
Ward	Trelech
Date of validation	11/08/2023

Reason for Committee

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

Site

The application site consists of a rectangular parcel of land that forms part of a larger field enclosure located within the wider landholding of Madox Farm and some 1.5 km to the south east of the village of Trelech. The site is located approximately 2.2km to the north of the main farm complex adjacent to a farm track that runs contiguous with the northern boundary of the field enclosure.

The site consists of poor quality agricultural land and ground levels are relatively level with those of the wider field enclosure sloping downwards in a southerly direction. The boundaries comprise a combination of trees and hedgerow and access to the site is via an existing track which leads from an existing gated field access located approximately 150 metres to the west providing direct access onto the B4299 county road.

The surrounding area is distinctly rural in appearance being characterised by areas of agricultural land bounded by hedgerows and trees and interspersed by farmsteads.

Proposal

The application seeks full planning permission for the creation of a new earth bank nutrient storage lagoon within the site that will provide additional slurry storage for the farm holding.

The new lagoon will cover an area measuring 38 metres by 46 metres and have a depth of 4.0 metres. The existing ground levels of the site are to be reduced in depth across the site and a new earth embankment measuring some 4 metres wide around the perimeter of the lagoon will be constructed. The slopes of the embankments are to be constructed using selected excavated material and the estimated capacity of the lagoon will be 1.5 million gallons.

Access to the new lagoon will be via the existing gated field entrance to the west of the site which also provides direct access to the B4299 county road which continues south to the main farm complex at Madox Farm.

Planning Site History

There is no planning history on this parcel of land.

Planning Policy

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

SP1 Sustainable Places and Spaces
GP1 Sustainability and High Quality Design
EMP3 Employment – Extensions and Intensification
TR3 Highways in Developments – Design Considerations
EQ4 Biodiversity
EP2 Pollution

National Planning Policy

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

Summary of Consultation Responses

Trelech a'r Betws Community Council – No comments received.

Head of Highways and Transport – No objection.

Local Member – County Councillor for Trelech Electoral Division and Member of the Planning Committee, Councillor Jean Lewis, has made no prior comment.

Natural Resources Wales – No objection.

Head of Public Protection – No objection.

Wales and West Utilities – No objection. Advice provided in relation to construction / excavation near gas pipelines.

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

Summary of Public Representations

The application was publicised with the posting of a site notice within the vicinity of the site. In response, 17 letters of representation from 15 different households have been received from third parties. The respondents raise the following concerns :

- Distance from farm complex.
- Potential pollution impact upon the environment.
- Pollution of local water supplies
- Negative impact upon biodiversity from ammonia emissions.
- Risk of slurry spillage along minor lanes immediately adjacent to the SSSI on two sides.
- Management of surface water run-off/rainwater from the field
- Potential hydrological links with the Site of Special Scientific Interest.
- Potential impact of noxious and poisonous gasses upon wildlife and surrounding properties.
- Design of slurry lagoon
- Effect on trees and hedges.
- Compliance with slurry spreading practices and regulations
- Visual impact upon the surrounding countryside and un-split landscape.
- Development does not respect constraints and character of the location.
- Impact upon properties by way of odours and flies and insects
- Damage to surrounding roads caused by increased vehicle movements to and from the site/farm complex.
- Mud and slurry on road leading to hazardous driving conditions.
- Access to the site is unsafe.
- Limited details provided in relation to traffic movements.
- Increase in traffic whilst the lagoon is being emptied and impact upon road safety.
- Concerns regarding calculations relating to the size of the lagoon.
- Risk to children at local school drop off/pick up points.
- Roads are unsuitable for the size and volume of traffic required to empty the lagoon.
- Nuisance to neighbours and impact upon tourism and holiday accommodation in the area.
- Tourists will avoid visiting the area thereby impacting upon local businesses and tourism leading to loss of jobs.
- Impact on property prices

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

Appraisal

Principle of Development

Policy EMP3 of the LDP provides the principal policy context for the application in that it relates to proposals for the extension and intensification of existing employment enterprises. The policy supports such proposals subject to compliance with a number of criteria which

include the requirement that they do not cause environmental harm and extend or intensify a use or activity that might result in adverse amenity issues or may not be compatible with neighbouring uses. Proposals must also be of an appropriate scale and form compatible with their location and the policy makes to specific reference to supporting existing rural enterprises subject to them complying with the policies of the Plan.

Madox Farm is an established dairy farm that runs a flying herd of 530 dairy cows which are housed all year round with approximately 44 calves loose housed and bedded on straw which are sold at 2 weeks old. The dairy herd are housed in 560 cubicles within the buildings on the main farm complex and have access to open feed yard areas that run along the side elevation and rear gable end of the cubicle housing. All slurry from these yards is scraped directly to the existing earth banked slurry lagoon at the main farm complex for containment.

The Welsh Government Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (CoAPR), which came into force on 1st August 2024, requires farms to increase the available slurry storage capacity on the farm from 120 days of slurry production to 150 days slurry storage capacity. There is currently insufficient slurry storage capacity on the farm to comply with the new regulations and therefore the provision of the proposed new lagoon is required to supplement the existing storage and provide an increased five month winter storage capacity that the applicant is required to have in order to comply with the new CoAPR 2021. This will allow the slurry to be spread when the land and weather conditions are suitable thereby reducing the pollution risks of run-off during periods of wet weather while also maximising the nutrient benefits when spreading on the wider holding. Moreover, it will also ensure the farm has sufficient capacity to comply with the slurry spreading requirements of the new Regulations whereby no slurry will be able to be spread on the holding between the 15 October and 15 January as of 1st August 2024.

The justification for the slurry lagoon is therefore accepted in principle on the basis that sufficient information has been provided to demonstrate that an additional slurry lagoon is required to serve the holding and to meet recently introduced Welsh Government Regulations.

A number of third party representations have been received to the application objecting to the proposed development suggesting that it will result in a wide range of harmful impacts upon the surrounding area which are discussed further below.

Pollution Impacts

Concerns have been raised by third parties regarding the potential pollution impacts arising from the development, in particular, pollution of local water supplies with slurry and hydrological links to the nearest Site of Special Scientific Interest, the Rhos Pwllgawnen SSSI located approximately, 580m to the north east at its closest point.

As mentioned above, the proposal is to improve the existing slurry management system on the farm to conform with the requirements of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. The storage requirements of these Regulations come into force on 1 August 2024. The information provided confirms that proposed slurry lagoon is not required to accommodate any increase in stock numbers on the holding.

Natural Resources Wales (NRW) has been consulted on the application and has commented that provided the structure is designed and built by a suitably qualified engineer to meet the standards as set out in the above Regulations then it would have no objection

to the proposal. The lagoon is designed by a qualified engineer to store 6818 m³ of slurry (1.5 million gallons) with an allowance for 750 mm freeboard and 979 mm of rain that will fall onto the surface of the lagoon over a 5 month winter period, plus an allowance of 1:1.5 slope of the internal embankment. The proposed earth banked slurry lagoon will improve nutrient value of the material produced by the stock and allowing greater control of application to maximise the effect on the land of the stored nutrients. This will significantly reduce the pollution risk of runoff during wet weather periods. Furthermore, the Regulations and relevant CIRIA guidance C759 'Livestock manure and silage storage infrastructure for agriculture Part 2 Design and Construction' provides the necessary soil characteristics and tests for constructing an earth bank slurry lagoon. The developer will be required to liaise with NRW during the construction to ensure that the required standards of design and construction are met and that the chosen site is suitable.

In terms of slurry spreading practices, again this is controlled by Welsh Government Regulations, and specifically the slurry must be applied to the land in accordance with a suitable manure management plan (MMP) based on an underlying nutrient management plan (NMP). The increase in slurry storage capacity will enable the farm business to comply with this new regulatory requirement as slurry can be stored over the 5 month winter period until it can be applied to land outside the "closed period" of the new regulations. The Code of Good Agricultural Practice (COGAP) has standard formats for the MMP and associated NMP and this would again be overseen by NRW with the developer required to ensure that they secure all other permits/consents/licences relevant to their development.

As such, based on the information provided, it is not considered that the proposal would not give rise to unacceptable pollution impacts on the surrounding environment in accordance with Policy EP 2 of the Carmarthenshire Local Development Plan adopted 2014.

Biodiversity Impacts

Concern is expressed by third parties regarding the impact of the development on biodiversity, in particular upon the Rhos Pwlygawnen SSSI located approximately, 580 m to the north east at its closest point.

The application is accompanied by an ammonia screening assessment for Madox Farm using the SCAIL model, which has been undertaken by KeBek. The report concludes there will be a significant reduction in stirring/agitating of the slurry stored on the holding thereby reducing current ammonia emission caused by the constant need to empty the existing storage facility. The slurry will form a crust when not agitated over the winter period, thus reducing ammonia emissions. Currently the slurry must be mixed and spread on a regular basis, throughout the winter period, each time releasing ammonia emissions into the atmosphere. The earth banked slurry lagoon will only be emptied at the end of the winter closed period, at a time of optimum growth and nutrient uptake. The submitted report has been the subject of consultation with Natural Resources Wales who raise no objection to the proposals, commenting that the proposed increase in the available slurry storage and improvements to the slurry management on site would result in a reduction in the process contribution for ammonia on the farm.

Furthermore, the application site is not an identified priority habitat and conditions are included to ensure that remaining trees and hedgerows are not impacted by the development and that further tree planting is provided as part of the development to enhance biodiversity and ecological connectivity thus delivering the objectives of Carmarthenshire

LDP policies SP14, GP1 and EQ 4 of the LDP and pursuant to The Environment (Wales) Act 2016, and Planning Policy Wales.

Highway Safety Impact

Concerns are raised by third parties that the proposal will result in additional large vehicle movements, cause mud, slurry spillage and damage on local road networks and utilise an access which is unsuitable having regard to highway and pedestrian safety.

The application site is accessed via an existing field gate access which leads straight onto the B4299 county road and the information provided states that this site is selected specifically to be central to the silage and arable land on which slurry will be applied. It is stated that the provision of the additional lagoon will result in a reduction in vehicle movements. The current arrangement requires 5 slurry tankers moving large amounts of slurry after harvest in the summer which would take place around 4 times around over this period. Whilst the new lagoon would require the transport of slurry from the existing lagoon within the main farm complex to the new lagoon, the applicant has explained that this transportation of slurry would instead take place at a controlled rate over the course of the year. In addition, once constructed, the slurry will be applied on the fields using an umbilical pipe system.

The Head of Highways and Transport has been consulted and has raised no objection to the existing access and having regard to highway/pedestrian safety as a result of the proposed development. The proposal is therefore considered to accord with Policy GP 1 and TR 3 of the Carmarthenshire Local Development Plan (2014).

Residential amenity

As mentioned, the application site has been selected specifically to be central to the silage and arable land on which slurry will be applied. The lagoon is proposed to be sited in a location which would be approximately 450m from the nearest residential property.

Concerns have been raised by third parties regarding harmful impacts upon the residential amenity enjoyed by the nearest occupiers arising from issues such as odours and insects and also the potential health impacts of the proposal arising from poisonous gases released from the slurry.

The Council's Environmental Health team has been consulted and raised no objections to the proposal. Furthermore, whilst it is acknowledged that there would inevitably be an increase in smells and potentially insects during the spreading period it is not considered that this would be over and above that which is currently experienced given the site's countryside location and existing agricultural practices being carried out on the land. As previously stated, slurry storage and spreading practices are also subject to Welsh Government regulations which the applicant will be required to adhere to, outside of the planning remit.

In light of the above, and in consideration of the proximity of the nearest residential properties it is not considered that the proposal would give rise to a significant adverse impact upon residential amenity in accordance with Policy GP 1 of the Carmarthenshire Local Development Plan (2014).

Impact on the character and appearance of the area

The application site is located on agricultural land that is relatively flat in nature and screened from view by surrounding topography, trees and hedgerows. Whilst not located within the main farm complex, following further consultation with the Council's landscape officer and assessment of the site and surroundings the proposed lagoon is located in an area which is not within or adjacent to a highly sensitive landscape and the proposal is not considered to result in any significant adverse landscape or visual impacts in accordance with Policy GP 1 of the Carmarthenshire Local Development Plan (2014).

Other matters

Other matters raised by third parties include the impact of the development on tourism and the loss of jobs as a result in addition to impacts upon property values in the area.

It is not considered that a development of the scale proposed and in this proposed rural location would be so unusual so as to give rise to impacts upon tourism in the area. As stated above, given the proximity of the nearest properties to the site and the lack of significant harmful impacts upon their residential amenity it is not considered that the proposal would impact on local tourism that would result in a loss of jobs.

The impact of the development on property values in the area is not a material planning consideration.

Wales and West Utilities has responded to consultation advising that the proposal is adjacent to a field where an existing gas main pipeline runs underground. A note will be included on any planning permission given drawing the applicant's attention to the location of the main, advising that the developer will need to contact Wales and West Utilities prior to any excavation being undertaken.

Planning Obligations

None applicable.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposed development complies with Policy EMP3 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that it is appropriate in terms of scale and form, will be compatible with its location and not cause any unacceptable environmental or amenity impacts. Moreover, the proposal will serve the needs of the existing farm enterprise

by providing an additional slurry storage facility on the holding. The proposal complies with Policies SP14 and EQ4 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that it will have no unacceptable impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation. The proposal complies with Policy TR3 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that it will have no unacceptable impact upon the surrounding highway network. In addition, the proposal complies with Policies EP2 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that it will have no unacceptable pollution impacts upon the surrounding environment.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.

Reason:

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

Condition 2

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

- Site Location plan
- Block Plan
- Layout and Site Sections Plan
- Scail Report

Received 8th August 2024

Reason:

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

Condition 3

Prior to the commencement of the development hereby approved a Green Infrastructure Statement and scheme of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the occupation of the development and retained in perpetuity.

Reason:

In the interests of biodiversity and to accord with Policies EQ4 and SP14 of the Carmarthenshire Local Development Plan.

Condition 4

Prior to the commencement of any works associated with the development hereby approved, a Construction Exclusion Zone (CEZ) shall be established to protect all existing landscape and ecological elements which are not identified for specific removal to implement the development. No construction operations, or storage of materials, equipment, or materials arising from demolition or excavation, shall be undertaken within the CEZ.

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

- i) To the perimeter of root protection areas, defined in accordance with BS5837 of all trees, groups of trees or woodland located within, on, or with a canopy spread which overhangs the site boundary.
- ii) To 1.5m from the edge extent of above ground growth of all shrub masses, hedges and hedgerows located within or on the site boundary.
- iii) To 7m from a river or ordinary watercourse.

The CEZ shall be enforced throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

Reason:

To ensure that the development retains, incorporates and does not adversely affect existing landscape or other features which contribute to local qualities and distinctiveness: thus delivering the objectives of CLDP policies: - SP1 d) and i); SP14 e); GP1 b) and f); and EQ5; ; and pursuant to: - Section 197 (a) of the Town and Country Planning Act 1990; The Environment (Wales) Act 2016, and Planning Policy Wales.

Condition 5

Within the first planting season following commencement of permitted use of the development hereby approved 10 native species trees shall be planted within the planning application boundary or on land adjacent to the boundary under the ownership of the applicant. The trees shall comprise native species of 'Feathered' or 'Light Standard' nursery stock specification of minimum 6-8cm girth, planted into 700 x 700 x 600mm depth planting pits backfilled with excavated topsoil and 60 litres added compost. Tree species shall be selected as representative of the native species composition of the local area and appropriate to existing ground conditions. Planting locations shall address all above and below ground constraints and enable growth of the trees to achieve full mature canopy spread.

Any trees planted which, within a period of 5 years after implementation of the approved development are removed; die; become diseased; damaged or otherwise defective, shall be replaced in the next planting season with replacement elements of similar size and specification.

Reason:

To ensure that the development enhances the character and appearance of the site and embraces opportunities to enhance biodiversity and ecological connectivity: thus delivering the objectives of Carmarthenshire LDP policies: - SP1 d), e) and i); SP14 e); GP1 a), f) and i); and where appropriate EQ6; and pursuant to: - Section 197 (a) of the Town and Country Planning Act 1990; The Environment (Wales) Act 2016, and Planning Policy Wales.

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).

Note 3

Wales & West Utilities apparatus may be directly affected by these proposals and the information you have provided has been forwarded to Asset Management for their comments. If Wales and West are affected an Engineer will then contact you direct.

Please note this is in regard only to those pipes owned by Wales & West Utilities in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area and information with regards to such pipes should be obtained from the owners. You must not build over any plant or enclose our apparatus. Contact the Wales and West Utilities Plant Protection Team prior to commencing any excavation on 02920 278912.