

**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 Del/
Area South*



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 tarmac path 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.