

**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 9 CHWEFROR 2017  
ON 9 FEBRUARY 2017**

**I'W BENDERFYNU/  
FOR DECISION**

***Ardal  
Gorllewin/  
Area West***



**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 yn 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>9 FEBRUARY 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

### **INDEX - AREA WEST**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE NOS</b>
<b>W/27776</b>	<b>Development of land for residential use at land to the north of Old St Clears Road (B4312), south of Pentremeurig Road and west of Carmarthen known as Pentremeurig Farm South</b>	<b>51 - 83</b>
<b>W/34666</b>	<b>To make opening in existing boundary wall, make good, and install steel fire escape steps to enable evacuation of number 2 Spilman Street Office at land to rear of 1 &amp; 2 Spilman Street, Carmarthen, SA31 1 LE</b>	<b>84 - 89</b>
<b>W/34667</b>	<b>To make opening in existing boundary wall, make good, and install steel fire escape steps to enable evacuation of number 2 Spilman Street Office at land to rear of 1 &amp; 2 Spilman Street, Carmarthen, SA31 1 LE</b>	<b>90 - 95</b>
<b>W/34922</b>	<b>Installation of 3 adjoining retail kiosks on existing pedestrian public realm at land at Chapel Street, (adj to r/o the O2 shop), Carmarthen, SA31 1RA</b>	<b>96 - 101</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/27776</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT LAND TO THE NORTH OF OLD ST CLEARS ROAD (B4312), SOUTH OF PENTREMEURIG ROAD AND WEST OF CARMARTHEN KNOWN AS PENTREMEURIG FARM SOUTH

<b>Applicant(s)</b>	CARMARTHEN PROMOTION LIMITED, LINDEN SQUARE , 146 KINGS ROAD , BURY ST EDMUNDS, SUFFOLK, IP33 3DJ
<b>Agent</b>	RPS PLANNING & DEVELOPMENT - KATE GAPPER, PARK HOUSE, GREYFRIARS ROAD, CARDIFF, CF10 3AF
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Carmarthen West
<b>Date of validation</b>	12/02/2013

## CONSULTATIONS

**Head of Transport** – Has raised no objection to the application subject to the imposition of suitable conditions relating to, amongst others, the number of dwellings that can be constructed as part of the development prior to the completion of the West Carmarthen Link Road.

**Head of Public Protection** – Has raised no objection to the application subject to the imposition of a number of suitable conditions.

**Carmarthen Town Council** – Has objected to the application on the following basis:-

- 1 Too many issues relating to the overall Carmarthen West development remain unresolved.
- 2 The housing need has not been established – there are already many empty dwellings in Carmarthen Town.
- 3 The scale of the overall development is questionable which is similar in size to a town such as Llandeilo and the Council question whether this is necessary.

- 4 The potential impact of surface water runoff with consequential surface water flooding of properties at the adjacent community in Johnstown is unclear. The Council question when the hydraulic modelling requested by Natural Resources Wales will be undertaken.
- 5 The Council suggest that the foul drainage system and Parc y Splott Sewage Treatment Works have insufficient capacity and have questioned whether Welsh Water have carried out an assessment of the system to establish whether the whole development of 1200 units can be accommodated.
- 6 Question whether the funding of the West Carmarthen link road, either from developers or from public funds, has been agreed.
- 7 The impact of increased traffic flows from the north eastern direction of the development entering College Road/Job's Well Road is likely to be substantial at peak flow times and the increased traffic flow will have a major impact at junctions towards and nearer the town centre.
- 8 Question whether the additional health and educational facilities necessary to accommodate the large development have been addressed.
- 9 The impact of the development on the culture and language of Carmarthen.
- 10 The risk of flooding from the Tawelan Brook.
- 11 The need to provide affordable housing within the development.

**Local Member** – County Councillor Tom Defis has not commented on the application to date. County Councillor A Speake has objected to the application on the following grounds:

- 1 The overdevelopment of the site.
- 2 Lack of capacity in the sewerage system and concerns regarding the amenity/environmental impact of the proposed on-site treatment works.
- 3 Risk of flooding to the development given that part of the site is within the flood plain of the Tawelan Brook.
- 4 The need for an Environmental Impact Assessment.
- 5 The likely impact upon nearby St David's Hospital and Pontgarreg conservation areas. Reference is also made to the impact upon three listed dwellings located within a short distance of the site as well as Parc Starling Woods.
- 6 The Tawelan Brook is a conservation area and the environmental impact upon the same will be severe.

County Councillors Gareth O Jones and Peter Hughes Griffiths who represent the neighbouring Carmarthen North Ward have raised the following concerns regarding the development:

- 1 Link Road – The development should not proceed until the link road has been built given that it will generate additional vehicular traffic that will have to use the confined areas of College Road and Jobs Well Road which are already experiencing long queues and delays.
- 2 Sewerage – Welsh Water oppose the development as there is no sewerage capacity to cope with extra housing. The sewerage situation must be resolved before further development is granted. Each housing development having its own sewage disposal scheme is unacceptable.
- 3 Outline planning – Despite the application being in outline, no permission should be granted until: 1) The link road is in place, and 2) The sewerage system for the whole west Carmarthen housing development has been resolved.

**Welsh Government (Transport Division)** – Have confirmed that they have no objection to the application subject to the imposition of suitable conditions requiring:-

- 1 The review and improvement of the Microprocessor Optimised Vehicle Actuation (MOVA) operated traffic signalled junctions in Johnstown (the A40 westbound off slip/B4312 Llansteffan Road and Job's Well Road junction) prior to the occupation of the dwellings; and
- 2 That no more than 150 dwellings shall be occupied prior to the construction and completion of the West Carmarthen Link Road.

**Welsh Water/Dwr Cymru** – Initially objected to the application on the basis that the development would overload the existing public sewerage system and that no improvements are planned within their capital investment programme. They highlighted that they are unable to establish a point of adequacy on the local sewerage network and that in order to overcome their objection a hydraulic modelling assessment of the network will need to be undertaken and that if the assessment identifies that improvements are necessary to accommodate the development, these will need to be undertaken and approved in writing by the Local Planning Authority prior to the occupation of the development.

Their subsequent response advises that although the existing sewerage system is at or near hydraulic capacity, they have nevertheless devised a number of options that would provide adequate capacity in the public sewerage system that can be brought forward by the applicant. They have also recommended that whilst upgrading works are required on the existing system, on-site and off-site drainage arrangements and improvements could be controlled via appropriate conditions or obligations as part of a Section 106 agreement should the Authority be minded to grant planning permission.

**CADW** – Have raised no objection to the application.

**Dyfed Archaeological Trust** – Have raised no objection to the application.

**Public Rights of Way Officer** – Has not commented on the application to date.

**Natural Resources Wales (NRW)** - Have confirmed their acceptance of the findings of the flood consequence assessment which highlights that only the south western extremity of the site adjacent to the Tawelan Brook lies within a flood risk area Zone B and C2 and that given this area is to be retained as a green corridor along the northern flank of the Brook, there

will be no risk of flooding to the built development. They have raised no concerns regarding the surface water drainage strategy proposed to serve the development and recommend the imposition of a suitable condition requiring the submission and approval of the full detailed scheme prior to the commencement of the development. They are also satisfied that the proposal will have no unacceptable ecological impacts upon the Tawelan Brook and its associated riparian corridor subject to the imposition of appropriate conditions.

In terms of foul drainage, they highlight that connection to the mains would be the most sustainable means of disposal and recommend that the applicant liaises with Welsh Water with regard to a connection to the mains system. Notwithstanding this, they advise that they would offer no objection to the development subject to the imposition of a condition requiring the submission and written approval of the foul drainage scheme prior to the commencement of the development.

**Head of Street Scene (Drainage Consent Engineer)** – Has raised no objection to the surface water drainage strategy and has recommended the imposition of a suitable condition requiring the submission and approval of the full detailed design of the scheme prior to the commencement of any development.

**Neighbours/Public** – The application has been publicised via the posting of five site notices within the vicinity of the application site and the publication of a notice in the local newspaper. Three letters of objection have been received from neighbouring residents in response to the foregoing while Carmarthen Civic Society have also raised a number of concerns regarding the development. The issues raised are outline below:

- Lack of capacity in the public sewerage system;
- The risks of flooding alongside the Tawelan Brook;
- The need to ensure that the development is served by a suitable surface water drainage system to ensure that there is no risk of flooding to neighbouring properties particularly in the Johnstown area;
- Ensuring adequate education and health care facilities;
- The need to provide an acceptable level of affordable homes;
- Ensuring that suitable schemes are provided to deal with the increase in traffic;
- Question the need for so many new dwellings;
- Loss of light;
- Loss of privacy;
- Noise pollution.

## **RELEVANT PLANNING HISTORY**

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

W/23866	Construction of a two lane single carriageway road 7.1m wide with 2m wide parking bays, 3m wide shared footway and cycleway on both sides of the route including the construction of an 17m span bridge, large roundabouts at both the tie in with the A40 and the tie in with College Rd/Pentremeurig Rd and two number 32m diameter roundabouts in the middle of the route (as shown on the plan). The route runs from existing Travellers Rest junction on the A40 trunk road to the junction of College
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Road and Pentremeurig Road. In order to facilitate the construction of the roundabout on College Road it will be necessary to demolish two semi-detached houses on College Rd in the ownership of Derwen NHS Trust.  
Full planning permission

05 July 2013

## **APPRAISAL**

Members will recall that this application was previously presented to the Planning Committee for determination at their meeting on 26 February 2015 wherein the Committee resolved to approve the development subject to the imposition of the conditions detailed in the report and the applicant entering into a Section 106 Agreement securing community benefits as part of the development. Prior to that, the application was the subject of a site visit by the Planning Committee at their meeting on 10 February 2015.

Work has progressed on the preparation of the Section 106 Agreement that will secure a mix of community benefits as part of the development which will include the provision of affordable housing and open space within the development as well as a commuted payment towards the construction of the West Carmarthen Link Road and a new primary school within the wider West Carmarthen development. It is of note that works have since been completed on the construction of the first phase of the link road which include the earthworks required for the formation of the road along its entire route, the installation of the bridge over the Tawelan Brook and the completion of the northern junction of the link road with Pentremeurig Road.

A decision with regard to the site was therefore made previously and the decision notice could have been released by now. However further discussions have led to a proposal to amend one of the original conditions and for one of the matters previously noted for inclusion in a S106 to be included as a condition. The applicant has chosen to deal with these amendments as part of the original application rather than to come back in at a later date with a further application relating to those conditions only. For that reason the application comes back before you. The following sets out the discussion which have led to the revisions proposed.

The original planning report presented to the Committee at the meeting on 26 February 2015 provided an assessment of the highway impacts of the development whereby the Authority's Head of Transport and Welsh Government, having considered the findings of the transport assessment submitted by the applicant, both recommended that any permission granted be conditioned to restrict the number of dwellings that could be constructed prior to the completion of the link road. The Head of Transport recommended that no more than 100 dwellings shall be constructed prior to the completion of link road to safeguard against any unacceptable highway impacts upon the local highway network and in particular the Job's Well Road junction which is recognised as a constraint and subject to queuing and delays during peak periods.

Similarly, the Welsh Government recommended that no more than 60 dwellings shall be occupied prior to the completion of the link road in the interests of safeguarding highway safety levels on the A40 trunk road and its associated slip roads and junctions. Furthermore, they recommended the imposition of a further condition requiring the review and improvement of the Microprocessor Optimised Vehicle

**Actuation (MOVA) operated signalised junctions in Johnstown in order to secure improvements in the operation and safety of the junctions thereby providing benefits to those vehicles accessing and egressing the A40 trunk road.**

**Whilst the Welsh Government's recommendation of 60 dwellings differs from that of the Head of Transport, the condition included in the original report related to this lower figure in the interests of following the advice of the Welsh Government and safeguarding highway safety levels on the trunk road. Condition no. 5 of the original report refers.**

**The foregoing restriction on the number of units to be constructed prior to the completion of the link road combined with the community benefit requirements of the development that are being finalised as part of the Section 106 agreement have put into question the viability of the proposal whereby the applicant has confirmed that the development will not be deliverable within the current parameters. As a result and in the interests of progressing matters, the applicant has undertaken a further assessment of the likely impact of the development upon the local highway network both in terms of the county and trunk road networks. The assessment concentrates on the key restraints identified in the network during the determination of the application, namely the Job's Well Road signalised junction and the signal controlled A40 westbound on/off slip road junction with Llansteffan Road. The findings of the assessment are presented in a transport technical note that was recently submitted in support of the application.**

**The technical note identifies improvements that have been made to the Job's Well Road signalised junction since the Committee resolved to approve the application back in February 2015. It highlights that the MOVA system installed at the junction has resulted in a noticeable improvement in the operation of the junction and the resulting new traffic data has been used to inform the assessment. For members' information, MOVA is a proactive self-optimising control system for traffic signals which is responsive to traffic conditions and designed to increase junction capacities. It utilises a capacity maximising mode whereby it assesses (using detectors) which approaches to the junction are overloaded and how efficiently the green signal is being used and seeks to determine a set of signal timings that will maximise the throughput of the junction to suit current conditions.**

**The technical note provides an assessment of the likely traffic impact of the development (without the link road in place) in 2017 as well as future assessment years which are set as 2022 and 2027. In terms of the Job's Well Road junction, it concludes that the junction would operate in a similar manner with 150 dwellings in place as it would with the 60 dwellings in both 2017 and 2022 whereby there would be a negligible impact upon its operation. Moreover, it suggests that whilst the entire development of 250 units would result in additional queuing at the junction during the 2017 and 2022 assessment years, the level of queuing would not have an unacceptable material impact upon the junction and surrounding highway network. At 2027 the junction is shown to be over capacity with the full development in place while operating at a similar manner with 150 dwellings in place as it would with 60.**

**Members should be aware that although the technical note provides an assessment of the impact of the development in both 2022 and 2027 without the link road in place, the link road is likely to be fully completed far sooner than both of these assessment scenarios thereby alleviating any traffic impact of the development.**

Turning to the A40 westbound on/off slip road junction, the technical note concludes that a partial and full development of 150 and 250 dwellings respectively without the link road in place would not have a material impact upon the operation of the junction. Furthermore, it suggests that the review and improvement of the MOVA system installed at the junction, as recommended by the Welsh Government in their response to the application, will result in a net benefit to the operation of the junction.

Having considered the updated assessment contained in the applicant's transport technical note the Head of Transport has confirmed that he would have no objection to increasing the number of dwellings that can be constructed prior to the completion of the link road from 100 to 150. Similarly, the Welsh Government have also accepted the findings of the assessment and raised no objection to a development of 150 dwellings proceeding without the link road. The latter recommendation is subject to the applicant undertaking a review and improvement of the MOVA operated signalled junctions in Johnstown as referred to above.

The application is therefore recommended for approval subject to the completion of the Section 106 agreement and the imposition of the conditions recommended in the original planning report presented to the Committee at their meeting on 26 February 2015 save for the following changes:

A change to the wording of condition no. 5 permitting the development of 150 units (instead of 60) prior to the completion of the link road.

The imposition of an additional condition (condition no. 23) requiring the provision of a Local Area of Play (LAP), Local Equipped Area of Play (LEAP) and Linear Park (along the corridor of the Tawelan Brook) within the development. These were to be secured via the Section 106 agreement, however, following discussions with the applicant they are now to be secured via the imposition of this additional condition.

The increase in the number of dwellings permitted under condition no. 5 will enable the applicant to deliver the development of the site which forms an integral part of the West Carmarthen strategic development site as designated in the Authority's Local Development Plan. The development will accrue benefits to the wider area with the provision of affordable housing and play and open space facilities while at the same time contributing to the cost of the link road and new primary school. At the same time, it will not cause any unacceptable material harm to surrounding road network.

The original planning report of the 26 February 2015 and conditions contained therein are reproduced below for members' information. The conditions have been amended to reflect the changes referred to above.

This planning permission is dependent upon the developer, prior to the commencement of development, entering into a Section 106 Agreement with Carmarthenshire County Council.

This is an application in which Carmarthenshire County Council has an interest either as applicant/agent or in terms of land or property ownership.

## **THE SITE**

The application site consists of an irregular shaped parcel of land measuring approximately 11.7 hectares in size which is located on the western outskirts of Carmarthen. It occupies an area of sloping grassland that is currently used predominantly for agricultural purposes.

The site essentially comprises of two parcels of land each consisting of two large field enclosures. The northern parcel slopes gradually downwards towards its southern boundary and adjoins the main built form of Carmarthen being located immediately to the west of the Maes y Wennol and Allt y Gog housing estates and to the north of St David's Park. St David's Park consists of a business park that is set in the landscaped grounds of the former St David's Hospital and includes the more modern Hafan Derwen office complex of the Hywel Dda Health Board. The Park forms part of the Pontgarreg and St David's Hospital Conservation Area and includes a number of listed buildings which include the hospital building and associated chapel. The majority of the buildings are three storey and include landmark towers, chimneys and steeples.

The northern parcel is bounded by established hedgerows and separated from St David's Park by a belt of well-established and mature trees that run contiguous with its southern boundary. This part of the site enjoys views towards the western rural landscape as well as towards the more developed areas to the south within the vicinity of and beyond the A40.

The southern parcel is located to the south west of St David's Park and has a gentler gradient down towards its south western boundary which follows the route of the Tawelan Brook. The land is again bounded by hedgerows with parts of its northern and south western boundaries comprising belts of well-established trees. The latter comprises groups of trees that are located alongside the watercourse.

The site forms part of the wider West Carmarthen Strategic Site as designated in the Authority's adopted Local Development Plan (LDP) which is to be accessed via the proposed new West Carmarthen Link Road which was granted planning permission on 5 July 2013 under planning application reference W/23866. The new road will provide a link between the A40 Travellers Rest Junction to the south west of Carmarthen and Pentremeurig Road, Jobs Well Road and College Road to the north west of the town. The application site includes a narrow linear area of land located between both main parcels and to the west of St David's Park that will form part of the route of the new link road and effectively link both parcels of the site. The link road will follow the southern boundary of the northern parcel and bisect the southern parcel in a north south direction. The land required for the north eastern arm of the link road between the northern parcel and the confluence of Jobs Well, College Road and Pentremeurig Road has also been included within the application site for access purposes.

The surrounding area to the west, north and south of the site consists of open undulating land that is characterised by large field enclosures and the wooded valley of the Tawelan Brook.

## **THE PROPOSAL**

The application seeks outline planning permission for the construction of up to 250 residential units on the site together with associated access, landscaping, drainage and infrastructure works. All detailed matters relating to the development have been reserved

for future consideration and as such the application seeks to establish the principle of the residential development of the site.

The application has been accompanied by an illustrative development layout of the site which provides for approximately 250 dwellings. The layout has been designed within the context of the development principles and parameters set out in the West Carmarthen Planning and Development Brief for the overall West Carmarthen Strategic Site, as designated in the Authority's LDP. It seeks to illustrate how a high quality development can be achieved on the site ensuring it responds appropriately to its context and siting.

Access to and within the development is to be based on the hierarchy set out in the Development Brief with the primary access being provided by the West Carmarthen Link Road which will consist of a two lane single carriageway road that will cross and link both development parcels on its route between the A40 Travellers Rest Junction and Jobs Well Road and College Road. The dwellings themselves will be centred around principal streets that will lead from the link road and have strong development frontages while secondary and tertiary streets will provide direct access to drives and houses or access to private drives. The layout of the streets has been designed to run along the contours of the site in order to minimise large retaining structures and split built forms. Parking areas will generally be within the respective plots being accessed from the streets at the front of the houses.

The development will include a variety of dwelling types to create interest in the street scene and will include a mix of two, two and a half and three storey units which will be sited to suit the topography of the site and minimise potential visual impacts. The average development density across the site will be between 29 – 37 dwellings per hectare with the scheme being implemented in a phased strategy. The northern parcel of the site will provide the first two phases while the southern parcel will comprise the final phase. The development layout also incorporates access provision to adjoining land within the wider strategic site thus ensuring its development will not be unacceptably prejudiced.

The layout incorporates a play area within the northern parcel of the site which will form part of a linear park area to the north of St David's Parc. The play area will include a Local Equipped Area of Play (LEAP) which will be connected to the development via a series of trails and footpaths. The development is also shown to include other areas of incidental green space which will provide informal open space and assist in creating a sense of place. Allied to the above, the development will include two landscape corridors that will run through the development; a green corridor along the primary route and a swale corridor. The green corridor will consist of landscaped amenity areas and belts of structural planting along the route of the link road while the development will be traversed by a network of swales which form an integral part of the development's surface water drainage strategy. Both will provide landscape and ecological links through the development while also offering amenity value to local residents. The swales will also extend along the corridor of the Tawelan Brook in the south western part of the site which is to be retained as a green space which will undergo vegetation management to reinforce its function as a riparian corridor. Much of the existing planting on the site's boundaries are shown to be retained to help integrate the development within the landscape with enhanced woodland planting softening views from St David's Park.

The application has been accompanied by a comprehensive suite of supporting documents which include the following and are summarised below:

- 1 Design and Access Statement.
- 2 Ecological Appraisal Report.
- 3 Landscape and Visual Impact Assessment.
- 4 Archaeological and Heritage Assessment
- 5 Arboricultural Assessment
- 6 Transport Assessment and Framework Travel Plan
- 7 Flood Consequence Assessment.
- 8 Geotechnical and Geoenvironmental desk study.
- 9 Welsh Language Assessment.

## **Ecological Appraisal Report and Arboricultural Assessment**

The ecological appraisal report presents the findings of a combination of desk and field surveys of the site and confirms that the land supports a range of habitats typical of lowland farmland within the wider landscape. The majority of the site is made up of improved grassland fields that are considered to be of negligible ecological value. Those habitats associated with the Tawelan Brook corridor in the south western periphery of the site are suggested to be of wider importance, namely riparian woodland, semi improved and marshy grassland and the watercourse itself. The Brook is also a tributary of the Afon Tywi Special Area of Conservation (SAC) which is located nearby to the south east of the site. The report also opines that the hedgerow network across the site is also of importance and should be retained and enhanced where possible.

Allied to the above, the report confirms the presence of a number of protected and notable species and habitats supported by the site. These include breeding birds, bats, reptiles and badgers. A proportion of the key habitat features identified are to be retained and enhanced as part of the scheme and the report presents a series of recommendations and mitigation measures that once implemented will not constrain the development of the site.

The arboricultural report provides an assessment of the condition and amenity value of the existing trees and hedgerows within the site as well as outlining the measures proposed to protect those trees that are to be retained as part of the development. It indicates that no trees are to be removed to facilitate the development and whilst a number of hedgerows will need to be removed, these are considered to be of low quality and value and their loss will be offset by the benefits associated with the new planting proposals that will be provided throughout the development.

## **The Geotechnical and Geoenvironmental Desk Study**

This document concludes that the limited historical use of the site has resulted in there being no potential significant contaminating activities on the land. It also advises that it is unlikely that adjacent or nearby land uses will have created on-site contamination.

## **Landscape and Visual Impact Assessment**

The landscape and visual impact assessment provides an assessment of the likely landscape and visual effects arising from the development together with a judgment of the significance of any effects based on their nature, magnitude and the sensitivity of the receiving environment. The assessment of potential effects on seven LANDMAP aspect areas wherein the site lies found that the proposal will have a low to very low magnitude of change to the key characteristics of each and the level of effects have been assessed as not significant. Overall, it is concluded that the development of the site will not result in

significant adverse changes to landscape or visual receptors that would be to the detriment of landscape character or the visual amenity of the area.

### **The Archaeological and Heritage Assessment**

This document illustrates that the site does not contain any designated heritage assets, however it does identify that there is a scheduled ancient monument to the west of the application boundary, a number of Grade II listed buildings to the south east and a conservation area occupying adjoining land to the east. The listed buildings are located both within the neighbouring Pontgarreg and St David's Conservation Area as well as further to the south east of the site along St Clears Road. The assessment opines that the setting of the nearby ancient monument does not extend eastwards to take in land within the application site and it is therefore concluded that its setting will not be unacceptably harmed by the development. Moreover, it concludes that although the development will result in the localised loss of agricultural farmland within the vicinity of the conservation area, the lack of functional, visual or aesthetic connections between the hospital buildings and the land, combined with the growth of mature boundary trees and vegetation between both, will ensure the conservation and listed buildings therein will not be unacceptably harmed as a result of the proposal.

### **Transport Assessment and Framework Travel Plan**

The transport assessment analyses the transport characteristics of the proposed development and its potential impacts upon the operational capacity of the surrounding highway network up to 2025 both with and without the West Carmarthen link road in place. It includes junction capacity assessments of a number of junctions within the wider area of the application site that are likely to be affected by the development. The assessment concludes that the local highway network and all junctions will operate well within capacity with the link road in place. In this regard it is noteworthy that the construction of the road is designed to alleviate existing and future traffic congestion problems within the town as well as facilitating the development of the overall West Carmarthen strategic site.

The assessment goes on to advise that the impact of the development without the link road in place will be negligible at all junctions other than the Job's Well Road signalled junction which is recognised as a network constraint due to its limited geometry. It is also noted that this junction is currently subject to some queuing and delay during peak periods. By 2025 it is shown that queuing and delay at this junction will increase as a result of forecast background traffic growth, however the assessment anticipates that the link road will be in place before this date whereby it will assist in relieving pressure on the wider highway network including the Job's Well Road junction. In view of the proposed phased approach of the development a 2018 assessment of the same junction was undertaken representing the latest point that the link road will not be in place, by which time some 100 units are programmed for completion. The results of this assessment demonstrate that the development traffic will only have a marginal impact on the operation of the junction which it is opined will operate satisfactorily.

The assessment goes on to highlight the sustainability benefits of the development from a transport perspective while the Travel Plan sets out a framework designed to increase travel to and from the development by sustainable modes of travel.

## **Flood Consequence Assessment and Drainage Strategy**

The assessment confirms that the majority of the site lies in Zone A which is at little or no risk from fluvial or tidal flooding. Whilst the area along the south western boundary of the site which flanks the route of the Tawelan Brook sits within zone B/C2, this area has been identified as open space within the illustrative development layout and therefore represents no risk to built development.

The document sets out a surface water drainage strategy for the development which has latterly been supplemented by additional information in the form of soakaway test results for the site and an indicative drainage strategy plan. The former confirms that infiltration drainage can be utilised at the site and informs the overall surface water drainage strategy whereby run-off will be disposed of via a series of linked infiltration swales and ponds that will traverse the development principally following the route of the link road and the Tawlen Brook. As well as providing a sustainable means of drainage, the network of swales and ponds will form a green corridor through the development thus providing ecological and landscape benefits to the wider development. The surface water from the link road is to be disposed of via a separate system that will discharge to a new attenuation pond to be constructed on the southern side of the Tawelan Brook and feeding into the same at a green field run off rate.

In terms of foul drainage, the original drainage strategy submitted in support of the application proposed to connect to the existing public sewer network within the vicinity of the site which flows to the Parc y Splott treatment works located to the south of the A40 in Johnstown. The strategy recognised, however, that network was near to capacity. In light of Welsh Water's response to the application wherein they advise that the development would overload the existing sewerage system and no improvements are planned in their capital investment programme, the applicant has subsequently submitted a revised foul drainage strategy whereby foul water from the development will be disposed of via new on-site sewage treatment works that will not be connected to Welsh Water's infrastructure. These are shown to be indicatively located at the southern boundary of the northern development parcel and the south west of the southern development parcel and cover a land area of 20 by 9 metres and 24 by 17 metres respectively. Each will be served by its own 'main' gravity sewer system that will extend across the development while the foul discharge will be treated and discharged to the infiltration swales. The treatment works will be constructed in accordance with the relevant technical standards (Sewers for Adoption, editions 6 and 7) and the systems adopted and maintained by a licensed undertaker (i.e. a water company other than Welsh Water) under the current statutory framework provided by Section 104 of the Water Industry Act.

The scheme has been designed to provide a sustainable and cost effective solution to meeting the drainage needs of the development in light of Welsh Water's current capacity constraints.



## **Welsh Language Assessment**

The assessment highlights that the development will provide a range and choice of housing and will increase the community's population thus helping to sustain the viability of local facilities and services. It is also suggested that mitigation measures in the form of the phased approach to the development, the provision of affordable housing for local people and supporting the provision of places in local Welsh Medium schools will ensure the development will not significantly impact upon the linguistic character of the wider area.

## **PLANNING POLICY**

### **Local Development Plan (LDP)**

In the context of the Authority's current development plan the site forms part of the West Carmarthen Strategic Site as defined under Policy SP4 of the adopted Local Development Plan. The objectives of the policy are to provide strategic sites within the Growth Areas of the Plan area which individually or in combination will contribute to meeting the regeneration objectives of the Authority as well as the strategic and sustainability objectives of the LDP.

The West Carmarthen Strategic Site is identified as a mixed use site under Policy EMP5 of the LDP wherein it is shown to be suitable for a mix of uses consisting of residential (with an allowance for 1100 units), employment, community facilities and amenity. Policy H1 of the Plan which allocates land for residential development for the plan period to 2021 again identifies the overall Strategic Site as providing 1100 dwellings.

The foregoing policies are supplemented by the West Carmarthen Planning and Development Brief which was the subject of public consultation in early 2011 and following consideration of the responses received was originally adopted as Supplementary Planning Guidance by the Authority in March 2012. The Brief has subsequently been carried forward as supplementary planning guidance to the adopted LDP.

The Brief sets out the framework and parameters for the future development and expansion of the West Carmarthen strategic. The key objective set out therein is "the creation of a sustainable, environmentally sound, cohesive, comprehensive community focused urban extension to the west of Carmarthen. This will be based upon good urban design and sound planning and sustainability principles'.

The Brief includes a masterplan for the overall site which sets a framework for the design of the development, building on local context and best practice in urban design. The aims of the masterplan are to provide:

- Sufficient land to meet identified housing requirements in Carmarthen through a mix of new homes;
- Sufficient land to accommodate a mix of type and size of employment developments;
- Facilities for formal and informal recreational provision to serve both new and existing residents;
- An access and movement strategy that will maximize the potential for forming connections to the existing residential area, creating a permeable urban structure;

- Provision of a new primary school to serve the needs of the new developments;
- The provision of new pedestrian and cycle links across the site, linking to the wider area;
- A scheme that promotes high quality, contextual design and layout of development that meets the design objectives of TAN 12, building upon positive locally distinctive landscape and townscape characteristics to create a development with a sense of place and a coherent urban structure;
- A layout that will minimise opportunities for crime by ensuring clear definition of public and private space, with dwellings and windows orientated to enable natural surveillance of public spaces and routes;
- A layout which minimizes the impact of parked cars and garages along key frontages whilst ensuring appropriate levels of secure parking, and
- A layout that will not prejudice the potential of adjoining land for future development.

These aims are translated into the masterplan contained in the brief which as well as identifying the route of the new link road through the overall site, also identifies land for housing, employment and community use as well as a new primary school and associated play facilities which will all be accessed via the new road. The masterplan includes provision for up to 1100 dwellings which will include a mix of densities and house types. The application site forms part of this larger area of land designated for residential development with indicative unit densities for the site ranging between 25-35 units per hectare. The brief also shows the siting of a LEAP within the site as depicted in the indicative development layout submitted with the application.

In terms of access, the Brief stipulates that the link road will act as the 'spine' of the overall development brief area serving as a key public transport corridor and the main linear area of public realm. Three tiers of hierarchy of streets have been identified as being appropriate for the Brief area with the link road being the main primary route. Secondary routes in the form of residential streets extending from the primary route will access the main body of the site whilst tertiary or pedestrian priority streets will also be incorporated.

In addition to the above, reference is also drawn to the following policies of the LDP:

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

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

Policy SP3 states that provision for growth and development will be at sustainable locations in accordance with the LDP's settlement framework wherein Carmarthen is identified as a Growth Area.

Policy SP9 promotes the provision of an efficient, effective, safe and sustainable integrated transport system while Policy SP13 requires that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and

landscape assets, and, where appropriate, their setting in accordance with national guidance and legislation.

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

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

Policy GP1 is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

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

Policy GP3 states that the Council will, where necessary seek developers to enter into planning obligations or to contribute via the Community Infrastructure Levy to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites. It goes on to state that the Council will seek a level of affordable housing of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub market areas. It highlights that where viability at the target levels can't be achieved, variation may be agreed on a case by case basis.

Policy GP4 states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

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

Policy TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

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

Policy EQ4 relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made. Similarly, Policy EP1 requires that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

Policy EP2 states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land. Policy EP3 requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

Policy REC2 requires that all new development of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards.

### **National Planning Policy**

Planning Policy Wales (PPW) (Edition 7, July 2014) provides a national overview of planning policy on a wide range of issues relevant to the proposed development. The Welsh Government supports the vision for good quality, mixed housing accessible to all which conforms to sustainability principles which underpin all planning policy guidance.

The document refers to the Welsh Government's approach, as set out in its National Housing Strategy, to provide more housing of the right type and to offer more choice while ensuring that new housing and residential environments are well designed and make a significant contribution to promoting community regeneration and improving the quality of life. Further emphasis is placed on the requirement to ensure that new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

Para 9.1.2 of PPW goes on to highlight that local planning authorities should, amongst others, promote sustainable residential environments that are easily accessible by public transport, walking and cycling, have good access to employment, retail and other services and make the most efficient use of land.

PPW is supplemented by a continually updated series of Technical Advice Notes (TANs). The following TANs are relevant in the consideration of this application:

TAN2 - Planning and Affordable Housing provides guidance on the role of the planning system in delivering affordable housing.

TAN 5 (Nature Conservation and Planning) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

TAN12 (Design) seeks to promote sustainability principles through good design and identifies how local planning authorities can facilitate this process through the planning system.

TAN 15 (Development and Flood Risk) aims to direct new development away from those areas that are at high risk of flooding and defines what is considered to be vulnerable development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.

TAN 18 (Transport) endeavours to ensure Wales develops an efficient and sustainable transport system to meet the needs of a modern, prosperous and inclusive society.

TAN 20 - The Welsh Language – provides guidance on how the planning system considers the implications of the Welsh language when LDPs are prepared. In essence, the TAN advises that planning applications should not be subject to Welsh language impact assessment as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

### **THIRD PARTY REPRESENTATIONS**

The application has attracted three letters of objection from neighbouring residents while a number of concerns have been raised by the one of the Local Members for the ward as well as those of a neighbouring ward. Carmarthen Town Council and the Civic Society have also raised concerns. The issues raised are appraised below.

### **Highway and Transport Impacts**

A key area of concern amongst the respondents is that the development will result in a substantial increase in traffic flows on the wider road network. Particular reference is made to the resulting flows onto College Road and Job's Well Road from the north particularly during peak times and the significant impact upon existing junctions towards and nearer the town centre. The Town Council have also questioned whether the funding for the link road, either from developers or public funds, has been agreed.

Turning firstly to the issue of the funding and implementation of the link road, the estimated cost for the construction of the road is circa £5 million and the Planning and Development Brief seeks the early delivery of the road as part of the development of the wider strategic site. In addition to facilitating the development of the wider strategic site, the road will assist in alleviating existing traffic congestion problems in the western parts of the town as well as improving access to St David's Parc and the neighbouring Trinity Saint David University campus. The road will also serve to facilitate the proposed relocation of the headquarters of S4C to the University campus. With the foregoing in mind, the Authority are currently considering various options relating to the funding and provision of the road, be it either via either public funding whereby the cost would be recouped through developer contributions or alternatively the road being provided by the developers of the wider strategic site.

The application has been accompanied by a transport assessment which provides a thorough analysis of the potential impact of the development upon the operational capacity of the wider highway network and junctions up to 2025 both with and without the link road in place. Its findings conclude that with the link road in place, the local highway network and all junctions will operate well within capacity. While the Job's Well Road junction is recognised as a constraint and subject to queuing and delays during peak periods, the assessment concludes that the phasing of the development whereby some 100 units will be constructed prior to the provision of the link road in 2018 (with this representing the latest point that the link road will be in place) will only have a marginal impact upon the operation of this junction.

The Head of Transport has confirmed his acceptance of the findings of the assessment and has raised no objection to the application subject to the imposition of suitable conditions. These include amongst others the requirement that no more than 100 dwellings are constructed on the site prior to the completion of the link road in accordance with the findings of the assessment, and that a travel plan be implemented as part of the development with the objective of reducing reliance on private transport and encouraging travel to and from the development by sustainable modes of travel.

Turning to the impact upon the A40 trunk road, following discussions with the Welsh Government the applicant has provided further information in the form of an independent review of the MOVA operated signalled junctions in Johnstown. By way of background, MOVA is a proactive self-optimising control system for traffic signals which is responsive to traffic conditions and designed to increase junction capacities. It utilises a capacity maximising mode whereby it assesses (using detectors) which approaches to the junction are overloaded and how efficiently the green signal is being used and seeks to determine a set of signal timings that will maximise the throughput of the junction to suit current conditions.

The review identified significant operational failings at the junctions whereby the current signal controller configurations are resulting in undue queuing and delays on both the A40 slip road and Llanstephan Road (northbound). It goes on to recommend that there is scope to improve both the operation and safety of the junctions with particular benefits to those vehicles accessing and egressing the A40 trunk road. The Welsh Government have accepted the findings of the review and in doing so have recommended that the traffic signalled junctions be subject to detailed review and improvement prior to the occupation of the dwellings proposed. Moreover, they've recommended that no more than 60 of the dwellings within the development be occupied prior to the completion of the link road.

Their recommendation that no more than 60 dwellings shall be occupied prior to the completion of the link differs from the 100 dwellings recommended by the Authority's own Head of Transport. In the interests of safeguarding highway safety levels on the trunk road, any permission granted will be conditioned in accordance with the Welsh Government's advice save that the provision of the signalling improvements at the junctions shall be required prior to the commencement of any development as opposed to the occupation of the dwellings to ensure they are implemented at the earliest opportunity.

Any permission granted will be conditioned in accordance with the advice of both the Authority's Head of Transport and the Welsh Government to ensure compliance with Policies SP9, TR2 and TR3 of the LDP in terms of the highway and transport impacts of the development.

## **Drainage and Flooding**

Another common ground of concern is the likely risk of flooding to the development from the Tawelan Brook and the potential impact of surface water run-off upon the neighbouring properties of Johnstown.

The flood risk assessment confirms that the majority of the site lies in Zone A which is at little or no risk from fluvial or tidal flooding. Whilst the area along the south western boundary of the site which flanks the route of the Tawelan Brook sits within zone B/C2, this will be free of built development and will comprise a green corridor that will flank the course of the brook. Natural Resources Wales have confirmed their acceptance of the findings of the assessment and raised no objection to the application from a flood risk perspective.

The surface water drainage strategy proposed whereby run-off from the development will be disposed of via a series of infiltration swales and ponds that will form green corridors through the development has been agreed in principle with the Authority's drainage engineers and NRW and is considered to be a sustainable means of disposal. Both have suggested the imposition of suitable conditions requiring the submission and written approval of the full detailed design of the scheme prior to the commencement of the development while the Authority's engineers have also requested the submission of a scheme for the management of surface water during the construction phase to ensure no detriment is caused to the wider area. Any permission granted will therefore be conditioned in accordance with their advice to safeguard against any adverse impacts upon the surrounding environs and to ensure compliance with the objectives of policies EP2 and EP3 of the LDP.

In terms of the issue of foul drainage, the respondents draw reference to the lack of adequate capacity in the public sewerage system to accommodate the development. Welsh Water have advised that the development would overload the public sewerage system and that they have no improvements planned in their capital investment programme. The applicant will therefore be unable to secure a connection without substantial upgrade works to the existing infrastructure which they have indicated would make the development of the site unviable.

In response, they have had to consider alternative options to develop the site and, as highlighted above, now propose that foul water from the development will discharge into two new on site-treatment works via a gravity feed sewer system. The treated water from the works is to be disposed via the infiltration swales within the development with the quality of the same being licensed by NRW.

The treatment works and sewer systems will be separate to Welsh Water infrastructure and adopted and maintained by a licensed undertaker under the statutory framework provided by Section 104 of the Water Industry Act in the same manner as Welsh Water would normally adopt the system. The statutory undertaker elected for the development will consist of a separate water authority other than Welsh Water and will be required to apply to the regulator, Ofwat, for an appointment to serve the development and displace Welsh Water as the licensed undertaker for the geographical area wherein the development is built. This is done via what is known as a new appointment and Inset agreement. On appointment, the statutory undertaker will enjoy the same rights and hold the same responsibilities for the site as Welsh Water otherwise would have had. The applicants have highlighted other large development sites in Wales that currently have new appointments and Inset agreements,

namely The Quays on Barry Waterfront, Coed Darcy in Neath and Llanilid in Rhondda Cynon Taff.

In their recent response to the application, Welsh Water have advised that although the existing sewerage system is at or near hydraulic capacity, they have nevertheless devised a number of options that would provide adequate capacity in the public sewerage system that can be brought forward by the applicant. Discussions are currently ongoing between them and the applicant with regard to these options. Welsh Water have also recommended that whilst upgrading works are required on the existing system, on-site and off-site drainage arrangements and improvements could be controlled via appropriate conditions or obligations as part of a Section 106 agreement should the Authority be minded to grant planning permission.

Members should be aware that during the recent LDP examination Welsh Water outlined their investment programme for water and sewerage infrastructure in Carmarthenshire whereby it is managed in rolling 5 year Asset Management Plans (AMPs) which seek to ensure appropriate large scale water and sewerage infrastructure works are undertaken to provide capacity for growth. The current AMP, AMP5, runs from April 2010 to March 2015 and provides for improvements/upgrades to existing infrastructure while funding has also recently been sought for AMP6 which will run from April 2015 to March 2020. They highlighted their legislative duty to extend their systems in order to support future growth and that the information contained within the Authority's LDP, including the designation of strategic sites such as West Carmarthen, supports their AMP submission for future investment. Whilst they indicated that the phased release of sites could be delivered post 2015 or appropriate developer contributions could be sought to facilitate bringing forward any necessary improvements to accommodate development, they confirmed during the examination that their existing and planned infrastructure would have sufficient capacity to service the level of growth anticipated to 2021 in the LDP.

NRW highlight that connection to the mains would be the most sustainable means of disposal and recommend that the applicant liaises with Welsh Water with regard to a connection to the mains system. Notwithstanding this, they advise that they would offer no objection to the development subject to the imposition of a condition requiring the submission and written approval of the foul drainage scheme prior to the commencement of the development.

Although the drainage scheme will not utilise a conventional means of disposal whereby it will not be connected to Welsh Water's existing infrastructure, the foul water will nevertheless be disposed of via a new mains sewerage system that will be adopted and maintained by a water company similar to Welsh Water. The sewage will be disposed of in a sustainable manner within the development with the treated water discharged from the works being licensed by NRW thus ensuring no unacceptable harm in terms of environmental or amenity impacts. Furthermore, with the careful siting of the treatment works, their modest scale will ensure they will not appear as incongruous features within the wider development layout.

The imposition of a suitable planning condition requiring the submission of the detailed design of the foul drainage scheme as part of any subsequent detailed application and prior to the commencement of the development will enable the Authority in conjunction with NRW to fully assess the scheme proposed in accordance with the objectives of policy GP4 of the LDP. Should capacity issues in Welsh Water's infrastructure be resolved in the meantime as part of the ongoing discussions with the applicant or improvement works be implemented



as part of Welsh Water's forthcoming AMP6 programme, the applicant would have the option of submitting a drainage scheme that discharges into the existing public sewerage system.

## **Ecological and Environmental Impacts**

The issue of the impact of the development on the surrounding environment and ecology has been raised by the respondents as has the need for the application to be accompanied by an Environmental Impact Assessment (EIA).

The ecological appraisal report accompanying the application provides a cogent assessment of the ecological impacts of the development and confirms that the majority of the site is made up of improved grassland fields that are considered to be of negligible ecological value. The report recommends a range of protective and enhancement measures to protect the riparian woodland and marshy grassland along the Tawelan Brook that are suggested to be of wider importance whilst, similarly, measures are recommended to protect the hedgerows and other potential notable species within the wider site such as breeding birds, bats and reptiles.

The report recommends that these measures be incorporated within an Environmental Management Plan incorporating an Ecological Construction Method Statement the submission of which will be a conditional requirement of any permission granted. The former will be required to include details of new hedgerows and tree planting which will enhance the connectivity of habitats in the longer term as well as the provision of robust planting treatments throughout the development.

The Authority's Planning Ecologist and NRW having considered the findings of the ecological appraisal have raised no concerns in respect of the development subject to the provision of the protective and enhancement measures referred to above. The Ecologist has also confirmed that the implementation of these measures will ensure there will be no likely significant effects upon the Afon Tywi SAC of which the Tawelan Brook is a tributary. The proposal is therefore considered to be in accord with the objectives of policies EQ4 and EP1 of the LDP whereby it will cause no demonstrable harm to protected species or their habitats and will include the retention and enhancement of existing habitats.

With regard to the concern that the application should be accompanied by an EIA, members should be aware that the Authority issued a formal screening opinion to the applicant prior to the submission of the application which confirms that the proposed development is not considered to constitute an EIA development in that it is not likely to have significant effects on the environment. This decision is reinforced by the findings and conclusions of the comprehensive suite of documents supporting the application which includes the abovementioned Ecological appraisal report.

## **Need for the Development and Overdevelopment**

Another common ground of objection amongst respondents is the scale of the development while questions regarding the need for the additional housing have also been raised.

The application site falls within the West Carmarthen Strategic Site as designated in the Authority's LDP which is identified as being suitable for a mix of development uses consisting of residential, employment, community facilities and amenity. Within the strategic site it forms part of a larger area of land that is allocated for up to 1100 residential units, the development of which forms an integral part of the Plans sustainable development strategy

for the Growth area of Carmarthen. Carmarthen is one of the largest urban centres in the County with the inherent benefits of higher order services and facilities where a higher proportion of housing, employment and other developments are required and to be provided as part of the LDP's sustainable development strategy.

The framework and parameters for the future development of the strategic site are set out in the West Carmarthen Planning and Development Brief which forms supplementary planning guidance to the LDP. The general scale and density of development put forward as part of the application are in accord with the parameters set out in the brief

The issue of the need for the additional housing as well as the designation of the West Carmarthen Strategic Site was assessed as part of the recent examination into the LDP where the Inspector ratified the designation and proposed development strategy for the site. The principle of the development of the site for housing is therefore considered to be acceptable and in accord with the objectives of policies H1, SP4 and EMP5 of the LDP.

### **Contributions and Community Benefits**

The respondents have highlighted the need to ensure the development provides an acceptable level of affordable homes while the impact upon existing education and health facilities and the need to provide an adequate level of such facilities has been raised as an issue of concern.

Discussions relating to the precise level of community benefits and contributions from this and other developments proposed in the West Carmarthen Strategic Site are ongoing and will be centred on the parameters set out in the policies of the LDP and the supporting West Carmarthen Planning and Development Brief.

Housing developments will be expected to make a contribution towards the provision of affordable housing to ensure adequate numbers are provided across the strategic site. Contributions will also be sought towards the funding of the link road that is currently estimated at £5 million and will facilitate the development of the wider strategic site, as well as a new £7million primary school that will also be provided within the overall development. It is also noteworthy that a land owners' agreement between the Authority and various landowners/developers is currently being progressed with a view to delivering all the areas of land necessary for the road corridor.

The current application will be required to provide a Local Equipped Area of Play within the development layout in accordance with the parameters set out in the Planning and Development Brief and contributions will be sought across the wider development towards the provision and future maintenance of these and other similar facilities.

In terms of the comments regarding the need to ensure adequate health facilities are available to serve the development, members should be aware that the local health board were consulted on the preparation of the planning and development brief as well as the recently adopted LDP and raised no objections in this regard.

## **Impact upon Heritage Assets**

One of the respondents has raised concerns regarding the likely impact of the development upon the St David's Hospital and Pontgarreg conservation areas whilst reference is also made to the impact upon nearby listed dwellings and Parc Starling Woods.

The Archaeological and Heritage Assessment illustrates that there are no designated heritage assets within the site and provides a thorough assessment of the likely impact of the development upon those within its vicinity. Although there is a scheduled ancient monument (the Trebersed Moated Site) to the west of the site, the assessment concludes that its setting does not extend to the land within the site and as such its setting will not be harmed. It is noteworthy that Cadw have confirmed their acceptance of this assessment while the Dyfed Archaeological Trust has also raised no objections to the application.

In terms of the Pontgarreg and St David's Conservation Area and the listed buildings therein, the assessment demonstrates that whilst the development will result in the localised loss of agricultural farmland within the vicinity of the conservation area, the lack of functional, visual or aesthetic connections between the hospital buildings and the land, combined with the growth of mature boundary trees and vegetation between both, will ensure the conservation and listed buildings therein will not be unacceptably harmed as a result of the proposal. The findings of the assessment are reflected in the site's designation for housing in the masterplan contained in the West Carmarthen Planning and Development Brief and its subsequent designation as a strategic site in the Authority's LDP.

Further to the above, the development is considered to be sufficiently distant of Parc Starling Woods and the listed buildings along Old St Clears Road to the south to safeguard against any unacceptable impacts.

The proposal is therefore in accord with the objectives of Policy EQ1 of the LDP in terms of its impacts upon sites or features of historic or archaeological interest.

## **Impact upon Amenity**

In terms of the concerns regarding loss of light and privacy, with the careful layout and design of the development, the proposal will cause no unacceptable material harm to the amenity of neighbouring properties. These issues will be carefully considered as part of any subsequent detailed application given the current application has been submitted in outline. Concerns regarding noise pollution have been addressed by the imposition of a condition in the report requiring the submission of a Noise Management Plan as part of the development. It is noteworthy that this condition will be imposed upon the advice of the Authority's Head of Public Protection.

The proposal will therefore be in accord with the objectives of policies GP1 and GP2 of the LDP in terms of its likely amenity and pollution impacts.

## **Impact upon the Welsh Language and Culture**

One of the respondents has questioned the impact of the development upon the language and culture of Carmarthen.

TAN 20 advises that planning applications should not be subject to Welsh language impact assessment as this would duplicate LDP site selection processes. The linguistic impact of

developing the West Carmarthen strategic site and indeed the LDP'S other housing allocations was assessed by the Authority, and deemed to be acceptable, as part the formulation of the LDP's development strategy and site selection process. Furthermore, its designation was subsequently ratified by the Planning Inspector presiding over the Examination into the Plan.

Notwithstanding the above, the measures proposed as part of the development, whereby it will be implemented in a phased approach and include the provision of affordable housing for local people, will mitigate against any impact upon the linguistic character of the wider area.

## **CONCLUSION**

On balance, and after careful examination of the site and its surrounding environs, together with the representations received to date, the principle of the residential development of the site is considered to be acceptable. The site is designated for residential development in the Authority's adopted LDP and the West Carmarthen Planning and Development Brief and forms part of a key strategic development site in the Carmarthen Growth Area. Its development complies with the key housing and sustainability objectives of the Plan as well as those of national planning policy. Members will recall that they recently resolved to approve a detailed application for 100 dwellings on an area of land off Llysonnen Road which forms part of the same strategic site.

The development will form an integral part of the proposed urban expansion of West Carmarthen being accessed via the new link road. The site is well integrated with the existing pattern of development in the town and is capable of accommodating a development of the scale and density proposed without compromising the quality of the scheme or detracting from the character and appearance of the surrounding area. Furthermore, with the careful layout and design of the development, the proposal will cause no unacceptable material harm to the amenity of neighbouring occupiers.

The development will provide a wide range and choice of housing types and sizes which will be well related to the existing services and facilities in the wider Carmarthen area as well as being within easy access of the new community facilities to be provided as part of the development of the wider strategic site. Furthermore, it will be within easy access of a variety of sustainable transport modes. The scheme will also accrue benefits to the local area with the provision of a proportion of affordable housing as well as commuted payments towards the provision of community facilities.

The proposal satisfies the sustainability objectives of the UDP from an environmental quality and utility provision perspective by implementing a drainage strategy that will dispose of surface and foul water in a sustainable manner.

Furthermore, and as outlined in the appraisal above, there are no highway, amenity, or ecological objections to the development and the proposal will cause no unacceptable harm to nearby sites of historic or archaeological interest.

Accordingly, the application is put forward with a favourable recommendation subject to the successful completion of a Section 106 Agreement securing an appropriate level of community benefits as part of the development and the Welsh Government's Transport Division confirming that they have no objection to the application.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- 2 The permission now granted relates to the land defined by the drawing referenced 1000 received with the application on 12 February 2013.
- 3 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
  - a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 Development shall not commence until detailed plans of appearance; landscaping; layout; and scale of each building stated in the application, together with the means of access thereto, have been submitted, and received the written approval of the Local Planning Authority.
- 5 Development shall not commence on the 151st dwelling hereby approved until the West Carmarthen Link Road, as approved under planning application W/23866 on 5 July 2013, has been constructed in its entirety and is fully operational and written confirmation of the same has been received from the Local Planning Authority.
- 6 Prior to the occupation of the residential units hereby approved, the required access roads and footpaths leading from the existing public highway to the respective units shall be laid out and constructed to at least the base course levels.
- 7 None of the development hereby approved shall commence until the applicant/developer has:
  - i. Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited

exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.

- ii. Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
- iii. Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.

- 8 Prior to the commencement of any part of the development hereby approved a Noise Management Plan to be implemented during the clearance and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented strictly in accordance with the approved details.
- 9 Application for approval of the reserved matters referred to in Condition 3 above shall be submitted in phases, in accordance with a phasing scheme, which shall be first approved in writing by the Local Planning Authority, and the development, shall be implemented in accordance with the approved phasing scheme.
- 10 A detailed landscaping scheme for the whole site including the retention of any existing landscape features and the indication of species, size and number of trees and/or shrubs to be planted, to include the timing of the works, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be implemented in accordance with the approved scheme.
- 11 No development shall commence until details and plans showing the finished floor levels of the dwellings hereby approved, together with cross sections through the site detailing the existing and proposed finished levels of the site and development in relation to all adjoining roadways, land and properties, have been submitted to and approved in writing by the Local Planning Authority. Such details are to form part of any Reserved Matters application for the site. Development shall be carried out in accordance with the approved details.
- 12 No development approved by this permission shall be commenced until a detailed scheme and programme for the provision and implementation of surface water drainage works has been submitted to and approved by the Local Planning Authority. Such a scheme shall include a management plan of surface water drainage during the construction phase of the development and shall be implemented in accordance with the approved details and programme of implementation.

- 13 No development shall be commenced until a construction management plan (CMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the CMP shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately. The scheme shall be implemented as approved and shall identify, as a minimum:
- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;
  - How each of those watercourses and pathways will be protected from site run off during construction;
  - How the water quality of the watercourses will be monitored and recorded;
  - How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses;
  - Storage facilities for all fuels, oils and chemicals;
  - Construction compounds, car parks, offices etc.;
  - Details of the nature, type and quantity of materials to be imported on to the site;
  - Measures for dealing with any contaminated material (demolition waste or excavated waste);
  - Identification of any buried services, such as foul sewers, so that they are protected;
  - Details of emergency contacts, for example Natural Resources Wales hotline.
- 14 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 15 No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority. The Plan shall be implemented strictly in accordance with the approved details.

- 16 Prior to the commencement of the development hereby approved, an Environmental Management Plan incorporating an Ecological Construction Method Statement and detailing the protective and enhancement measures set out in Section 4 of the Ecological Appraisal entitled 'Pentremeurig Farm South Carmarthen: Ecological Appraisal' dated January 2013 and prepared by The Environmental Dimension Partnership, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved Plan.
- 17 No development shall commence until details of a foul drainage scheme proposed to serve the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and to the written approval of the Local Planning Authority prior to the occupation of any of the dwellings hereby approved.
- 18 The development hereby approved shall be restricted to no more than 250 residential units.
- 19 Prior to the beneficial occupation of the dwellings hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall contain measures and initiatives to encourage and promote the use of sustainable modes of transport by residents of the dwellings including establishing and maintaining the provision of a travel plan coordinator. The plan should include a timetable/programme for implementation and future monitoring and review and shall be implemented strictly in accordance with the approved details.
- 20 Prior to the commencement of the development hereby approved a scheme of tree protection measures and Arboricultural Method Statement relating to the development shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented strictly in accordance with the approved details.
- 21 No development shall take place until a scheme for the provision and management of a minimum 7 metre wide buffer zone alongside the bank of the Tawelan Brook Main River and a 3 metre wide buffer alongside any other ordinary watercourse within the site have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

The buffer zone schemes shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone;
- details of any proposed planting scheme (for example, native species, local provenance);
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;



- details of any footpaths, fencing.

- 22 Prior to the commencement of the development hereby approved the signal controllers of the Microprocessor Optimised Vehicle Actuation (MOVA) operated traffic signalled junctions in Johnstown (A40 westbound off slip/B4312 Llansteffan Road and Job's Well Road junction) shall be reviewed and improved as necessary to the written approval of the Local Planning Authority.
- 23 Any subsequent reserved matters submission shall make provision within the scheme for a Local Area of Play (LAP), Local Equipped Area of Play (LEAP) and Linear Park, the siting, design, timing of provision and future management of which shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The LAP and LEAP shall be of a minimum area of 100 square metres and 400 square metres respectively and the Linear Park shall be provided along the corridor of the Tawelan Brook in the south western periphery of the site.

## **REASONS**

- 1 The application is in outline only.
- 2 For the avoidance of doubt as to the extent of this permission.
- 3 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 4+18 In order to ensure a satisfactory layout of the site and in the interest of visual amenities.
- 5,6+22 In the interests of highway safety.
- 7 To ensure any potential contaminants within the site are removed and to prevent any health risk to future occupiers.
- 8 To ensure the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties
- 9-11 In the interests of visual amenities.
- 12 In order to reduce the risk of pollution to controlled waters and to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 13 Prevent pollution of controlled waters and the wider environment.
- 14 To prevent pollution of the water environment.
- 15 To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

- 16+20 To retain and protect features of landscape and biodiversity value.
- 17 To protect the existing community and the environment from the adverse effects of sewage flooding and to ensure the development is effectively drained.
- 19 In the interests of highway safety and to encourage more sustainable modes of travel.
- 21 To protect the ecological value of existing watercourses and their corridors.
- 23 To ensure the provision of suitable play and open space facilities.

## **SUMMARY REASONS FOR APPROVAL**

In accordance with Article 24 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, the council certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan (comprising the adopted Carmarthenshire Local Development Plan, December 2014) and material considerations do not indicate otherwise. The policies which refer are as follows:

- The proposal complies with Policies SP4, H1, SP3 and EMP5 of the LDP in that it forms part of strategic development site and is allocated for residential development.
- The proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- The proposal complies with Policy GP1 of the LDP in that it is appropriate in terms of scale and will not cause unacceptable loss of amenity to neighbouring properties;
- The proposal complies with Policy EQ1 of the LDP in that it will not adversely affect landscapes, townscapes and features of historical or archaeological interest;
- The proposal complies with Policy TRS3 of the LDP in that it will be served by suitable access and parking provision and the traffic generated by the proposed development will not adversely affect highway safety or residential amenity.
- The proposal complies with Policy SP2 of the LDP in that the site is not at risk of flooding;
- The proposal complies with Policies REC2, AH1 and GP3 of the LDP in that the applicant/developer will contribute towards community benefits as part of the development;
- The proposal complies with Policy EQ4 and SP14 in that the development will not cause demonstrable harm to priority species or their habitats and the natural environment;
- The proposal complies with Policy EP3 of the LDP in that adequate surface water disposal methods can be put in place;
- The proposal complies with Policy GP4 and EP2 in that will be served by adequate infrastructure and not pose an unacceptable risk to the natural environment.

## NOTES

- 1 The applicant/developer is advised that this consent is subject to the applicant entering into a legal agreement with the local planning authority under Section 106 of the Town and Country Planning Act 1990. The agreement shall cover the requirement for the applicant/developer to provide a contribution towards community benefits as well as the provision of affordable housing and the future management of on-site open space/play facilities.
- 2 Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.
- 3 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

- 4 The developer is advised to contact the Authority's Highways Adoption Officer with regard to the offering of the proposed estate road for adoption by the local authority under Section 38 of the Highways Act 1980.

It is the responsibility the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence under Section 184 of the Highways Act 1980 before undertaking any works on an existing Public Highway.

Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement, and the total cost of completing such an agreement shall be borne by the developers.

All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.

No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.

- 5 Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulation and a copy thereof has been produced to the Local Planning Authority

All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation of Habitats and Species Regulations 2010.

Regulation 9(5) of the 2010 Regulations requires all local planning authorities, in the exercise of all their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

Under Regulation 41 of the 2010 Regulations it is an offence to:

- (1) deliberately capture, injure or kill any wild animal of a European protected species;
- (2) deliberately disturb animals of any such species. Disturbance of animals includes in particular any disturbance which is likely—
  - (a) to impair their ability—
    - (i) to survive, to breed or reproduce, or to rear or nurture their young; or
    - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - (b) to affect significantly the local distribution or abundance of the species to which they belong
- (3) deliberately take or destroy the eggs of such an animal; or
- (4) damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).

Furthermore that all British bats are protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally to kill, injure, take from the wild, possess or trade in any species of British Bat, as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/ bats whilst they are using such a place;

It is recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during works;

The applicant should be informed that if bats are encountered on site works should stop immediately and NRW should be contacted (Natural Resources Wales, Beechwood Office, Talley Road, Llandeilo SA19 7HR Tel:01558 825800) - a EPS development licence may then need to be applied for. Licences are not automatically granted by virtue of a valid planning consent and it may be possible that the necessary licence application may be refused.

### Nesting Birds

In addition the applicant should be made aware of the possible presence of nesting birds using the buildings and the protection afforded to them. Under the Wildlife and Countryside Act (1981) (as amended) it is an offence to kill or injure any wild bird or damage or destroy the nest of any wild bird whilst that nest is being built or is in use. The breeding bird season is generally taken to be mid-March to mid-August. As such no work should be carried out during the breeding season, unless it can be demonstrated that nesting birds are absent.

<b>Application No</b>	<b>W/34666</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	TO MAKE OPENING IN EXISTING BOUNDARY WALL, MAKE GOOD, AND INSTALL STEEL FIRE ESCAPE STEPS TO ENABLE EVACUATION OF NUMBER 2 SPILMAN STREET OFFICE AT LAND TO REAR OF 1 & 2 SPILMAN STREET, CARMARTHEN, SA31 1LE

<b>Applicant(s)</b>	MR PHILIP PLANT, OFFLEY HOUSE, 18 CHURCH STREET, SHIFNAL, SHROPSHIRE, TF11 9AA
<b>Agent</b>	MID WEST PLANNING LTD - MR PHIL PLANT, OFFLEY HOUSE, 18 CHURCH STREET, SHIFNAL, TF11 9AA
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	08/11/2016

## CONSULTATIONS

**Carmarthen Town Council** – Has responded with no objection to the proposal

**Local Member** - County Councillor J Thomas and A Lenny (Chair of the Planning Committee) have not commented to date.

**Neighbours/Public** - The application has been publicised by the posting of Site Notice and in the local press with one response having been received to date in support of the proposal.

## RELEVANT PLANNING HISTORY

D4/24768	Installation of internal toilets at ground floor level to replace external toilets and provision of access ramp for Listed Building Consent Granted	16 September 1994
D4/24767	Installation of internal toilets at ground floor level to replace existing external toilets and provision Full planning permission	17 August 1994
D4/9165	Demolish dangerous chimney stack	

## **APPRAISAL**

**The application is presented to the Planning Committee as Carmarthenshire County Council have an interested in the site in terms of land ownership and are the applicants.**

## **THE SITE**

The application site is located on the boundary between No1 and No 2 Spilman Street in the Carmarthen. Both properties were formerly occupied by the Authority and used as offices. No 1 Spilman Street, Carmarthen is a Grade II listed building and was included as a substantial town house, and of solid late Georgian character and with some good internal features. To the rear of the building and forming the boundary with No 2 is a curtilage wall which is constructed of brick. There is an associated listed building consent for the development.

## **THE PROPOSAL**

The applicant proposes to install a fire escape stair. This would also involve the creation of an opening in the boundary wall between No's 1 & 2 Spilman Street, Carmarthen.

## **PLANNING POLICY**

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a listed building means the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has done since before the 1<sup>st</sup> July 1948 is listed.

Section 16 (2) 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local to pay special regard to the desirability of preserving the character or appearance of the area.

Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Paragraph 6.1.1 of the Welsh Government's policy document 'Planning Policy Wales' (January 2016) sets out the Government's objective of ensuring that the character of the historic building is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest.

Paragraph 11 of the Welsh Office Circular 61/96 states that the setting is often an essential part of a building's character.

Paragraph 69 of Welsh Office Circular 61/96 states that applicants will need to show why works which affect the character are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 71 of the Circular states that: “Grade II includes some 90% of all listed buildings, representing a major element in the historic quality of our town, villages and countryside, failure to careful scrutiny to proposals could lead to widespread damage to the historic environment. Detailed technical guidance on the consideration of listed building consent applications is provided in Annex D. The Secretary of State commends this guidance and asks all planning authorities to take it into account in their exercise of listed building and development controls”.

Paragraph 80 of the Circular states that owners of listed building should be encouraged to seek expert advice.

Paragraph 94 of Welsh Office Circular 61/96 states in judging the effect of any alteration it is essential to have assessed the elements that make up the special interest of the building.

Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses.

Paragraph 96 of Welsh Office Circular 61/96 states the listing grade is a material consideration, but not in itself a reliable guide to the sensitivity of a building to alteration or extension.

Paragraph 124 of the Circular states in exercising their responsibilities for the safety of buildings under the building regulations and fire legislation, local authorities should deal sympathetically with proposals.

Paragraph 2 of Annex D to Welsh Office Circular 61/96 states that the foremost principle which should guide works to historic buildings is conserve as found.

Paragraph 6 of Annex D of Welsh Office Circular 61/96 states that alterations should be based on a proper understanding of the structure.

SP13 of the Local Development Plan of the Built and Historic Environment states proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets and where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- Sites and features of recognised Historical and Cultural Importance;
- Listed Buildings and their setting;
- Scheduled Ancient Monuments and other sites of recognised archaeological importance.

Proposals will be expected to promote high quality design and that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance states that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.



### **THIRD PARTY REPRESENTATIONS**

There have been no adverse comments received. A response from No 1 Spilman Street has been received in support of the application.

The Conservation Officer has provided a response and makes the following comments:-

“In considering the application proposals Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest it possesses. In addition, consideration must be given to the foremost principle of conservation ‘conserving as found’.

With regards to the conservation area consideration must be given to the desirability of preserving or enhancing the character or appearance of the area.

The proposed works are not ‘conserving as found’ and would not preserve the character or setting of the wall. The justification for the proposal is associated with providing a means of safe egress from No 2 Spilman Street in the event of a fire. The justification for the proposal is considered reasonable in this instance given the minimal harm which would be caused to the wall. The design and construction of the proposed steps and gate are acceptable.

The proposals would not affect the special architectural or historic interest of the building.

The location of the proposals means that there would be no undesirable impact on the conservation area”.

### **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

The proposed works would cause harm to the character and setting of the wall. However the justification for the proposal is considered reasonable in this instance to outweigh the minimal harmful impact of the proposal. The design and construction of the proposed steps and gates are acceptable.

As such the application is put forward with a recommendation of approval for the following reasons and subject to the following conditions.

### **RECOMMENDATION – APPROVAL**

#### **CONDITIONS**

- 1 The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.
- 2 The works hereby granted consent shall be carried out strictly in accordance with the following schedule of plans and subject to the conditions below:
  - 1:500 scale Location Plan Drawing No PL-01 R0;

- 1:200 scale Block Plan Drawing No PL-02 R0;
  - 1:50 scale Plan and Elevation of Steps Drawing No PL-03 Rev 1.
- 3 An elevation and section drawing Scale 1:10 or equivalent shall be submitted to the Local Planning Authority of the proposed gates and steps. The drawings shall highlight proposed construction, materials and finish. No works shall commence on their manufacture until written confirmation has been given by the Local Planning Authority that the proposals is acceptable and the approved details implemented as agreed.
- 4 Any damage made to the wall by the proposed works shall made good to match the existing.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2-4 In the interest of clarity as to the extent of the permission.

## **REASONS FOR GRANTING PLANNING PERMISSION**

- The proposed development complies with Policy GP1, EQ1 and SP13 of the Carmarthenshire Local Development Plan, 2014 (LDP) finds that while the proposals would not preserve the character or setting of the area affected the minimal harmful impact is outweighed by the justification for the proposed works. The design and construction of the proposed steps and gates are acceptable. The location of the proposals means that there would be no undesirable impact on the conservation area.
- In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses, as required by the statutory duty under section 16 (2) & 66 (1) & 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority finds that proposals would not preserve the character or setting of the area affected. However, the minimal harmful impact is outweighed by the justification for the proposed works.

## **NOTES**

- 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.

<b>Application No</b>	<b>W/34667</b>
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<b>Application Type</b>	Listed Building
<b>Proposal &amp; Location</b>	TO MAKE OPENING IN EXISTING BOUNDARY WALL, MAKE GOOD, AND INSTALL STEEL FIRE ESCAPE STEPS TO ENABLE EVACUATION OF NUMBER 2 SPILMAN STREET OFFICE AT LAND TO REAR OF 1 & 2 SPILMAN STREET, CARMARTHEN, SA31 1LE

<b>Applicant(s)</b>	MR PHILIP PLANT, OFFLEY HOUSE, 18 CHURCH STREET, SHIFNAL, SHROPSHIRE, TF11 9AA
<b>Agent</b>	MID WEST PLANNING LTD - MR PHIL PLANT, OFFLEY HOUSE, 18 CHURCH STREET, SHIFNAL, TF11 9AA
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	08/11/2016

## CONSULTATIONS

**Carmarthen Town Council** – Has responded with no objection to the proposal

**Local Member** - County Councillor J Thomas and A Lenny (Chair of the Planning Committee) have not commented to date.

**Neighbours/Public** - The application has been publicised by the posting of Site Notice and in the local press with one response having been received to date in support of the proposal.

## RELEVANT PLANNING HISTORY

D4/24768      Installation of internal toilets at ground floor level to replace external toilets and provision of access ramp for  
Listed Building Consent Granted

16 September 1994

D4/24767	Installation of internal toilets at ground floor level to replace existing external toilets and provision Full planning permission	17 August 1994
D4/9165	Demolish dangerous chimney stack Listed Building Consent Granted	19 February 1982

## **APPRAISAL**

**The application is presented to the Planning Committee as Carmarthenshire County Council have an interest in the site in terms of land ownership and are the applicants.**

## **THE SITE**

The application site is located on the boundary between No1 and No 2 Spilman Street in the Carmarthen. Both properties were formerly occupied by the Authority and used as offices. No 1 Spilman Street, Carmarthen is a Grade II listed building and was included as a substantial town house, and of solid late Georgian character and with some good internal features. To the rear of the building and forming the boundary with No 2 is a curtilage wall which is constructed of brick. There is an associated full planning application for the development.

## **THE PROPOSAL**

The applicant proposes to install a fire escape stair. This would also involve the creation of an opening in the boundary wall between No's 1 & 2 Spilman Street, Carmarthen.

## **STATUTORY DUTIES, GOVERNMENT POLICIES & ADVICE, COUNTY COUNCIL POLICIES**

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a listed building means the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has been since before the 1<sup>st</sup> July 1948 is listed.

Section 16 (2) 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local to pay special regard to the desirability of preserving the character or appearance of the area.

Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Paragraph 6.1.1 of the Welsh Government's policy document 'Planning Policy Wales' (January 2016) sets out the Government's objective of ensuring that the character of the historic building is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest.

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Paragraph 69 of Welsh Office Circular 61/96 states that applicants will need to show why works which affect the character are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 71 of the Circular states that: "Grade II includes some 90% of all listed buildings, representing a major element in the historic quality of our town, villages and countryside, failure to careful scrutiny to proposals could lead to widespread damage to the historic environment. Detailed technical guidance on the consideration of listed building consent applications is provided in Annex D. The Secretary of State commends this guidance and asks all planning authorities to take it into account in their exercise of listed building and development controls".

Paragraph 80 of the Circular states that owners of listed building should be encouraged to seek expert advice.

Paragraph 94 of Welsh Office Circular 61/96 states in judging the effect of any alteration it is essential to have assessed the elements that make up the special interest of the building.

Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses.

Paragraph 96 of Welsh Office Circular 61/96 states the listing grade is a material consideration, but not in itself a reliable guide to the sensitivity of a building to alteration or extension.

Paragraph 124 of the Circular states in exercising their responsibilities for the safety of buildings under the building regulations and fire legislation, local authorities should deal sympathetically with proposals.

Paragraph 2 of Annex D to Welsh Office Circular 61/96 states that the foremost principle which should guide works to historic buildings is conserve as found.

Paragraph 6 of Annex D of Welsh Office Circular 61/96 states that alterations should be based on a proper understanding of the structure.

SP13 of the Local Development Plan of the Built and Historic Environment states proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets and where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- Sites and features of recognised Historical and Cultural Importance;
- Listed Buildings and their setting;
- Scheduled Ancient Monuments and other sites of recognised archaeological importance.

Proposals will be expected to promote high quality design and that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance states that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

### **THIRD PARTY REPRESENTATIONS**

There have been no adverse comments received. A response from No 1 Spilman Street has been received in support of the application.

The Conservation Officer has provided a response and makes the following comments.

“In considering the application proposals Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest it possesses. In addition, consideration must be given to the foremost principle of conservation ‘conserving as found’.

With regards to the conservation area consideration must be given to the desirability of preserving or enhancing the character or appearance of the area.

The proposed works are not ‘conserving as found’ and would not preserve the character or setting of the wall. The justification for the proposal is associated with providing a means of safe egress from No 2 Spilman Street in the event of a fire. The justification for the proposal is considered reasonable in this instance given the minimal harm which would be caused to the wall. The design and construction of the proposed steps and gate are acceptable.

The proposals would not affect the special architectural or historic interest of the building.

The location of the proposals means that there would be no undesirable impact on the conservation area”.

### **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

The proposed works would cause harm to the character and setting of the wall. However the justification for the proposal is considered reasonable in this instance to outweigh the minimal harmful impact of the proposal. The design and construction of the proposed steps and gates are acceptable.

As such the application is put forward with a recommendation of approval for the following reasons and subject to the following conditions.

### **RECOMMENDATION – APPROVAL**

## **CONDITIONS**

- 1 The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.
- 2 The works hereby granted consent shall be carried out strictly in accordance with the following schedule of plans and subject to the conditions below:
  - 1:500 scale Location Plan Drawing No PL-01 R0;
  - 1:200 scale Block Plan Drawing No PL-02 R0;
  - 1:50 scale Plan and Elevation of Steps Drawing No PL-03 Rev 1.
- 3 An elevation and section drawing scale 1:10 or equivalent shall be submitted to the Local Planning Authority of the proposed gates and steps. The drawings shall highlight proposed construction, materials and finish. No works shall commence on their manufacture until written confirmation has been given by the Local Planning Authority that the proposals is acceptable and the approved details implemented as agreed.
- 4 Any damage made to the wall by the proposed works shall made good to match the existing.

## **REASONS**

- 1 To comply with Section 18 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3-4 To have special regard to the desirability of preserving the building in respect of Section 16 (2) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

## **REASONS FOR GRANTING PLANNING PERMISSION**

In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses, as required by the statutory duty under section 16 (2) & 66 (1) & 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority finds that proposals would not preserve the character or setting of the area affected. However, the minimal harmful impact is outweighed by the justification for the proposed works.

## **NOTES**

- 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.

<b>Application No</b>	<b>W/34922</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	INSTALLATION OF 3 ADJOINING RETAIL KIOSKS ON EXISTING PEDESTRIAN PUBLIC REALM AT LAND AT CHAPEL STREET, (ADJ TO R/O THE O2 SHOP), CARMARTHEN, SA31 1RA

<b>Applicant(s)</b>	CCC - MR MIKE BULL, RURAL BUSINESS DEVELOPMENT CENTRE, NANT-Y-CI, CARMARTHEN, SA33 5DR
<b>Agent</b>	CAPITA ARCHITECTURE - JONATHAN ADAMS, UNIT G1 TY MENTER, THE WILLOWFORD, TREFOREST INDUSTRIAL ESTATE, PONTYPRIDD, CF37 5BF
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	05/01/2017

## CONSULTATIONS

**Head of Transport** – Has not commented to date

**Road Adoptions** – Has referred to the need for a stopping up order as the site is currently on land considered part of the public highway. They have referred to the site being used as an emergency access point, therefore care must be taken to ensure there is adequate width maintained for emergency vehicles and that the emergency services are happy.

**Carmarthen Town Council** – Has not responded to date.

**Local Member** - County Councillor J Thomas and A Lenny (Chair of the Planning Committee) have not commented to date.

**Neighbours/Public** - The application has been publicised by the posting of Site Notices with no response having been received to date.

## RELEVANT PLANNING HISTORY

There is no relevant planning history on the application site.

## **APPRAISAL**

**The application is presented to the Planning Committee as Carmarthenshire County Council have an interest in the site in terms of land ownership and are the applicants.**

## **THE SITE**

The application site is an area of land currently part of the public highway adjacent to 2 Red Street. The site is located on Chapel Street on part of the pedestrianised area. There are commercial properties adjacent to the site and opposite. The site is gently sloping running towards Red Street. The site is occasionally used by stalls relating to the market at Red Street.

The site is located within the defined Town Centre of Carmarthen as delineated in the Carmarthenshire Local Development Plan (LDP). The adjacent properties in Red Street and opposite the site are within the area designated as Primary Retail Frontage in the LDP. The proposal is indicated to be the first stage of a wider redevelopment of this part of the town centre with further development suggested from this site up to and including Jacksons Lane. The site is not within a Conservation Area although the properties opposite are within the Carmarthen Town Conservation Area. There is also a listed building opposite the site (Barclays).

## **THE PROPOSAL**

The application seeks full planning permission for the erection of 3 kiosks. The proposal seeks the use of the kiosks as A1 retail floor space. The total combined floor space is approximately 32.5sqm.

The units are proposed to have powder coated steel walls painted dark green. There would be a flat roof with powder coated steel composite cladding. Windows and doors are proposed to be powder coated steel frame. The 3 units would have a staggered roof to take in to account the change in levels across the site. Kiosk 2 and 3 would be rectangular and of the same size. Kiosk 1 follows the shape of the adjacent property and is slightly larger. The exterior of the kiosks are largely glazed.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is located within the defined development limits as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014.

Policy SP8 Retail states that proposals will be permitted where they maintain and enhance the existing retail provision within the County, and protect and promote the viability and vitality of the defined retail centres. Proposals for small local convenience shopping facilities in rural and urban areas where they accord with the settlement framework will be supported.

Policy RT1 Retail Hierarchy states that proposals will be considered in accordance with the following retail hierarchy. Regard will be had to a settlement's position within the hierarchy when considering retail proposals (including new, change of use, or redevelopment). Regard will also be had to the policies and proposals of this Plan:

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that “it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing”, “it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community” and “an appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality”.

Policy TR3 Highways in Developments - Design Considerations outlines a number of matters to be considered included suitable access and parking and to ensure highway safety is not adversely affected for users of the roads/streets.

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles. This relates to a number of factors including by distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements; promoting, where appropriate, the efficient use of land including previously developed sites; integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations; respecting, reflecting and, wherever possible, enhancing local character and distinctiveness; creating safe, attractive and accessible environments which contribute to people’s health and wellbeing and adhere to urban design best practice; promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling; utilising sustainable construction methods where feasible; improving social and economic wellbeing; and protect and enhance the area’s biodiversity value and where appropriate, seek to integrate nature conservation into new development.

Policy SP3 Sustainable Distribution – Settlement Framework states that the provision for growth and development will be at sustainable locations in accordance with the Settlement Framework identified in the LDP.

Policy SP13 Protection and Enhancement of the Built and Historic Environment states that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- a. Sites and features of recognised Historical and Cultural Importance;
- b. Listed buildings and their setting;
- c. Conservation Areas and their setting;
- d. Scheduled Ancient Monuments and other sites of recognised archaeological importance.

Proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance states that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

The Listed Buildings and Conservation Areas Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Reference is also made to the setting of listed buildings.

Technical Advice Note (TAN) 23: Economic Development (2014).

Chapter 10 of Planning Policy Wales “Retail and Commercial Development” applies as does TAN4 of the same title.

### **THIRD PARTY REPRESENTATIONS**

There have been no adverse representations received to date. The application is presented to the Planning Committee due to the involvement of the Authority as applicant and land ownership.

The site is located amongst other commercial and retail premises and is located within the town centre. The Primary Retail Frontage bounds the site. The proposal is relatively small scale with additional retail units. They are smaller than many of the existing units in the town centre and would therefore provide an alternative retail accommodation for the town. The kiosks are adjacent to existing buildings and are not overly prominent. The scale of them is small and they would not be imposing or out of character with the area. In terms of the external materials the submission indicates powder coated metal. It is felt that approval of the materials is required and a condition is recommended in this regard.

The kiosks are located on land currently part of the public highway. Comments have been received indicating that separate consents would be required for stopping up on this part of the highway.

### **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

As such the application is put forward with a recommendation of approval for the following reasons.

### **RECOMMENDATION – APPROVAL**

#### **CONDITIONS**

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

- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
- 1:1:1250 scale Location Plan (061005 Rev P01);
  - 1:500 scale Proposed Site Plan (61003 Rev P01);
  - 1:50 scale Proposed East and West Elevations (061002 Rev P01);
  - 1:50 scale Proposed Floor Plans and Elevations (061001 Rev P02);

Received on 12<sup>th</sup> December 2016.

- 3 No development shall commence until samples/details of all external materials have been submitted to and agreed in writing by the Local Planning Authority. The materials shall be implemented as agreed.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3 In the interest of visual amenity.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- The proposed development complies with Policy GP1, TR3, EQ1, SP8, R1 and SP13 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that it is not considered that the proposal would have a significant impact on the amenity of adjacent land uses, properties, residents or the community. There are no highway safety concerns. The works are not considered to create significant harm to the nearby listed building or character and appearance of the Conservation Area. The site is located within the defined town centre and provides additional retail units which would not be considered to be harmful the viability or vitality of the town centre.
- It is considered that the proposed development complies with S.72 of the Listed Buildings and Conservation Areas Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. In that the development is not harmful to the character of the Conservation Area.
- It is considered that the proposed development complies with S.66 of the Listed Buildings and Conservation Areas Act which requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In that it is not considered the development has any significant detrimental impacts on the setting of the listed building.

## NOTES

- 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.

- 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)).