

DYDD LLUN, 4 MAWRTH 2024

**AT: HOLL AELODAU Y PWYLLGOR CYNLLUNIO**

YR WYF DRWY HYN YN EICH GALW I FNYNCHU CYFARFOD O'R **PWYLLGOR CYNLLUNIO** A GYNHELIR YN **SIAMBR, NEUADD Y SIR, CAERFYRDDIN, SA31 1JP AC O BELL AM 1.00 YP DYDD MAWRTH, 12FED MAWRTH, 2024** ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD YNGHLWM

*Wendy Walters*

**PRIF WEITHREDWR**

Swyddog Democrataidd:	Julie Owens
Ffôn (Ilinell uniongyrchol):	01267 224088
E-Bost:	Democraticservices@sirgar.gov.uk
Cyfarfod aml-leoliad yw hwn. Gall aelodau'r pwyllgor fynychu'n bersonol yn y lleoliad a nodir uchod neu o bell drwy'r ddolen Zoom a ddarperir ar wahân.	
Gellir gwyllo'r cyfarfod ar wefan y cyngor drwy'r ddolen canlynol:- <a href="https://carmarthenshire.public-i.tv/core/portal/home">https://carmarthenshire.public-i.tv/core/portal/home</a>	

Wendy Walters Prif Weithredwr, *Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

## PWYLLGOR CYNLLUNIO

### **GRŴP PLAID CYMRU- 11 Aelod**

Cyng. Tyssul Evans (Cadeirydd)

Cyng. Mansel Charles (Aelod y Pwyllgor)

Cyng. Terry Davies (Aelod y Pwyllgor)

Cyng. Ken Howell (Aelod y Pwyllgor)

Cyng. Carys Jones (Is-Gadeirydd)

Cyng. Jean Lewis (Aelod y Pwyllgor)

Cyng. Denise Owen (Aelod y Pwyllgor)

Cyng. Dorian Phillips (Aelod y Pwyllgor)

Cyng. Russell Sparks (Aelod y Pwyllgor)

Cyng. Gareth Thomas (Aelod y Pwyllgor)

Cyng. Elwyn Williams (Aelod y Pwyllgor)

### **GRŴP LLAFUR - 5 Aelod**

Cyng. Peter Cooper (Aelod y Pwyllgor)

Cyng. Michelle Donoghue (Aelod y Pwyllgor)

Cyng. Anthony Leyshon (Aelod y Pwyllgor)

Cyng. Edward Skinner (Aelod y Pwyllgor)

Lle Gwag (Aelod y Pwyllgor)

### **GRŴP ANNIBYNNOL - 3 Aelod**

Cyng. Sue Allen (Aelod y Pwyllgor)

Lle Gwag (Aelod y Pwyllgor)

Lle Gwag (Aelod y Pwyllgor)

### **HEB GYSYLLTIAD 2 Aelod**

Lle Gwag (Aelod y Pwyllgor)

Lle Gwag (Aelod y Pwyllgor)

# **A G E N D A**

- 1. YMDDIHEURIADAU AM ABSENOLDEB**
- 2. DATGAN BUDDIANNAU PERSONOL**
- 3. PENDERFYNU AR GEISIADAU CYNLLUNIO**

5 - 26

Mae'r dudalen hon yn wag yn fwriadol

**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO  
PLANNING COMMITTEE**

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

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

**12/03/2024**

**I'W BENDERFYNU  
FOR DECISION**

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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12/03/2024</b>
<b>REPORT OF:</b>	<b>HEAD OF PLACE AND SUSTAINABILITY</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
<b>PL/06297</b>	<b>Removal of Condition 5 attached to planning permission reference W/38893, to allow retention of the existing wooden structure on site and the retention of a touring caravan for ancillary domestic purposes at Parc Yr Odyn, Hebron, Whitland, SA34 0XT</b>

<b>REF.</b>	<b>ADDITIONAL ITEMS</b>
<b>PL/06617</b>	<b>Retrospective application for the proposed extension to the rear of Plot 3 and extension to the rear raised decking area approved under the reserved matters approval (ref. PL/00588) at Plot 3, Former NRW Labs, Pen Y Fai Lane, Llanelli, SA15 4EN</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**



<b>Application No</b>	<b>PL/06297</b>
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<b>Application Type</b>	Removal/variation of conditions
<b>Proposal</b>	Removal of Condition 5 attached to planning permission reference W/38893, to allow retention of the existing wooden structure on site and the retention of a touring caravan for ancillary domestic purposes
<b>Location</b>	Parc Yr Odyn, Hebron, Whitland, SA34 0XT

<b>Applicant(s)</b>	Mr Brendan Powell
<b>Agent</b>	N/A
<b>Officer</b>	Hugh Towns
<b>Ward</b>	Llanboidy
<b>Date of validation</b>	20/07/2023

## Committee Report Update

The application was reported to the meeting of the Planning Committee on 7th December 2023 where it was RESOLVED that consideration of the application be deferred to enable the Committee to undertake a site visit to enable the Committee to view the site in light of concerns raised that the application could be in contravention of the principles set out in the One Planet Development (OPD) guidance in terms of its environmental and ecological impact.

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of three or more letters of objection from third parties.

## Site

The application site comprises a 2.4 hectare parcel of land located within a small cluster of dwellings in a countryside location. It lies approximately 850m to the south west of the village of Hebron and 675m north-west of the village of Llanglydwen. The site has an access from

the classified C3122 road which forms its northern boundary. The eastern and southern boundaries are defined by existing hedgerows and vegetation with agricultural fields beyond while the site's western boundary is defined by an area of woodland and hedgerows with a residential property beyond.

The site is being developed as a One Planet Development (OPD) following the grant of planning permission by the Planning Committee in October 2019 (Reference: W/38893). The house has been erected and the site contains polytunnels and various sheds/outbuildings associated with horticultural activities. The site also contains a 'wood porch' or 'wooden structure' and a touring caravan that were used as temporary accommodation whilst the house was being constructed. At one time these were linked but they have now been separated. The temporary accommodation is specifically indicated on the approved plans for the OPD.

## Proposal

Condition 5 of the planning permission W/38893 for the OPD states:

'The proposed temporary accommodation and any attached structures as detailed on the Scale 1:1250 Location Plan showing temporary accommodation and Polytunnel received on 6th January 2020 shall be permanently removed from the site on first occupation of the dwelling hereby approved'.

The dwelling has been occupied and the temporary accommodation, comprising of a touring caravan and an attached 'wood porch' were not removed. The application is therefore the result of an enforcement investigation.

The application is made under the provisions of Section 73A of the Town & Country Planning Act 1990 (as amended) and seeks to carry out the development without complying with a condition subject to which planning permission was granted, namely condition 5. The applicant submits that they would like to retain the 'wood porch' referred to and marked as B on the approved plan and re-purpose it for use as required in the running of their One Planet Development. They would also like to retain the touring caravan for ancillary domestic purposes although no longer attached to the 'wood porch'.

## Planning Site History

W/38893 - This planning application is for a low impact, sustainable horticultural development under Welsh Government Policy TAN6, one planet development. The land is currently classified as agricultural land and the application will involve a change of use for the land or part of it to residential use - Full Planning Permission - 17 October 2019

W/34079 - Proposed change of use from agricultural building to dwelling - Full Refusal 30 August 2016

W/24984 - Reinforcement work on 25 km Hebron 11kv feeder Overhead Line - Approval 11 August 2011

W/10991 - Temporary permission for five years for three polytunnels plus construction of general-purpose agricultural building plus retention of access as built - Full planning permission 20 February 2006

W/09956 - Retention of mushroom & general purpose shed and pigsty on a permanent basis. Construction of tractor shed & barn. Temporary permission for 3 polytunnels for 5 years - Withdrawn 26 July 2005

W/08023 - Permanent retention of buildings - Withdrawn 17 January 2005

TM/00510 - Organic horticultural veg & fruit production unit - Full planning permission 16 April 2002

D4/17265 - Siting of a bungalow and garage - Refusal 17 February 1989

D4/14740 - Siting of a bungalow and garage - Refusal 31 July 1987

D4/26365 - Smallholding comprising hay barn, tractor shed, stables, potting shed storeroom and chicken house - Full planning permission 10 October 1996

## Planning Policy

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

Policy GP1 - Sustainability and High Quality Design

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

## Summary of Consultation Responses

**Cilmaenllwyd Community Council** - has not commented to date.

**Local Member** - Cllr Dorian Phillips is a Member of the Planning Committee and has made no prior comment on the application.

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

## Summary of Public Representations

The application has been publicised by neighbour notification to three properties. In response, 4 letters of objection (one anonymous) have been received which raise the following issues of concern:

- request that the parent permission W/38893 for the OPD is revoked
- the 'porch' or 'wooden structure' does not amount to permitted development and should not be described as a porch
- the caravan has not been removed as is stated
- the plans are not to scale and are misleading
- the application is incorrect and relates to the incorrect planning condition
- the condition was intended to prevent a second dwelling on the site
- there are no valid reasons to retain the structure/caravan

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

## Appraisal

As stated above, the site is being developed as a One Planet Development following the grant of planning permission by the Committee in October 2019 (Reference: W/38893). The house has been erected and the site contains polytunnels and various sheds/outbuildings associated with horticultural activities. The site also contains a 'wood porch' or 'wooden structure' and a touring caravan that were used as temporary accommodation whilst the house was being constructed. At one time these were linked but they have now been separated, the temporary caravan has been relocated on site.

It is accepted that the site is not yet developed to the full extent of the permitted OPD. Planning Policy Wales Edition 11 states that OPD located in the open countryside should provide for the minimum needs of the inhabitants in terms of income, food, energy and waste assimilation over a period of no more than five years from the commencement of work on the site. The owners commenced work on 30 June 2020 and are therefore well within the 5 year period for establishment. The approved exit strategy recognises that the residential use would need to cease and that this would involve the dwelling's removal and removal of other buildings and structures as necessary should they fail to achieve the essential characteristics of One Planet Development in the open countryside by 30 June 2025.

An objector has requested that the parent permission (W/38893) is revoked as in their view the decision of the Planning Committee to grant planning permission in 2019 is not sound. Section 97 of the Town & Country Planning Act 1990 (as amended) provides the Local Planning Authority with the power to revoke a planning permission if they consider it expedient. However, if a revocation order is opposed it does not take effect unless it is confirmed by the Welsh Ministers following an opportunity by any person opposing the order to be heard by a Planning Inspector and subject to the applicant being compensated for their losses. If the Local Planning Authority considered it expedient to revoke the parent planning permission, it would make this application before the Committee invalid. However, having considered the revocation request and the significant amount of information provided by the objector, officers can see no basis on which to revoke the planning permission W/38893. Consideration of this application can therefore proceed as it relates to a valid planning permission.

Objectors consider that the application has been incorrectly made and it refers to the wrong planning condition - condition 5 rather than condition 6. Unfortunately, the objectors appear to have been confused by amendments to the suggested planning conditions which were made between the decision of the Planning Committee on 17th October 2019 and the release of the formal Decision Notice on 19th June 2020, following completion of the Section 106 Agreement.

The Report to the Planning Committee on 17th October 2019 recommended that 11 planning conditions be imposed (Condition 6 of the report relating to the submission of details of the temporary accommodation) but by the time of the release of the decision notice on 19th June 2020 the number of conditions had been reduced to 8 as additional details had been provided in the interim. Specifically in relation to the temporary accommodation the details were provided on 6th January 2020, and the condition was therefore amended from requiring the details to approving the submitted details - the Condition number was changed at the same time from Condition 6 to Condition 5. The objectors are essentially referring to the conditions in the Committee Report rather than the conditions contained within the formal decision notice which supersede the Committee Report. The power to add, delete or amend

planning conditions is included in the scheme of delegation and is therefore perfectly legitimate. This application therefore correctly references Condition 5 and is valid.

At the time the OPD was approved, Condition 5 was imposed. The condition requires the proposed temporary accommodation and any attached structures as detailed on the Scale 1:1250 Location Plan showing temporary accommodation and Polytunnel received on 6th January 2020 to be permanently removed from the site on first occupation of the dwelling hereby approved. The applicant now wishes to retain the 'attached structure' referred to on the approved plan as 'wood porch' and re-purpose it for use in their OPD activity. They also wish to retain the touring caravan which is no longer attached to the 'wood porch'. The caravan would be used for ancillary domestic purposes and not as a separate dwelling on the land. It is not considered unreasonable in principle to provide additional structures to support horticultural activity.

The objectors claim that referring to the structure the applicants are seeking to retain as a 'wood porch' or 'wooden structure' is deliberately misleading as they consider it to be a cabin. However, as the approved plan refers to the structure as a 'wood porch' it is not unreasonable to continue to refer to it as such. They also consider that the intention of condition 5 was to prevent a second dwelling becoming established at the site. The reason specified within the decision notice for the imposition of Condition 5 was 'in the interest of the character and appearance of the area to accord with Policy GP1 of the Carmarthenshire Local Development Plan adopted December 2014'. Whilst retaining the caravan and 'wood porch' as temporary accommodation would be out of character with the area, thereby necessitating their removal, the retention of the 'wood porch' as a stand alone shed re-purposed for horticultural use is a different consideration. It is located within an area of other sheds/outbuildings and polytunnels and is not out of character within that context. However, it would still be important to prevent a separate dwelling becoming established at the site. It should be noted that the applicants have confirmed that the structure is not a dwelling, it is not used for residential accommodation, and they have no intention of using it as such. It is used as additional space for the initial washing of produce prior to processing in the house. This is required for food safety reasons as vegetables need to be delivered clean to the processing unit in the house. This is also necessary as our reed bed drainage system is not designed to accommodate residual soil and mud from the washing of vegetables. The structure is also used for storage of produce as required and as a welfare facility for volunteers and course participants, providing a space where they can shelter, use the toilet and make refreshments.

Objectors also disagree with the applicants reference to the 'wood porch' being permitted development had it not been for condition 5. The objectors view is correct in that the 'wood porch' would not amount to permitted development as it is just outside the recognised residential curtilage of the dwelling. However, the applicant could demolish this shed and erect a similar shed within the residential curtilage without planning permission. It is therefore a consideration whether it is necessary, or sustainable, to demolish an existing shed and replace it with another similar shed less than 5m from its current location.

The objectors also claim that the submitted plan is not to scale and is misleading, however, it is the same plan as was approved under W/38893. Where applications seek to retain development already built without compliance with a condition of a planning permission already granted, no plans or other documents are required for validation purposes. In any event it is abundantly clear within the application what building the application seeks to retain as it is the one referred to in Condition 5 and shown on the approved plan.

Objectors also complain that the touring caravan has not been removed from the site as is claimed by the applicants. Initially the application did not include the retention of the caravan in the description of development, but the description has subsequently been amended in order to do so, albeit that the caravan is no longer attached to the 'wood porch'. It's intended use is ancillary domestic, no different to any other touring caravan. It is also the case that the applicants could remove this caravan and replace it with a different caravan without requiring planning permission.

## **Planning Obligations**

The OPD application (Reference: W/38893) is subject to a Section 106 agreement to tie the dwelling to the land and include a commitment that the dwelling will be the sole residence of the occupants. A deed of variation will be required if a new permission is granted.

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

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

## **Conclusion**

The judgement that needs to be applied in this case is whether the retention of the 'wood porch' for use for OPD horticultural purposes is unreasonable and whether the applicants having a touring caravan on site is unreasonable, especially as the applicants could erect a similar shed within the residential curtilage without planning permission within 5m of the existing 'wood porch' and could replace the touring caravan without planning permission. It is considered unsustainable to demolish one structure and to erect another for the same purpose within such close proximity. The site of the existing 'wood porch' is also reasonably well located in terms of it being screened from the County Road by intervening vegetation.

## **RECOMMENDATION - Approval**

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## **Conditions & Reasons**

### **Condition 1**

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 30 June 2020.

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

## **Condition 2**

The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-

- 1:1000 scale Location Plan received 8th May 2019;
- 1:1500 scale Site Plan (showing temporary accommodation) received 21st May 2019;
- Scale 1:1250 Location Plan showing amended location and details of temporary accommodation and Polytunnel received on 6th January 2020
- 1:100 scale House - Amended Elevations received 12th February 2020 ;
- 1:100 scale House - Amended Floor Plan received 12th February 2020;
- 1:100 scale Processing unit - Floor Plan & Elevations received 8th May 2019;
- 1:100 scale Shed Floor Plan & Elevations received 8th May 2019;
- 1:100 scale Workshop - Floor Plan and Elevations received 8th May 2019;
- Landscaping Plan NTS received 8th May 2019;
- Landscape and Visual Impact Assessment received 8th May 2019;
- Ecology Survey Report by Aderyn Ecology received 8th May 2019;
- Written Scheme of Investigation Archaeological Watching Brief dated 3rd February 2020 by Heritage Recording Services Wales received 6th February 2020
- One Planet Development Management Plan by Brendan and Ludka Powell dated May 2019 received 8th May 2019 as supplemented by the following documents:-
  - Historic Landscape Report received 8th May 2019;
  - Visual and Sensory Report received 8th May 2019;
  - Landscape Habitat Report received 8th May 2019;
  - Geological Landscape Report received 8th May 2019;
  - Soil Analysis Results received 8th May 2019;
  - Soil Analysis Report received 8th May 2019;
  - Basic Compliance Report received 8th May 2019;
  - Ecological Footprint Calculator received 8th May 2019.

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

## **Condition 3**

The development hereby approved shall be carried out in full accordance with the One Planet Development Management Plan (including the objectives, phasing and monitoring requirements) by Brendan and Ludka Powell dated May 2019.

Reason: To ensure commitment and compliance with the objectives of TAN6 and the One Planet Development Practice Guidance and to avoid the creation of an unencumbered dwellinghouse in the open countryside contrary to national and local planning policies.

## **Condition 4**

No later than 1 April each year, commencing in the second year after development commences, the occupiers of the site shall submit to the Local Planning Authority an Annual Monitoring Report giving details of the activities carried out during the previous calendar year (1 January to 31 December), setting out performance against the One Planet Development essential criteria as stated within the One Planet Development Management

Plan by Brendan and Ludka Powell dated May 2019. Where the report identifies that the expected performance targets against any of the essential criteria has not been met, the report shall also set out corrective or mitigating measures sufficient to address the identified deficiencies in performance. These measures shall be implemented, in full and within the timescales stated, as set out in the report and shall form the basis of assessment, along with the original One Planet Development Management Plan for the subsequent Annual Monitoring Report.

Reason: To ensure commitment and compliance with the objectives of TAN6 and the One Planet Development Practice Guidance and to avoid the creation of an unencumbered dwellinghouse in the open countryside contrary to national and local planning policies.

### **Condition 5**

The proposed temporary accommodation and attached structure shown as A = Caravan & B = Wood Porch on the 1:1250 Scale Location Plan received on 6th January 2020 shall cease to be used as residential accommodation on first occupation of the dwelling hereby approved.

Reason: To ensure that a separate unit of residential accommodation does not become established at the site.

### **Condition 6**

Prior to the residential occupation of the site, a visibility splay of 2.0 metres x site extents shall be provided either side of the site and shall be retained thereafter in perpetuity. There shall at no time be any obstruction above 0.9 metres within this splay area.

Reason: In the interest biodiversity and highway safety to accord with Policy EQ1 and TR3 of the Carmarthenshire Local Development Plan adopted December 2014.

### **Condition 7**

Prior to the provision of the visibility splays as required by condition 9, a detailed impact assessment of the works required to the hedgerow and tree vegetation either side of the existing access to accommodate the visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall detail the visibility splays and splay detail on a plan drawn to a recognised scale and must describe any impacts to hedgerows and trees including lengths of habitat affected and how any impacts will be mitigated.

Reason: In the interest biodiversity and highway safety to accord with Policy EQ1 and TR3 of the Carmarthenshire Local Development Plan adopted December 2014.

### **Condition 8**

The parking spaces and layout shown on the plans herewith approved shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

Reason: In the interest biodiversity and highway safety to accord with Policy EQ1 and TR3 of the Carmarthenshire Local Development Plan adopted December 2014.



## Notes / Informatives

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 complies with Policy GP1 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the building to be retained is of an acceptable scale and design for a horticultural outbuilding and would not have an adverse impact on the character and appearance of the site or area within which it is located. In addition, there are no adverse effects to residential amenity, biodiversity or highway safety. A touring caravan is also not considered to be unreasonable provided it is not used for residential purposes

### Note 1

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

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

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

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

### Note 2

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

### Note 3

This permission is subject to the clauses set out in a Section 106 Agreement that ties the dwelling to the land to ensure that the proposal complies with the requirements of the One Planet Development Policy and Practice Guidance documents and avoids the creation of an unencumbered dwelling in the open countryside contrary to national and local planning policies.

**ADDITIONAL ITEMS**

<b>Application No</b>	<b>PL/06617</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Retrospective application for the proposed extension to the rear of Plot 3 and extension to the rear raised decking area approved under the reserved matters approval (ref. PL/00588)
<b>Location</b>	Plot 3, Former NRW Labs, Pen Y Fai Lane, Llanelli, SA15 4EN

<b>Applicant(s)</b>	Clews Homes
<b>Agent</b>	Geraint John Planning Ltd - James Scarborough
<b>Officer</b>	Paul Roberts
<b>Ward</b>	Hengoed
<b>Date of validation</b>	25/01/2024

## Reason for Committee

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

## Site

The application site consists of a recently constructed detached dwelling located on Plot no.3 of a development of 13 dwellings that is currently nearing completion on the former Natural Resources Wales laboratory site located off the western side of Pen Y Fai Lane in Llanelli. It consists of a four-bedroom property that is situated in the south-western corner of the development.

The property has a hipped roof design and its front elevation is characterised by a single storey garage projection. Its rear elevation consists of a flat roof rear projection that extends to the full width of the dwelling and includes two large glazed door openings that provide access from the kitchen and living area therein onto a raised timber decking structure that adjoins the rear of the house. The flat roof of this rear projection is enclosed by a parapet structure with first-floor fenestration above.

The raised decking structure extends to the full width of the curtilage of the dwelling and is enclosed by a glazed balustrade. It includes an external stairway that leads down to the rear garden area of the property which is of modest proportions and falls in level towards its rear boundary. The garden area is currently unfinished and enclosed on either side by timber fencing.

The neighbouring properties of Cwmbach Road are located to the south-west of the site beyond its rear boundary. They are at a lower level than the site being set in large curtilages with generous rear gardens that extend up to a belt of trees that separate them from the site and the wider residential development wherein it is located.

## **Proposal**

The application seeks retrospective planning permission for an extension to the flat roof projection and adjoining raised decking structure at the rear of the dwelling that were previously approved under reserved matters permission PL/00588 for the wider residential development of 13 dwellings.

The permission granted allows the construction of a rear projection that extends to approximately 7 metres in width along part of the rear elevation of the dwelling, however, the projection built extends to the full width of the dwelling at some 11 metres. The extension has the same depth (2.6 metres) as that approved and provides additional kitchen and dining accommodation. It includes a large glazed door opening on its rear elevation that will provide access onto the raised decking area that has also been extended along the entire width of the rear curtilage of the dwelling. This contrasts with the decking structure approved under the reserved matters permission which extended only part of the width of the dwelling and primarily to the rear of the flat roof projection. The decking structure has timber privacy screens on its northern and southern sides that safeguard against the overlooking of the properties either side.

The extension to the decking has resulted in a change to the position of the external stairway leading to the rear garden whereby it has been relocated towards the northern boundary of the property. Further, the timber balustrade enclosing the decking structure approved under the reserved matters permission has been replaced by a glazed balustrade, as referred to above.

All other elements of the development are to remain unchanged from that approved under the reserved matters permission including the external finishes of the dwelling and boundary treatment measures proposed.

## **Planning Site History**

The following previous applications have been received in respect of the application site:-

PL/03121 - Discharge of Condition 7 on S/36817  
Discharge of Planning Condition Granted - 05/01/2022

PL/00588 - Reserved Matters application for 13 No Dwellings and associated Discharge of Conditions 4, 5, 6, 7, 8, 9, 10, 11 and 12 pursuant to Outline permission (Ref: S/36817)  
Reserved Matters Granted - 16/09/2021

S/36817 - Proposed demolition of existing buildings and proposed residential development, including access, drainage, car parking, open space, landscaping and associated engineering operations.

Outline Granted 28/03/2019

LL/02698 - Temporary siting of one portakabin for office use. The unit will be used to re-house staff during building refurbishment and pending re-location to another site.

Full Planning Permission 12/12/2002

LL/01618 - Demolition of existing single storey prefabricated buildings. Extension of Penyfai house and spatial re-allocation of offices/laboratories, including re-location of six existing fume cupboards.

Full Planning Permission 07/08/2002

S/00069 - Temporary siting of two portakabins for office/laboratory use for a period of 18 months

Full Planning Permission 28/06/1996

D5/16127 - Extension to the front of existing offices

Full Planning Permission 24/02/1994

D5/14600 - Extension requested for further 18 months on contract for temp. siting of two portacabins

Full Planning Permission 31/03/1994

## Planning Policy

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

SP1 - Sustainable Places and Spaces

GP1 - Sustainability and High Quality Design

### National Planning Policy

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

## Summary of Consultation Responses

**Llanelli Rural Council** – Have raised no objection provided there is no detrimental impact on the amenity and privacy of neighbouring dwellings.

**Local Members** - County Councillor M Palfreman has not commented on the application to date. County Councillor E Skinner is a member of the Planning Committee and has also not commented on the application to date.

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

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

## Summary of Public Representations

Four neighbouring properties located along Cwmbach Road have been notified of the application by letter. In response, six letters of objection have been received from five neighbouring residents which raise the following issues of concern :

- The development does not comply with the requirements of the previous planning permission in terms of its size, balcony type and glazed balustrade and will impact upon the privacy of adjacent properties.
- The kitchen extension built is 30% bigger than the original plan.
- Concerns that the flat roof area above the rear kitchen projection will be used as a balcony area.
- The replacement of the wooden slat balustrade around the decking structure with a glazed balustrade has exacerbated the impact upon the privacy of the neighbouring property of 2 Cwmbach Road.

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

## Appraisal

Policy GP1 of the LDP provides the policy context for the application and supports development proposals where they, amongst others, conform with and enhance the character and appearance of the site and area in terms of their siting, scale, massing and elevation treatment, and do not have a significant impact upon the amenity of adjacent properties and residents.

The principal issues of concern raised by the respondents relate to the scale of the extensions to the dwelling and decking structure, and the impact upon the privacy of the adjacent properties of Cwmbach Road. Turning firstly to the former, although the size of the rear projection and decking structure have increased as a result of the alterations, nonetheless, the extensions do not project beyond the rear of the dwelling and decking structure approved under the reserved matters permission. They have instead extended the rear projection and decking area along the entire rear elevation of the dwelling, essentially infilling an area close to its northern boundary. The modest width and depth of the extensions are compatible with the scale and design of the dwelling originally approved and coupled with the matching palette of external finishes and glazed balustrade feature will not appear as visually discordant or dominant features in the surrounding area.

In terms of the impact upon the living conditions of the occupants of the adjacent properties of Cwmbach Road, as already mentioned the extensions to the dwelling and decking structure will not project any further to the rear than those approved under the current planning permission. The rear elevation of the neighbouring property immediately to the rear of the site, no. 2 Cwmbach Road, is located in excess of 30 metres distant of the decking structure and facing fenestration of the application dwelling. The northerly extension of the rear projection and decking structure will mean that the outlook towards the rear of this property from the additional kitchen and dining area, and extended decking area will be at a greater distance than those of the approved dwelling. This distance, combined with the existing trees and boundary treatment measures between both properties, will ensure the living conditions and privacy of the occupants of no. 2 Cwmbach Road will not be unacceptably harmed. Similarly, the separating distances to the other neighbouring properties of Cwmbach Road coupled with their differing orientations, angled outlook and

presence of boundary hedgerows and trees will ensure the level of overlooking and relationship of the extended dwelling with these properties will not substantially change as a result of the proposal, and not result in any unacceptable harm upon existing living conditions or privacy levels.

The respondents raise concerns that the flat roof area above the rear kitchen projection will be used as a balcony area, however, the first-floor fenestration located above the roof area will all have juliet balcony features that will preclude access onto the roof of the structure. Moreover, any permission granted will be conditioned to prevent its use as a balcony or outside amenity area thereby safeguarding against any unacceptable privacy impacts upon the respondents' properties. The original reserved matters permission is the subject of a similar condition.

The proposal is therefore considered to be in accord with the objectives of Policy GP1 of the LDP in that the scale and design of the changes to the dwelling are compatible with the character and appearance of the surrounding area and will not have an unacceptable impact upon the living conditions of neighbouring occupiers.

## **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, together with the representations received, it is concluded on balance that the proposal is acceptable and in compliance with the policy objectives of the Authority's adopted LDP and national planning policy. The application is therefore put forward with a favourable recommendation subject to the imposition of the following conditions.

### **RECOMMENDATION - Approval**

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## **Conditions & Reasons**

### **Condition 1**

Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a partly retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 26 January 2024.

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

### **Condition 2**

The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-

- Site location and block plan (Plot 3) (102 Rev E)
- House Type D – Plot 3 – Floor Plans (209 - Rev D)
- House Type D – Plot 3 – Elevations (308 – Rev D)

received on 4 March 2024

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

### **Condition 3**

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

Reason: In the interests of highway safety

### **Condition 4**

The flat roof area above the projection at the rear of the dwelling, as shown in the first floor plan contained in the House Type D – Plot 3 – Floor Plans (209 - Rev D) drawing received on 4 March 2024

shall not at any time be used as a storage area, balcony, roof garden or similar amenity area.

Reason: In the interest of privacy and residential amenity.

### **Condition 5**

The 1.8 metre high fencing screen proposed on the northern and southern sides of the raised timber decking structure hereby approved, as shown on the House Type D – Plot 3 – Elevations (308 – Rev D) received on 4 March 2024, shall be provided in accordance with the details shown prior to the occupation of the dwelling and thereafter retained for the lifetime of the development.

Reason: In the interest of privacy and residential amenity.

### **Condition 6**

The boundary treatment measures shown in the Site location and block plan (Plot 3) (102 Rev E) received on 4 March 2024 shall be provided in accordance with the details shown prior to the occupation of the dwelling and retained for the lifetime of the development.



Reason: In the interest of privacy and residential amenity.

## Notes / Informatives

### Note 1

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

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

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

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

### Note 2

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

Mae'r dudalen hon yn wag yn fwriadol