

*Ardal  
Gorllewin/  
Area West*

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR AMGYLCHEDD**

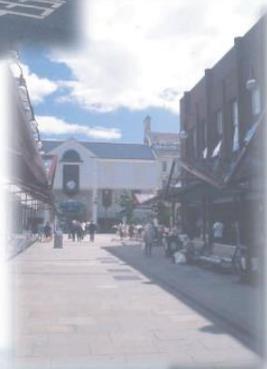
**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

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

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

**AR 24 AWST 2017  
ON 24 AUGUST 2017**

***I'W BENDERFYNU/  
FOR DECISION***



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod 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>24 AUGUST 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/35554</b>	<b>New public square, café and small business units to existing public realm at Jacksons Lane Square, Carmarthen, SA31 1QD</b>	<b>85-110</b>
<b>W/35759</b>	<b>Single detached residential dwelling at plot adj Bryneglur, Heol y Foel, Foelgastell, SA14 7ET</b>	<b>111-117</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/35554</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	NEW PUBLIC SQUARE, CAFÉ AND SMALL BUSINESS UNITS TO EXISTING PUBLIC REALM AT JACKSONS LANE SQUARE, CARMARTHEN, SA31 1QD

<b>Applicant(s)</b>	CARMARTHENSHIRE COUNTY COUNCIL – MIKE BULL, RURAL BUISNESS DEVELOPMENT CENTRE, NANT-Y-CI, CARMARTHEN, SA33 5DR,
<b>Agent</b>	CAPITA – MR JAMES MORRIS, MAIN AVENUE, TREFOREST INDUSTRIAL ESTATE, PONTYPRIDD, CF37 5BF,
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	19/05/2017

## CONSULTATIONS

**Head of Transport** – Has responded with no observations.

**Transport and Engineering** – Has raised no objection to the proposed paving slabs for the scheme.

**Carmarthen Town Council** – Has not objected to the proposal however they have made the following recommendations:

- There is considerable concern about the removal of this area of green space from the middle of Carmarthen - the removal of the greenery and trees etc should be avoided as far as possible; where this is impossible then the area of greenery and number of trees should - as a minimum - be replaced with at least the same volume or area of greenery and trees;
- There should be strict control by the county council over the management of the public screen to avoid noise pollution and prevent any possible anti social behaviour caused by people congregating and consuming alcohol there;
- Accessibility for disabled people should be provided on the basis of inclusivity and equality. The location of the steps into the square should include integrated ramps to avoid the need for disabled people to be further inconvenienced by having to find a different route into the square.

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

**Land Drainage** – Requested further information in relation to the size of the attenuation tank and the chosen method of drainage. Following additional details having been provided they have responded that they have no adverse comments to make.

**Dyfed Archaeological Trust** – Has, following examination of the Historic Environment Appraisal submitted, recommended the imposition of a condition in relation to a programme of archaeological works with any approval.

**Public Protection Division** – Has raised no objection. Comments are made in relation to separate legislation. No concerns were raised in relation to air quality impacts. A condition is requested with any approval in relation to dust mitigation during construction works. A further condition is recommended to control delivery times to the proposed units. Conditions are also recommended in relation to plant at the proposed units and noise from the proposal initially. The condition relating to plant is not considered necessary as separate planning permission would be needed for any such units if/when required. Following discussions with the Public Protection Division this was clarified and their final comments recognised this.

Comments were made in relation to noise and in relation to the proposed scheme. Reference is made in the submission to the use of the screen and that for some events licences would be required. Public Protection have provided some observations on the nature of the licences and where these are required.

- If the TV screen shows live sport then it is exempt from Licensing Legislation
- If the screen shows recorded sport etc then it falls under licensing as its deemed as recorded film
- Given that the land is LA owned and possibly classified as a workplace it would benefit from some deregulation exemptions. So for example if the Live Music event was being run for or on behalf of the LA then if it finished before 11pm then it would be exempt.
- There are 2 Café premises proposed for use under Class A3 - Food and drink. Dependant on the nature of the use there is potential for with outdoor speakers etc and there are residential premises in the area

Following further discussions in terms of how best to manage/control the potential impacts from noise generated from the screen in the square a condition in relation to operating times was agreed. This would prevent the use of the screen between 11pm and 9am on any day.

**Cadw** – Has raised no objection and feel the development would not damage the setting of any scheduled ancient monuments.

**Access Officer** – Has commented that having had the opportunity to discuss this proposed development pre planning submission, the access improvements have been included within this submission. The submitted proposal does meet current guidance document (approved Document M, BS 8300) regarding access standards and will provide improved access for the majority of those people with mobility difficulties. Consideration to the final finishes is a must regarding suitable visual contrast of adjacent surfaces. Light

reflectance values of these products need to be a minimum 30 point difference between adjacent surfaces and provided the developer confirm this then all is compliant.

In conclusion the officer does not have any objection to this development.

**Welsh Water** – Responded initially that they had concerns that the proposal seeks to communicate new surface water flows to the public combined sewer crossing the site. They felt initially the application provided limited evidence that the drainage hierarchy of part H of the Building Regulations has been exhausted before a surface water connection to the mains system is proposed. They also made comments about the location of pipes crossing the site.

Further/amended information was subsequently submitted and however Welsh Water are yet to respond.

**Police Liaison Officer** – Has commented that although you do get people using the small square in question, there is not a problem with Anti-Social Behaviour. (Asb)

He goes on to say that young people go there, but as the Italian and the Ice Cream parlour have outdoor seating etc there is always a natural presence of people and the area self-police's. There is no specific intelligence regarding ASB in the area.

He has read the other replies to the application and from a personal point of view likes the current set up with the trees and quiet seating area. From a policing point of view there is no indication that a screen etc will invite problems, it will obviously encourage more persons to the area, but acknowledges that is the reason behind providing the facility i.e. to be used.

**Carmarthen Civic Society** – Has commented that they feel there is a pressing need to improve the quality of the present Jackson's Lane Gardens and that the Carmarthen Town Regeneration Master Plan 2014-2030 set out appropriate objectives to achieve this as a means to invigorate the commercial viability of King Street through improving and encouraging a pedestrian link between it and Red Street.

They feel the area is a critical asset to Conservation Area and feel that any improvement or redevelopment to achieve the objectives of the Master Plan should safeguard its historic and visual amenity value. However they have concerns that the proposed scheme would seriously detract from the character of the space, the conservation area and, prejudice the long-term objectives of the Master Plan itself. They feel the scheme is out of character with the town's personality and of unnecessarily extravagant design. They feel the application should be refused.

Further comments on the design of the scheme are made including the following:

- Loss of landscaped pedestrian space in the town centre which provides respite for users of the town centre.
- Northern end remains open and loss of public area due to proposed buildings.
- Hard landscaping, steps and lighting fixtures are alien, costly and unnecessary.
- Access issues created by steps and works to ground levels.
- No need to create level surface, remove trees or alter land levels.

- Little merit or justification and the viability of additional town centre office space at first floor level in this location is questionable.
- New units not identified in the Masterplan.
- Design and scale not appropriate to the location or in keeping with the character of the site.
- Questions over the northern area or land, what it is to be used for in the future and over the proposal to retain it as a green space with no “purpose”.
- Query over sewer pipes at the site and impact on the proposal and future proposals.
- Use of square for public assembly/events has potential to create disturbance to users of the site and nearby residential premises.
- Present use considered preferable but with enhancements is an opportunity missed.
- Proposal is contrary to LDP policies.

**Neighbours/Public** - The application has been publicised by the posting of Site Notices and advertised in the local press with 11 responses having been received to date:

- Loss of trees and grassed area – further planting should be proposed and relationship with climate change.
- Impact from loss these on drainage and reducing shaded areas.
- Proposed screen damaging the atmosphere of the site and would encourage antisocial behaviour.
- Increased pressure on the NHS due to the above impacts.
- Lack of toilet facilities for those watching the screen.
- Large paved areas in the town centre already. No need for a further one.
- Bespoke shelters should be proposed to create shade, stage bandstand etc
- Loss of last remaining public garden space
- Lack of justification over impacts on the Conservation Area
- Contrary to LDP policies regarding impacts on the historic environment and high quality design.
- Lack of justification for the commercial units proposed
- Impacts on the amenity of nearby properties and buildings
- Limited public access due to changes to levels and questions over disabled access
- Impacts on public rights of way
- Reference to similar development in Castle Square, Swansea which are now being reversed
- Big screen is a good idea however should be located elsewhere in the town
- Lack of information/clarity in relation to view of the site, comparison with existing buildings and over the proposed landscaping.
- Concern over the impact of the bin store on the appearance of the area.
- Alternative/amended design would achieve an improved area and maximise open space and reduce construction impact.
- Environmental concerns from drainage issues, loss of green spaces and transportation and materials required for the scheme.

- Suggestions on more minor changes
- Several schemes suggested in recent years for the area and all been subject to change.
- Negative impacts on the character of the area which is historically sensitive.
- Ecological and social impacts from loss of existing space.
- Proposal is bland hard surfaced area.
- Scheme focused on profits by inclusion of the screen.
- Area too small to attract large crowds
- Open character lost with greater enclosure and smaller public area.
- Character of proposed buildings not appropriate.
- Area should be promoted for historical value rather than commercial.
- Big screen may be of value if use is limited.
- Alternative location for the screen within the town centre eg Guildhall Square.
- Impacts on bats if using the trees to be removed.
- Proposed buildings and screen will negatively impact on established businesses.
- Aim of encouraging people to travel from Red Street to King Street could be achieved more cheaply and effectively.
- Diagonal path across the square should be created.
- Additional/alternative planting would improve the scheme.
- Scheme is along the line of Castle Square Garden which is not being revisited.
- Council staff could have been used in place of consultants to achieve a better scheme.
- Lack of plans/information comparing the proposed building with existing ones.
- Proposed building would dominate approach from Red Street due to its height.
- Linear roof line of the building is not typical of the existing ones on the square.
- No part of the square is allocated for development in the LDP or has previously been allocated.
- Trees to be retained/differences from proposals shown in the Carmarthen Town Masterplan Draft 2014 and landscaping enhanced.
- Materials not appropriate to the area and stone could be found locally.
- Sustainability questions over choice of materials and where they are sourced.
- Lack of visual information for grassed areas and how they are incorporated in to the scheme.
- Grassed area will be built on in the future so landscape scheme will not come forward as shown and square be blocked off deterring pedestrians.
- Permission previously granted to build on grassed areas to the northern end of the site was more appropriate.
- No consultation with the police
- Insufficient information relating to noise
- Queries regarding consultation with nearby businesses

## **RELEVANT PLANNING HISTORY**

The following previous applications have been received on the application site:-

W/30943	Proposed 1 X DSLAM green telecommunications cabinet on a concrete plinth Telecom prior approval not required	30 September 2014
W/21169	Erection of a two-storey building for retail shops and offices Outline planning permission	10 September 2009
W/00768	Siting of a retail development Outline planning permission	12 September 1997
D4/24093	Public Garden County Permission Under Regulation 4	18 November 1993
D4/24092	Construction of shop units County Permission Under Regulation 4	18 November 1993
D4/23447	Public Gardens County Permission Under Regulation 4	15 July 1993
D4/23446	Siting of a shop unit County Permission Under Regulation 4	15 July 1993
D4/19189	Area Directors office together with the lobby banking facility Outline planning refused	20 September 1990
D4/18254	Siting of retail development County Permission Under Regulation 4	12 September 1989
D4/13725	Siting of retail development and public garden area County Permission Under Regulation 4	28 July 1986
D4/13692	Construction of 3 no lock up shops and offices No Decision	
D4/12879	Siting of 3 no lock-up shops with office cover Outline planning permission	17 October 1985

## **APPRAISAL**

**The application is one where 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 an area of land which is currently forms part of the public square off Jacksons Lane. The site is located along Jackson's Lane, which is a pedestrian route

running from King Street to Chapel Street in Carmarthen. The site is located in the centre of Carmarthen. Chapel Street then runs along to join up with the commercial area at Red Street. The land slopes from the south towards Chapel Street at the northern end. There are buildings to the southern and eastern sides of the square. The western elevation has a stone wall with the rear of commercial properties backing on to the square. The northern end of the square is open on to Chapel Street.

The existing properties along Jacksons Lane and facing on to the square are generally of commercial nature. There are some residential properties however they buildings are primarily in A1 (retail) or A3 (hot food and drink) use. In the square itself there are a number of trees and various seating areas with benches and walls. There are paths around the square. Along the eastern edge of the square there is a stone wall running north/south. The north part of the square is currently grassed although occasionally used for informal parking. Bins for the properties on the square are stored in the centre of the site at present.

The site is located within the defined Town Centre of Carmarthen as delineated in the Carmarthenshire Local Development Plan (LDP). The land at the northern end of the site, currently grassed, is shown to be located within the area defined as the Primary Retail Frontage. The existing commercial premises to the southern end and the west of the site are also designated as Primary Retail Frontage. This is also the case for the properties adjacent to the access from King Street. The premises on the eastern side of the square are designated as Secondary Retail Frontage. The square itself has no specific designation.

The proposal is indicated to be a further stage of a wider redevelopment of this part of the town centre. Further development has been suggested connecting Red Street to King Street via Jacksons Lane. Planning permission has already been granted for a row retail kiosks on the corner of Red Street and Chapel Street earlier this year (W/34922) at planning committee.

A public consultation exercise was undertaken including a public consultation held on the 14th – 16th of September 2016 at Myrddin Day Centre in John Street, Carmarthen by the Economic Development section of the Authority.

The existing square/gardens were created by the Carmarthen District Council in the 1990's following planning permission in 1993. Planning permission was given the same year for the construction of shop units on the southern end of the square. In 2009 planning permission was granted for a 2 storey building on part of the northern end of the square currently grassed. This was not implemented and subsequently lapsed. There was also permission granted in 1997 for a mixed use development of A1, A2 and A3 uses along with residential use. Historically the land had previously been part of the curtilages of the buildings around the area rather than public space and there were buildings on the lower (northern) part of the site.

## **THE PROPOSAL**

The application seeks full planning permission for the creation of a new public square, as well as the construction of café and small business units.

The café and business units proposed would consist of a single 2 storey building located on the western side of the square. At ground floor level there would be 2 café units (A3

use class) with a combined floor area of 106sqm. At first floor level 2 office premises are proposed (B1 use class) with a combined floor area of 164sqm. The total useable space for the commercial units is therefore 270sqm.

The proposed two storey building would have a pitched-roofed with material indicated to be fibre cement "slate" tiles. The walls would be largely acrylic render with elements of Blue Pennant Sandstone. The building is located on the western boundary of the site and would require the removal of a section of the existing stone wall. The shop windows and upper floor windows are proposed to be oak lacquered boarding with powder coated aluminium glazed units. The building would measure 5.8m in depth with the central area set back being 5m in depth. The 2 storey element of the building is 29m in length with smaller entrances at either end. It would have a maximum height of 9m at the highest point due to the change in land levels at the northern end of the site. The majority of the building would be 6.6m. The building would screen the current views from the square of the rear of the "B and M" retail unit.

Centrally at first floor level on the front elevation of the building there is proposed to be a screen. The application indicates that Jackson's Lane and Square are to be promoted as a cafe quarter for Carmarthen with activities promoting the nearby café outlets and local market produce. The outdoor screen will show sporting events, live university lectures and film festivals amongst other features. It states that the outdoor screen forms part of a strategy to host regular events promoting business start-ups, language festivals, street feast and farmer's markets. The application confirms that the Square will request a license for the playing of selected live music to correspond with events and for a number of individuals and small groups to entertain users. The screen will be silent unless there are events being held on Jacksons Square.

At the north western end of the site, where there is currently hard surface area there would be a bin store. This would measure 8m by 7.2m and would be enclosed with a 2m high timber fence. This is said to be a temporary store however there is no period given for the temporary use.

There would also be works and alterations to the square itself. The proposal would see the main part of the square levelled to create a flat main square. The alterations to land levels would require the removal of the existing trees on the square. It is proposed to replant 3 trees on the new square; 2 at the southern end and 1 at the northern end. These trees would also incorporate seating areas around them. Steps would be created at the northern and southern ends of the square. There would be a level access point to the square centrally along the eastern side of the redesigned square. The steps proposed would have wide treads so that they would be suitable for seating also. Seating areas are also provided around the periphery of the square along the new Blue Pennant Sandstone boundary walls to the square on the southern and eastern sides. Jacksons Lane itself would be resurfaced also along with the southern end of the application site before reaching the new steps and main square. These areas would have textured concrete "conservation" paving, with granite stone paving for the steps and square.

Multiple small lamps are proposed around the edge of the square and on the proposed building. These would be powder coated aluminium. The application indicates that the square has been designed to allow moveable café tables and chairs plus alternative temporary seating to be brought in to coincide with organised events. At the northern end of the site beyond the square much of the existing grassed area is to be retained with planting proposed and benches.

In relation to drainage of the site both foul and surface water are to be connected to the public sewer system. Beneath the square there is to be a surface water tank to control the flows.

The application was also accompanied by a Historic Environment Appraisal and Design and Access Statement.

During the course of the application further information was provided by the applicant. This included further/amended landscape details, additional visual information and plans of the site in comparison with existing buildings and further drainage details. Following the receipt of concerns from objectors the applicant's agent provided a response to these. The response included the following comments:

- The fundamental objective of the current 'Jacksons Square' proposal is to increase economic activity in the old parts of the town centre by transforming the existing, unappealing back route through Jacksons Lane and Chapel Street into a busy and attractive thoroughfare.
- The design is consistent with other successful public spaces in the town centre, such as Market Precinct, Guildhall Square and Nott Square, featuring hard landscape, active frontages, and trees in pits, good quality street furniture and lighting. The scale and massing of the design has been carefully developed to be consistent with the existing content. The proposed boundary walls and railings are lower than the existing walls and railings. There is no part of the proposed design which is higher than existing rooflines. The form and style of the proposed building is consistent with the varied range of 'traditional' building forms that exist around the square.]
- The proposed new building will achieve three extremely important outcomes:
  1. It will increase the level of business activity within the square
  2. It will provide an active frontage on the west side of the square, which will attract footfall and help to define the Square as a destination.
  3. It will fully screen the rear walls of the two existing large retail units (B&M and Days).
- There is not sufficient space within the square to accommodate an 'enhanced garden space' as well as space to accommodate a monthly food market or other ancillary uses and events of the type that will be possible with the proposed civic space. An attempt to be both a garden and a civic space will result in a half-and-half outcome that will not achieve the economic impact that the project is aimed to achieve.
- The site is divided over three levels with the square located at the heart of the site. The steps that lead onto the square at each end provide clear pedestrian routes through the site from Chapel Street to King Street shopping destinations. Steps are a necessary part of safe, accessible public realm design. The proposal is designed

with wide, easy-going steps. No flights are more than 1.02m in height. The steps are spread out so that they are as easy as possible to use and so people can sit on them if they wish to. A level access is provided adjoining Jacksons Lane. This forms the main entrance to the square that is fully accessible for all.

- The proposed granite paving is an extremely durable, cost effective material and has been used widely in town centres around Wales and major cities around the UK. We have proposed blue pennant sandstone for the boundary walls and this stone could be potentially sourced from the local Gwyrhyd quarry.
- The advice of the project Arboriculture Consultants is that the existing trees will not thrive or survive in the short-to– medium term if the ground level is lowered around the bases of the trees, as will be necessary.
- The integrated outdoor screen is an essential objective of the proposal, as it will play a major part in increasing footfall and economic activity, and maximising its potential to attract pedestrians and shoppers from the Red Street precinct into the King Street area. The screen will also provide opportunities to establish key links between the town centre, the University and Yr Egin showing selected live lectures, and debates.
- The site currently attracts anti-social behaviour, the increased levels of activity and passive surveillance that the new development will provide will help to reduce existing levels of late-night anti-social behaviour.
- Funding for the project is being obtained via the Transformational Capital Fund and the Rural Community Development Fund on the basis that economic growth and job creation will be achieved, as a direct result of the project.
- Reference is also made to the current square having been formed as part as part of a Council development in the 1990's. All of the paving in the existing square was specified by Carmarthen District Council to be concrete paving products. The principal paving material in the current proposal is natural stone.

Due to the need to remove walls/railings across the site a Conservation Area Consent has been submitted. This is currently in the consultation period. Both planning permission and Conservation Area Consent would be required before the walls could be removed. The consent relates to the walls/railings which are more than 1m in height. This involves the boundary wall to the west of the site and the wall along the path being retained to the east of the site. Walls are to be rebuilt in these locations or would have the wall of the proposed buildings in their place.

## **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 RT2 Principal Centres (Growth Areas): Primary Retail Frontage relates to proposals for non-retail uses (including the change of use and/or redevelopment of existing retail premises) and states they will not be permitted on ground floor frontages of the primary retail frontage of the designated Principal Centres. Changes between existing non-retail uses within primary frontage areas will be permitted where it is a use applicable to the town centre and is not detrimental to the general retail character.

Policy RT3 Principal Centres (Growth Areas): Secondary Retail Frontage states proposals for non-retail uses (including the change of use and/or redevelopment of existing retail premises) will be permitted on ground floor frontages of the defined Secondary Retail Frontage of the designated Principal Centres where they would:

- a. Not lead to a concentration of ground floor non-retail (non A1) frontage exceeding four consecutive properties, or a concentration of non-retail (non A1) properties in the same use class exceeding three consecutive properties;
- b. Not undermine the retail function of the centre or have a detrimental effect upon the vitality or viability of the area;
- c. Not create a level of non-retail ground floor frontage detrimental to the retail character and function of the area.

Policy RT4 Principal Centres (Growth Areas): Town Centre Zone states proposals for the change of use and/or re-development for non-retail uses within a Town Centre Zone (excluding areas identified as within the Primary Retail Frontage and Secondary Retail Frontage) as defined in respect of a designated Principal Centre (Growth Areas) will be permitted where it achieves a diversity of uses appropriate to a town centre location and does not have an adverse impact on its function, visual character and quality.

Policy EP2 Pollution states that proposals for development should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate that they:

- a. Do not conflict with National Air Quality Strategy objectives, or adversely affect to a significant extent, designated Air Quality Management Areas (permitted developments may be conditioned to abide by best practice);
- b. Do not cause a deterioration in water quality;
- c. Ensure that light and noise pollution are where appropriate minimised;
- d. Ensure that risks arising from contaminated land are addressed through an appropriate land investigation and assessment of risk and land remediation to ensure its suitability for the proposed use.

Policy EP3 Sustainable Drainage states proposals for development will be required to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.

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 SP16 Community Facilities is applicable and refers to informal and formal leisure and recreation facilities. The policy states the LDP will support the provision of new facilities, along with the protection and enhancement of existing facilities, in accordance with the settlement framework and based upon evidence of need.

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

Policy GP4 Infrastructure and New Development 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 (or an appropriate contribution is provided by) the developer.

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) 24: The Historic Environment (2017) and Chapter 6 of Planning Policy Wales (The Historic Environment) are relevant considerations.

Technical Advice Note (TAN) 23: Economic Development (2014) and Technical Advice Note (TAN) 12: Design (2016) are also of relevance.

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

### **THIRD PARTY REPRESENTATIONS**

There have been 11 adverse representations received to date from members of the public. Concerns/objections have also been received from Carmarthen Civic Society and Carmarthen Town Council. The application is also presented to the Planning Committee due to the involvement of the Authority as applicant and land ownership.

### **Justification for the New Building**

Concerns have been raised over the justification for the proposed units and the impact of them. The site is located amongst other commercial and retail premises and is located within the town centre as delineated in the LDP. While there is no specific designation for much of the area this does not prevent the site from being development. The site is within the town centre in a sustainable location.

The Primary Retail Frontage and Secondary Retail Frontage bounds the site. The proposal is for 2 small scale units at ground floor for A3 use and B1 offices above. These uses are appropriate to a town centre use. The premises around the square at present include A3 uses and the use of first floor accommodation in such buildings is encouraged. Therefore the principle of the nature of the commercial premises proposed is considered to be acceptable. In terms of justification there is no need to demonstrate that there is commercial demand for the proposed units. The site is also a town centre location and therefore while impact on existing business has been raised by some objectors', competition is not a consideration in this location.

Questions have been raised over potential development at the northern end of the site in the future. Each application is assessed on its own merits. This current proposal does not include any buildings at this part of the site. The land at the northern end of the site is allocated as part of the Primary Retail Frontage in the LDP and therefore there it has been considered appropriate for such development if forthcoming in the future subject to the usual considerations. There have also been planning permission previously at this part of the site. However at present what is proposed in this application, and therefore what must be assessed, is the area being a grassed/landscaped area. If future proposals indicate otherwise then these would be assessed at that time on their own merits.

In response to concerns being raised the applicant have provided a response. They comment that the scheme has been designed to economically enhance the Jacksons lane area and achieve the required change in the movement patterns of pedestrians and increase footfall through to King Street. They also refer to achieving the vision set out in the Carmarthen Masterplan to 'improve the public realm and built environment in Jacksons Lane.' The Carmarthen Masterplan was developed in consultation with the Carmarthen Town Regeneration Forum and the agent comments that this reflects the desire for the change within the town through economic regeneration. The proposed new building they feel will achieve three extremely important outcomes:

- *“It will increase the level of business activity within the square*
- *It will provide an active frontage on the west side of the square, which will attract footfall and help to define the Square as a destination.*
- *It will fully screen the rear walls of the two existing large retail units (B&M and Days)”.*

The agents feel the space within the square is not sufficient to accommodate an 'enhanced garden space' as well as space to accommodate a monthly food market or other ancillary uses and events of the type that will be possible with the proposed civic space. Therefore they believe an attempt to be both a garden and a civic space would result in a half-and-half outcome that will not achieve the economic impact that the project is aimed to achieve.

### **Visual Impact, Design and Impact on Historic Environment (Building)**

Comments have been made over the suitability of the scale and design of the proposed buildings. Matters of design are subjective and there will be differing opinions on the merits of design. Objectors felt that the scale of the building was too large and the roof line should have been stepped down. There were also concerns over the loss of the public space available by them being constructed. There were questions over the design being inappropriate to the square and the appearance in relation to the existing buildings on the

site. A lack of justification to support the chosen design has also been put forward as a concern.

This is an area that has developed over time with some buildings having been added in the 1990's which now sit comfortably among the older ones. Previously it had been private gardens for properties at the northern end of the site. There are a number of building styles and scales near the site. To the west is the rear elevation of a large building of plain appearance currently occupied by B and M. To the southern end are buildings constructed during the 1990's. The more historic buildings are located to the eastern side of the site however there is again some differences between these. The proposed properties are 2 storey and there are many examples of 2 storey buildings on the square. The scale of the building is considered appropriate and is of similar scale and massing to other properties on the square. The design and appearance of the building is also considered to be appropriate. External materials of the building would be appropriate to the character of the area and would not harm the Conservation Area. These include stone, timber and slate. Elements of the design reflect the more traditional parts of the town centre. The location of the proposed building would help enclose the square and would also screen views of the rear of the buildings currently visible. Currently the rear of buildings adjacent to the square are clearly visible from it and detract from the square. Concerns have been raised over the impacts of the proposed building however it would screen these rear elevation views.

The building would be in relatively close proximity to the existing buildings however the nature of the older areas of the town is of buildings in close proximity to each other. Jacksons Lane itself is an example of the close proximity buildings. Cross sections of the site have been provided and they show the height of the proposed building against that of the existing ones, where there are many examples of 2 storey properties along Jacksons Lane and the square itself. There is also a variation in heights of the different buildings which is typical of older areas of the town. The proposed building does not step down however the proposal related to the square being a level surface. The building would appear large on the approach from Red Street due to the steps at the northern end creating a taller gable on this end. There are windows on this gable elevation and some further openings on the rear elevation of the building where visible from the approach from Red Street.

As with any considerations of design there is the need to make subjective judgements. While objections have raised concerns it is felt that the proposed building is considered to be within the general scale and massing of the existing buildings and it is not felt it would have significant negative impacts on the character of the Conservation Area or the setting of any nearby listed buildings. On balance it is felt that any negative impacts of the proposal are not sufficient to outweigh the benefits of the scheme to an extent to warrant refusal of the application.

No concerns have been raised by Cadw in relation to scheduled ancient monuments. Details have been provided in relation to archaeology and Dyfed Archaeological Trust have responded raising no objection and requesting a condition regarding a scheme of investigation at the site.

### **Bin Store**

The impact of the proposed bin store has been raised as an issue. Currently bins for the properties located on the square are stored on the square itself. They are currently in full public view and this is something that detracts from the square at present. The proposal

includes an enclosed store which would not only be used for the proposed units but would also remove the need to store the bins for the existing units in the open. The size of the store has also taken the opportunity to accommodate bins which are currently stored in the open at King Street. While the inclusion of a timber bin store in the Conservation Area is not an ideal scenario there is also a similarly designed store located off Nott Square. It also provides the opportunity to remove a number of bins stored in the open, including on the square itself. Whether temporary or permanent it is felt that the benefits of removing the open storage outweigh the impacts of the store that is proposed. The nature of the square means it would be difficult to locate the store in another location without it being more prominent from the square itself. The store is located adjacent to a parking area for the adjacent properties and the view of the store would simply be of a timber fence.

### **Disturbance, Amenity and Social Issues**

The proposal includes the provision of a screen on the front elevation of the new building and many of the concerns regarding amenity stem from this element of the proposal. The design and access statement states that *“A large outdoor screen will show sporting events, live university lectures and film festivals amongst other features. The outdoor screen forms part of a strategy to host regular events promoting business start-ups, language festivals, street feast and farmer’s markets. The Square will request a licensed for the playing of selected live music to correspond with events and for a number of individuals and small groups to entertain users. The screen will be silent unless there are events being held on Jacksons Square.”* This indicates that the use of the big screen with amplified sound will at times occur. The need for a licence for certain events was also referred to.

The Public Protection Division have provided advice regarding Temporary Event Notices/licences for events and also where some activities would be exempt for this. There are some residential properties on the square and in the area near it. The licences/event notices are covered by separate legislation and separate from planning considerations. The screen would be silent for the majority of the time. When there are events these would need to comply with the requirements of any licence where required. However there would appear to be occasions which would not require notices/licences and therefore there is potential for the screen to create noise and potentially disturbance. The square currently has commercial premises and outdoor seating areas which themselves would create noise and potentially have music/noise/disturbance associated with them. In order to protect amenity levels at the nearby properties a condition is recommended restricting the use of the screen. The condition would prevent the use of the screen between the hours of 11pm and 9am on any day. It should be noted that opening hours of the premises already on the square are not controlled by planning condition and that opening hours are not generally controlled as part of a planning permission.

Concern has been raised over the disturbance from the use of the new square and anti-social behaviour but also that the square would not be a good public space and therefore may not be frequently used. Concerns have been raised over general disturbance and lack of facilities for the square, particularly during events. As discussed above licence requirements are outside the scope of the planning permission and dealt with under separate legislation. The square at present has no specific public facilities either. Again if necessary such issues would be addressed under separate legislation. The proposal is for the square also be used for outdoors seating as it is currently used at present for the premises adjacent. It is hoped that the new square and any events would be beneficial to the businesses around the square and nearby in terms of increased customers. For the majority of the time the silent screen may simply act like an advertisement and/or to

provide a focal point for those in the square. It is not felt that the screen in terms of its use or the location, scale of it would have any significant detrimental impact on the character of the area or on amenity subject to the condition suggested. Any powers under the Statutory Nuisance would not be affected by the planning permission.

Controls over the special events would be covered by a licence where applicable as would be the case for any licence elsewhere in the town centre where one is required. Objections have referred to the screen as being a potentially a good idea but questioned the location. The screen would provide an alternative location for such events and a permanent facility rather than requiring a temporary screen to be provided each time. A comparison is made to Castle Square, Swansea, where a screen was installed and works made to a public square. There are plans for the area to now be altered apparently. While there may be some similarities these are very different locations and every site and proposal must be assessed on its own considerations. There is a proposal for Jacksons Square which is a far smaller area and this must be assessed against the relevant policies and other considerations at this time for this location.

Comments from the Police Liaison Officer have also been sought. These comments state that *“from a policing point of view, there is no indication that a screen etc will invite problems”*. He also refers to the existing outdoor areas meaning *“there is always a natural presence of people and the area self-police’s”*. This would remain the case with the proposed development and likely to be increased with possible additional outdoor seating from the new units.

The applicants have commented that the integrated outdoor screen is an essential objective of the proposal, as they feel it will play a major part in increasing footfall and economic activity, and maximising its potential to attract pedestrians and shoppers from the Red Street precinct into the King Street area. They go on to state that screen will also provide opportunities to establish key links between the town centre, the University and Yr Egin showing selected live lectures, and debates. The screen would be silent unless being utilised for an event and will be subject to licensing laws.

Comments have been made over anti-social behaviour and lack of public toilet facilities at the square as well as the atmosphere of the square being affected by the works and the proposed screen. The proposal would make the square more open and this may potentially reduce the likelihood of anti-social behaviour as the square as whole would be more visible with clear views from one end to the other. Reference to events creating disturbance would be the case whether the development was constructed as proposed or, as some objectors have referred to, temporary facilities put in place, or located at an alternative location within the town centre. In relation to public toilets again this is a matter that would apply whether the development took place or not. There are no existing facilities being lost.

The applicants in response to concerns over disturbance have commented that they feel the site currently attracts anti-social behaviour and that the increased levels of activity and passive surveillance that the new development would provide will help to reduce existing levels of late-night anti-social behaviour.

Comments from the Police Liaison Officer have also been sought. These comments state that *“from a policing point of view, there is no indication that a screen etc will invite problems”*. He also refers to the existing outdoor areas meaning *“there is always a natural presence of people and the area self-police’s”*. This would remain the case with the

proposed development and likely to be increased with possible additional outdoor seating from the new units.

Objections have made reference to additional pressures on the NHS from the development in terms of physical and mental health impacts. This has included increased sun burn from less shading, mental health impacts from the loss of the green/tranquil space and negative impacts of people watching the screen. The proposal seeks to include replanting for features that are to be removed and therefore there would be some landscape features as part of the new scheme. The existing trees are again a legacy of the development of the square during the 1990's rather than this area being a historical public area. Outdoor public seating is included in the proposed development and therefore it would remain a publicly accessible area. The proposed trees would also provide shelter and are proposed to have seating areas around them. The screen itself is said to be silent for much of time also. Any planning permission would not remove the need for the site to comply with any other relevant legislation in terms of noise and health and safety.

Climate changes is another area where questions have been raised over the proposal. This has been in relation to drainage impacts from the loss of landscape features and from the materials. A drainage strategy has been proposed and further details included following comments from consultees. The proposal retains the grassed area to the northern end of the site. It should also be noted that while there are trees removed there are trees to be planted. Much of the square is currently hard surfaced and sloping which has the potential to increase the speed of surface water runoff. The levelled site would have a modern drainage scheme associated with it. The choice of materials were questioned in terms of their sustainability. The appearance and suitability of the materials is discussed elsewhere in the report. Sustainability of the materials is a factor for consideration however the application needs to be assessed as a whole. The applicants have also commented that all of the paving in the existing square was specified by Carmarthen District Council to be concrete paving products. The principal paving material in the current proposal is natural stone. There may well be alternative materials that could be sourced closer to the site however what is proposed is, on balance, considered appropriate.

### **Access**

Access issues have been raised in relation to disabled/less abled access and the creation of steps in the square where presently there are none. A suggestion by the Town Council was that a ramp be included adjacent to the steps to allow less abled people to access the square in the same way. There were discussions prior to the submission with the Access Officer and the scheme was amended at that stage. The scheme seeks to resurface but not alter Jacksons Lane. Therefore this route is not to be altered in terms of gradient. While there are no steps on the square at present the existing square is sloping.

The applicants have responded to the concerns raised in regard to access and state that the Authority's Access Officer has been fully consulted and is supportive of the proposals. The site is divided over three levels with the square located at the heart of the site. The steps that lead onto the square at each end provide clear pedestrian routes through the site from Chapel Street to King Street shopping destinations. The agent feels that steps are said to be a necessary part of safe, accessible public realm design. They comment that the proposal is designed with wide, easy-going steps. No flights are more than 1.02m in height. The applicant comments that the steps are spread out so that they are as easy as possible to use and so people can sit on them if they wish to. A level access is provided

adjoining Jacksons Lane. This forms the main entrance to the square that is fully accessible for all.

The Access Officer has been consulted on the application and has responded stating that the proposed development was subject to pre planning discussions and that *“the access improvements have been included within this submission. The submitted proposal does meet current guidance document (approved Document M, BS 8300) regarding access standards and will provide improved access for the majority of those people with mobility difficulties. Consideration to the final finishes is a must regarding suitable visual contrast of adjacent surfaces. In conclusion I do not have any objection to this development”*. The Light reflectance values of these proposed products need to be a minimum 30 point difference between adjacent surfaces. A condition is recommended requiring confirmation of the light reflectance values of the surfaces prior to them being installed.

Reference has been made to the impacts on the public rights of way. The site is not a defined public right of way. The square prior to the 1990's creation of the square had been private with only the path along the eastern side being used by the public. The proposal retains the route along the eastern end of the site and there is also public access to the square itself.

### **Drainage**

The scheme proposed to connect the foul and surface water drainage in to the public sewer system. For surface water the scheme shows that there would be a storage tank beneath the main part of the square which would attenuate the flows in to the sewer. Objectors have referred to the loss of trees space and landscape features impacting on the drainage at the site. The positioning of the proposed trees has also been partly affected by the location of underground drainage. The Land Drainage Section initially requested further details of the proposed scheme and the tank involved. Further information was submitted and their subsequent response stated that they have no adverse impact to make on the proposal. Welsh Water have also been consulted and they have responded raising concerns initially over the connection of surface water to the public sewer system. Further justification and information was requested. Following this being submitted Welsh Water have were reconsulted however have not responded to date.

### **Visual Impact, Design and Impact on Historic Environment (The Square)**

A number of concerns related to the works to the square itself. This included the proposed removal of the existing trees, grassed areas and general impacts on landscape features. New planting on a like for like basis was suggested by objectors to prevent any loss of what has been described as a garden area within the town. Alternative design suggestions were put forward questions raised over the choice of materials, changes to land levels and the extent of hard surfacing. The loss of the area as a public space has also been referred to and a lack of justification for the chosen design.

At the northern end of the site there is currently a grassed area with a hedgerow around the boundary of part of it. This area at the northern end is to be largely retained as grass with benches and also a hedgerow along the boundary. The proposal would involve the removal of the 3 trees on the square and the other landscape features on the main area of the square. None of the trees on the site are currently subject to a Tree Preservation order (TPO). The design and access statement with the application refers to it not being possible to retain the existing trees with the proposals to create a level area for the main part of the square. The proximity of trees to existing buildings was also referred to. The existing trees hampering construction works was another factor alluded to. The Tree Report submitted

with the application refers to value of the trees stating “*as a group they collectively offer an attractive landscape feature*” and that they are in good physiological condition and fair structural condition. In light of their removal to accommodate other aspects of the scheme the proposal has included the provision of 3 new trees as part of the application. These were added following the original presentation of the scheme prior to the planning application to address concerns that were raised at that time.

The site is within a Conservation Area and the value of the trees and other landscape features are of greater importance. Comments have been received from the Landscape Officer and the Arboriculture Officer regarding impacts on the landscape features themselves. The Arboriculture Officer felt that the level of information originally submitted was not sufficient and commented that the trees are of high amenity value. The square is popular spot for the public who enjoy the benefits the trees provide at present. Members of the public have referred to the shading they provide. A detailed replanting programme as mitigation for the loss of the existing trees was requested.

The Landscape Officer made a number of comments and recommendations on the original information submitted which included comments on the loss of the trees and other landscape matters. There have also been comments received which question the level of justification for the chosen design. Whether an alternative design which could accommodate the existing trees had been looked at was questioned. Further information was requested again in relation to the detailed elements of the landscape scheme for the site as a whole including tree species, planting stock size and provision of sufficient underground rooting volume to enable effective growth to maturity. Potential future conflict between the tree canopy and to the proposed buildings was also raised and another being close to the bottom of the steps. Suggestions were made on relation of the trees linked with suggestions for changes to the steps at the southern end of the site. Additional details for the northern area of the site was also requested. It is acknowledged that this northern area is designated as Primary Retail Frontage in the LDP and therefore there is the possibility of future development on it. However at this stage there is no planning application for buildings at this part of the site and therefore the appearance of this area remains an important consideration. Suggestions were made for this area also.

Further details were subsequently submitted. The design of the scheme and overall layout remains as originally submitted. The additional information confirmed that with the proposed design of the scheme involving the creation of a level area for the square it would not be possible to retain the existing trees. In support of the chosen design, including the alteration to land levels the agents have provided the following comments:

- The existing site slopes +1 in 17. This is an unacceptably steep slope in disabled access terms, and it greatly reduces the amenity value of the Square. If this gradient was proposed as part of the new development it would require railings and intermediate landings.
- The design maximises accessibility, flexibility and amenity value.
- Reference is made to three different options were presented to the Carmarthen Town Centre Regeneration Forum on 25th May 2016 where the desire for a chosen as the preferred option by the Town Centre Regeneration Forum.
- The locations of the proposed new trees are limited by the need to co-ordinate with the proposed below-ground drainage.

Further comments were received from the Landscape Officer following the submission of these additional/amended details. He states that in consideration of the scheme against

the relevant policy objectives within the landscape consultation remit he advises that there would be no justifiable reason to refuse the planning application as submitted

The proposal includes new landscape features to compensate for the loss of the existing trees. The impacts on the trees are to enable the wider development in its proposed form. Matters relating to design will also be subjective and therefore there will be differing opinions on the merits of these aspects of the scheme. It is felt that while suggestions were made for alterations to the scheme, the proposal as it stands is acceptable and does not challenge policy to a degree to warrant refusal of the application in relation to these landscape matters. Conditions have been recommended in relation to compliance with the proposed landscape scheme and the confirmation of some additional details.

Linked to the direct impacts on the landscape features there have been concerns raised over the over visual impact of the scheme and the proposed design. The need for a further paved area of this type was questioned, in light of it being perceived that there are other similar squares/public places in the town centre. Suggestions were made in relation to the alternatives design and inclusion of different features within the square.

While it is suggested there would be events on occasions and that the square could be utilised for outdoor seating associated with the adjacent businesses the site would remain as a publicly accessible square. There is public seating proposed around the edge of the site, around the proposed trees and at the steps themselves.

In response to concerns raised during the consultation the applicants have provided further justification for the scheme. They feel that the proposed design is consistent with other successful public spaces in the town centre, such as Market Precinct, Guildhall Square and Nott Square, featuring hard landscape, active frontages, trees in pits, good quality street furniture and lighting. The comment that the existing site has far more stone wall, of greater average height, than is currently proposed. They believe these walls are currently arranged randomly across the width of the square creating a confusion of dead ends and poorly directed routes.

Comments on alternative designs and schemes have been made however the current proposal is what must be assessed. The vision for the area has developed and there has been public consultation on the square and the wider area. This is the first planning application at the square since the 1990's. There has been planning permission granted for retail kiosks adjacent to Red Street which is part of the wider development of this area of Carmarthen. This proposal is seen as a further phase of the wider development/regeneration. There may be further developments proposed and these would be assessed if/when they are submitted. There was pre-application discussions with the Planning Department and a number of comments/recommendations were made. Many of these were similar to the matters raised during the course of the application by others. Some of the comments were taken on board and the scheme amended before submission while others were not. Questions of the cost of the scheme have been raised however again this is not a matter for consideration as part of planning. Previous schemes for this part of the town have been referred to and that these have varied from the currently proposed scheme. A decision needs to be made as to whether this current proposal is on balance acceptable or not based in its planning merits, relevant policies and other material considerations.

## **Other Matters**

Highways matters were raised however there is no objection from the Head of Transport and no concerns over the choice of materials proposed for the areas. Questions were asked regarding the level of information provided. It is considered that what has been provided, which include as additional information in response to concerns raised, is sufficient to be able to assess the proposal and reach a recommendation. Some objectors referred to the scheme being driven by profits and questioned if staff within the Authority could have been used in place of external consultants. The scheme has been clear that economic development of the area is an important part of the scheme. The scheme has been designed with the need to increase use of the area in mind and additional facilities will be linked to that. Who submits the application and designs the scheme is not a material planning consideration. Impacts on ecology were raised. The scheme does require the removal of trees further ones are to be planted and the grassed area to the northern end of the square is retained. There were also pre-application discussions regarding ecology and it was not felt that any specific surveys were required. It is not felt that there would be any significant impacts on ecology.

## **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:-
  - Surface Water Drainage Strategy
  - received 20<sup>th</sup> July 2017
  
  - 1:200 scale Proposed Site Sections (400012)
  
  - received on 28<sup>th</sup> June 2017
  
  - 1:200 scale Existing and Proposed Drainage runoff Areas (0503 P01)
  - 1:50 scale 1:20 scale Drainage Details (0505 C01)
  - 1:100 scale Plans, Elevations and Section, Phase 1 (400006 Rev1)
  - 1:100 scale Bin Store Plan and Elevations (400011 Rev 1)
  - Drainage Storage Calculations (Micro Drainage)

- 1:200 scale Proposed Site Plan (40002)
- 1:200 scale Existing and Proposed Site Sections (40003 Rev 1)
- 1:50 scale Detail Design – Sheet 1 of 2 (400004 Rev 1)
- 1:100 scale Elevations and Sections – Sheet 1 of 2 (400005 Rev 1)
- 1:25 and 1:20 scale Detail Design – Sections, Plan and 3D View (400007 Rev 1)

received on 15<sup>th</sup> June 2017

- 1:100 scale Proposed Street Lighting (1301 P00)
- 1:100 scale Planting Plan (3001 P01.1)
- 1:100 scale Planting Plan (3001 P01.1)
- 1:10 scale Tree Pit Details (3002 P01.1)

received 13<sup>th</sup> June 2017

- Historic Environmental Appraisal

received on 24<sup>th</sup> May 2017

- Examples of Material Finishes – Granite Paving
- Examples of Material Finishes – Conservation textured Concrete Paving
- Examples of Material Finishes – Hazard Warning Concrete Tactile Paving
- Examples of Material Finishes – Welsh Blue Pennant Sandstone

received 19<sup>th</sup> May 2017

- 1:50 scale Detailed Design – Sheet 2 of 2 (400005)
- Location Plan
- Design and Access Statement
- 1:100 scale Proposed Drainage Layout (P01)

received 16<sup>th</sup> May 2017

- 3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 4 No development shall commence until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

- 5 No deliveries shall be taken at or dispatched from the site between the hours of 23:00 through to 07:00 and not at any time on Sundays, Bank or Public Holidays to protect the hours of sleep.
- 6 The screen shall not be operated between 23:00 hrs and 09:00 hours on any day of the week.
- 7 No development or site clearance shall take place until an appropriate and comprehensive Detailed Landscape Design Scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specifically provide, a final version of the Landscape and Ecology Specification as appended to JSL-CAP-61-XX-RP-AR-00003 Tree and Landscape Note Response to Tree Officer and Landscape Officer's Consultation Comments. This information shall be submitted in addition to the landscape proposals indicated on drawings 'JSL-CAP-30-XX-DR-L-3001 Tree Pit Details Sheet 2 of 2' and JSL-CAP-30-XX-DR-L-3002 sheet 1 of 2'.
- 8 The Detailed Landscape Design Scheme as submitted to discharge condition 7 shall be fully implemented in the first available planting and seeding seasons following the commencement of development.

Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

- 9 Prior to the installation of any hard surfaces hereby approved the details of the light reflectance values for the materials shall be submitted 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 To protect historic environment interests whilst enabling development.
- 4-6 To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction.
- 7-8 To ensure that the development effectively delivers the policy objectives of the approved Detailed Landscape Design Scheme.
- 9 In order to assist in providing inclusive access.

## 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, EQ5, SP8, R1 and SP13 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that on balance the proposal is acceptable and would bring about economic benefits to this area of town. 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 on balance are not considered to create significant harm to the nearby listed buildings or character and appearance of the Conservation Area. The site is located within the defined town centre and provides additional commercial 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 on balance the development overall 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)).

<b>Application No</b>	<b>W/35759</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	SINGLE DETACHED RESIDENTIAL DWELLING AT PLOT ADJ BRYNEGLUR, HEOL Y FOEL, FOELGASTELL, SA14 7ET

<b>Applicant(s)</b>	SHARON PRICE, 29 BOLGOED RD, PONTARDULAIS, SWANSEA, SA4 8JF
<b>Agent</b>	DAVIES RICHARDS DESIGN LTD - MR CHRISTIAN WILLIAMS, 42 RHOSMAEN STREET, LLANDEILO, SA19 6HD
<b>Case Officer</b>	Richard Jones
<b>Ward</b>	Gorslas
<b>Date of validation</b>	30/06/2017

## CONSULTATIONS

**Head of Transport** – No objection to the proposal subject to the imposition of conditions

**Gorslas Community Council** – Has not commented to date.

**Local Members** - County Councillor D Price and Cllr Aled Vaughan-Owen have not commented to date.

**Neighbours/Public** - The application has been publicised by the posting of a Site Notice adjacent to the application site. 4 responses have been received as a result. These have raised the following issues:-

- A dwelling at this location will obstruct the visibility of vehicles at the adjacent junction coming from the A48.
- The plot is outside of Foelgastell's village boundary and any occupancy should be restricted to a full time agricultural employee or classed as an affordable house.
- The dwelling should be restricted to a bungalow to be in keeping with neighbouring properties.
- A previous planning permission for this site (D4/A/17518/9) required a shared access with the adjoining plot. The traffic since that permission has increased therefore so have highway safety risks.
- Safety concerns regarding the proposed site access' proximity to the highway that links with the A48.

## **RELEVANT PLANNING HISTORY**

The following previous applications have been received on the application site:-

W/11955      One residential dwelling  
                 Outline planning refused

15 February 2006

## **APPRAISAL**

**This application is subject to a Section 106 Agreement**

### **THE SITE**

The application site comprises a roughly rectangular plot of land which is currently laid to overgrown pasture. The site measures approximately 37m in length and has a variable width of between 18m and 27m. In terms of its topography the site slopes gently in a downhill direction from its frontage in a south east to north west direction. The plot adjoins the bungalow known as Bryneglur to the south east, whilst there are residential dwellings to the south. To the immediate north is the junction between Heol y Foel and the slip road that leads onto the A48 dual carriageway. This trunk road is located approximately 170m to the north.

The planning history for the site indicates that permission was refused for a dwelling in 2006 (W/11955 refers) as it was outside of the development limits. It has since been included within the settlement limits of the village and from the site inspection appears to form a logical end to the village's western boundary. The surrounding area is characterised by a low density pattern of development incorporating modern detached dwellings of single and two storey scale.

### **THE PROPOSAL**

The application seeks outline planning permission with all matters reserved. Notwithstanding this, indicative access, parking, layout and scale details have been proposed which show the dwelling centrally located within the plot to allow sufficient space for parking and turning on the front half of the plot, with a 10m rear amenity space provided behind the proposed dwelling. The dwelling itself is annotated as having indicative dimensions of 18m in width by 12m in depth whilst incorporating an eaves height of 2.5m and a ridge height of 7m. The application has also been accompanied by a unilateral undertaking which commits to providing contributions towards affordable housing and butterfly conservation.

### **PLANNING POLICY**

In the context of the current development control policy framework the site is located outside the defined development limits for Carmarthen as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014 and within a Conservation Area.

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” and “it protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment”.

Paragraph 2.2 of Technical Advice Note 12 Design (2014) states:

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales - from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (2014) states:

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

Policy SP1 Sustainable Places and Spaces refer to distributing development to sustainable location in accordance with the settlement framework and promotes the efficient use of land. Integrating with the character and amenity of the area is also referred to.

Policy SP3 Sustainable Distribution – Settlement Framework outlines the growth areas for the County of which Carmarthen is one  
Provision for growth and development will be at sustainable locations in accordance with the following Settlement Framework

Policy SP5 Housing outlines the targets for housing provision and indicates this will be through allocated site but indicates this will not all be achieved through housing allocations.

Policy GP3 Planning Obligations states that the Council will, where necessary seek developers to enter into Planning Obligations to secure contributions to fund improvements to various community benefits.

Policy H2 Housing within Development Limits states that proposals for housing developments on unallocated sites within the development limits of a defined settlement will, where they are not subject to the provisions be permitted, provided they are in accordance with the principles of the Plan’s strategy and its policies and proposals.

Policy AH1 Affordable Housing indicates that a contribution to affordable housing will be required on all housing sites and below the thresholds, a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas as set out above. Commuted sum charges will be based on floor space (cost per sq.m.). In the Carmarthen area this is £66.71 per sq.m.

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 EQ7 Development within the Caeau Mynydd Mawr SPG Area. The SPG provides specific guidance in relation to the consideration of proposals for potential developments impacting upon the Caeau Mynydd Mawr Special Area of Conservation (SAC) and the need to establish a management strategy to ameliorate for the loss of and secure the ongoing and future management of habitat used by the Caeau Mynydd Mawr SAC marsh fritillary butterfly meta-population.

The objective of this SPG is to provide a (strategic) framework that will ensure that as development proceeds in the SPG area, appropriate land within the same area is managed as supporting habitat for the marsh fritillary butterfly. The SPG provides a mechanism for funds to be secured from planning permissions issued in order to mitigate for the loss of habitat that is likely to occur as a result of development. It also similarly mitigates for any reduction in the permeability of the landscape within the SPG area due to development.

Where planning permission for development is approved within the SPG area, a contribution will be required from the developer which has been calculated to be sufficient to fund the management of twice that area lost to development. This SPG establishes a transparent and consistent approach to securing contributions towards habitat management. The SPG area denotes the area from which contributions will be secured and where habitat management projects will be delivered.

## **ASSESSMENT**

The submitted details show that a dwelling can be comfortably accommodated within the plot whilst ensuring that neighbouring occupiers are not subjected to unacceptable overlooking or overshadowing. The indicative siting details suggest there will be no unacceptable overbearing impact upon neighbours as adequate separation distances have been shown. Detailed proposals will need to be assessed at reserved matters stage and this will also include the design of the dwelling and whether it is consistent and acceptable in the context of the character and appearance of the area. It is noted that the immediate properties to the south and south east of the application are bungalows, however, there are two story dwellings along the street frontage also. Given this mix it is considered unreasonable to restrict the proposal to a single storey dwelling as per the request in some of the objection letters. Therefore it is considered that a single or two storey dwelling of consistent scale, external appearances and character to the surroundings can be accommodated on this plot without harming the character and appearance of the area.

The Head of Highways has responded raising no objection subject to planning conditions requiring parking, access and visibility to required standards.

The division's Planning Ecologist has responded by raising no objection on ecological and biodiversity grounds subject to a planning obligation securing a financial contribution towards Marsh Fritillary butterfly conservation relating to the Caeau Mynydd Mawr Special Area of Conservation.

## **THIRD PARTY REPRESENTATIONS**

There have been four representations received to date from neighbouring occupiers and these are addressed below.

The concerns regarding highway safety and specifically the proposed site access and proximity to the junction between Heol Foel and the A48 slip road are noted. However, the Head of Transport is satisfied that the proposal's location and the indicative access shown are acceptable from a highway safety perspective subject to compliance with technical standards detailed in the planning conditions below.

The objections refer to the dwelling being outside of development limits and that occupation should be restricted to an agricultural worker or for affordable housing purposes. This is not the case as the site is within the settlement limits of Foelgastell as indicated in the LDP proposals map. Furthermore, the objectors have requested that the dwelling is restricted to a single storey design. It is considered unreasonable to request this given the mix of dwellings scales in the area and that there is not considered a need to restrict the scale of the dwelling on residential amenity grounds.

## **CONCLUSION**

After careful consideration of the site and surrounding environs, it is considered that the proposal is acceptable and complies with the relevant policies.

As such the application is put forward with the recommendation of approval subject to the legal agreement.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The permission hereby granted relates to the land defined by the Block and Location Plan [02] 1:500, 1:1250 @A3 and Site Plan [01] 1:200 @A3 received on 7<sup>th</sup> June 2017.
- 2 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.
- 3 Development shall not commence until detailed plans of access; appearance; landscaping; layout; and scale of each building stated in the application have been submitted and received the written approval of the Local Planning Authority.
- 4 Cross sections taken through the site detailing the finished floor levels of the proposed dwellings in relation to the existing ground levels of the site and adjacent properties shall be submitted as part of any reserved matters application.
- 5 The new vehicular access shall be laid out and constructed strictly in accordance with Typical Layout No. 1, adjacent to the eastern boundary of the site, prior to the

commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

- 6 Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.
- 7 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Heol Y Foel Road frontage within 2.4 metres of the near edge of the carriageway.
- 8 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 9 The access shall be hard surfaced for a minimum distance of 5.0 metres behind the highway boundary, in materials which shall be subject to the prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.
- 10 No development shall commence until full details of the boundary treatments have been submitted to and approved in writing by Local Planning Authority. The boundary treatments shall be implemented as agreed prior to the beneficial use of the dwelling.

## **REASONS**

- 1 For the avoidance of doubt as to the extent of this permission.
- 2 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 3 In the interest of visual and general amenity and highway safety.
- 4 In the interests of residential amenity
- 5-9 In the interests of highway safety
- 10 In the interest of visual and residential 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.

- It is considered that the proposed development complies with Policy H2, GP1, GP3, AH1, TR3, SP14, EQ4 and EQ7 of the adopted Local Development Plan in that the

development is within the settlement limits, the indicative layout and scale of the development do not give rise to significant detrimental impacts in terms of highway safety, ecological, amenity, landscape or utility concerns subject to the conditions recommended. Sufficient provision towards affordable housing and butterfly conservation has been committed to subject to a legal agreement. It is not considered that there would be any significant impacts on amenity or privacy of nearby properties.

## NOTES

- 1 The applicant is advised that this planning permission is subject to the applicant/developer first entering in to a Section 106 Agreement/Unilateral Undertaking for the provision of a financial contribution towards affordable housing and the Caeau Mynydd Mawr Special Area of Conservation.
- 2 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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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.

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

