

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

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

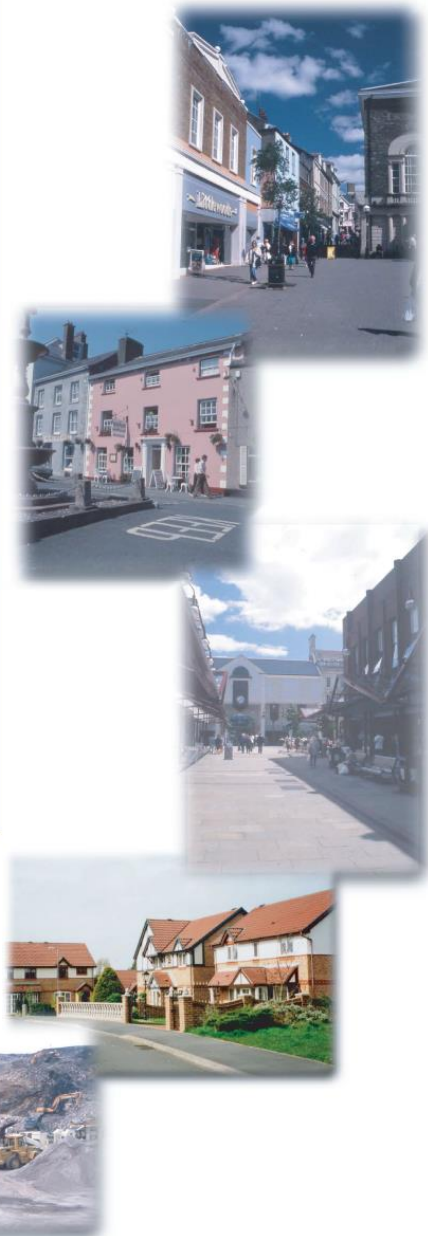
**AR GYFER PWYLLGOR
CYNLLUNIO
CYNGOR SIR CAERFYRDDIN/**

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

**AR 21 MEDI 2017
ON 21 SEPTEMBER 2017**

**I'W BENDERFYNU/
FOR DECISION**

***Ardal
Gorllewin/
Area West***



**Cyngor Sir Gâr
Carmarthenshire**
County Council

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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	21 SEPTEMBER 2017
REPORT OF:	HEAD OF PLANNING

INDEX - AREA WEST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
W/35336	Proposed residential dwelling at Land at Frondeg, 2 Bro Rhydybont, Llanybydder, SA40 9QX
W/35461	Construction of 30 no. residential dwellings and associated site infrastructure works (amended site) at land at the rear of Cae Ffynnon, Bancyfelin, Carmarthen, SA33 5DQ
W/35973	New public square, café and small business units to existing public realm requiring the removal of existing walls/railings at Jacksons Lane Square, Carmarthen, SA31 1QD

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
	There are no applications recommended for refusal.

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	W/35336
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Application Type	Outline
Proposal & Location	PROPOSED RESIDENTIAL DWELLING AT LAND AT, FRONDEG, 2 BRO RHYDYBONT, LLANYBYDDER, SA40 9QX

Applicant(s)	MR & MRS DAVIES, SWN Y NANT, GLANDUAR, LLANYBYDDER, SA40 9RN
Agent	ATLANTIC HOMES, AROSFA, FFOSTRASOL, LLANDYSUL, CARMARTHEN, SA44 4TB
Case Officer	David Roberts
Ward	Llanybydder
Date of validation	29/03/2017

CONSULTATIONS

Head of Highways & Transport – Conditional approval.

Llanybydder Community Council - No observations received to date.

Planning Ecology- Has requested a reptile clearance condition be included in any permission granted

Local Member - County Councillor Ieuan W Davies is related to the applicants and has declared an interest in the application.

Land Drainage – Have requested that a Surface Water Drainage scheme condition be included in any permission granted.

Dwr Cymru/Welsh Water- Have requested that a condition be included that no surface water/drainage should enter the public sewerage network

Natural Resources Wales – No observations

Neighbours/ Public – Neighbouring properties have been notified of the application and to date 4 letters of objection and a signed petition containing 32 signatories have been received objecting to the proposal. The representations have raised objections on the following grounds:

- Overdevelopment of the site
- Highway safety concerns due to increased traffic and insufficient visibility from the plot access point onto the county road and at the junction where the county road meets the B4337
- Lack of capacity in the existing sewerage network
- Loss of Light
- Loss of privacy
- Loss of view
- Decrease in property values
- No details provided for drainage/parking provision
- Slow worms are present on the application site
- Insufficient space within plot for a soakaway
- Impact of a new house on the health and wellbeing of neighbouring residents
- Application form has been completed incorrectly
- Loss of public open space

RELEVANT PLANNING HISTORY

The following relevant planning applications have previously been submitted on the application site:-

W/28452	Proposed residential dwelling Outline Planning Permission	12 September 2013
W/22025	Renewal of application W/15307 for a proposed Dwelling Outline Planning Permission	07 January 2010
D4/15307	House Outline Planning Permission	11 April 2007

APPRAISAL

THE SITE

The application site is a plot located in the rear garden area of a semi-detached property, No 2 Frondeg, Llanybydder. The site is roughly rectangular in shape and the topography of the site is generally level with the plot measuring approximately 15 metres in width and 23-24 metres in length and there are residential garden curtilages on either side of the application site. The site is within the development limits of the settlement. There are 2 newer properties to the north of the site, one bungalow and one two storey dwelling. There is a residential cul-de-sac to the east of the application site. All properties within the cul-de-sac are 2 storey. The site can be accessed via the county road to the rear. There is a hedgerow where the site borders the county road.

THE PROPOSAL

The application seeks outline planning permission for a residential dwelling with all matters reserved for future consideration. An indicative layout has been provided showing a new access and the location of a dwelling with a footprint measuring 9-10 metres in width and 7-8 metres in depth and an indicative height to ridge level of between 7.5- 8 metres. A smaller size dwelling may be more appropriate to provide greater amenity space, however

as the plan is indicative only, it is sufficient to demonstrate that the application site is large enough to accommodate a dwelling.

PLANNING POLICY

This application has been considered against relevant policies of the Carmarthenshire Local Development Plan (Adopted December 2014) ('the LDP').

The application site lies within the settlement of Llanybydder as defined by the LDP and the following policies are of key relevance to the proposal:

Policy SP1 Sustainable Places and Spaces stipulates that proposals for development will be supported where they reflect sustainable development and design principles by concentrating developments within defined settlements, making efficient use of previously developed land, ensuring developments positively integrates with the community and reflect local character and distinctiveness whilst creating safe, attractive and accessible environments that promote active transport infrastructure.

Policy SP3 Sustainable Distribution Settlement Framework seeks to concentrate development in sustainable locations within existing defined settlements such as identified growth areas, service centres, local service centres and other defined sustainable communities.

Policy H2 Housing within Development Limits stipulates that housing developments within existing settlements will be permitted provided that they are in accordance with the principles of the Plan's strategy, its policies and proposals.

Policy AH1 Affordable Housing states that a contribution towards affordable housing will be required for the net creation of one dwelling and for developments falling below the threshold of 5 dwellings a financial contribution is sought. This is equivalent to £74.65 per sqm of the internal floorspace of the proposed dwelling in this particular area. Such a contribution would be secured by way of a Legal Agreement that must be completed by all interested parties prior to the issuing of a decision in the event that planning permission is granted.

Policy GP1 Sustainability and High Quality Design is an overarching policy that seeks to achieve sustainable and high quality developments throughout the County that respect the existing character and appearance of the area in terms of siting, appearance, scale, height, massing, detailing, landscaping, materials and the amenity of local residents.

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

Policy SP14 Protection and Enhancement of the Natural Environment states that development should reflect the need to protect and wherever possible enhance the County's natural environment.

THIRD PARTY REPRESENTATIONS

To date the four letters of objection and signed petition have raised the following issues:-

- Overdevelopment of the site
- Highway safety concerns due to increased traffic and insufficient visibility from the plot access point onto the county road and at the junction where the county road meets the B4337
- Loss of parking provision
- Lack of capacity in the existing sewerage network
- Loss of Light
- Loss of privacy
- Loss of view
- Decrease in property values
- Impact of a new house on the health and wellbeing of neighbouring residents
- No details provided for drainage/parking provision
- Slow worms are present on the application site
- Insufficient space within plot for a soakaway
- Application form has been completed incorrectly
- Loss of public open space

The application site is of a similar size as the dwellings to the west and also those properties on Bro Rhydybont to the east of the application site. Furthermore the submitted indicative layout has demonstrated that the site could accommodate a moderately sized dwelling and provide sufficient amenity/parking/turning area space. It would also not have an unacceptable impact on the amount of amenity space left for the existing dwelling which would retain a sufficient amount of garden area. Therefore, subject to an acceptable design which would be considered as part of a reserved matters application, the proposals are not considered to represent overdevelopment of the site.

In terms of highway safety concerns the Head of Highways and Transport has responded with no objections to the proposed development subject to the imposition of conditions. Therefore it is considered that the proposal would not generate a level of additional traffic that would be detrimental to highway safety on the surrounding road network and could be served by an appropriate access incorporating visibility requirements. In relation to the loss of parking provision the Head of Highways and Transport has recommended that a planning condition be imposed requesting a detailed scheme for Parking/ Turning area/access provision to be submitted for approval for the existing dwelling and replicates a condition that was included in the last outline planning approval for the site.

In regard to loss of light and privacy, it is considered that there is sufficient separation distances between properties for this not to be an unacceptable issue, similarly there is sufficient separation distances between the application site and neighbouring properties including the applicant's own dwelling, for there not to be an unacceptable loss of privacy and the detailed design and positioning of the dwelling will be considered when the reserved matters are submitted to ensure that there is no overlooking from first floor windows.

In relation to the objections raised in regard to lack of drainage detail and the contention that there is insufficient space to accommodate a soakaway, the land drainage team have been consulted and have raised no adverse comments requesting that a planning condition be imposed that the surface water drainage system for the proposed development needs to be approved by the land Drainage Team. In relation to the lack of

capacity in the existing sewerage network, Dwr Cymru /Welsh Water have been consulted and have raised no adverse comments.

In terms of ecological considerations and the presence of slow worms on the application site NRW and the Planning Ecologist have been consulted and have raised no concerns. However the Planning Ecologist has requested that a reptile clearance strategy condition be imposed.

It was brought to the attention of the case officer that the application form had been completed incorrectly in regard to Section 8 of the application form in that the applicant was related to an elected member of Carmarthenshire County Council and the No Box had been in ticked. This inaccuracy was brought to the attention of the agent and the application was revised and resubmitted to reflect the fact that the applicant is related to the Local County Council member for the area. In addition the local County Council member has declared an interest in the application. It was also contended that the application form was not signed, but it can be confirmed that the relevant sections of the application form have been signed and dated by the agent. It has also been brought to the attention of the Planning Authority that the location plan and block plans submitted in support of the application do not show all the residential properties in the vicinity of the application site and this is accepted, but their presence and location were taken into account in the assessment of the application.

In regard to the contention that the proposal would lead to the loss of public open space, the application site is garden curtilage in private ownership and cannot be considered as public open space.

The other points of objections raised relating to loss of view, decrease in property prices and the impact of the proposed development on the health and well-being of existing local residents; it is considered that these matters are not considered to be material land use planning considerations.

CONCLUSION

The application site is located within the development limits of Llanybydder and therefore should be considered under Policy H2 of the LDP which allows for new residential development provided the proposal is in accordance with the principles of the Plan's strategy and its policies and proposals.

The plot is of sufficient size to accommodate a moderately sized dwelling and would not look out of place. The proposal would be able to accommodate sufficient garden/amenity space area and an appropriate level of privacy would be achievable for both the existing and proposed dwelling. The scale and design of the proposed dwelling will be considered when the reserved matters planning application is submitted.

There would be no concerns in regard to overlooking and loss of privacy for adjoining residents and the site would be able to accommodate a dwelling designed to be in accordance with the character of the area. Therefore it is considered that the proposal complies with Policy GP1 of the LDP.

In regard to Highways considerations the Head of Highways & Transport has responded with no objection to the proposal subject to the imposition of conditions on any planning

permission and as such the proposal is considered to be in accordance with the requirements of Policy TR3 of the LDP.

In relation ecological matters both NRW and the Planning Ecologist have been consulted and have raised no adverse comments; the Planning Ecologist has requested that a Reptile Site Clearance strategy condition be imposed, therefore it is considered that the proposal is in accord with Policy SP14 of the LDP.

After careful consideration it is considered that the proposal is acceptable within the context of its surroundings and is in accordance with the relevant Local Development Plan Policies. It is therefore recommended that the proposed development be approved.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 2 The permission now granted relates to the land defined in the 1:1250 scale location plan received on 16th March 2017.
- 3 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
 - (i) the expiration of five years from the date of this outline planning permission;
 - (ii) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of the building stated in the application, have been submitted, and received the written approval of the Local Planning Authority.
5. 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 U4121 Road frontage within 2.4 metres of the near edge of the carriageway.
6. Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking 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.
7. Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of vehicular access, parking and turning facilities within the curtilage of the existing property (land edged in blue on the submitted plans), and this shall be dedicated to serve the existing property. 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.

8. Prior to the commencement of any part of the development herewith approved, a 1.8 metre wide footway shall be provided along the entire site frontage with the U4121 Road. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.
9. No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
10. Prior to any earth moving, hedgerow removal and soil stripping, a sensitive reptile clearance strategy must be prepared and approved by the Local Planning Authority and implemented before any of the specified works take place in accordance with the agreed scheme.

REASONS

- 1 The application is in outline only.
- 2 For the avoidance of doubt as to the extent of this permission.
- 3 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 4 In the interest of visual amenity.
- 5-8 In the interest of highway safety.
- 9 In the interest of the environment
- 10 To prevent injury and killing of reptiles

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 Local Development Plan (LDP) unless material considerations indicate otherwise.

- The proposal complies with Policies H2, AH1, GP1, TR3 and SP14 of the adopted LDP (2014) in that the proposed development is within the settlement limits of Llanybydder. There are no highways or amenity concerns. Potential for sufficient amenity is provided along with sufficient parking for the proposed dwelling. The proposal is subject to a legal agreement to provide a financial contribution towards affordable housing.

NOTES

- 1 The developer/applicant's attention is drawn to the requirement for a financial contribution towards affordable housing that will be secured by way of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act to make a contribution of £74.65 per square metre of internal floor space of the proposed dwelling towards the provision of affordable housing.
- 2 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

- 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).
- Please see the relevant response from Planning Ecology and refer to the recommendations and advice regarding reptile species contained therein.
 - Please see the relevant response from the Head of Highways and Transport and refer to the recommendations and advice contained therein.
 - Please see the relevant response from the Land Drainage Section regarding surface water and refer to the recommendations and advice contained therein.
 - Please see the relevant response from Dwr Cymru Welsh Water regarding the disposal of surface water and refer to the recommendations and advice contained therein.

Application No	W/35461
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Application Type	Full Planning
Proposal & Location	CONSTRUCTION OF 30 NO. RESIDENTIAL DWELLINGS AND ASSOCIATED SITE INFRASTRUCTURE WORKS (AMENDED SITE) AT LAND AT THE REAR OF CAE FFYNNON, BANCYFELIN, CARMARTHEN, CARMARTHENSHIRE, SA33 5DQ

Applicant(s)	ENZOS ESTATES LTD, GLYN YR EITHIN, ARGOED ROAD, BETWS, AMMANFORD, CARMARTHENSHIRE,
Agent	ASBRI PLANNING LTD - MR RICHARD BOWEN, SUITE 4, J SHED, KINGS ROAD, SWANSEA, SA1 8PL
Case Officer	Stuart Willis
Ward	St Clears
Date of validation	28/04/2017

CONSULTATIONS

Head of Transport – Have responded raising no objection and recommended a number of conditions. They have referred to the need to make improvements to the area which comprise the following:

- a pedestrian crossing plateau on the C2042
- 20mph speed limit on the C2042
- bus stop infrastructure in the vicinity of the site

St Clears Community Council – have responded stating they have many concerns about the impact of this development on the village of Bancyfelin. They state that there are undoubtedly some benefits to the development of more housing in the village e.g. more children in the school, more business for the shop / post office / pub. They comment that the Town Council has received numerous copies of correspondence sent by residents of the village noting grave concerns about the development. These are summarised as follows:

- Changes to the original development
Drop off area for the school is now not included. Current parking issues at the school and highways safety concerns.
Removal of the permissive path effectively cuts off parts of the village from each other. Only access is along a longer route with highway safety implications and likely lead to increased traffic.

- Sewerage and Flooding
Unable to access Natural Resources Wales response
Concern about surface water and flooding in the area. Existing issues and removing natural drainage likely to increase issues which already exist along High St and cause a flooding problem for residents of the street.
Concern existing surface water would find its way in to the main sewer system.
Query is a risk assessment has been carried out in relation to this.
- Revised access road.
A different access road is proposed to previous scheme.
Concerns over the safety of the new access point
Request for a full safety assessment be carried out in the area
The new access point would mean that the previous access point to the site would be subject to further development and block up the permissive path which is currently well used.
- Quality of life of current residents
Concerns about the impact of the development on existing properties and quality of life due to the proximity of the development to some of the houses.
- Increased traffic through the village.
Careful consideration need to be given to traffic flow and the increased number of cars.
Query of a gradual approach to monitor traffic impacts
Pavement only shown on one side of the new estate road in part – query regarding crossing point

Following reconsultation when the scheme was amended no further comments were received.

Local Member - County Councillor P Hughes is a member of the planning committee and has not commented to date

Network Rail – Responded raising no objection. A number of comments are made including suggestions for conditions. Where considered relevant these conditions are included.

Head of Public Protection – Have responded raising no objection and have not recommended any conditions. These included reference a scheme for noise and dust mitigation.

Welsh Water/Dwr Cymru – Have responded raising no objection. They refer to conditions to ensure that surface water is not connected to the surface water system and that full details of the surface water system are provided prior to the commencement of development.

Land Drainage Officer – have provided a number of comments on the scheme including asking for additional justification for the chosen method of drainage. Following the receipt of amended/additional comments and discussions with the officer it was felt that a condition requiring full details of the surface water drainage system to be provided prior to commencement of the development be imposed, if approved.

Education Department - have confirmed that based on the capacities of the schools in the area that a Section106 contribution will be required towards Education of £19,000.

Following the amendment of the scheme to include land within the school boundary as a pedestrian link they have no objection in principle to the creation of this link. Reference is made to further discussions with the schools governing body. They have referred to the need for the link to meet the Safe Routes to School standards and that a fence of at least 2.4m be provided between the path and the school. They have also referred to the terms of the transfer of land being subject to negotiation with the developer. They have also commented that the path should be adopted by the Authority.

Minerals and Waste - The site is located on Sand and Gravel Category 1 mineral safeguard area. Carmarthenshire LDP MPP3 Mineral safeguarding notes the importance of safeguarding access to minerals and states that planning permission will not be granted for proposals where they would permanently sterilise mineral resources. The policy also sets out instances where development may be permitted and includes development where the applicant can demonstrate that the extraction of the mineral is impractical, uneconomic or environmentally unacceptable; or mineral is extracted prior to development taking place. The applicant has provided some details and justification in the 'Planning, Design and Access Statement, Land at Bancyfelin, Carmarthen, March 2017.'

MTAN2: Aggregates provides guidance on safeguard areas and buffer zones, and the acceptable distances between mineral workings and settlements. It is noted that the location of this development, and the underlying mineral resource is adjacent to residential dwellings and a school, and current policy may render the reserve unfavourable.

The application is accompanied by cross sections, which are welcomed and demonstrate that there may be some engineering works or importation of material, as the current ground is not level, to achieve the finished floor levels. In order to construct the proposed buildings, the site would likely require the removal of top-soils and subsoils, however no information has been provided on whether the soils would be utilised on site in landscaping operations (and would therefore require careful stripping, handling and storage), or if they will be removed from site altogether and disposed of. Further information will be required on the treatment of soils.

Having considered the nature of the proposal and its location, they have no objection with regard to its impact on mineral safeguarding, however they do have concerns on the implementation of the proposal, in particular on the possible disposal and importation of materials, and soils.

Natural Resources Wales – they note from the amended plans that it is now proposed to dispose of surface water to the adjacent River Cywyn, which is classified as a main river. They advise that the detail of the proposed surface water drainage scheme be submitted to and approved to the satisfaction of your Authority's Drainage Engineers and also encourage the developer to investigate alternative forms of SUDS on site, for example permeable paving, grey-water harvesting systems, green roofs etc.

In respect of any proposed outfall the developer may require a flood risk activity permit for any activity within 8 metres of a non-tidal main river (or within 8 metres of any flood defence structure or culvert on that river) or any activity within 16 metres of a tidal main river (or within 16 metres of any flood defence structure or culvert on that river).

Housing and Social Care – The provision of 10 two bedroom 4 person homes and 2 four bedroom 7 person homes complying to with Welsh Governments Development Quality Requirements (DQR) as proposed by this development will help meet the housing need in the area. This development will also be supported by the Councils Social Housing Grant Programme Development Plan in partnership with Bro Myddin Housing Association due to the high levels of housing need in the area and the suitability of this development to meet this need.

Public Rights of Way – comment that Footpath 63/27 affects the proposed development site as shown on the attached Public Rights of Way plan. If the application is approved, reference should be made to the applicant/developer of the existence of the footpath and to the requirement not to obstruct or encroach upon it at any time. The applicant is advised to contact the Countryside Access Team if the footpath is affected during the development or if the development results in any alterations to the route or the surface as this will require prior consent from the Authority.

Neighbours/Public - The application has been publicised by the posting of a Site Notice near to the site and in the Local Press. To date 16 responses have been received in this application. The following issues were raised:

- Certain neighbour not consulted on pre-application consultation
- Impact on amenity and privacy
- Proximity to existing dwellings
- Proximity to existing windows due to boundary treatments and loss of light
- Loss of view
- Impact on house values
- Request for additional paths
- Increase in traffic, access not suitable, parking and highway safety concerns
- No justification given for new access location
- Alternative access is safer than the one proposed
- Additional traffic calming measures are needed
- Questions over whether additional crossing points are required
- Pollution and noise impact
- Ecological impact
- No need for additional homes
- No in line with LDP policy
- Concerns over sewer capacity
- Flooding/drainage concerns
- Impact on landscape features
- Site is outside development limits
- Query over location of play areas
- Public health concerns
- Proposal different to the original/previous applications
- No consultation letters sent
- Questions over why access route has altered
- Concern over loss of path and accessibility/link to the village
- Previous highway improvements not included such as zig-zag markings and drop off area
- Lack of access to the play area
- Concern over proximity of play area to the railway line due to rats
- Impact on the Welsh Language
- Possible future development at Cae Ffynnon as access now not needed from there leading to loss of path
- Poor existing pedestrian access

- Questions over the nature of affordable housing and who would occupy them and availability
- Impact of the proposal on the use of the public footpath and conflict of users
- Greater need for homes for the elderly rather than social housing
- Potential linguistic impact on the Category A school
- Suggestions of phasing development
- Questions over viability of the previous scheme
- Questions over details on plans and landowner
- Concern over location of the play areas
- Concern regarding loss of trees
- Comments from pre-application consultation not addressed
- School parking concerns with additional properties
- Further properties not proposed at Cae Ffynnon as advised land should be open for possible future development

The school Board of Governors commented stating they are pleased with the proposed development however they had concerns over surface water drainage and possible impacts on the school fields at the northern end of the school grounds.

Comments were made that the provision of housing in general was welcomed with reference to increasing school numbers. Trade for the village shop and post office and public house. The provision of a play area was also welcomed.

The Public Hall initially objected to the proposal due to the lack of pedestrian linkages from the site. Following the amendments to the scheme to include the pedestrian links the objection from Bancyfelin Public Hall was removed and they have commented they now support the application.

1 further letter of support was also received stating the new junction would alleviate traffic congestion around the school. Comments from the Public meeting also referred to elements of support as well as objections referred to above.

RELEVANT PLANNING HISTORY

W/31890	Construction of 4 no semi-detached dwelling houses and formation of a local area of play Full Granted S106 Signed - Affordable Housing / Open Space / Highways	12 September 2016
W/31130	Construction of 13 dwellings and estate road Full Granted S106 Signed - Affordable Housing / Open Space / Highways	12 September 2016
W/24182	Outline for residential development (with affordable housing), school parking/drop off area and public play area Outline Granted S106 Signed - Affordable Housing/	14 February 2014

Education / Open Space Play

W/15162	Erection of 18 houses with associated infrastructure Full Refused	11 May 2007
W/07185	Residential development 7 houses 5 bungalows Withdrawn	11 June 2004

THE SITE

The application site comprises a field currently under grass located off the northern flank of High Street, Bancyfelin. The site is located at the centre of Bancyfelin. The site is at the rear of a cul-de-sac of dwellings known as Cae Ffynnon with the Fox and Hounds Public House between those properties and the road. The site also extends behind the school grounds and along the rear of properties along High Street to the east of the school. The site extends to and includes an existing access some 150m to the east of the school. There is a public right of way running along the existing vehicle and pedestrian access at the eastern part of the site which runs north. Land on the opposite side of the High Street is included in the application site leading to the watercourse in relation to drainage.

The railway line is located to the north east of the fields. There is another cul-de-sac of houses located to the south west of the site. There is a path from the school grounds behind the existing cul-de-sac of dwellings to the village hall and other houses which is not included in the application site. There are hedgerows on parts of the field boundaries within the site. The land generally slopes from the north west of the site towards the school and existing residential properties.

The western section of the site represents an area of land allocated for residential development in the Adopted Carmarthenshire LDP. The site is allocation SC15/h1 covers an area of 0.85ha and was allocated for 17 units. The area also includes an area of land located outside the allocation and development limits and this covers approximately 0.9ha

The dwellings in the surrounding area are generally 2 storey and include terrace, detached and semi-detached properties of varying ages and designs. There are some bungalow properties on the opposite side of High Street.

Outline planning permission was granted in 2014 for residential development for an area of land including this application site and the other proposal for 4 dwellings and a play area (W/24182) as well as further land to the rear of the school. That application also included additional land to the rear of the school. At the time of the outline application and permission the area of land where the 4 dwellings subject to W/31890 are proposed was not within the development limits of the UDP. W/24182 showed the 4 plots outside of development limits being affordable units. A play area and drop off area for the school was also proposed to the rear of the school as part of the community benefits proposed. A path from the village hall between proposed properties to the new estate road was also proposed. No fixed layout or details of siting were looked at although an indicative layout was provided. An indicative layout was submitted showing 17 residential units at the site. A mix of detached and semi-detached properties.

Last year 2 separate applications were approved for residential development within the land allocated in the LDP. One was for 14 units to the rear of Cae Ffynnon while the other contained 4 dwellings and a play area to the rear of the school. The above applications were accessed via Cae Ffynnon. These applications included the provision of 2 affordable units.

THE PROPOSAL

The application requests full planning permission for the construction of 30 dwellings and associated infrastructure.

There would be a single access to the site and a proposal would be a cul-de-sac development. This application proposes the access to be from the existing access to the eastern end of the site rather than via Cae Ffynnon. The application would involve improvements to the existing access creating 5.5 wide road a footway. The road would then lead west along the northern part of the site along the boundary with the railway. Initially there would only be dwellings on the southern end of the road. As the site widens further west there would be dwellings either side of the new road with a turning head at the western end of the site.

The layout of the site also shows the provision of 2 areas for public open space. A local area of play (LAP) is proposed at the eastern end of the site while a local equipped area of play (LEAP) is proposed centrally and at the northern end of the site.

There are 12 dwellings shown on land outside the development limits at the eastern end of the site are indicated to be designated as affordable housing. A letter had accompanied the application from Bro Myrddin Housing Association stating their support for the development and their interest in developing the site in partnership with the applicant. They refer to the site being strategically important for them and the scheme has been included in their delivery plan.

These comprise 5 pairs of semi-detached properties and 2 detached properties as follows:

- House Type 1 – 10 no 2 bed semi-detached 2 storey properties – render walls with brick plinth and tiled roof.
- House Type 2 – 2 no 4 bed detached 2 storey properties – render walls with brick plinth and tiled roof.

The other 18 properties are located within the allocation which are a mix of detached and semi-detached properties. There is also a mix of 2 storey and bungalow properties.

- House Type 3 – 2 no 3 bed semi-detached 2 storey properties – render walls with brick plinth and tiled roof.
- House Type 4 – 8 no 3 bed detached bungalow properties – render walls with brick plinth and tiled roof.
- House Type 5 – 2 no 3 bedrooms detached 2 story properties with integral garage – render walls with brick plinth and tiled roof.
- House Type 6 – 2 no 4 bedroom detached 2 storey properties – render walls with brick plinth and tiled roof.
- House Type 7 – 2 no 3 bedroom detached properties – render walls with brick plinth and tiled roof.

The proposal initially included no pedestrian link from the new estate to the school or wider area other than through the vehicle access. It has been subsequently amended to include 2 pedestrian links. One of these is located at the western end of the site between 2 proposed properties and adjoins the existing path leading to Lon Cywin. It connects to a section of the path which is within the Authority's ownership. A further path is proposed centrally which would run south from the new development. Initially it would run between one of the proposed dwellings and the boundary of the school grounds. The existing path adjacent to the school appears to be in third party ownership. Therefore it is proposed that a new path be created running within what is currently the school grounds. It would run along the edge of the school grounds south to adjoin the existing pavement at the front of the school. Both paths are proposed to be 2m wide.

Percolation tests were submitted that indicate soakaways are not feasible at the site. Off site drainage is therefore required. The application has been amended to include a route for drainage leading along the proposed road, across the public road to land on the opposite side. It would then be a connection to the watercourse which is shown to be in the same ownership. Discussions over possible attenuation measures have taken place. This could include below ground or above ground attenuation. An option of above ground attenuation on the land on the opposite side of High Street has been put forward. As this would involve land currently outside the application site it cannot be included in this application. If that drainage system is to be taken forward it would be subject to a separate planning application.

Landscaping details were provided with the original submission and amended during the course of the application. This includes planting along the new northern boundary of the site. Planting is also suggested around the play areas and where it bounds network rail land.

PLANNING POLICY

Policy SP1 Sustainable Places and Spaces

This policy states that proposals for development will be supported where they reflect sustainable development and design subject to a number of criteria. These include distributing development to sustainable locations in accordance with the settlement framework, promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling and Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness

Policy SP9 Transportation.

This policy states that provision is made to contribute to the delivery of an efficient, effective, safe and sustainable integrated transport system in a number of ways including the following, reducing the need to travel, particularly by private motor car; supporting and where applicable enhancing alternatives to the motor car, such as public transport (including park and ride facilities and encourage the adoption of travel plans), and active transport through cycling and walking; re-enforcing the function and role of settlements in accordance with the settlement framework; promoting the efficient use of the transport network;

Policy SP6 Affordable Housing

The policy states that provision will be made for at least 2,121 affordable homes to be delivered through the LDP. The delivery of affordable homes will contribute to the creation of sustainable communities within the Plan area.

Policy GP1 Sustainability and High Quality Design.

This states that development proposals will be permitted where they accord with a number of criteria including the following, 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, utilises materials appropriate to the area within which it is located; it retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity; 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 AH2 Affordable Housing – Exceptions Sites

This states proposals for 100% affordable housing development on sites immediately adjacent to the Development Limits of defined settlements (Policy SP3), will in exceptional circumstances be permitted where it is to meet a genuine identified local need (as defined within the Glossary of Terms) and where:

- a. The site represents a logical extension to the Development Limits and is of a scale appropriate and in keeping with the character of the settlement;
- b. The benefits of the initial affordability will be retained for all subsequent occupants;
- c. It is of a size, scale and design compatible with an affordable dwelling and available to low or moderate income groups;
- d. There are no market housing schemes within the settlement being, or projected to be developed which include a requirement for affordable housing.

Policy H1 Housing Allocations

This states land has been allocated for residential development for the plan period 2006 – 2021 at those locations as set out below, and as depicted on the Proposals Map. Proposals for the residential development of allocated housing sites submitted in the form of a Full Planning application or as a Reserved Matters application should be accompanied by a layout of the proposal in its entirety to ensure the site is developed to its full potential.

Policy TR4 Cycling and Walking

The policy states land required to facilitate the following improvements to the cycle network will be safeguarded. Proposed routes where known are shown on the proposals map. Developments should, where appropriate seek to incorporate, or where acceptable, facilitate links to the cycle, rights of way and bridleway network to ensure an integrated sustainable approach in respect of any site.

The notes of the policy go on to state cycling and walking have a significant role in achieving the delivery of sustainable transportation. This may be achieved through such measures as safe and convenient cycle routes and footpaths, new improved routes, utilising the design process for new developments to ensure that the needs of those walking and cycling are considered. The design and layout of new developments should have regard to the needs of walking and cycling including where possible, access to routes and networks. Regard will be had to the provisions of WG's Safe Routes in Communities Programme in relation to the consideration and development of local walking and cycling routes. The initiative focuses on developing safe walking and cycling routes within communities, linking to schools and other key facilities. Reference should be made to the

Rights of Way Improvement Plan (RoWIP) for Carmarthenshire, and the interrelationship of the Plan area's footpaths, bridleways and bye-ways and linked leisure opportunities.

Policy SP5 Housing

This states that in order to ensure the overall housing land requirement of 15,197 for the plan period 2006-2021 is met, provision is made for 15,778 new dwellings. Sufficient land is allocated (on sites of 5 or more dwellings) to accommodate 13,352 dwellings in accordance with the Settlement Framework.

Policy SP14 Protection and Enhancement of the Natural Environment

This states development should reflect the need to protect, and wherever possible enhance the County's natural environment. All development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of this Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas, and outlines further details of specific sites/areas.

Policy EP3 Sustainable Drainage

This states that 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 REC2 Open Space Provision and New Developments

This policy states that all new residential developments of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards of 2.4ha per 1000 population. In the event that the above standards cannot be met on site, or where there is sufficient existing provision already available to service the development, then off site financial contributions will be sought as and where appropriate.

Policy TR3 Highways in Developments - Design Considerations

This policy states that the design and layout of all development proposals will, where appropriate, be required to include an integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport; suitable provision for access by public transport; appropriate parking and where applicable, servicing space in accordance with required standards; infrastructure and spaces allowing safe and easy access for those with mobility difficulties; required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced; provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

It goes on to state that proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

SP17 Infrastructure

The policy states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily provided. The LDP therefore supports the economic provision of infrastructure by allocating sites in identified settlements and in accordance with the Settlement Framework. Renewable energy generation and associated utility connections will be encouraged, in appropriate locations, subject to other Plan policies. Proposals for ancillary developments to the utilities infrastructure will be permitted where they have regard to their setting, incorporate landscaping and do not conflict with the areas built, historic, cultural and nature conservation and landscape qualities. (Policy SP13 and SP14) Planning Obligations relating to developer contributions towards necessary infrastructure improvements may be sought subject to policy GP3.

Policy GP2 Development Limits

The policy states that development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework. It goes on to say proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

Policy GP3 Planning Obligations

This states the Council will, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new developments. Where applicable, contributions will also be sought towards the future and ongoing maintenance of such provision either in the form of initial support or in perpetuity. In implementing this policy schemes will be assessed on a case-by-case basis.

Policy GP4 Infrastructure and New Development

This 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. Planning obligations and conditions will be used (where appropriate) to ensure that new or improved facilities are provided to serve the new development.

Policy SP9 Transportation

This states that provision is made to contribute to the delivery of an efficient, effective, safe and sustainable integrated transport system through a number of means including reducing the need to travel, particularly by private motor car, addressing social inclusion through increased accessibility to employment, services and facilities, supporting and where applicable enhancing alternatives to the motor car, such as public transport (including park and ride facilities and encourage the adoption of travel plans), and active transport through cycling and walking, re-enforcing the function and role of settlements in accordance with the settlement framework, promoting the efficient use of the transport network, the use of locational considerations for significant trip generating proposals, with design and access solutions within developments to promote accessibility by non-car modes of transport.

Policy AH1 Affordable Housing

For developments of this scale the policy states that a contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford / Cross Hands sub-market areas. Where viability at the target levels cannot be achieved, variation may be agreed on a case-by-case basis.

On Site Contributions

The affordable housing will be required to be provided on proposals of 5 or more dwellings in all settlements. Where adjacent and related residential proposals result in combined numbers meeting or exceeding the above threshold, the Council will seek an element of affordable housing based on the affordable housing target percentages set out above. Proposals will be required to ensure that the dwelling remains affordable for all subsequent occupants in perpetuity.

Policy MPP2 Mineral Buffer Zones

This states that provision has been made for Buffer Zones around all sites with extant planning permission for mineral working. New mineral extraction and new sensitive non-mineral development will not normally be permitted within the identified buffer zones.

Policy MPP3 Mineral Safeguarding

This states planning permission will not be granted for development proposals where they would permanently sterilise resources of aggregates and coal identified within the mineral safeguarding areas (areas of search) identified on the proposals map unless:

- a. The applicant can demonstrate that the extraction of the mineral is impracticable, uneconomic or environmentally unacceptable (including compromising amenity and social considerations); or
- b. The mineral resource has already been extracted; or
- c. The mineral can be extracted satisfactorily prior to the development taking place; or
- d. The development is of a temporary nature and can be completed and the site restored within the timescale that the mineral is likely to be needed; or,
- e. The nature and location of the development would have no significant impact on the potential working of the resource.

SP18 The Welsh Language

This policy states that the interests of the Welsh language will be safeguarded and promoted. Proposals for residential developments of 5 or more dwellings in Sustainable Communities and 10 or more in Growth Areas, Service Centres, and Local Service Centres, located on sites within communities where 60% or more of the population are able to speak Welsh, will be subject to a requirement for phasing.

THIRD PARTY REPRESENTATIONS

Turning to the representations received to date, the following issues have been raised.

A number of objections have referred to differences between this full planning application and the previous planning permission issues at the site. There are differences between the applications. While there was an outline planning permission issued a separate full application was approved last year and this application is also a full application not a reserved matters submission. Therefore it is not necessary for this application to follow the

details or requirements of the outline permission. This current application is assessed on its own merits and against the relevant policies and considerations at this time.

Affordable Housing Provision

Comments have been made regarding the affordable housing provision as part of this submission in comparison with the previous submissions. The nature of likely occupants has also been raised as well as the tenure of the properties.

The previous outline permission showed 4 of 17 properties being affordable housing. The 4 affordable units were at that time outside of the development limits as delineated in the Carmarthenshire UDP. Subsequently that area of land has now been included within the development limits of the Local Development Plan. The full planning applications approved last year provided had a total of 17 units with 2 units being for affordable housing. During that application viability issues were raised which mean the level of provision was lower than the targets set in the LDP. Bancyfelin is located in an area where the LDP identifies that the level of provision of affordable housing should be at 30% of the total number of units. The provision of 2 of the 17 units would equate to approximately 12% and falls short of the 30% referred to in the LDP and associated Supplementary Planning Guidance (SPG) adopted

The current proposal covers a large area and includes land located outside of the allocation and outside of development limits. The total number of units proposed is 30 units and 12 of these would be designated as affordable housing. This equates to 40% of the units being affordable. The application has been accompanied by a letter from Bro Myrddin Housing Association indicating they are looking to work in partnership with the applicant to develop the site.

LDP policies make provision for sites adjacent to settlement limits to be developed where the units are for affordable housing and meet an identified need. The dwellings outside the development limits at this site are all affordable units. The application proposes 10 no 3 bedroom units and 2 no 4 bedroom units. Questions have been raised over the likely tenants and tenure of the units and whether they would be available for local people and whether they would be for sale or rent. The affordable units would be controlled by the Housing Association as social rented housing and would be available in line with their policies. The units being retained as affordable ones would be secured through a Section 106 Agreement if the application were approved.

Comments have been received from the Housing Section confirm that housing need in the ward of St Clears could be best met by providing either a mix of 2 bedroom, 4 person houses and 3 bedroom 5 person houses for low cost home ownership or by providing a mix of 2 bedroom, 4 person houses and 4 bedroom, 7 person houses for affordable rent. Further details are also given in relation to the size of the units. They have confirmed that the provision of the type of units proposed, subject to compliance with Welsh Government Development Quality Requirements would help meet the housing need in the area. It has also been stated that the development would support the Councils Social Housing Grant Programme Development Plan in partnership with Bro Myrddin due to the high level of need in the area and the suitability of this development to meet this need.

Comments were also made in relation to there being a need for provision for elderly people rather than for affordable housing. The development does include a number of bungalow properties and it should be noted from the above that there is considered to be a

need for additional affordable units. The overall need for housing was raised and reference made to the potential for development at West Carmarthen. A large part of this site is allocated for residential development in the LDP. Therefore the need for housing in the settlement was considered as part of LDP process. This is the only residential allocation in the village. The opportunity to provide additional affordable housing, over and above the target set in the LDP is welcomed where, as it is in this case, there is an identified need.

Public Open Space

The level of provision of public open space as part of the application was another area of concern. The location of the public open space was also something that would be questioned. Previous applications have both included public open space in them. There is presently no public open space in the village. This proposal would include 2 areas of public open space. At the eastern end of the site there is a Local Area of Play (LAP). More centrally in the site, to the north of the school grounds there would be a Local Equipped Area of Play (LEAP). These areas would be privately managed and maintained but would be public facilities. It is felt that the provision of this level of public open space is acceptable. The provision of these areas and of a management/maintenance agreement would be secure through a Section 106 Agreement if approved.

Access to the facilities would be raised in the wider context of access and permeability of the development and this is dealt with later in the report.

Concern over the location of the public open space adjacent to the railway line was raised. The previous application showed the POS in a similar location. No objection has been raised by Network Rail and they have made comments regarding works near the boundary. A stated issue with rats at the railway line was raised however it is not considered this is of an issue that warrants the relocation of the play area.

Highways Matters

A number of highways issues were raised. These included the lack of a parking/drop off space for the school (as previously proposed). Such provision was made as part of the outline planning permission. The full planning applications approved last year did not include such facilities and as this current proposal is also a full planning application (rather than reserved matters) it is not bound by the original outline permission. The outline application did suggest a new parking area however this was not a requirement but a community benefit put forward by the applicant on that application. The provision of a parking/drop off area is not considered to be essential for a positive recommendation to be reached.

The 2016 approvals included financial contributions towards highway improvements. These were identified by the Head of Transport at that time and included the provision of zig zag road markings, the creation of a 20mph zone and the construction of a raised plateau. Those applications were when the proposed access to the site was off Cae Ffynnon, adjacent to the school. For those applications objectors also raised the issue of on street parking from the school.

Increased traffic and congestion were raised by objectors and questions over the level of parking shown for the proposed units. It is considered that the level of parking provided is sufficient for the proposed units. The highways improvements referred to below should also reduce traffic speeds and create a safer environment near the site.

Concerns/questions were raised over the location of the access for the development. The proposed access is different to the previous applications. Whether the proposed access was safe, speeds to vehicles approaching from the village from the east and existing traffic/parking issues were highlighted. Whether the proposed access was better/worse than the one previously approved at Cae Ffynnon was also raised. Objectors on the previous approvals had raised similar concerns over the access from Cae Ffynnon. Regardless of whether one access is preferable to another there is a need to assess the current proposal and whether this is acceptable. If it is acceptable from the previous approvals with an alternative access should not impact on the assessment of this scheme. The reasoning for the change of access was raised however again if acceptable the reason for the change is not relevant.

The access for this proposal is off a different part of High Street located to the eastern end of the site and that is what is being assessed. The Highways Officer has indicated that there would need to be for highway improvements which as follows:

- A pedestrian crossing plateau on the C2042
- 20mph speed limit on the C2042
- Bus stop infrastructure in the vicinity of the site

The applicant has indicated that they would agree to the provision of these improvements. The provision of them would be subject to a Grampian style condition requiring the submission and agreement of a traffic calming/management scheme. These improvements would need to be in place prior to the occupation of any dwellings.

Overall the highways officer raises no objection to the proposal and recommends the imposition of conditions with any approval.

Pedestrian access and connectivity/permeability issues were raised and these are dealt with below as part of the assessment of the layout of the site.

Layout

The layout of the site was an area of concern for many of those who have responded. The application as initially proposed showed the pedestrian access being along the vehicular access which is at the eastern end of the site and towards the eastern edge of the village. Therefore, although adjacent to the school grounds there would be no pedestrian access from the site to the school other than along the new road and then back along High Street. This would also be the only access from the site to shops, public house and other parts of the village. For those outside the development to access the public open space the only route would be the one along high street and back through the new road. This was not considered to be appropriate and made the scheme disconnected from the village. Therefore amendments were sought.

The scheme has subsequently been amended to include 2 new pedestrian links. A 2m wide link is proposed at the western end of the cul-de-sac which provides a connection to and from the site to an existing path which leads to both Lon Cywin and the village hall. The section of path this connects to is in the ownership of the Authority. The existing path running along the northern end of Cae Ffynnon however is partly in third party ownership. This is not included in the application site and is not shown to be in the ownership/control of the applicant. This is also a permissive path and not a public right of way. In order to ensure that a pedestrian link is provided and access can be secure an alternative new

route is proposed. This new route would run south from the proposed estate between the existing boundary of the school and one of the plots. It would then turn in to where what is currently the school grounds. Along the western edge of the school grounds is a path. It is proposed to create a new 2m path along this route which would run all the way to the public pavement at the southern end of the site. The applicant would provide new fencing along the boundary with the school and the path would need to be surfaced to the appropriate standard. This path would then become a public route rather than being within the grounds of the school. The path would ensure that regardless of what may happen at the permissive path there would be a permanent public pedestrian link between the site and the wider village. It is felt that with the provision of this path the permeability of the site is significantly improved. Connections for local businesses, the school and the play areas within the proposed site are greatly improved. It is felt that with this improvement the proposal would be acceptable.

The new routes would also mean that pedestrians could walk to and from locations such the school, public house, village hall etc from existing and proposed dwelling along a more open path. Other than the sections between the proposed plots the route would be along the new cul-de-sac route. With the previous approvals the route would have been along the existing permissive path which would involve the rear boundary fences of the adjacent properties being either side of the path.

As the proposal would involve land within the school grounds and land within the Authority's ownership notice has been served on the Authority. There have also been discussions with the Education Section who are the relevant section in terms of ownership. As outlined earlier in the report they have raised no objections to the proposed path in principle. They have made certain requests in relation to the design of the path and boundary fence. They have also referred to wishing for the path to be adopted rather than remaining part of the school grounds.

It is considered that subject to conditions being imposed in relation to the provision, detailing and long term securing of the paths that the proposal is now acceptable.

Amenity

A number of objections have referred to the potential impacts on amenity of occupants of existing dwellings from the proposed development. Loss of light, overbearance, the close proximity of proposed properties to existing ones, noise and pollution have all been referred to. There have also been questions over the proposed impact of new boundary treatments.

The layout of the western part of the site is largely similar to the permissions granted planning last year. A number of the properties on the southern end of the site at that point are bungalows. Therefore this reduces impacts with overlooking and overbearance. While it is acknowledged that there is a change in levels between the site and Cae Ffynnon it is felt that with the design, orientation and position of the dwellings and windows that there would not be any significant impacts on the existing properties.

Many comments related to the additional area of land included in this application at the eastern side of the site and the impacts from the new properties here on the existing ones on High Street. Most of the properties on High Street are located at the front of their plots directly on to High Street. The new properties have been orientated so that they are not directly facing the existing properties along High Street. The nearest distance between

proposed and existing rear elevations for the properties are in the region of 22m. While there is a difference in land levels it is felt that the separation, along with the orientation is sufficient. It is also considered that sufficient amenity space is provided for the proposed dwellings themselves. Along the boundary with the school and the eastern plots there is proposed to be a new hedgerow planted and there would also be a 1.8m close boarded fence. The same type of fence is proposed along the boundary with the rear gardens of the properties along High Street.

There is one property accessed off High Street that is set back significantly further than the others. This property is located adjacent to the boundary with the application site and does have a window facing on to the site. Originally the proposal showed garden space for a new dwelling up to the boundary and 1.8m high close boarded fence at the boundary. While it is noted that a 2m boundary treatment could be erected on the boundary without planning permission it was felt that this gave rise to concerns over the amenity of the occupant of that dwelling. Therefore amendments were requested and subsequently the scheme was amended. The rear gardens of the plots 6 and 7 have been reduced and set in from the boundary with the High Street property. A triangular piece of land is now no longer part of the amenity space for the proposed dwellings. The applicant has indicated that this area of land would be transferred to the owners of the adjacent property. This would increase the amenity space for the proposed dwelling and has created a greater separation between the existing and proposed dwellings. The transfer of the land would be a separate matter however it is felt that with the area of land removed from the proposed new dwelling amenity space that the impacts on amenity have been removed to a level where it is considered the application can be recommended for approval. A condition will be added to prevent this area of land being used as amenity space in relation to any of the new dwellings. Conditions are also recommended in relation to the provision of the boundary treatments to ensure these are in place prior to occupation of the new dwellings.

Impacts from noise from domestic animals or activities in the gardens of the new properties were raised. It is not felt these would be out of the ordinary or that they would be of a level to alter the recommendation of approval. Reference to rate at/near the site have been referred to however again any associated issues are not considered to warrant refusal of the application or for further details to be submitted. Pollution has been mentioned however again subject to the imposition of the suggested conditions, and based on there being no objections from any statutory consultees in relation to this, it is not felt there are any significant concerns from the proposal.

Design

The proposal is for a mix of detached and semi-detached properties. There is also a mix of bungalows and 2 storey properties. The external materials of the dwellings were altered to be more in keeping with the character of the area having a render finish. With these changes it is considered that the scheme does not harm the character of the area and provides an appropriate mix of dwelling types and tenures.

The site is a cul-de-sac development with much of the layout dictated by the constraints of the shape of the site. Comments are made elsewhere in relation to impacts on amenity. The road itself has curves to it and the building line is not rigid. The layout of much of the western end of the site is similar to that of the previously approved application. As such it is felt that design of the layout is appropriate.

Drainage and Flooding

A number of concerns have been raised over potential drainage and flooding. The concerns relate to surface water drainage and issues of drainage in and around the site at present. There are similar concerns with the existing capacity of the public sewer and its ability to take on any further connections.

The application was accompanied by a drainage statement. This states that Geo-technical site investigations were carried out in 2009 and soakaway tests in 2014. The soakaway test confirmed that the ground strata beneath the proposed development site is unsuitable to support soakaways for surface water. Therefore the option of discharging to the Afon Cywyn is proposed and the report considers this to be the most suitable means of surface water disposal. The dwelling roof and drive/parking areas along with highway surface water run-off are to be collected via a gravity solid walled pipe network. This will pass through an attenuator with the flow controlled with storage. The report refers to the storage being underground however during the application other alternatives have been suggested.

The previous applications approved last year indicated drainage would run through the Cae Ffynnon estate road, across to land on the other side of the road before connecting in to the watercourse. This proposal indicates a similar proposal with the route being along the new road now proposed but still crossing the road to the watercourse. During the application further details were requested and suggestions made in relation to the nature of storage. The applicant has suggested that the storage of the water may now take place above ground at a location on the other side of High Street. This may involve land outside of the application site and therefore cannot form part of this application. It is proposed for a separate application to be made for the drainage system. However there are potential options within the current application site which could be used for surface water drainage. Therefore as with the previous application, and as Welsh Water have suggested a condition is recommended with any approval. If the above ground storage solution is pursued by the applicant then if that is also approved the 2 permission could be tied as part of a Section 106 Agreement.

The report states that for foul water drainage flows are to connect to the public sewer system via a gravity flow solid walled pipe system. In relation to foul drainage Welsh Water have responded and raise no objection to the proposed development. They comment that only foul water should be allowed to be connected to the public sewer system. They also refer to a condition requiring full details of the drainage system to be submitted and agreed for foul and surface water prior to the commencement of the development.

Landscape and Ecology

Concerns regarding the impacts of the proposal on landscape features was raised and perceived impacts on ecology. As with the previous application there was no ecological surveys submitted with the application. Due to the nature of the site it is not considered that such surveys were necessary in this instance. The site area is larger in this application however the additional land is part of the same field. Planting is proposed along the new northern boundary and also other element of planting across the site.

During the application comments were received from the Planning Ecologist and the Landscape Officer. Both requested further/amended information. **The applicant has subsequently submitted amended details. The recommendation is made subject to favourable comments being received from these consultees on the amended details**

Public Rights of Way

Some objections have been received relating to impacts on the existing public right of way and that the proposal may lead to a conflict between different users. The proposed vehicle access is along the route of an existing public right of way. The right of way continues north along a track whereas the proposed road would go west in to the main part of the site. There is only an overlap of approximately 50m. The existing access is currently used by vehicles accessing the row of bungalows to the east of the access, the application fields and other farms to the north. Therefore it is already used by different pedestrians and vehicles. The proposed development would create a formal layout for the first 50m of the path with a surfaces to adoptable standards and a footway.

The Public Rights of Way Section were consulted on the application and has raised no objection. They have referred to the need to have separate consent for any works that alter the route or the surface of the PROW. It has also been clarified by the Adoptions Section of the Authority that is the new road is adopted the affected area of the path would be removed from the Definitive Map as the route would subsequently have higher rights.

Other Matters

Non-material planning considerations such as loss of views and impacts on property values were raised. Reference to the pre-application consultation carried out by the applicant and the consultation during the application were raised. There was an issue with the pre-application consultation over the address of one adjacent property. Subsequently the occupants' response was included in the pre-application document. Some comments were made that the response to the pre-application consultation by the applicant was not sufficient and/or did not address the issues raised. The consultation was carried out in accordance with the legislation and while those who responded may not agree with the applicant response they have outlined the issues raised and given their opinion. The planning application was advertised in the local press and several site notices erected around the village. Following the revision to the site to include the paths and drainage routes the publicity was repeated. This complies with the relevant legislation.

Questions over the viability of the previous scheme were raised however this is not considered to be relevant. The proposal as submitted needs to be assessed. There were questions over the details of the plans and availability on the website of responses however it is felt sufficient information has been provided by the applicant.

Comments in relation to further properties not having been included at Cae Ffynnon as to allow for possible future development were made. Again the current application needs to be assessed against the current and relevant policies and considerations. Whether further development could have or may in the future be proposed at Cae Ffynnon is not considered relevant to the assessment of this application.

Comments were received from the Minerals Team in relation to the ground works involved at the site. Carmarthenshire LDP MPP3 Mineral safeguarding notes the importance of safeguarding access to minerals and states that planning permission will not be granted for proposals where they would permanently sterilise mineral resources. The Minerals Team noted that the location of this development, and the underlying mineral resource is adjacent to residential dwellings and a school, and current policy may render the reserve unfavourable. They have no objection with regard to its impact on mineral safeguarding.

Further comments have been made regarding the earthworks at the site. Further information will be required on the treatment of soils. While the proposed development would involve earthworks it is not felt these are significantly greater than most schemes of this nature and size. Cross sections and levels details have been provided which show the proposed works. It is not felt that additional details are necessary.

The impact on the Welsh language and the possible impact on the Category 'A' School adjacent were raised as concerns. As referred to above the school have not objected to the proposal other than concerns over surface water drainage. The additional units would help support the school which is below capacity at present. A contribution towards Education is also proposed and would be secured through a Section 106 Agreement. 12 of the 30 units would be affordable units available for rent. 17 units were approved previously and therefore there is an additional 13 now being proposed. 12 of these are the affordable units which would provide opportunities for those no able to purchase open market houses and could allow people to remain within the areas if the additional affordable units were not provided. Overall it is not considered that the proposal would have significant impacts on the Welsh Language and it is not felt that the proposal would need to be phased to control such impacts.

General comments in relation to the proposal being contrary to planning policy and the site being partly outside development limits. The report has outlined why it is felt the application complies with the relevant polices and explains the justification for units being allowed outside of development limits.

CONCLUSION

In conclusion and having regard to prevailing planning policies and material considerations, it is considered the development complies with the relevant policies of the Carmarthenshire Local Development Plan or national guidance. It is therefore recommended for approval subject to a Section 106 Agreement.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents:
 - 1:1250 scale Location Plan (LP-01 B)
received on 17th July 2017
 - Landscape Report
 - 1:100 and 1:50 scale House Type 3 (04-A)
 - 1:100 and 1:50 scale House Type 4 (05-A)
 - 1:100 and 1:50 scale House Type 5 (06-A)
 - 1:100 and 1:50 scale House Type 6 (07-A)
 - 1:100 and 1:50 scale House Type 7 (08-A)
received on 5th June 2017

- Tree Survey and Arboricultural Impact Assessment received 21st April 2017
- Drainage Strategy Report received 7th March 2017
- 1:500 scale Site Layout Plan (01 Rev D)
- 1:100 and 1:50 scale House Type 1 (02-B)
- 1:100 and 1:50 scale House Type 2 (02-B)
- 1:500 scale Landscape Plan TW4016/2
- 1:500 scale Tree Protection Plan TW3867/2 received on 12 September 2017

- 3 The proposed boundary treatments for each dwelling shall be erected/provided prior to the beneficial use of that dwelling and retained in perpetuity.
- 4 No development shall commence until details of a trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary with the site. The fence shall be erected prior to the beneficial use of any of the dwellings hereby approved and retained in perpetuity.
- 5 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.
- 6 No construction works shall commence until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed.
- 7 No development shall commence until, a scheme for the control of noise shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 8 The land annotated as "Land to be transferred to Existing No 6" on the 1:500 scale Site Layout Plan ref 01 Rev D received on 12 September 2017 shall at no time be used as amenity space for any of the dwellings hereby approved.
- 9 No development shall commence until full details of the materials, gradient and associated boundary treatments for the 2 areas annotated as Proposed Pedestrian Foot Path Link of the 1:500 scale Site Layout Plan ref 01 Rev D 12 September 2017 are submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented as agreed. The paths provided in accordance with these details prior to the occupation of any of the dwellings hereby approved. The path shall be retained, unobstructed in perpetuity.
- 10 During the demolition and construction phases, no works or demolition or construction shall take place other than within the hours of 07:30 – 18:00 Monday – Friday, Saturday 07:30 – 13:00 and not at all on Sundays, Bank or Public Holidays

- 11 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.5 metre carriageway, 1.8 metre footways, and 6.0 metre kerbed radii at the junction with the C2042 road
- 12 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 59 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the access road in relation to the nearer edge of C2042 carriageway. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
- 13 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent estate road carriageway crown, over the site's whole estate road frontage within 2.0 metres of the near edge of carriageway.
- 14 The access, visibility splays and turning area required, shall be wholly provided 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 access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 15 Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.
- 16 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 17 No development shall commence until details of a Traffic Management Scheme have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented prior to the occupation of any of the dwellings hereby approved.
- 18 Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SN32186202 and SN32186201 as indicated on the extract of the Sewerage Network Plan attached to response from Welsh Water dated 17th August 2017.

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 amenity levels of adjacent properties and in the interest of visual amenity.
- 4 To ensure appropriate barrier between the site and the adjacent railway line.

- 5,18 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 6,7
10 To ensure that the amenity of local residents/businesses is adequately protected during construction.
- 8 In order protect amenity levels of the adjacent occupier.
- 9 To ensure that the site has appropriate permeability and connectivity.
- 11-17 In the interest of highway safety.

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 H1, AH1, AH2, GP1, GP2, GP3, MPP2, MMP3, GP4, SP17, TR3, SP9, SP6, SP14, SP5, TR4, EP3, REC2 and SP1 of the adopted Local Development Plan in that the due to the location of the site and the surrounding development there are no concerns with impacts on future mineral extraction. The proposal provides a contribution over and above the level required for residential development in this area. The dwellings located outside development limits but adjacent to the limits and represents a logical extension to the settlement. Their affordability is to be secure through a legal agreement and there is a need for the housing this type of housing has been identified. The scale and design of the dwellings are appropriate and again meet the identified need in for the area. The overall design, appearance and scale of the development is appropriate and in keeping with the character of the area. There are no concerns in relation to highway safety or traffic generation with appropriate standards being provided for access and parking. Further measures are secured through conditions. The scheme includes appropriate provision of public open space to be secured through legal agreement and a contribution towards education is also provided in accordance with the relevant standards. Subject to conditions it is considered that appropriate surface water drainage can be achieved. The residential part of the site is not located in a flood zone and the proposal would not lead to concerns over the public sewer. The development provides appropriate connectivity and permeability to allow easy pedestrian access to and from the site and surrounding facilities and no concerns regarding impacts on the public right of way at the site. Subject to conditions there are no significant concerns regarding the developments impact on ecology or landscape features. A large part of the site consists of land allocated for residential development in the LDP. The density, layout, scale and massing of the development is considered appropriate. Subject to conditions imposed it is not felt that there are any significant impacts on amenity of residents of existing properties of a scale to warrant refusal of the application.

NOTES

The applicant is advised that this planning permission is subject to the applicant/developer first entering in to a Section 106 Agreement for a contribution towards community benefits in relation to:

- provision of public open space/play facilities and securing a long term management and maintenance agreement for these areas,
- financial contribution towards Education in the for the sum of £19,000,
- provision of 12 affordable dwellings.

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

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

Application No	W/35973
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Application Type	Conservation Area Consent
Proposal & Location	NEW PUBLIC SQUARE, CAFÉ AND SMALL BUSINESS UNITS TO EXISTING PUBLIC REALM REQUIRING THE REMOVAL OF EXISTING WALLS/RAILINGS AT JACKSONS LANE SQUARE, CARMARTHEN, SA31 1QD

Applicant(s)	CARMARTHENSHIRE COUNTY COUNCIL – MIKE BULL, BUSINESS DEVELOPMENT CENTRE, NANT-Y-CI, CARMARTHEN, SA33 5DR,
Agent	CAPITA – MR JAMES MORRIS, MAIN AVENUE, TREFOREST INDUSTRIAL ESTATE, PONTYPRIDD, CF37 5BF,
Case Officer	Stuart Willis
Ward	Carmarthen South
Date of validation	15/08/2017

CONSULTATIONS

Carmarthen Town Council – Have not commented on the Conservation Area Consent. Comments were made on the full planning application which did not object to the proposal but made recommendations:

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

Neighbours/Public - The application has been publicised by the posting of Site Notices and advertised in the local press with no responses having been received to date.

RELEVANT PLANNING HISTORY

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

W/35554	New public square, café and small business units to existing public realm Full Planning Permission	5 September 2017
W/30943	Proposed 1 X DSLAM green telecomms 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 all 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.

There was an associated full planning application submitted under W/35554 for the same proposal. This was approved at planning committee on 5th September 2017 following a site visit by members subject to additional conditions relating to landscaping and materials.

THE PROPOSAL

The application seeks Conservation Area Consent for the removal/demolition of certain walls and railings on the site to accommodate the new development.

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;
- b) 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;
- c) 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

No adverse representations received to date. The submission is before the Planning Committee as the Authority are the applicants/owners of the site.

The key consideration for the Conservation Area Consent is the impact on the Conservation Area and the justification for the works requiring consent, which, in this instance is the removal of certain walls and railings at the site. The majority of the walls to be removed are to be rebuilt. The section along Jacksons Lane itself is to be removed as part of the wider development to accommodate a level central area to the Square. The walls and railings are then to be rebuilt, walls in stone to similar heights and appearance to the existing ones. The walls to the opposite side (west) are to be removed again as part of the alteration to land levels at the site and also to allow the construction of the new buildings proposed. There is a section between the existing and proposed buildings that would again be rebuilt in similar materials and to a similar height. It is felt that the overall benefits of the scheme as outlined previously in the report for the full planning permission and the fact that much of the walls to be removed are to be rebuilt outweigh any harm to the Conservation Area.

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable. The full planning application was recently approved at planning committee and it is felt that the justification for the works, along with the benefits that the scheme would give and the large element of rebuilding of features removed outweigh any harm caused by the proposal to the Conservation Area.

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

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 No work for the demolition of the walls or railings shall commence until such time as the applicant or their agents or successors in title have secured a time specific contract for the demolition of the existing building and planning permission obtained for the construction of the replacement structure.
- 3 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 20th July 2017
 - 1:200 scale Proposed Site Sections (400012) received on 28th 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 15th June 2017

- 1:100 scale Proposed Street Lighting (1301 P00)
received 13th June 2017

- Historic Environmental Appraisal
received on 24th 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 16th May 2017

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

- 5 No development shall take place until an appropriate and comprehensive Detailed Landscape Design Scheme, which includes an implementation programme and details of boundary treatments for the site, has been submitted to and approved in writing by the local planning authority.

- 6 The Detailed Landscape Design Scheme, as submitted to discharge condition 5 above shall be fully implemented in the first available planting and seeding seasons following the commencement of the development unless otherwise agreed in writing by the local planning authority.

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; or become in the opinion of the local planning authority, seriously diseased; damaged or otherwise defective, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

REASONS

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

- 2 In order to ensure that the site is no left vacant and derelict, and the replacement dwellings are constructed within a reasonable period of time form the commencement of the demolition work.

- 3 In the interest of clarity as to the extent of the permission.

- 4 In the interest of visual amenity and to ensure the development is appropriate to the character of the area.
- 5-6 To ensure that the development effectively delivers the relevant policy objectives of the approved Detailed Landscape Design Scheme.

REASONS FOR GRANTING CONSERVATION AREA CONSENT

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 proposal complies with Policies EQ1 and GP1 of the adopted Local Development Plan in that it is an appropriate form of development, which is not likely to cause unacceptable harm to the Conservation Area. On balance the proposal is acceptable and would bring about economic benefits to this area of town.
- 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).