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TUESDAY, 23 FEBRUARY 2021

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, 4TH MARCH, 2021** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Wendy Walters

CHIEF EXECUTIVE

Democratic Officer:	Emma Bryer
Telephone (direct line):	01267 224029
E-Mail:	Democraticservices@carmarthenshire.gov.uk

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

LABOUR GROUP - 4 MEMBERS

- | | | |
|----|---------------------------------|--|
| 1. | Councillor Penny Edwards | |
| 2. | Councillor John James | Member of Pembrey & Burry Port Community Council |
| 3. | Councillor Dot Jones | Member of Llannon Community Council |
| 4. | Councillor Kevin Madge | Member of Cwmamman Town Council |

INDEPENDENT GROUP - 4 MEMBERS

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

NEW INDEPENDENT GROUP – 2 MEMBERS

1. Vacancy
2. Vacancy

SUBSTITUTES ARE TEMPORARILY ALLOWED UNTIL THE 30TH APRIL 2021

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*Ardal Del/
Area South*

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

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

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

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

**AR 04 MAWRTH 2021
ON 04 MARCH 2021**

**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:	04 MARCH 2021
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	S/40505
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Application Type	Full Planning Permission
Proposal & Location	RETENTION OF CHANGE OF USE OF DWELLING HOUSE TO A RESIDENTIAL CARE FACILITY AT 7 PWLL ROAD, PWLL, LLANELLI, SA15 4BG

Applicant(s)	OAKMONT SERVICES GROUP LIMITED
Agent	RICHARD BANKS, EVANS BANKS PLANNING LTD
Case Officer	Christopher Simms
Ward	Hengoed
Date registered	23/04/2020

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 comprises the detached property at 7 Pwll Road, along with its associated front, side and rear garden areas. 7 Pwll Road is a two storey, 3-bed property which fronts on to the A484 (Pwll Road), near to its junction with Elgin Road.

The site lies within the defined development limits of Llanelli and within a predominantly residential area, which includes a variety of detached, semi-detached and terraced residential dwellings.

The property is set within a generous curtilage raised above the A484, with the site levels rising in a northerly direction due to the local topography. The application site shares a common boundary with 3No detached dwellings; Nos 5 & 9a Pwll Road and 1a Elgin Road. A private lane runs to the rear of the site, accessed from Elgin Road, which provides access to several neighbouring properties and garages.

The application property does not benefit from off-street parking provision within its curtilage, instead utilising the non-restricted, on-street parking bays on the A484. Other properties in the vicinity benefit from dedicated off-street parking provision.

As detailed in the site history below, there is an extant permission relating to the application site for the subdivision of the existing property's curtilage and the erection of a detached dwelling. No dedicated off-street parking was provided as part of that approved scheme, with parking instead being accommodated on-street, nearby.

Proposal

This application seeks retrospective planning permission for the change of use of the property from a dwellinghouse (Use Class C3) to a children's residential care facility (Use Class C2). The facility provides residential care for up to three residents aged 11-18 who are said to be vulnerable, neglected and disadvantaged children, referred for specialist care on a medium-long term basis by local authorities. The facility operates with three staff members on site during the day and two members of staff in the evening and overnight, providing care to the residents on a rota-based system.

No external alterations or extensions to the property are required as part of this development. Internally, the ground floor provides a kitchen, dining room, lounge and office. The first floor contains three bedrooms, a bathroom and storage space. Staff sleeping facilities are said to be provided in the first-floor storage space as a make-shift bedroom and a on 'pull-out' bed in the lounge.

The office space in question is stated as being ancillary to the operation of the care home, used for the general administration of the facility including storage of personal care records, discussion of children's needs with healthcare professionals, undertaking homework with the residents and as a typical home office. It is also used as a place to provide emotional support, guidance and counselling to residents, when necessary.

The facility is registered and licenced by the Care Inspectorate Wales (CIW), which regulates its operation and makes regular (often unannounced) inspection visits to the property to ensure that it is providing care to residents in an appropriate manner and setting. The CIW has confirmed that the children do not have physical disabilities, but social, emotional and behavioural difficulties.

Visitors to the property typically include CIW inspectors, social workers, educational-needs specialists and any necessary medical support staff.

The application initially intended to create off-street parking provision for 4No vehicles in the rear garden area, accessed from the aforementioned private lane from Elgin Road. However, this element of the scheme has since been omitted following objections from the Council's Highways Officer. Instead, the proposal intends to utilise on-street parking provision on the A484.

As background to this operation, the applicant had initially approached the Local Planning Authority (LPA) regarding their intended use of the property for the care of up to 3 children as a single household. At that time, taking into consideration the characteristics of the proposed use and the number of residents to be cared for, the LPA advised the applicant that it considered that the proposal would not constitute a change of use and so planning permission would not be required. This was an informal opinion, with no formal confirmation sought or issued by way of a Lawful Development Certificate. The use of the property for the care of 3 children subsequently commenced in April 2019.

Council Planning Enforcement Officers visited the property following the receipt of complaints that the property had changed use and that there was an independent office operating from the site, subsequently advising the applicant that it was considered a change of use had occurred. Consequently, this application has been submitted for the retention of the change of use of the property to a children's residential care facility with ancillary office space; the applicant contends that the office is only used in connection with this care facility and not as a separate use.

Planning Site History

S/35791 Erect New Dwelling
Full granted with Unilateral Undertaking

11 January 2018

Planning Policy

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

SP1 Sustainable Places and Spaces
SP3 Sustainable Distribution- Settlement Framework
SP9 Transportation
GP1 Sustainability and High-Quality Design
GP2 Development Limits
H6 Residential Care Facilities
TR3 Highways in Developments - Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Education & Children's Services - No observations received to date.

Environmental Health - There have been no complaints registered for noise or anti-social behaviour against the application property within the last 10 year. Recommends also checking Police records.

Head of Transportation & Highways - An On-Street Parking Assessment produced by LvW Highways Ltd has been submitted on behalf of the applicants and in support of the planning submission. The existing site serves as a single residential 3-bedroom dwelling (C3 Use) and does not benefit from any existing curtilage parking provision. Parking for the site currently takes place in the non-restricted on-street parking bays fronting the site on the A484. The proposed development is for the change of use of existing dwelling to a 3-bedroom residential care home (C2).

Access and parking provisions were initially proposed to serve the development within the rear curtilage of the site, to be accessed via the rear private lane off Elgin Road. Following an onsite assessment undertaken by HPL raised concerns in relation to highway safety due to sub-standard visibility at the access with Elgin Road.

The parking requirements in line with the adopted CSS Wales' Parking Standards 2014, for both existing use (C3) and proposed use (C2) are as follows:

RESIDENTIAL: NEW BUILD & CONVERSIONS: ZONES 2 – 6		
Type of Development	Residents	Visitors
Houses	1 space per bedroom (maximum requirement 3 spaces)	1 space per 5 units
Residential children's homes / homes for elderly persons / nursing homes	1 space per resident staff 1 space per 3 non-resident staff	1 space per 4 beds

The existing use associated with site (C2) is noted, which requires a parking provision of 3 spaces. All of which takes place within the on-street parking bays.

An on-street parking beat survey of Pwll Road from its junction with Elgin Road up to 23 Pwll Road was undertaken from Thursday 26th November 2020 to Sunday 13th December 2020. The survey found that there are 21 available parking spaces within the on-street provision, from no.7 up to no.23 Pwll Road. The survey only considered the number of parking spaces between these two points/properties. The survey found that there was an average of 10 on-street parking spaces available. Therefore circa 50% of the available 21 spaces within the on-street provision between nos.7 &.23 Pwll Road were available throughout the survey period.

Recommends conditions be attached to any permission granted to prevent vehicular access from Elgin Road and to require the submission of a travel plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development.

Llanelli Rural Council – Objects to the proposal as it has concerns over the proposed hardstanding at the rear of the property, to be accessed off Elgin Road, given that the lane is too narrow and unsuitable to be used as a means of access on a daily basis, especially when combined with the other traffic movements likely to be experienced at the location. Also express concerns with the poor visibility when accessing Elgin Road from the lane and the lack of space available to create adequate visibility splays, and so consider that the scheme would be detrimental to highway safety.

Local Member - Councillor Jennifer Phillips has not commented to date.

Local Member - Councillor Penny Edwards is a member of the Planning Committee and has made no prior comment.

Police Liaison - I can confirm that there have been calls to the property that has resulted in Police action, but cannot go into any details.

Sustainable Drainage Approval Body - Initially expressed no comment, but subsequently commented that the developer will need to apply for SAB approval as the development construction area is likely to be greater than 100m².

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

Summary of Public Representations

The application was the subject of notification by way of neighbouring letters.

18 No representations (including 2 No duplicate submissions) were received from 13 No addresses, all objecting to the development. The matters raised are summarised as follows:

Highway Safety and Parking

- The lane to the rear of the property accesses Elgin Road on a steep hill and on a blind bend. It can be very busy with vehicles and pedestrians (including school children) and has a red tarmacadam footpath to protect pedestrians in the absence of a formal pavement. Vehicles travel quickly down the road due to its gradient and try and pick up speed going up the gradient. The private lane only allows one vehicle movement at a time, which can often conflict with vehicles entering the lane having travelled up the gradient from Pwll Road, leading to the vehicle needing to reverse back on to Elgin Road, causing a hazard. The proposed parking area would exacerbate this situation and be a hazard to vehicular and pedestrian safety, particularly at the junction of the lane with Elgin Road.
- Additional vehicle movements along the private lane would not be appropriate - excessive movements have already led to poor maintenance of the surface, with cracks and potholes appearing. Future resurfacing would be at the cost of residents.
- The section of parking at the rear would allow future applications for further residential development of the plot.
- Emergency vehicles already have difficulty accessing the lane.
- Vehicles associated with the property frequently park across neighbours' driveways and illegally on the A484, obstructing views from the junction of Elgin Road with the A484.
- The use generates a large demand for parking, causing parking problems for local residents.
- The on-road parking is insufficient to accommodate both the existing residents and the vehicles associated with this operation, particularly as most households have several cars and this use often has 7-10 parked cars associated with it, including 2 pool cars.
- Parking has been much more difficult since the facility opened, meaning residents have to travel some distance with children and shopping to get from their cars to their property.
- The photograph in the Planning Statement is misleading as it doesn't show the current parking situation.
- In response to the On-street Parking Assessment submitted...
 - Concerned that the planning committee may not have accurate information to reach a decision.

- The parking survey has been undertaken by a private firm commissioned by the applicants, and so may provide inaccurate results as the parking associated with the use could be controlled to reflect favourably on the development.
- The survey indicates that there were parking spaces on several occasions, but this is not usually the case [Provides photographs to show the level of parking and instances of illegal parking].
- Noted that parking improved during the survey period, with staff parking more considerately, but the situation has since reverted back.
- There is no mention of the 2No pool cars in the survey.
- There are usually 5 staff cars, 2 pool cars, visitor cars and office cars at the property, sometimes totalling 12No vehicles.
- Residents have difficulty in parking their own vehicles and accommodating and visitors.

Office Use

- There is a separate office business being run at the property – this property and area is unsuitable for 2 businesses. There are ‘office amounts of paper and envelopes’ delivered regularly.

Behaviour of Residents

- The residents of the care home are not children, but full-grown teenagers who have behavioural problems.
- Carers have no control over the residents, with bad language, comments and propositions being aimed at local residents.
- There are frequent disturbances from loud music, shouting, banging and bad language.
- There is frequent anti-social behaviour from the property.
- Its residents have no respect for neighbours or each other.
- Police have had to attend several incidents of disturbance, which have caused alarm and distress to neighbours.
- Complaints to CIW have gone unremedied.

Suitability of Use

- This has always been a small community and a quiet residential area with many elderly residents. No consideration has been given to the effect on neighbours’ health and wellbeing when subjected to anti-social behaviour, bad language and excessive noise from the property.
- The use of the property as a care home is unsuitable.

- Pwll is not a suitable place for a care home of this type, given the social issues of the home's residents.

Other

- Express concern that they were not directly consulted on the application, and note many objections would be received if all residents of Elgin Road and Pwll Road who use the rear lane were consulted.
- Claim that the change of use was undertaken surreptitiously. Local residents are not being informed or kept up to date. Suggest that the application is being fast-tracked to avoid objections being raised.
- The facility opened without any prior notice or consultation with local residents.
- The facility has reduced local property values.
- The resident staff work on a rota, and so are not permanent residents and have other homes to go to.
- Concern that approval would increase the number of residents being cared for, and the number of staff required.
- The property does not have a fire escape, does not seem secure, the garden is overgrown and refuse bags allowed to accumulate, attracting vermin.

The Local MP has also objected to the proposal on the following summarised grounds;

- No prior notice was given of the change of use.
- A number of serious issues have since become apparent, demonstrating that the premises is totally unacceptable for such a facility.
- Loss of amenity;
 - The proximity of the property to neighbours and its open nature means that there is inadequate privacy for residents of the care home and neighbours, making the property unsuitable from a safeguarding point of view and is not conducive to management of behavioural difficulties.
 - Residents can no longer enjoy their gardens due to excessive noise, bad language and disruptive behaviour.
 - Reference made to PPW and its objective to secure a good standard of amenity of residents and neighbours, ensuring that development would not result in excessive noise, activity or vehicle movements.
- Highway safety and parking;
 - The A484 is a dangerous road where there have been many accidents. Existing parking is difficult to utilise given the busy nature of the road.

- The property has an average of 12 vehicles parked outside during the day and 5 vehicles parked outside during the evening, including pool cars.
- Cars are often parked on double yellow lines and/or blocking residents' driveways.
- It appears as though this property is being used as an office – the parking arrangements and difficulties mean it is not suitable for such a use. It is also out of character with this residential area.
- The car parking area would be accessed by private lane, over which the applicant has no rights.
- Noise and anti-social behaviour;
 - Local residents have frequently experienced excessive noise and bad language.
 - There is a history of noise complaints and need for police intervention.
 - There have been several complaints made to police regarding anti-social behaviour and arrests made. The behaviour and language of the residents of 7 Pwll Road is such that neighbours feel as though they cannot allow their children to play in their gardens.
 - Some of the residents of the property appear to be very aggressive, with one using a punching bag late into the night using bad language, causing noise and loss of amenity to local residents.
- Contrary to CCC's Children's Services Policy
 - The Council's Children's Services department do not use this type of facility and recently objected to a similar home in Erw Las as no children from Carmarthenshire would be accommodated there. This is also the case here.
 - Concern that the residents are being uprooted from their communities and brought to Carmarthenshire. It is well documented that contact with the community and wider family is of paramount importance to children's wellbeing, and this is not practical when they are moved from their home towns.
 - Private children's homes put pressure on council services and staff since they have almost doubled the number of looked after children requiring support and services in the county.

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

Appraisal

This proposal has raised the question as to whether planning permission is required for its use, and as which Use Class such a facility would be classified.

The property was previously occupied as a C3 residential dwellinghouse, in accordance with the Town and Country Planning (Use Classes Order) 1987 (as amended). The C3 use allows for *“use as a dwellinghouse (whether or not as a sole or main residence) by not more than 6 residents living together as a single household (including a household where care is provided for residents”*, whereas the C2 use permits *“Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwellinghouses))”*.

Separately, the Order defines ‘care’ as *“personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment”*.

Therefore, by the Order’s definition of care, this use for the provision of care to children without a disablement or mental disorder would fall within the C2 Use Class - this is the basis of this application, as submitted by the applicant.

However, it is also noted there is relevant case law and a recent appeal decision relating to care facilities for 2 and 3 such children, respectively. In those instances, the property had changed from a C3 use to a C2 use, but it was determined that planning permission was not required as there had been no *material* change of use of the property given their scale and operational characteristics. Whilst there may be a possibility that permission is not required for such a change of use if it was deemed that the change was not material, depending on the specific circumstances and scale of the operation, the question of materiality is not a consideration of this application. Any such argument would have to be assessed via a Lawful Development Certificate.

Principle of Development

This application seeks retrospective planning permission for the change of use of a dwellinghouse to a children’s residential care facility under Use Class C2, providing residential care to up to three children in a family type environment. Policy H6 of the Carmarthenshire Local Development Plan 2014 relates to proposals for residential care facilities and is pertinent to the consideration of this application.

Policy H6 states that proposals for the development of residential care facilities and extensions to existing facilities within the Development Limits will be permitted where it has safe and convenient access to community facilities and services. The supporting text states that the level of independence of residents will be an important consideration with ‘closed door’ facilities not generally being considered appropriate. It also notes that the inclusion of such facilities within the development limits ensures that residents remain integrated into the community with the developments forming part of the urban or built form, and that the accessibility of community facilities and services represents an important recognition of residents’ needs.

The site has safe and convenient access to several community facilities and services, including a convenience store, café, hot food takeaways, public houses, Ysgol Gyfun y Strade secondary school and Coleg Sir Gar Graig Campus, all within safe and convenient walking distance of the site via designated footways to the east of the site. Pwll Primary School and Pwll Pavilion lie to the west of the site, along with playing fields and children’s playground. The property is located on a main bus route served by the X11 between

Carmarthen and Swansea every 30 minutes, and in close proximity to National Cycle Route 4 and the Wales Coast Path.

Taking the accessibility of these facilities and services within safe and convenient walking distance of the application property into account, it is considered that the development complies with LDP Policy H6 and so the principle of development is accepted.

Concern has been raised by neighbours that there is a separate office use operating from the property. However, it has been confirmed by the agent that the office is only used for purposes associated with and ancillary to the operation of this facility, as described above. This has been corroborated by the findings of a CIW inspector as part of an unannounced visit, where the office was found to be used solely in association with this care facility. Whilst the applicant also has other care facilities, the company's main administration base is located at New Road, Llanelli and it is stated that the running of the business (aside from the day-to-day administration of this particular facility) is not undertaken either wholly, or in part, at the application property. Officers are satisfied that a separate office or business use is not being run from this address. If a separate use was found to be operating from the property, it would represent a change of use that would require planning permission.

Impact upon Character and Appearance of the Area

With regards to the impact on the character and appearance of the area, no external alterations or extensions to the site or property are required as part of this application. The property therefore retains its external character and appearance as a two storey, detached family dwelling in a residential area.

Despite an element of care being provided, the property is to be occupied by residents and carers living as a family in a single household, utilising communal facilities, in a predominantly residential area. The nature and modest scale of the care facility use is considered to be in keeping with the residential character of the site and surrounding area.

The concerns of neighbours regarding noise and disturbance are noted and considered further under the 'amenity impacts' heading below. However, it is considered reasonable that there would be an element of noise and activity associated with the occupation of the property and the comings and goings of residents and visitors, in the same manner as would be generated by a typical family dwelling. Indeed, it is plausible that the property could be occupied by a large family of greater numbers than the current care facility, and so could generate a similar, if not greater, amount of noise and activity.

Given the residential nature of the use and its modest scale, it is not considered that the operation of the care facility would be detrimental to the character and/or appearance of the local area.

Amenity Impacts

There are several different considerations relating to amenity. As no external alterations or extensions are proposed as part of this scheme, there are no concerns regarding a loss of light or overbearing impact on neighbouring properties arising from the change of use.

With regards to privacy, it is considered that the nature and scale of the use resembles that of a typical family residing at an existing residential dwelling and, as such, there would be no adverse impact on the privacy of neighbouring residential properties arising from the

occupation of the application property in this manner when compared with its previous occupation as a family dwellinghouse.

Several objections have been received to the scheme on the grounds of excessive noise from the property, as well as the behaviour of the residents which is claimed to be anti-social in nature. The Council's Environmental Health department has confirmed that it has not received any noise or anti-social behaviour complaints regarding the application property. Dyfed-Powys Police has confirmed that there have been calls to the property that have resulted in police action, although no further information can be provided and no objection to this proposal has been offered.

The objections raise complaints include the playing of loud music, shouting and use of bad language which causes disturbance and anxiety to the occupiers of neighbouring properties.

The use of the property as a children's care facility remains residential in nature and is limited to a maximum of three children and their carers, who are present on a 24-hour basis to provide care and supervision. It is not considered that an operation of this scale is materially different to the occupation of the property by a large family which may have more than three children. The number of children can also be controlled by a suitably worded planning condition.

Although any unneighbourly or anti-social behaviour is undesirable and could be detrimental to amenity, it is acknowledged that similar impacts could arise from any residential occupation of the property and are not uncommon in residential areas. As such, any such impacts would not be solely attributable to the C2 use. Furthermore, it would not be appropriate to assume that all children who may reside on site would cause noise or anti-social behaviour issues.

There may be instances where a particular resident of the care facility causes noise and disturbance or acts in an anti-social way. However, there is 24-hour care and supervision at the property to control and mitigate any such issues, and the situation could be dealt with in the same manner as if it occurred at typical residential dwelling.

In the event of such behaviour causing harm to amenity, there are powers within the remit of the appropriate bodies which can mitigate and resolve such concerns or disturbance. Anti-social behaviour would fall within the remit of local Police, who have had involvement with the application site and taken the appropriate action. Likewise, the Council's Environmental Health department also have remit of anti-social behaviour, including complaints of noise and statutory nuisance. The operation and management of the property is also licenced and regulated by the Care Inspectorate Wales.

Having regard to the nature and scale of this facility, the level of care and supervision at the property on a 24-hour basis and the powers of the appropriate bodies to address any noise or anti-social behaviour which might arise, officers do not consider that the operation of this care facility gives rise to unacceptable impacts on local residential amenity as to warrant the refusal of this application.

Highway Impacts

The scheme initially proposed an area of off-street car parking at the rear of the property, accessed via a private lane off Elgin Road. This element of the scheme has since been

removed following an objection from the Council's Highways section. This scheme therefore proposes to continue to utilise the unrestricted on-street parking bays along the A484.

In line with the CSS Wales' Parking Standards 2014, a 3-bed residential dwelling would have generated a parking demand for 3No vehicles, in addition to any ad-hoc deliveries and visitors. The use of the property as a residential dwelling was reliant on the on-street parking provision to accommodate its demand for 3No spaces. As detailed in the Highways Planning Liaison Officer's consultation response above, the property now generates a parking demand of 4No spaces, an increase of 1No space. In the absence of any off-street parking provision, the property would remain dependent on the on-street parking facilities, which would need to accommodate 1No additional space associated with this use.

In light of the increased requirement, a parking beat survey of the on-street parking availability has been submitted in support of the application. The survey was undertaken on 10 separate days, across various days of the week, at various times of day. It concludes that *"there is sufficient on-street parking available in close proximity to the site should it be required"*. This survey has been reviewed by the Council's Highways Planning Liaison Officer who has accepted its findings and offers no objection to the development subject to the imposition of conditions.

Given the nature and scale of the operation, it is considered that the associated traffic movements would largely mirror those related to the typical family dwelling which could expect several daily movements arising from the daily commute and/or school run, shopping, visiting friends and family, evening and weekend recreational activities etc.

Taking this into account, along with the findings of the parking beat survey, it is considered that there is sufficient on-street parking available in the vicinity of the site to accommodate the increased demand of 1No space and the daily movements associated with the property by members of staff, visitors and deliveries. It is noted that objections have been raised surrounding the number of vehicles associated with the site. However, the parking requirements are assessed against the CSS Wales Parking Standards 2014, which results in the parking requirement for 4No spaces, as confirmed by the Highways Planning Liaison Officer.

Clarification was also sought by officers regarding the extant permission for the detached dwelling on site, which would also utilise on-street parking. It has been confirmed by the Highways Planning Liaison Officer that the on-street parking availability would be sufficient, even in the event that this application was granted and the permission for the detached dwelling was implemented.

Several of the objections include concerns regarding on-street parking associated with the application property, stating that there are instances where vehicles have parked illegally, across driveways and in proximity to a junction. Whilst illegal, inconsiderate and potentially dangerous parking could pose a highway safety risk, the management of such instances is not within the remit of the planning system and is controlled by the appropriate authorities.

Neighbours have also raised concern with regards to the reliability and authenticity of the on-street parking assessment. In response, it is noted the survey was commissioned by the applicant at the Council's request and has been undertaken by an appropriately qualified person, acting on behalf of an independent company. The assessment was undertaken thoroughly at varying times across multiple days to provide a reflection of the varying

availability. The survey and its findings has been reviewed and accepted by the Highways Planning Liaison Officer, and officers do not consider there is cause to doubt its authenticity.

Other Matters

Consultation on the application was undertaken in accordance with the requirements of Article 12(5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended), whereby the LPA is required to either display a Site Notice on or near the application site, or serve notice on any adjoining owner or occupier. Consultation letters were sent to the adjoining properties and others in the immediate vicinity of the site, as well as on request from another resident. It is therefore considered that the Council has undertaken the necessary consultation in accordance with the regulations.

As outlined under the 'proposal' heading, the facility commenced operation under the impression that a change of use was not required, having sought informal advice from the LPA. As a result, no formal consultation of local residents was possible until the submission of this application.

Concerns have also been raised that the private facilities are not used by the Council's Children's Service department, and that private homes put pressure on Council services and staff. In response, it is stated that the applicant is not relevant to the consideration of this application and the suitability of the use is assessed irrespective of whether it is a public or private operation. The Council's Children's Services department were consulted as part of the application, but no response has been received. There is no evidence that local authority resources are under pressure from private services, or that a facility of this modest scale would have a such an impact.

The suitability of the facility to cater for the needs of the residents has been considered by the Care Inspectorate Wales, who are responsible for the licensing of the property. In addition, it is considered that the property is of an appropriate scale and provides the facilities necessary to cater for the needs of its residents.

The concern raised regarding the impact of the proposal on local property value is not a material planning consideration. The condition and maintenance of the property's curtilage is not a consideration of this application, with any unsightly land able to be remedied by the powers of the Planning Enforcement section.

Planning Obligations

None

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted, along with the various consultee and third party responses, it is concluded on balance that the development complies with the relevant policies of the LDP in that it is appropriately located within safe and convenient access to community facilities and services, would not be detrimental to the character or appearance of the area or be detrimental to highway safety. Concerns regarding the impact of the facility on noise and anti-social behaviour are noted. Although some disturbance may be associated with the use, consideration is given to the nature and modest scale of the care facility, the 24-hour care and supervision that is available to residents, the power of the relevant authorities to control any such issues and the fact that any such disturbance could also arise from lawful occupation of the property under its C3 use. On balance, officers do not consider that the impact on residential amenity would be unacceptable or warrant the refusal of this application.

In balancing the various considerations of this application, officers consider that the change of use is acceptable and recommend that planning permission is granted subject to the following conditions.

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, shall have been deemed to have been implemented on 23/04/2020.

Reason: Required to be imposed pursuant to Section 73A of the Town and Country Planning Act 1990 (as amended).

Condition 2

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

- 1:1250 and 1:200 Site Location Plan, Block Plan, Ground Sections and Topography drawing [A103], dated 11/11/2020;
- 1:100 scale Floor Plans drawing [RB001], dated 01/04/2020;
- Evans Banks Planning Statement reference 1099.a, dated April 2020.

Reason: To confirm the extent of the permission and in the interest of visual amenity.

Condition 3

The premises shall be used as a children's residential care home for a maximum of three children and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To enable the Local Planning Authority to retain effective control over the use of the premises in the interests of highway safety and residential amenity (LDP Policy GP1).

Condition 4

Within 6 months of the date of this decision, a detailed Travel Plan, setting out ways of reducing car usage, increasing walking and cycling to and from the development and a timescale for its implementation, shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason: To promote sustainable transport (LDP Policies SP9 and GP1).

Reason 5

There shall at no time be any means of vehicular access to the development from Elgin Road (W5900).

Reason: In the interest of highway safety (LDP Policies GP1 and TR3).

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

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/01002
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Application Type	Householder
Proposal & Location	PROPOSED SINGLE STOREY REAR EXTENSION AND NEW DECKING AREA AT 16 HAULFRYN, BRYN, LLANELLI, SA14 8QL

Applicant(s)	MR & MRS CLEMENT
Case Officer	Zoe James
Ward	Llangennech
Date registered	21/12/2020

Reason for Committee

This application is being reported to the Planning Committee as the applicant is immediately related to an employee of the Planning Service.

Site

The application site comprises a sizeable semi-detached property located in Haulfryn residential estate, Bryn, Llanelli. The site occupies a corner plot within the residential estate adjacent to an area of public open space to the west accessible via an existing footpath leading from the residential estate. To the east the property is adjoined at ground floor level to neighbouring dwelling no. 17 Haulfryn. To the rear the site borders open green fields. The street scene is characterised by a variety of different house types and designs including detached properties, semi-detached with dormer windows to the roof and also bungalows.

The host dwelling benefits from ample garden space to the rear of the dwelling and also to the front with a detached garage to the west of the dwelling. The existing rear garden comprises a raised decking area with steps leading down to well-kept lawned garden. To the west the rear garden is bordered with a strong hedgerow, the rear boundary comprises existing vegetation and the east boundary is a block wall for the first part and then a close boarded fence.

The site is not situated within any environmental or ecological designations and is entirely within the Coal Authority's Development Low Risk Area.

Proposal

The application seeks full planning permission for a single storey rear extension and new decking area at the property. The proposed extension is to be partly situated on the existing decking area and will protrude out almost in line with the existing rear elevation of the

detached garage. The extension is proposed to extend from the rear elevation of the dwelling by 4.2 metres with a width of 6.15 metres. Large bi-folding doors are proposed on the rear elevation and a glazed lantern skylight of 3x1.5m is proposed to the flat roof. The submitted plans state that the proposed extension will be constructed using materials to match the existing dwellinghouse, including the UPVC window and door frames etc.

A new raised decking area of two levels is proposed from the rear elevation of the proposed extension. The upper decking area proposed extends from the proposed rear extension and existing decking area at the property, this then leads to steps to a lower decking area further to the north of the site which leads to the grassed garden area. The proposed decking area seeks to work within the topography and changing levels within the site. The existing boundary wall with no. 17 is also proposed to be increased in height slightly.

Planning Site History

The site has the following planning history:-

S/28970	Proposed Double Garage Full Granted	07 November 2013
S/24589	First Floor Extension and Rear Decking Area Full Granted	28 April 2011
D5/4934	Single Storey Extension Full Granted	15 May 1980

Planning Policy

In the context of the Authority's current Local Development Plan (LDP) the site is located within the Development Limits of Llanelli. Reference is drawn to the following policies of the Plan:-

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

GP1 Sustainability and High Quality Design
GP6 Extensions
EQ7 Biodiversity

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Head of Transportation & Highways - No observations received to date.

Head of Public Protection - No observations received to date.

Sustainable Drainage Approval Body (SAB) – The property is not located in an area of flood risk and does not require SAB approval.

Llanelli Rural Council - No observations received to date.

Local Member(s) - Councillor Gwyneth Thomas and Councillor Gary Jones have not commented to date.

Dwr Cymru/Welsh Water – No comments on the proposal.

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

Summary of Public Representations

The application was the subject of notification by way of neighbouring letter issued to no. 17 Haulfryn and a site notice displayed in the vicinity of the site.

No third-party responses have been received to date.

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

Appraisal

In terms of the principle of development, the planning application proposes a single storey rear extension and new two-tiered decking area at an existing residential dwelling, within development limits and within an established residential estate. Local Development Plan (LDP) Policy GP6 is of relevance. The policy supports residential extensions where they are compatible to the size and character of the existing development and do not adversely affect the amenity of neighbouring properties. The proposal involves a 4.2m by 6.1m single storey extension to the rear elevation. No new windows are proposed on the side elevations of the extension with glazed bi-folding doors proposed on the rear elevation and a roof skylight lantern. As a result, the proposed extension raises no privacy implications. In terms of the impact on the host dwelling, the proposal is considered to be of suitable scale and design as required by Policy GP6. There will be no change to the appearance of the dwelling from the streetscene as a result of the proposal.

The new decking area is proposed to extend beyond the existing decking area at the property to the north at the same height as the existing and then a second lower area proposed with steps onto the grassed garden beyond. In terms of privacy from the proposed decking area, this will largely be as existing at the site, albeit it is noted that the decking area will be extended further into the garden where the existing wall height is at a slightly lower level. From review of the photos, it appears that the neighbouring property also have an existing raised patio area and that there is already a degree of mutual overlooking. Whilst the patio area is proposed to extend out, it will be offset from the eastern boundary by approximately 2.9m. The existing east boundary wall is also proposed to be increased in height to 1.8metres at the top and then stepping down to 1.6metres. The applicant has advised that this has been discussed and agreed with residents of no. 17. No comments or objection have been received from the neighbouring property on the planning application in relation to the proposal. The proposed lower decking is not considered to raise any privacy matters as the existing wall will screen any views to the neighbouring property from this area.

The proposal does not impact upon the highway network, the existing driveway and garage provides sufficient area for parking.

The proposal is therefore considered to be in accordance with the objectives of policies GP1 and GP6 in terms of its scale and appearance and likely impact upon the residential amenity of neighbouring occupiers.

The proposal complies with LDP Policy SP14 in that it has been screened in accordance with Natural Resources Wales' (NRW) interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 20th January 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within criterion 1, 3 and 5 in the interim advice. Primarily, the proposal does not involve any new foul drainage or increase in occupancy at the property. Furthermore, NRW has confirmed that the Carmarthen Bay Marine site is not affected by the Phosphate issue. The application is therefore considered to comply with LDP Policy SP14 in that the development proposal is not likely to have a significant effect on the SAC.

Planning Obligations

None

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 extension and decking area are acceptable. The extension is considered to be compatible to the character and appearance of the existing property and the amenities of adjacent occupiers will not be adversely affected by the proposed extension or decking as a result of the height increase to the existing boundary wall.

The proposal is in accordance with the policies of the adopted Local Development Plan and is therefore put forward with a favourable recommendation subject to the below conditions.

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 details shown on the following plans:-

- Site Location Plan, Proposed Block Plan, Existing and Proposed Floor Plans drawing no RCL/001 received 16 December 2020;
- Existing and Proposed Elevations scale 1:100 drawing no. RCL/002 received 21 January 2021.

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

Condition 3

The materials to be used in the construction of the external surfaces of the extensions shall be as referred on Proposed Elevations and match those used in the existing building.

Reason: In the interests 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 responses received from consultees and third parties can be found on the Authority's website (www.carmarthenshire.gov.uk). They may also relate to other permissions or consents required or include further advice and guidance.

- Please see the relevant response from Dwr Cymru Welsh Water and refer to the recommendations and advice contained therein.

Note 3

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 20th January 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

Criteria 1, 3 and 5. Primarily, development to an existing residential property (e.g. extensions) that does not increase occupancy or the volume of drainage. In addition, NRW has confirmed that the Carmarthen Bay Marine site is not affected by the phosphate issue.

Application No	PL/01056
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Application Type	Full Planning
Proposal & Location	PROPOSED DORMER EXTENSION, ALONG WITH A SINGLE STOREY REAR EXTENSION AND BALCONY. DEMOLITION OF EXISTING SINGLE STOREY KITCHEN EXTENSION AT 16 ELKINGTON ROAD, BURRY PORT SA16 0AA

Applicant(s)	MR. CHRIS FRANCIS
Case Officer	Robert Davies
Ward	Burry Port
Date registered	05/01/2021

Reason for Committee

This application is being reported to the Planning Committee as the applicant is immediately related to an employee of the Development Management Service.

Site

The application site consists of a two storey, end of terrace property fronting on to Elkington Road in Burry Port. The dwelling has a symmetrical double fronted principal elevation, and is externally finished with pebble dash to the walls and concrete tiles to the roof. There is a small, single storey pitched roof kitchen extension to the rear, whilst the property benefits from having a generous rear garden amenity area.

Proposal

The application seeks full planning permission to demolish the existing single storey rear extension and construct in its place a larger, modern flat/parapet roof designed, single storey kitchen/dining/lounge room extension with balcony above accessed from one of the first floor bedrooms. The proposed extension is 7m in depth, 7.5 metres in width and is approximately 3.5 in height to the top of the parapet. The balcony has a 1100mm high glazed balustrade to the rear, and 1.8m high obscure glazed screens to either side of the balcony.

It is also proposed to construct two dormer windows in the rear roof slope of the dwelling in association with a loft conversion that will provide an extra study and bedroom. It was also originally proposed to construct one dormer on the front roof slope, however at the request of the LPA this was removed from the proposed scheme for design reasons and replaced with velux roof lights.

The proposed external finishes to the walls of extension consist of render and cladding, whilst cladding is also proposed to the dormers.

Planning Site History

There is no planning history.

Planning Policy

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

GP1 Sustainability and High Quality Design
GP6 Extensions

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Pembrey and Burry Port Town Council - No objection.

Local Member(s) - Councillor A Fox has not commented to date.

Councillor J James is a member of the Planning Committee and has made no prior comment.

Dwr Cymru/Welsh Water – No objection. Advise that a public sewer crosses the application site.

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

Summary of Public Representations

The application was the subject of notification by way of 4 no. neighbouring letters.

No representations have been received.

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

Appraisal

The proposed extension with balcony above is considered acceptable in size, scale and design terms and will provide a modern addition to the dwelling. The proposed rear dormers in themselves do not require planning permission, and as aforementioned the applicant agreed to the LPA's request to remove the originally proposed front dormer, and submitted amended plans accordingly. The proposed external finishes are considered appropriate.

The proposals will not adversely affect the residential amenity of neighbouring properties in the LPA's opinion, whilst no letters of concern or objection have been received. Whilst the extension is quite large, it is only single storey in terms of massing, is offset from neighbouring boundaries and is to be set down in comparison to the main part of the rear garden. The boundary with no.18 is defined by a high boundary wall, whilst there is an outbuilding belonging to no.14 located on the boundary with that neighbour. The proposed 1.8m high obscure glazed screen to either side of the balcony will in the LPA's opinion prevent any direct overlooking of neighbouring properties.

The application property benefits from having a generous rear garden amenity space, and the majority of this will remain to be the case post development.

Planning Obligations

Not applicable.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposed development is acceptable, accords with relevant LDP policies, and is thus put forward with a recommendation for approval.

Recommendation – Approval

Conditions and Reasons

Condition 1

The development hereby approved 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:-

- Location plan 1:1250 @ A4 (A105-005) received 29th December, 2020;
- Proposed block plan 1:200 @ A3 (A105-004) received 29th December, 2020;
- Existing floor plans and elevations 1:100; 1:200 @ A3 (A105-001) received 29th December, 2020;
- Proposed floor plans 1:100 @ A3 (A105-002A) received 27th January, 2021;
- Proposed elevations 1:100 @ A3 (A105-003A) received 27th January, 2021.

Reason: In the interest of visual amenity.

Condition 3

Prior to the beneficial use of the balcony hereby approved, the 1.8m high obscure glazed screens on either side of the balcony as shown on the approved drawings should be constructed in strict accordance with the approved detail and thereafter retained as such in perpetuity.

Reason: To preserve residential amenity.

Notes/Informatives

Note 1

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.

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.

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*Ardal
Gorllewin/
Area West*

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR AMGYLCHEDD**

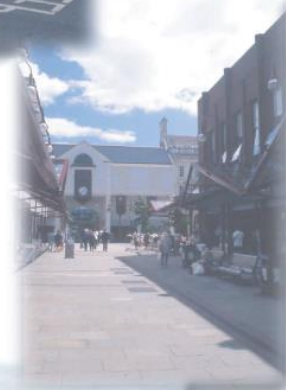
**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN/**

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

**AR 04 MAWRTH 2021
ON 04 MARCH 2021**

**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:	04 MARCH 2021
REPORT OF:	HEAD OF PLANNING

INDEX - AREA WEST

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APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	W/39628
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Application Type	Full
Proposal & Location	CONSTRUCTION OF A RURAL ENTERPRISE DWELLING AT ON YARD, LLANYBYDDER, CARMARTHENSHIRE, SA40 9RA

Applicant(s)	M JONES & C LEIGH, FOUNDRY COMMERCIALS LIMITED
Agent	JCR PLANNING LTD – MR RICHARD BANKS
Case Officer	Helen Rice
Ward	Llanybydder
Date registered	14/10/2019

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Ieuan Wyn Davies on grounds that he wished for the committee to have the opportunity to express its views on the application for a rural dwelling.

Site

The application site lies approximately 1.5km south west of the centre of Llanybydder in a countryside location accessed from the classified C2052 road that leads from Llanybydder up towards Llanybydder Mountain.

The site area is characterised by a surfaced and level yard which accommodates a vehicle repair and maintenance shed and offices, known as Foundry Commercials, located within a portal framed building on the yard. Further beyond the yard area lies a further yard area with industrial style buildings currently used for storage purposes in association with the National Eisteddfod and leased by the applicant to other long term tenants who utilise the units for agricultural supplies and environmental supplies storage. The applicant's current dwelling known as Gilfach Wen is situated at the site's access point with the highway and is positioned on a triangular parcel of land with the rear elevation adjoining an agricultural field in alternative ownership thus resulting in a limited rear garden area.

The application site area refers to the yard area accommodated by Foundry Commercials. The associated workshop building (250sqm) is equipped with an inspection pit, mechanical joist and integral office and staff rest room with the remainder of the yard area utilised for parking, turning and external storage of cars. A detached double garage and external dog kennel are located off the northern edge of the yard on the opposite side of the access road into the yard area from the applicant's dwelling at Gilfach Wen. The site is largely screened from the north east by a bank of Leylandii trees with open fields to the south east

beyond which flows the Afon Eion. The remaining yard area also within the applicant's ownership lies to the south west with the site access land bordering the north west.

Proposal

The application seeks full planning permission for the erection of a rural enterprise dwelling located to the north west of the vehicle repairs building and adjacent to the site's boundary with the open fields to the north-west. The proposed dwelling comprises a modest single storey 3 bedroomed dwelling with integral garage orientated with its front elevation facing north east. Its elevations will be finished in render with a brick plinth surround under a tiled roof with light oak uPVC windows and doors. The front elevation will be accentuated by an oak framed porch over the principal entrance into the property.

Access is to be achieved via the existing yard area with the creation of a lawn garden area to the south-west and north-west with the remaining area retained as a yard area to service the business.

The application has been accompanied by a rural enterprise appraisal which provides an appraisal of the proposal within the context of the policy requirements of Technical Advice Note (TAN) 6 : Planning or Sustainable Rural Communities (July 2010).

In summary, the proposed dwelling is intended for the applicants who currently reside at the dwelling known as Gilfach Wen directly opposite the site. The applicants advise the existing dwelling at Gilfach Wen is no longer fit for purpose due to a medical condition of one of the applicants which restricts her ability and mobility and there is limited opportunities to extend the existing dwelling to create the level living space required at ground floor level. As such a new dwelling is required to provide the level living space whilst also maintaining the same proximity to the business as they currently are able to at Gilfach Wen. It is understood that the applicants intend on selling the existing house in the very near future.

Planning Site History

W/4533	Agricultural Notification	
TMT/03671	Garage/workshop, parking, commercial sale vehicle	
	Refused	15 May 2003
	Appeal Dismissed	12 November 2003
W/11082	Change of use of existing agricultural building and yard for the servicing, repair, adaptation of agricultural machinery and vehicles	
	Granted	27 January 2021

Planning Policy

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

SP1 Sustainable Places and Spaces.
SP14 Protection and Enhancement of the Natural Environment
GP1 Sustainability and High Quality Design

TR3 Highways in Developments – Design Considerations.

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018

[Technical Advice Notes](#) (TAN) 6 : Planning or Sustainable Rural Communities (July 2010) is particularly relevant for this application.

Summary of Consultation Responses

Llanybydder Community Council – Have raised no objection.

Local Members – Councillor Ieuan Wyn Davies is a member of the Planning Committee and has requested that the application be considered by 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 the posting of a site notice on the fence post in front of the access point into the application site. One representation was received but was later retracted and no further representations were received on the application.

Appraisal

Principle of Development

The proposal involves the creation of a new dwelling in the countryside which is generally not considered acceptable in principle. It is only in exceptional circumstances that planning permission for the creation of a dwelling is considered within the countryside, such exceptions include conversions of traditional rural buildings to dwellings, dwellings in association with local affordable housing needs, dwellings associated with One Planet Developments and Rural Enterprise Dwellings. This application has been submitted on the basis of seeking permission for a Rural Enterprise Dwelling as the applicant states that they are unable to continue to live at the existing dwelling due to personal medical conditions but wish to remain in proximity to the business, and therefore to an extent relates to a local need requirement. Both exceptions are discussed further below.

Rural Enterprise Dwelling

TAN6 stipulates that one of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work.

TAN6 defines a rural enterprise as comprising “*land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting) tourism and leisure enterprises*”.

To comply with Policy TAN6 it first needs to be established whether the enterprise that the dwelling seeks to be associated with falls to be considered as a Rural Enterprise as defined by TAN6. The existing business is the repair and sales of commercial vehicles/HGVs. Details of the types and range of vehicles available for sale is set out on the business' website. Therefore, whilst it is the case that the business is in a rural location, given the definition above, it is not considered that the use can be classed as a Rural Enterprise as it is not related to agriculture, forestry or another activity that obtain their primary inputs from the application site. Furthermore, the use is not associated with land management activities or support services such as agricultural contracting, tourism or leisure. It must be re-iterated that whilst a business may be located within the countryside, it is only those businesses within the definition of a rural enterprise as set out in TAN6 that are eligible to be associated with an application for a rural enterprise dwelling.

On this basis, it is not considered that the business can be classed as a rural enterprise as defined in TAN6 and therefore it falls that the proposal cannot be considered under the exception policy for rural enterprise dwelling.

Notwithstanding the fundamental issues outlined above, the TAN sets out the criteria (a-e) to establish when a new dwelling on an established rural enterprise may be justified under paragraph 4.4.1 whereby proposals should only be permitted where they meet these requirements.

Criterion a) of the TAN requires that there is a clearly established functional need for one or more workers to be readily available at most times for the proper functioning of the enterprise while criterion b) requires that this need must relate to a full rather than part-time worker. Criterion c) relates to a financial test whereby the enterprise must have been established for at least three years, profitable for at least one of them and be financially sound and have a clear prospect of remaining so. Under criterion d) applicants must demonstrate that the functional need cannot be fulfilled by another dwelling or converting an existing building on the holding and, finally, criterion e) relates to 'other normal planning requirements' in that proposals must be acceptable from, for example, a siting, design and access perspective.

Functional Requirement

The applicant has advised that the principle reason for requiring a new dwelling on the existing yard is to enable the successful business at Foundry Commercials to be retained and continue to provide essential employment for the Applicants.

The submitted rural enterprise dwelling report states, "*Deliveries of stock and collection of vehicles takes place not just throughout the working day, but very often at early morning and late evening hours due to their transit from abroad, and the demands of the delivery suppliers who work on a wider range of delivery times. Valuable vehicle stock also is delivered at "out-of-hours" times, meaning that a member of staff has to be on-hand to administer the collection and verification of such valued deliveries*". Furthermore, the report states, "*the Applicants also have a supervisory role in the day-to-day management and logistics associated with the two warehouses, operated by the two long term leaseholders. HGV deliveries to those two units also take place at "out-of-office" hours, and thus require the continuous on-site presence of the Applicants to ensure proper and safe delivery and collection of supplies from those large warehouses*".

Whilst the above justification is acknowledged, the guidance to TAN6 specifies that the functional need is concerned with the management of risk within the operations of a rural enterprise which cannot be properly managed within normal working hours. To explain this further, TAN6 uses the example of a circumstance where workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Whilst the “out of hours” deliveries are acknowledged, it is not considered that these are at such a frequency to require the continued presence of the applicant on site as evidently the timings of these deliveries would be known to the business owner who could make arrangements to be at the site at that time. Furthermore, the TAN also states that where there is an existing dwelling on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential.

The existing business is served by the applicant’s current dwelling known as Gilfach Wen, which is understood to have been the former farmhouse associated with the land prior to its current use. No information has been provided to demonstrate that there is a need for an additional worker to live on the site to support a further dwelling on the enterprise. As such it is not considered that there is a functional need for an additional dwelling on the enterprise and as such the proposal fails to meet the functional need test.

Time Test

This test relates to the number of workers needed to meet the functional need. This cannot relate to a part time requirement or a requirement that does not relate to the enterprise. The TAN also states that all existing dwellings must also be occupied by full-time workers for whom it is essential that they also remain on site for functional reasons or by workers and their dependents last employed in a rural enterprise. In circumstances where an additional dwelling is considered acceptable, it is generally the case that the required rural enterprise dwelling condition would be applied both to the proposed and existing dwelling.

The submitted report does not provide details in relation to the number of workers employed by the business, albeit it is implied that only the applicants are employed full time in the business. It therefore follows that there is no justification for an additional dwelling on the site as the applicant already reside at Gilfach Wen as such the time test is not complied with.

Financial Test

TAN6 requires a rural enterprise to be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time usually at least 5 years.

In support of this element, financial records for the business have been provided that demonstrate that the current business is financially sound and there is nothing to suggest that this would change. The proposal could meet the financial test.

Other Dwelling Test

The proposed dwelling is intended for the applicants who currently reside at the dwelling known as Gilfach Wen directly opposite the site. TAN6 specifies that it needs to be shown why any existing dwellings cannot be used to meet the needs of the enterprise and that

residential arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise within the need for a further dwelling. The applicants advise the existing dwelling at Gilfach Wen is no longer fit for purpose due to a medical condition of one of the applicants which restricts her ability and mobility and there is limited opportunities to extend the existing dwelling to create the level living space required at ground floor level. As such a new dwelling is required to provide the level living space whilst also maintaining the same proximity to the business as they currently are able to at Gilfach Wen. It is also understood that the current dwelling is for sale on the open market.

As such the proposed dwelling is partly required in association with the rural enterprise as well as meeting the personal circumstances of the applicant. Advice in TAN6 specifies that an additional dwelling should only be granted to meet the needs of the enterprise rather than personal circumstances.

In terms of other buildings available for conversion it is accepted that there are no existing buildings suitable for conversion on the site. No information has been provided in terms of the availability of properties in the village of Llanybydder a short distance away from the site. A search on the internet establishes that there are a number of bungalows currently for sale within 5 miles of the application site. As such it is not considered that the proposal complies with the other dwelling test.

Summary Compliance with TAN6

On the basis of the above it is therefore concluded that the existing business does not fall within the definition of a rural enterprise and therefore it follows that the proposal cannot be considered against TAN6 for these reasons. Furthermore, irrespective of this 'in principle' conflict, the proposal would not comply with the relevant tests set out in TAN6.

Local Need

The other exception policy for a new dwelling in the countryside is where the dwelling is required to meet a specific genuine local need. Policy AH3 of the LDP sets out the circumstances where such applications may be considered acceptable as follows:

Proposals in the open countryside for affordable housing for a single dwelling will be permitted within settlements, hamlets and groups of dwellings without Development Limits where it is to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:

- a) It represents sensitive infill development of a small gap within an otherwise continuous built up frontage; or, a minor extension which does not result in ribbon development or perpetuate existing ribbon development;
- b) It is of a scale and size appropriate to, and in keeping with (and not detrimental to) the character (including landscape and townscape) of the area;
- c) The benefits of the initial affordability will be retained for all subsequent occupants;
- d) It is of a size, scale and design compatible with an affordable dwelling and is available to those on low or moderate incomes.

To comply with the above, it first needs to be established whether the applicants meet the definition of local needs as provided within the glossary of the LDP:

“Defined as residents (and their dependents) of the community and town council area or adjoining community and town council area. Present residents whose circumstances may relate to current substandard or unsatisfactory accommodation or where they are forming a new family or leaving the parental home for the first time will be considered as will those who make a significant contribution to the social, cultural and economic vitality of the community and town council area.

In addition the definition will apply to those persons with a long standing link with the community and town council area including a period of established residence within the last twenty years. Those persons who have a proven functional need to live close to their place of work or to a resident through an essential need arising from age or infirmity may also be deemed eligible for consideration”.

Based upon the information provided with the application, it could be considered that the applicants do comply with the definition in that they are long standing residents of the area and it is claimed that the existing dwelling is unsatisfactory on medical grounds. However, the application site is not within a settlement, hamlet or group of dwellings as required by the policy but rather within the yard setting of the unlawful business. The siting would therefore fail against the fundamental locational requirements of policy AH3.

Other Planning Requirements Test

Turning to the usual planning requirements for a new dwelling, the siting of the dwelling within the yard area coupled with the overall scale and design of the dwelling is deemed not to have an unacceptable impact upon the character and appearance of the area. No concerns are raised in relation to access, impact upon the amenity of neighbouring residents or biodiversity issues. Nevertheless it is not considered that these considerations alone are sufficient to overcome the fundamental objections to the proposed dwelling as referred to above.

Biodiversity Impacts

The application site is within the River Teifi SAC Catchment area. NRW has recently issued guidance relating to the impact of phosphates on riverine SACs, including the Teifi. As a result, all applications that have the potential to create additional wastewater must be assessed to ensure that it would not result in a likely significant effect on riverine SACs through increased levels of phosphates arising from additional wastewater generated by new developments. However, NRW has advised that in circumstances where wastewater generated by development is treated by private sewage treatment plants (e.g. septic tanks/private treatment plants) and that the drainage field associated with that plant is more than 50m from the SAC boundary AND that the daily discharge rate from the plant does not exceed 2 cubic meters it is unlikely to result in significant effects on the SAC.

In this instance, information submitted with the application form confirms that the dwelling would be served by the existing septic tank that serves the existing garage building. The site is 50m away from the nearby Nant Einon that flows down to the river Teifi and given the level of usage of the septic tank, it has been calculated that it would fall below the 2 cubic meters daily discharge threshold. As such, following screening of the application, it

has been concluded that the development would not increase phosphate inputs into the River Teifi SAC and therefore complies with Policy SP14 of the LDP.

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 that the existing business falls outside of the clear definition of a rural enterprise as set out in TAN6 and due to the nature of the use there is no essential functional need for someone to be readily available at most times by being resident on the site for the business to function properly. Whilst the personal circumstances of the applicant are acknowledged, it is the needs of the business that must justify the need for a dwelling as clearly set out in TAN6. Due to the location of the dwelling not being within a minor settlement, hamlet or group of dwellings it also fails to meet the locational criteria of Policy AH3 of the LDP. Furthermore, whilst the proposal is not considered to give rise to unacceptable impacts in terms of the character and appearance of the area, the living conditions of nearby residents and highway impacts, they are not considered sufficient to outweigh the fundamental conflict with TAN6 that reflect the overarching policy of PPW that requires developments within the countryside to be strictly controlled. The application is therefore recommended for refusal for the reasons set out below.

Recommendation - Refusal

Reasons for Refusal

Reason 1

The proposed development and the associated enterprise is not considered to fall within the definition of a Rural Enterprise as set out in paragraph 4.3.2 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (2010) being a commercial vehicle/HGV repairs and sales business. It therefore falls that the existing business is not a qualifying rural enterprise that can be relied upon as justification for a rural enterprise dwelling. The proposal would therefore result in an unjustified new dwelling in the countryside contrary to paragraphs 4.2.36-37 of Planning Policy Wales (Edition 10, December 2018) and paragraph 4.3.2 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (2010).

Reason 2

The dwelling is not considered essential for the proper functioning of the enterprise for employees to be readily available at most times and there is already another dwelling occupied in association with the enterprise with no evidence to confirm that there is a need

for any additional workers to justify an additional dwelling on the site to meet the requirements of the business. The proposal therefore fails to meet the rural enterprise dwelling tests set out in paragraph 4.4.1 of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010).

Reason 3

The proposed location of the dwelling is not within a minor settlement, hamlet or group of dwellings and therefore fails to meet the locational criteria of Policy AH3 of the Carmarthenshire Local Development Plan 2014. The proposal would therefore result in a sporadic unjustified new dwelling remotely located in the countryside contrary to paragraph 3.5.6 of Planning Policy Wales (Edition 10, December 2018), paragraphs 4.2.3 of Technical Advice Note 6 : Planning for Sustainable Rural Communities (2010) and Policies SP1(a) and AH3 of the Carmarthenshire Local Development Plan 2014.

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**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

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

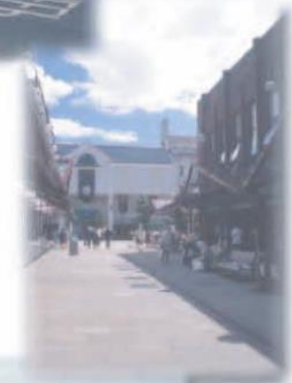
**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

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

**AR 04 MAWRTH 2021
ON 04 MARCH 2021**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal
Dwyrain/
Area East*



Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod 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:	04 MARCH 2021
REPORT OF:	HEAD OF PLANNING

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/00778
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Application Type	Householder Planning Permission
Proposal & Location	ALTERATIONS AND FIRST FLOOR / ROOF EXTENSION SWN Y GAN, LLANGADOG, SA19 9HP

Applicant(s)	MR & MRS E DAVIES
Agent	DARREN MILLS ARCHITECT
Case Officer	Kevin Phillips
Ward	Llangadog
Date registered	20/11/2020

Reason for Committee

This application is being reported to the Planning Committee as the applicant is the son of Planning Committee Member Councillor Joseph Davies, who is the local member for Manordeilo & Salem Ward.

Site

The application site is a detached two storey brick dwelling with a hipped roof, adjacent to Llangadog primary school, fronting the A4069 road through the village.

Proposal

The proposal is to provide a first floor extension for a home office above the existing single storey garage at the eastern side of the dwelling and a bathroom and utility room at ground floor at the rear of the garage. The proposal will have matching materials to the existing and the roof will have a hip to match the existing dwelling and a dormer windows in the front elevation above the garage and the rear elevation above the utility room.

Planning Site History

There is no relevant planning history on the application site.

Planning Policy

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

GP6 Extensions

[Carmarthenshire Supplementary Planning Guidance](#)

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

Summary of Consultation Responses

Llangadog Community Council - No comments received.

Local Member(s) – Councillor A James has not commented to date.

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

Summary of Public Representations

The application was the subject of notification by way of a site notice and no objections have been received.

Appraisal

The proposal is a first floor and ground floor extension to the eastern side of the dwelling and although larger than the existing extension, it is considered that the extension is of an appropriate design, materials and scale, and adheres to the requirements of the aforementioned Carmarthenshire LDP policy for extensions and it is considered that there are no other material issues that prevent support being given for the proposal.

Biodiversity Impacts

The application site is within the River Tywi SAC Catchment area. NRW has recently issued guidance relating to the impact of phosphates on riverine SACs, including the Tywi. As a result, all applications that have the potential to create additional wastewater must be assessed to ensure that it would not result in a likely significant effect on riverine SACs through increased levels of phosphates arising from additional wastewater generated by new developments. However, NRW has advised that in circumstances where wastewater generated by development does not increase the waste water treated by the sewerage works, it is unlikely to result in significant effects on the SAC.

In this instance, information submitted within the application confirms that the existing toilet and utility room will be relocated from the existing dwelling to be within the proposed extension, with no additional occupancy, which is not considered to be a positive increase in the waste water generated. As such, following screening of the application, it has been concluded that the development would not increase phosphate inputs into the River Tywi SAC and therefore complies with Policy SP14 of the LDP.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposal is supported.

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

- Location plan 1:1250 scale, received 6 November 2020;
- Block Plan(03) 1:500 scale, received 6 November 2020;
- Proposed Floor Plans, Section & Elevations (02), received 6 November 2020.

Reason: In the interest of visual amenity.

Condition 3

The materials used in the extension hereby approved shall match the existing dwelling.

Reason: In the interest of visual amenity.

Reasons for Granting Planning Permission

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

- The proposed development adheres to the requirements of Policy GP6 of the Carmarthenshire Local Development Plan which ensures that proposed development is of a satisfactory standard of design, in terms of siting, size and the use of materials which complement the character and appearance of the existing building or structure and its surroundings and ensures that proposed extension is appropriate to the use of the existing building.

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).

PLANNING COMMITTEE

Thursday, 4 February 2021

PRESENT: Councillor A. Lenny (Chair)

Councillors:

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

The following Officers were in attendance:

J. Edwards, Development & Built Heritage Manager
J. Thomas, Senior Development Management Officer [South]
S. Murphy, Senior Solicitor
R. Davies, Development Management Officer [South]
G. Glenister, Development Management Officer
Z.M. James, Development Management Officer [South]
M. Evans Thomas, Principal Democratic Services Officer
A. Eynon, Principal Translator
K. Thomas, Democratic Services Officer
J. Corner, Technical Officer
R. Lloyd, Democratic Services Officer
E. Bryer, Democratic Services Officer

Virtual Meeting - 10.00 am - 11.30 am

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor. P. Edwards.

2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute Number	Nature of Interest
Joseph Davies	3. PL/00778 - Alterations and first floor / roof extension Swn Y Gan, Llangadog, SA19 9HP [item subsequently withdrawn]	Applicant is a relative.

3. AREA EAST - DETERMINATION OF PLANNING APPLICATIONS

The Committee was advised that this item had been withdrawn, pending the review of the recently announced Natural Resources Wales documentation in relation to Special Areas of Conservation and phosphate levels which required further clarification at a national level for all local authorities.

4. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS

The Committee was advised that this item had been withdrawn, pending the review of the recently announced Natural Resources Wales documentation in relation to Special Areas of Conservation and phosphate levels which required further clarification at a national level for all local authorities.

5. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS

The Committee was advised that this item had been withdrawn, pending the review of the recently announced Natural Resources Wales documentation in relation to Special Areas of Conservation and phosphate levels which required further clarification at a national level for all local authorities.

6. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 7TH JANUARY, 2021

RESOLVED that the minutes of the meeting of the Committee held on the 7th January, 2021, be signed as a correct record.

7. EXCLUSION OF THE PUBLIC

UNANIMOUSLY RESOLVED, pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, that the public be excluded from the meeting during consideration of the following item as the report contained exempt information as defined in paragraph 16 of Part 4 of Schedule 12A to the Act.

8. PLANNING REFUSAL REFERENCE S/21597

[**Note:** Councillors I.W Davies, C. Jones and G.B Thomas left the meeting during consideration of this item as they weren't present at the meetings held on the 1st October, 2019 and 14th November, 2019 when the application was considered. As a substitute committee member, Councillor. D. Cundy also left the meeting during consideration of this item.]

The Committee considered a report on the appeal against planning refusal Reference S/21597 decision notice dated 14th November 2019. The Committee noted that there were 8 policy reasons for refusal (4 substantive grounds).

Officers advised that they had been preparing the Council's case to defend the appeal and shared the advice that had been provided by Counsel.

Following detailed discussions, it was:

UNANIMOUSLY RESOLVED that planning officers notify the Appellant that the Authority intends defending the Appeal as detailed in the report.

CHAIR

DATE