

Application No	W/35450
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Application Type	Outline
Proposal & Location	PROPOSED RESIDENTIAL DEVELOPMENT INCLUDING 42 NO. DWELLINGS AT LAND ADJACENT TO LAUGHARNE PRIMARY SCHOOL, LAUGHARNE, SA33 4SQ

Applicant(s)	MR & MRS THOMAS, WOOFORD HOUSE, BROADWAY, LAUGHARNE, SA33 4NS
Agent	SAURO ARCHITECTURAL DESIGN LTD - PETER SAURO, 9 ELLISTON TERRACE, CARMARTHEN, SA311HA
Case Officer	Helen Rice
Ward	Laugharne Township
Date of validation	26/04/2017

CONSULTATIONS

Laugharne Township – The township provided a detailed response raising significant concerns regarding the proposal and principally comment that the development should only proceed if the same “Community Benefits” that were secured by a Section 106 in a previous application are secured. The full response is provided below:

The community council has been involved in discussions regarding this proposed development since 2002, when the land in question was outside the UDP. It was still outside the plan in 2008 when application W/09082 was submitted. At this stage the council was supportive of the proposal as the developer included a substantial community benefits package with the proposal.

These were included in a S106 agreement and were;

- 1. Land given to CCC to construct a footpath from the site to Broadway*
- 2. The transfer of the rugby fields with freehold ownership to the Laugharne Athletic Club*
- 3. Part of this to be transferred by the Club to the school*
- 4. Laugharne Corporation would be given an adjacent woodland*

These are now even more important for the community with the proposals to close a number of schools locally and develop a larger community school on the Laugharne School site. Members would expect to see the original or better community benefits package that was part of the original application, included as part of this application. Unfortunately there is no mention of the community benefits in this current application.

Laugharne Township Community Council is extremely concerned about this and requests that the community benefits agreed in the previous application W/09082 and itemised in the signed S106, must be a condition of approval of this application. The council would wish to see these conditions implemented prior to any developments on the site. If this application is approved without the immediate implementation of these benefits as a condition, then there is a danger that a second application for development on the rugby fields itself would follow to the future detriment of the school and the health and wellbeing of the community.

In addition to the above, the Council has several concerns about details of the design and layout of the proposed development in the current planning application. A key concern was the deliberate formation of a social housing "ghetto" excluded from the remainder of the site. This has a separate entrance/exit through Cwrt Wooford into Orchard Park adjacent to the play area and members were extremely concerned about the extra traffic that would be generated through Cwrt Wooford and its implications for the safety of the children playing there and in the adjacent play area.

Members felt that there should only be one entrance and exit into and from the development, which should be the one from the main road as shown on the plans. Members also felt that this development together with other proposals at Pludd's Meadows opposite would warrant a County Highways review of traffic management in this area and a possible roundabout at the junction of Orchard Park and these developments should be considered. They also agreed that the social housing proposed should be distributed around the site not grouped and isolated in one location in the corner of the site.

Members also expressed concern about the pre-application removal of hedgerows and mature trees. Although the landscaping scheme indicated that the hedgerows would be replaced and native tree species would be replanted, this should not have happened. The original hedgerows and the range of species in them had developed over hundreds of years, therefore the replacement programme needs to be intensive to ensure what has been lost is replaced and the ecology recovers as quickly as possible. The appropriate genetically correct native species should be replanted and the specimens must be of an acceptable size and maturity. The hedgebank itself should follow local vernacular construction methods. This work should be a condition of approval and must be carried out prior to the housing development.

The fact is that the site is included in the LDP is by default, as the original application was never implemented and the planning lapsed. Carmarthenshire County Council should ensure that this development will only proceed if there is a positive and substantial benefit to the community in terms of education, health, wellbeing and safety as discussed above.

Local Member –Cllr J Tremlett addressed the committee on 16 November 2017 to request a site visit of the application given concerns regarding the impact of additional traffic from the development on pedestrian access to Laugharne school as well as concerns regarding the segregation of the affordable housing element from the main development site.

Head of Transport - No objection subject to the imposition of conditions to safeguard the provision of adequate visibility splays, access dimensions, parking and turning areas and contributions towards highway improvements to include the provision of a pavement/footway along the entire frontage of the application site and land to the west up towards the village of Broadway and a contribution towards the provision of driver feedback signs to enforce

the speed limit in the area to be secured via a Section 106 agreement/Section 278 Highway Agreement.

Public Protection Division – Raise no objections to the development subject to the imposition of conditions to mitigate against the impact of noise and dust during the construction phase on local residents and businesses.

Land Drainage – Raise no objections subject to the imposition of a condition requiring the details of surface water drainage works to be submitted for approval prior to the commencement of development.

Education Department – A response received from the education department confirm the need for financial contributions totalling £26,000 towards both primary school (Laugharne and Griffith Jones Primary Schools - £9000 each) and secondary school (Ysgol Bro Myrddin and Ysgol Dyffryn Taf - £4000 each) based on the anticipated number of pupils generated by the development.

Head of Housing – confirm that they have no objections to the proposal and support the provision of affordable housing within the development. The response confirms that the housing need in the ward of Laugharne would be best met by 2 and 3 bedroom low cost home ownership units.

Head of Leisure: Discussions regarding any requirements for contributions towards open space are ongoing, any updates will be provided verbally at the committee meeting.

Natural Resources Wales - Whilst raising no fundamental objections to the development, NRW advise that none of the properties shall be occupied until the upgrading of the public sewerage system has been completed projected to be 31 March 2019. Furthermore, they advised the need for the Authority to undertake a Test of Likely Significant Effect (TLSE) given its proximity to the Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and the need for the development to be the subject of a pollution prevention method statement that would detail the necessary pollution prevention measures for the construction phase of the development.

Dwr Cymru/Welsh Water – Raised no objections to the development subject to the imposition of a condition requiring the submission of a detailed drainage scheme for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority, with consideration given to the use of sustainable drainage methods. Furthermore, DCWW confirm that at present there is insufficient capacity within the foul drainage network to receive additional flows from the development. However, DCWW have advised that the upgrading works to the sewerage system at Laugharne is included in their current capital investment programme and are scheduled for completion by 31 March 2019. They have therefore requested the imposition of a condition stating that none of the properties can be occupied until such time the upgrading works, currently scheduled for 31 March 2019 have been completed. DCWW have also confirmed that there is availability for connection to the public water supply.

Dyfed Archaeology Trust – Raised no objections to the scheme subject to the imposition of conditions. In particular the trust welcome the submission of an Archaeological Appraisal and Site Visit report which concluded that there were no recorded heritage assets within the application site and that the development would not have a visual impact on the historic core of Laugharne and its various heritage assets. The report concluded therefore that the site's

potential as low to medium. Nevertheless, this does not rule out the possibility that there may be some archaeological remains within the site and therefore recommend a condition requiring a geophysical survey of the application site which could inform the need for any additional archaeological assessments.

Cadw – Confirm that the proposal would not affect the designated historic assets in the vicinity in particular Laugharne Castle Scheduled Ancient Monument and Laugharne Castle and Castle House Registered Historic Park and Garden due to the presence of intervening existing buildings and vegetation and local topography screening views. The setting of these features will therefore not be affected by the development.

Third Parties Representations

The application was initially the subject of notification by way of site notices and publication in the local newspaper. As a result a total of 103 representations were received from 95 households, all objecting to the development along with a signed petition of 300 signatures objecting to the application.

The clear majority of objections relate to the lack of commitment to enter into a “Community Benefits Package” Section 106 Legal Agreement as entered into when planning permission was previously granted for a similar development and the fear that this would result in the loss of the playing fields. Representations received from the organisations that utilise the playing fields namely Laugharne Athletic Club, Laugharne Cricket Club and Laugharne Rugby Football Club (Senior and Junior) provide detailed background to the matters as follows:

Laugharne Athletic Club had a 21 year term lease on the playing field land from September 1956 to September 1977 which they used principally for rugby and cricket. Following its expiry the Club continued occupation of the fields on the terms of the lease. Court proceedings relating to a new lease in 2002 were halted and discussions commenced on a joint agreement between the Club and owners. The agreement sought to effectively enable the landowners to make an application for residential development on the playing fields with the adjoining field [the subject of the current application] becoming the playing fields (subject to planning permission). This informed representations to the Unitary Development Plan process, during which the parties were recommended to revert to the agreement with the playing fields remaining in their position and the residential development located on the adjacent land.

This resulted in a Local Community Agreement that was entered into in November 2004 between Laugharne Athletic Club, Laugharne Corporation and the landowners, Mr & Mrs Thomas that resulted in the submission of a joint planning application for a similar residential development and various improvements to the adjacent playing fields and wider area with land transfer agreements as follows:

1. Transfer of land to Laugharne Athletic Club. This includes the present rugby pitch and adjacent land this would facilitate the provision of a new cricket pitch, additional rugby pitch, new changing rooms and parking area.
2. Transfer of land to Laugharne VCP school.
3. Transfer of land to Laugharne Corporation.
4. Transfer of land for the provision of footway between Laugharne and Broadway.

Whilst this Local Community Agreement was entered into independently to the subsequent planning application, the benefits referred to in the Local Community Agreement were put forward in the planning application and secured by way of Section 106 Legal Agreement. These benefits were considered to present a material consideration to warrant a departure to the then UDP as the application site fell outside the settlement boundary. Planning permission was granted in September 2008 but this expired in September 2013.

During this time the LDP was under preparation and as the site had, at the time of the initial draft LDP, extant planning permission it was included as an allocated site. A site selection pro-forma which identified those sites suitable for inclusion in the LDP commented that as the site, at that time, had extant planning permission it was considered acceptable for development and no further assessment was required by a Technical Officers Group.

The Club therefore believe that any future planning application should not go ahead unless Mr & Mrs Thomas fulfil their promise to the community and include the benefits detailed in the Local Agreement 2004 and referred to in the LDP review process. They also feel that the Council has an obligation to support the community to accomplish this based on the planning history and that without the previous planning permission the area of land in question would not have been included in the LDP.

To supplement the above objection, the Athletic Club submitted an Expert Advice Report prepared by Mr Owen Luder which provides further detail as to the background of the case and concludes that the previous planning permission is a material consideration that must be taken into account having regard to the requirement for all applications to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The report considers that to grant planning permission without the community benefits previously agreed represents a narrow interpretation of the planning obligations guidance and would result in the landowners achieving a significant increase in the site's land value without providing the community benefits. This report is available to view on the Council's website. This report has further been endorsed by a Legal Opinion on behalf of Laugharne Athletic Club.

A number of the objections from individuals echo the above and include the same wording as follows:

I support Laugharne Athletic Club and strongly object to this development on the grounds that Mr & Mrs Thomas agreed to those community benefits that where signed up to in the Local Agreement and previous 106 Agreement and these are not included.

In addition the signed petition which contains 300 signatures includes the statement:

We the undersigned are fully aware of the history of the above Planning Application and its inclusion in the LDP and would like to support Laugharne Athletic Club in their bid to secure the promised benefits signed up to by the owners in the 2004 Local Agreement by strongly objecting to the application as they do not include these benefits.

Further details pertaining to the previous history of the site, and particularly its evolution through the UDP/LDP process is set out in the "Relevant Planning History" section below.

Other objections raised include:

- The lack of a community benefits package would result in the loss of the playing fields and hence the Rugby, Football and Cricket Clubs in Laugharne as they would not have anywhere to train and/or play their matches. This would have a negative impact on the community and reduce the number of visitors to the town to the detriment of trade for local businesses.
- The existing playing fields should not be built on.
- Whilst a new development would be a good addition to the town given that hardly any new development has taken place this permission should only be granted if the previous "Community Benefits Package" is included.
- A residential development at this location is not ideal but the original community benefits offset the drawbacks and therefore this development should only proceed with those benefits intact.
- Proposals indicates further additional development to the west of the site into the countryside and close to Broadway.
- The development would result in ribbon development connecting Laugharne and Broadway.
- It is unlikely that any of the affordable units will be affordable for the young locals looking to purchase a property in the town and therefore the development offers little community benefit.
- Proposed access from Wooford Crescent to serve the proposed affordable dwellings would lead to increased traffic flows past the existing children's playground and route to school and therefore the affordable housing element should be accessed from the proposed new access to the wider site.
- Support the additional housing to enable young people to get on the property ladder but this should not be at the expense of the playing fields.
- There is no obligation for the applicants to sell the properties to people who are currently living in, or who have been brought up in the area.
- The development would increase traffic through the town and have a negative impact on parking and access that would negatively impact upon local businesses.
- Concerns that the sewerage and surface water infrastructure would not be able to cope with additional flows.
- The doctor's surgery is already at capacity.
- Object to the destruction of the tree line along with field's boundary with the highway which has already taken place.
- Land is required for the expansion of the primary school.
- Request that should planning permission be granted that any Section 106 agreement includes a continuation of the footpath from Orchard Park, across the front of the development site and linking with the existing footpath in Broadway on land within the applicant's ownership. With a further extension of the footpath from the primary school to provide a link with the footpath to Stoneway Road and down to Laugharne Town Square as a pedestrian link between the town and the development site.
- The submitted plans have no regard to a historic Public Right of Way (established prior 1835) and part of the route of the Laugharne Common Walk that has been recorded taking place every three years. The route of the right of way runs within the application site adjacent to the south west boundary, not indicated on the layout or any provision shown for it.
- The submitted plans indicate a route of an existing storm water drain and sewer not there are no such records with DCWW and there are no agreement for their adoption. The required connection to the main sewer crosses land within Third Party ownership (Laugharne Corporation) and the applicant has not had any discussion with the

owner. There is no rights of passage and there is the risk that the property owner would not agree to such a passage.

Following the submission of amended plans to re-position the main access into the site, and the re-consultation process that was undertaken, further third party representations were received as follows:

A further letter from Laugharne Corporation has been received raising general support in relation to the request for a footpath to be created linking the site to the village of Broadway. However, they request confirmation of the extent of the footpath and details of the proposed boundary treatment and mitigation for any loss of vegetation/trees as a result of the creation of the footpath.

A further response from Laugharne Township Community Council confirms that upon review of the latest documentation on the application, including the Committee Report, that whilst the development will be required to provide contributions towards highways, affordable housing and education, they remain to consider that the full community benefits package previously agreed should be sought. The response also raised concerns over the additional traffic that would be utilising the Cwrt Wooford road, generated by the proposed 13 affordable units which are to be accessed from this road, given its proximity to the school and playground. The Council re-iterates the concern that the development would create a ghetto isolated from the rest of the site.

RELEVANT PLANNING HISTORY

The application site has been the subject of extensive history both through the Unitary and Local Development Plan process and the planning application process.

Unitary Development Plan (UDP)

Representations were submitted at the time of the UDP to allocate the application site for residential development. During the course of the UDP process, it was sought to amend the representation to enable a land swap where the residential development would be located on the playing fields and the application site would become the playing fields. However, it was advised that the representation could not be changed and therefore the UDP was determined on the basis of the original representation as confirmed by the UDP Inspector's Report published in January 2006 (paragraph 19.065) which states:

"The local planning authority recognised that, following much local discussion, the objectors' proposal had evolved since the objection was first made and it considered whether it could accept this alteration [the proposed land swap] to the duly made objection. It concluded however that the alteration would amount to a significant departure from the objection and that only the original objection had been duly made. In view of this the objectors accepted that the Inquiry was capable of considering only the original objection. I [the Inspector] have considered the case on this basis".

As a result, the Inspector resolved not to allocate the application site for development and therefore the site remained to be located outside the development boundary of Laugharne. The playing fields were however allocated for Public Open Space to safeguard them.

Planning Application W/09082

A joint planning application between the landowners, Laugharne Athletic Club and Laugharne Corporation was submitted in January 2005 for "*Proposed Housing*

Development, Extension and Alterations to Recreation Field, Together with Laugharne Community Benefits at OS field Nos. 7050,7167,8873,8463 adjacent to Laugharne V C School". This application included the application site with the proposed site layout plan that was approved referring to the adjacent playing fields and wider benefits and was submitted on the basis that despite being a departure from the then UDP, residential development of the application site could be considered acceptable on the grounds of a Community Benefits Package that would outweigh the departure from the UDP. The Community Benefits Package was to be secured by way of a Section 106 Legal Agreement and included the elements referred to in the response from Laugharne Athletic Club detailed above. The site layout plan also included various alterations and improvements on the playing fields.

Given that the application site was not therefore allocated for development, any proposal for its development for residential purposes would have been a departure from the UDP. All planning applications must be considered in accordance with the policies of the Development Plan unless material considerations indicate otherwise. Following lengthy discussions, it was resolved that despite being located outside of the then UDP boundary, the community benefits that would accrue justified the granting of planning permission contrary to the UDP. Planning permission was duly granted in September 2008 subject to a Section 106 that secured these benefits. This planning permission was not implemented and thus expired (along with the related Section 106) in September 2013.

Local Development Plan

The presence of the planning permission (W/09082) was taken into account when assessing site suitability to meet the County's needs during the LDP preparation. A 2011 LDP Site Assessment report concluded that the site had extant planning permission and therefore was considered suitable for allocation. As Members are aware, the LDP process is inherently lengthy and by the time the Inspector published her binding report on 16 October 2014, the planning permission had already lapsed. However, the Inspector noted this in her report which states at paragraph 4.47 that:

The planning permission for residential development on the allocated site on land adjacent to Laugharne School (T3/1/h2) has lapsed. However, there are no insurmountable obstacles to development and I see no reason why the site would not come forward during the Plan period.

Therefore, whilst it is acknowledged that the site was initially put forward as a site for development in the LDP on the basis that it had extant planning permission, upon adoption in December 2014, it had expired yet the Inspector concluded that it remained acceptable for allocation without any specific requirements or conditions.

The application site is therefore allocated in the LDP for residential development of circa 42 dwellings.

APPRAISAL

This application is being reported to the Planning Committee following the receipt of more than five objections from third parties and the recommendation is one of approval subject to a Section 106 agreement and conditions. The application was deferred for a site visit by the Planning Committee on 16 November 2017.

THE SITE

The application site comprises an agricultural field in an elevated position to the west of the historic centre of Laugharne. The site lies adjacent to the more recently developed parts of Laugharne (Orchard Park) and nearby Laugharne Primary School with the village of Broadway located approximately 150m to the south west. The site's north eastern boundary adjoins the Laugharne Playing fields and grounds of Laugharne Primary school, with its south eastern boundary wrapping around the existing Cwrt Wooford residential cul-de-sac and a residential property known as Mel Gwyn and fronting onto the A4066 for a distance of approximately 110m. The site's frontage was once delineated by trees and hedgerows however they have recently been removed and replaced with fencing. The south western boundary adjoins an agricultural field that was once strongly defined by a mature hedgerow and trees. The north western boundary adjoins a woodland area.

The application site falls gently from south east to north west with the woodland area to the north west beyond the site falling steeply down into a wooded valley. Access to the site is currently via an entrance from the A4066 next to the adjoining property known as Mel Gwyn. However, the Cwrt Wooford cul-de-sac turning head adjoins the site and would also provide access albeit this is currently fenced off with high security fencing.

The site is in close proximity to Laugharne Primary School which is located 120m to the north east with a playground area situated diagonally opposite the proposed entrance to the site with a range of play equipment.

The site falls within the settlement boundary for Laugharne and is allocated for residential development in the LDP. Despite this, the site is not within the Laugharne Conservation Area which concentrates on the town's historic core to the east and beyond, where there are several listed buildings and Laugharne Castle and Castle House (Scheduled Ancient Monument and Registered Historic Park and Garden). The entire site is located within the Taf and Tywi Estuary Outstanding Registered Historic Landscape and the Carmarthen Bay and Estuaries Special Landscape Area designation.

The Carmarthen Bay and Estuaries Special Area of Conservation and Taf Estuary Site of Special Scientific Interest lies approximately 500m to the east with its boundary following the shoreline of the estuary.

THE PROPOSAL

This planning application seeks Outline Planning Permission for the erection of 42 no. residential dwellings, with Access and Layout to be considered now, with matters relating to detailed Landscaping, Scale (i.e. detailed size of dwellings) and Appearance (i.e. detailed design of the dwellings and wider site) reserved for future consideration.

Of the 42 no. dwellings, 13 no. dwellings would be affordable and accessed independently from the neighbouring Cwrt Woodford site. The remaining dwellings would be accessed via a new improved access directly onto the A4066, and be arranged in a cul-de sac layout, with proposed properties fronting onto the proposed internal road. 6 no. plots would be located along the site's frontage with the A4066, with their rear elevations and rear gardens fronting onto the highway behind a proposed new hedgebank planted with native hedgerow species and extended pavement along the site's entire frontage with the A4066. A new hedgerow would be planted along the site's boundary with the playing fields to the north east, with the existing vegetation and hedgerow between the site and the property known as Mel-Gwyn

and along the sites south western boundary with the adjoining agricultural land reinforced and supplemented.

Whilst the detailed design of the properties would be considered at the reserved matters stage, maximum parameters for the dwellings have been included on the plans to including maximum ridge height of 10m, maximum eaves height of 6m, with a maximum width of 16.5m and maximum depth of 14m.

The application was supported by various reports including a Transport Statement, Archaeological Appraisal, Ecological Appraisal Report, Air Quality Assessment, Landscaping details and Drainage Strategy.

PLANNING POLICY

This application has been considered against relevant policies of the Carmarthenshire Local Development Plan (Adopted December 2014) ('the LDP') and other relevant Welsh Government Guidance. The application is allocated for residential development in the LDP and therefore lies within the settlement of Laugharne which is classed as a Local Service Centre.

The following LDP 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 integrate 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. This policy is further supplemented by **Policy GP2 Development Limits**.

Policy SP5 Housing refers to the requirement for housing development within the County over the plan period and specifies that 13,352 units are allocated on land included within the LDP with the remaining requirement being delivered on site of less than 5 dwellings. **Policy H1 Housing Allocation** allocates land for residential development for the plan period to 2021. The application site is allocated for a residential development of 42 dwellings (reference T3/1/h2).

Policy SP17 Infrastructure, as supplemented by **Policy GP4 Infrastructure and New Development** states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy GP3 Planning Obligations stipulates that the Council will, where necessary seek contributions towards improvements to infrastructure, community facilities and other services to meet requirements arising from new developments, including future and ongoing maintenance of such provision as necessary in compliance with the legislative requirements. Allied to this, **Policy AH1 Affordable Housing** states that a contribution towards affordable housing will be required on all housing allocations and windfall sites. The application site

falls within the St Clears and Rural Hinterland sub-market area whereby a 30% proportion of affordable housing is sought for development proposals.

Policy SP9 Transportation promotes the provision of an efficient, effective, safe and sustainable integrated transport system while Policy SP13 requires that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets, and, where appropriate, their setting in accordance with national guidance and legislation.

Policy 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 EP3 Sustainable Drainage requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

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

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

Policy EQ4 Biodiversity states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made. Furthermore, **Policy EQ5 Corridors, Networks and Features of Distinctiveness** seeks to ensure that existing ecological networks, including wildlife corridor networks are retained and appropriately managed.

Policy EP2 Pollution states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

Policy SP16 Community Facilities states that the LDP will support the provision of new facilities, including the protection and enhancement of existing facilities and that community contributions would be sought through planning obligations to mitigate the impacts of particular developments.

Policy REC2 Open Space Provision and New Developments requires that all new development of five or more units will be required to provide on-site open space in accordance with the Council's adopted standards unless there is sufficient existing provision available.

Policy SP13 Protection and Enhancement of the Built and Historic Environment seeks to ensure that development proposals preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets and their setting.

Other Welsh Government Guidance of relevance include:

- Planning Policy Wales (9th Edition) November 2016
- Technical Advice Note 5 (TAN 5) - Nature Conservation and Planning (2009)
- Technical Advice Note 12 (TAN) 12: Design (2014)
- Technical Advice Note 18 (TAN) 18: Transport (2007)
- Technical Advice Note 24 (TAN) 24: The Historic Environment (2017)

PLANNING CONSIDERATIONS

Principle of Development

The application site is allocated in the LDP for residential development and therefore this proposal is considered acceptable in principle subject to adherence with other LDP policies and other material considerations.

However, Officers are mindful of the significant public feeling regarding this application and in particular the lack of a Section 106 agreement to secure a package of Community Benefits as previously agreed. As documented above, the planning history of the site is extensive, including its consideration for inclusion in the UDP and subsequently the LDP and the granting of a planning permission at the same time.

Whilst the site history may be taken into account and can comprise a material consideration to the determination of an application, this must be balanced against the policies of the current Development Plan and legislative position. The site is now allocated in the LDP and therefore, its development for residential development is considered acceptable in principle. It is acknowledged that the site was initially put forward for inclusion in the LDP as it had extant planning permission, however, that permission lapsed before the LDP was adopted. Had it been the case that the site would only have been considered acceptable on the grounds that the benefits would be secured, the Inspector could have made it a requirement when allocating the land. However, the Inspector comments that there were no insurmountable reasons not to allocate the land for residential development.

Furthermore, since the previous planning permission was granted, legislation regarding Section 106 agreements has changed considerably, with previous policy and guidance for S106 agreements now being a statutory requirement as introduced by the Community Infrastructure Levy Regulations 2010 placed limitations on the use of Section 106 Planning Obligations, and specifies that:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is —

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

Requests from the community for the application to be the subject of the same Community Benefits, particularly the land ownership transfer of the playing fields to the Athletic Club as previously agreed must therefore be considered on the basis of the current policy and legislation.

On this basis, the land ownership transfer is not considered necessary to make the development acceptable in planning terms as the site is allocated for development in the LDP and as the development does not directly impact upon the playing fields, such an obligation would also fail against test (b). In addition, the benefits being sought relate to landownership matters which fall outside of the planning remit. It appears that the community is relying on the planning system to resolve a long-standing landownership matter that is normally resolved through the civil legal process. It should be noted that the land was recently up for sale and had the land been purchased by a different owner then there would be no option for the community as the benefit being sought via the application can only be potentially realised as a result of the applicant being both the owner of the application site and the adjacent playing fields. It therefore falls that such a benefit would no longer meet with test (c) in that it is not fairly and reasonably related in scale and kind to the development.

Whilst Officers are sympathetic to the issues raised by Laugharne Athletic Club and wider community given the previous promises put forward to secure the ownership of the playing field, it is not considered that such requests can legally be requested now in light of current policy and legislation. It is not for the planning system to rectify civil landownership matters. The matters concerning landownership are therefore matters for the relevant parties to resolve through civil proceedings. It is also important to note that the existing playing fields are allocated for recreational use within the LDP and thus serves to protect them from future development for purposes other than recreation subject to Policy REC1 of the LDP.

However, a Section 106 Agreement will remain to be required that meets the above legislative tests. These include a contribution of £26,000 towards primary and secondary school education within the site's catchment area to meet with the additional demand for education provision directly from the development site; mechanisms to secure the provision of 13 of the dwellings for affordable housing purposes; and, highway improvements to include the provision of a footpath along the site's frontage and further along into the village of Broadway and a contribution towards highway improvements. The Authority's Parks Manager has not requested to date a commuted payment towards the provision or improvement of play or open space facilities in the local area. An update will be provided should this situation change ahead of the Planning Committee.

Impact upon character and appearance of the area, including historic assets

Whilst located within the settlement boundary for Laugharne, given its elevated position the site is somewhat visually divorced from the historic core of Laugharne which centres around Laugharne Castle and the Grist. It is therefore not considered that the development site would have a significant impact upon the setting of the historic assets in Laugharne, including the Castle, Listed Buildings and Conservation Area.

However, the site lies adjacent to the more recent development of Orchard Park which itself is located in an elevated position with Laugharne Primary School and the Playing Fields located beyond. The site would be viewed as an extension to this area. However, development of the site would bring this area closer to the settlement of Broadway which at

present is visually separated from Laugharne by existing agricultural fields. This site therefore needs to be carefully developed to avoid the feeling of coalescence with neighbouring Broadway. As such, the proposal to reinstate the hedgerow boundary along the highway is supported, as well as setting the residential dwellings back from the main road so that the transition between the settlement's edge and the countryside is softened. The layout appears to provide relatively generous plot sizes for dwellings which reflect the neighbouring area whilst respecting the site's "edge of settlement" location.

It is therefore considered, subject to consideration of the details at the reserved matters stage, that the proposal would not have an unacceptable impact upon the character and appearance of the area nor upon the setting of nearby historic assets.

Impact on Residential Amenity

The development site is located in proximity to existing residential properties and therefore has the potential to have an impact upon residential amenity, particularly upon the neighbouring property at Mel-Gwyn and houses along Cwrt Wooford. However, based upon the submitted layout, it is considered that adequate siting of the proposed dwellings can be achieved without having an unacceptable impact on existing amenity.

Concerns have been expressed by some third parties concerning the impact of additional highway traffic utilising the existing cul-de-sac and the impact upon the amenity of the existing residents along Cwrt Wooford. Whilst this is acknowledged and no doubt the development would result in an increase in traffic along this road, it is not considered that the additional traffic would be so detrimental to warrant a refusal of the application.

There will be short term impacts upon amenity associated with the construction of the site however it is considered that these can be adequately controlled by condition.

Impact on Highway Safety

The proposal involves improving the existing site access onto the A4066, providing an extended pavement along the site's boundary with the A4066 and extending the existing access at Cwrt Wooford into the application site to service 13 no. plots. The supporting transport statement concludes that whilst the development could generate an additional 201 trips per day, the likely traffic impact of the proposed development can be satisfactorily accommodated on the surrounding highway network.

In response to the application, the Highway Authority initially raised concerns with the originally proposed location of the access due to its proximity to the existing junction. Consequently, the access, as now proposed, has been moved slightly further to the west to ensure that sufficient junction separation is achieved. The Highway Authority has confirmed that this revised location is acceptable and that sufficient visibility splays can be achieved. In addition, the Highway Authority has requested that on the basis of the increased pedestrians from the development site, that a footpath/pavement is created along the entire application site boundary with the A4066 partly within the ownership of the highway authority and the applicant as well as further along on land within the applicant's control to provide a pedestrian link between the application site and the village of Broadway further west. This request is considered essential having regard to the requirements placed on the Highway Authority under the Active Travel Wales Act 2013 which makes it necessary for Local Authorities in Wales to consider the needs of walkers and cyclists. Furthermore, the highway

authority has also requested a contribution towards the installation of two driver feedback signs to further enforce the speed limit at this location in the interests of pedestrian safety.

It is considered that these requirements are directly related to the development and are of a reasonable scale and kind, proportionate to the proposed development and would inevitably improve highway safety for both pedestrians and users of the highway. The applicant has confirmed that they would be willing to enter into a Section 106 agreement to secure these requirements.

Impact on Biodiversity

The application is supported by an Ecological Appraisal report which concludes that the site has low ecological value but does provide foraging opportunities for badgers from the adjacent woodland. As such a suite of recommendations are provided, including locating any badger setts within the adjacent woodland area and providing the necessary mitigation measures to avoid impacts, retention of remaining hedge-banks for reptiles and strong recommendation for the reinstatement of the hedge-banks which have been removed. Given the site's proximity to the SAC and SSSI a Pollution Prevention Method Statement was also prepared and sets out measures which would be employed to ensure that any potential impacts upon the SAC/SSSI during construction are adequately managed and mitigated.

The Authority's Planning Ecologist has not raised any objections to the proposal subject to the imposition of conditions to require the submission of an Ecological Design Scheme for approval and adherence with the submitted Pollution Prevention Method Statement. In addition, the Planning Ecologist has completed a TLSE which concludes that there will be no likely significant effects on the Carmarthen Bay and Estuaries SAC features and their conservation objectives both alone or in combination provided that the proposal accords with the submitted Pollution Prevention Method Statement.

Impact on Landscaping & Trees

Whilst the site was once characterised by mature hedgerows and vegetation along the site's boundary with the A4066, these were removed shortly before the application was submitted. However, as indicated on the submitted Landscape Concept Plan and subsequent landscape details, plans include the reintroduction of a native hedgerow along this boundary which is welcomed. In general, the Landscape details are considered acceptable and allows potential to soften the impact of the development on the wider area and assist with the visual transition between the main built up area of Laugharne and the adjoining countryside. It is considered important to ensure that this is achieved to avoid the sense of coalescence with neighbouring Broadway and that adequate management and maintenance of the landscape is secured. Any subsequent reserved matters applications would need to be submitted in accordance with the overall concept set out in the submitted landscaping plan.

Drainage

As recognised by the response from DCWW above, there is currently no capacity for additional flows within the Wastewater Treatment Works (WwTW) at Laugharne. However, improvements to the WwTW are earmarked for completion by 31 March 2019 and therefore, on this occasion, it is considered reasonable to impose a condition that specifies that none of the proposed dwellings shall be occupied prior to 31 March 2019. Should the works be

completed prior to this date, then dwellings could be occupied provided that written confirmation from the Local Planning Authority (in consultation with DCWW) is received.

The application is supported by an initial drainage strategy which indicates preferred options and connection points. Whilst it is noted that concerns have been raised by neighbouring landowners concerning the location of existing connection points, and the need for agreement to be reached between parties, this is a matter for consideration and discussion between the relevant parties. Further detailed information will be required once the full details of the scheme are known and as such a condition requesting the submission of such details is recommended.

Archaeology

An archaeological appraisal of the site by the applicants conclude that no designated archaeological sites would be either directly or visually affected by the proposed development. Historical data indicates that the land has remained as open fields throughout the 19th and 20th centuries and as such it is suggested that there is a low-medium possibility of archaeology to be encountered on the site. However, this would need to be confirmed by way of a geophysical survey to confirm presence either way and duly inform any required mitigation measures. In response to the submitted report, Dyfed Archaeological Trust have confirmed that given the low-medium potential, it is considered acceptable on this occasion to impose a condition for works to be carried out in accordance with a Written Scheme of Investigation to be approved prior to the commencement of any development.

Response to third party representations

The majority of issues raised by third parties have been addressed in the above report. A number of objections appeared to suggest that the development would lead to the loss of the playing fields. This is not the case in that the application site does not directly impact upon the playing fields. It is only assumed that these objections relate to the perceived impact upon the playing fields due to the lack of a community benefits package as previously agreed. As referred to above, this largely relates to a landownership matter which is not a matter for the planning system to resolve.

Concerns regarding references towards further development to the west are noted however, the development for determination solely relates to the application site area. Any proposal for further development to the west would have to be the subject of planning permission and consideration against the policies and legislative position at that time.

Laugharne Corporation refer to the presence of a longstanding historic public right of way across the land. However, no such right of way is registered on the Definitive Map and therefore whilst there may be a permissive right of way across the land, this again relates to a landownership matter. In response to the comments regarding the need for further information on the proposed footpath between the site and Broadway, Officers confirm that the full details of the proposed footpath will be the subject of a Section 278 Highway agreement to be secured through the Section 106 agreement. The footpath would extend from the front of the application site along the frontage of the neighbouring field and up to the first property when entering Broadway, known as Wooford House. The land required for the footpath is either within the applicant's control or the highway authority. Full details of the proposed footpath, including boundary treatments, will be required prior to the submission of the reserved matters application in order to ensure that the final details of the footpath can be incorporated into the detailed stage reserved matters application. This

requirement can be secured through the Section 106 agreement. Nevertheless, as stated on the proposed landscaping plan there is a clear statement confirming that boundary vegetation along the site's frontage with the highway/footpath would be reinstated.

Concerns regarding the availability and affordability of the affordable homes are noted. The provision of the affordable units would be the subject of a Section 106 Legal Agreement which will impose clauses to ensure that only qualifying persons who are in need of housing will be able to reside in the properties and that they will be for affordable housing purposes only. The Head of Housing has confirmed that the demand in Laugharne would be for 2 and/or 3 bed low cost home ownership units. Concerns have been raised in relation to the siting of the affordable units. The proposal is based on a continuation of the existing Cwrt Wooford estate which currently has 12 dwellings. The proposal would add an additional 13 low cost home ownership units to the north of the existing estate and would be accessed independently from the wider site yet there are linkages between the wider site and the area, including areas which could provide pedestrian access links. Comments that the proposal would lead to a "ghetto" are noted, however, it is considered that collectively the low cost home ownership units would be situated between the dwellings at Cwrt Wooford and the remaining development site. As such it is not considered to create segregation given that the units are centrally located within the wider site area when viewed comprehensively.

CONCLUSION

After careful consideration of the scheme as submitted, and having regard to the site's planning history and the current planning policy and legislative position, on balance the proposal is considered acceptable. The objections referring to the lack of a Community Benefits Package, as previously agreed, have been considered, however, it is not considered that such a package would meet with the required statutory tests now in place and such requirements were not a definitive pre-requisite for the site's allocation for residential development within the LDP.

The submitted information indicates that the site is capable of being developed without having an unacceptable impact upon the character and appearance of the area, setting of nearby historic assets and residential amenity. The site would be served by a suitable access and traffic generated by the development would not have an adverse effect on highway safety subject to contributions towards highway improvements for new signage and the provision of a new footpath/pavement along the A4066. The development would not have an unacceptable impact upon protected species and nearby designated sites and sufficient safeguards are in place to mitigate against any impacts upon archaeological assets. The submitted information indicates that there are appropriate drainage options for the site and safeguards are imposed to ensure that the development would not overload the existing wastewater treatment works. The applicant/developer has confirmed that they are willing to contribute towards education and highway improvements in the area along with the provision of affordable housing secured through a planning obligation that meets the required statutory tests.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and

the development must be commenced not later than whichever is the later of the following:-

- a) the expiration of five years from the date of this outline planning permission;
- b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

2 Development shall not commence until detailed plans of appearance; landscaping; and scale of each building stated in the application have been submitted to and agreed in writing by the Local Planning Authority.

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

- 1:2500 scale Location Plan (LP-01) received 25 April 2017
- 1:500 scale Site Layout Plan and Scale Parameters (696/01B) received 16 October 2017
- 1:500 scale Proposed Drainage Strategy Plan (C-SK01 B) received 31 October 2017
- 1:500 scale Proposed Landscape Concept (RS044-01-02) received 31 October 2017
- 1:250 scale Site Sections (696/02B) received 16 October 2017
- Pollution Management Plan prepared by Sauro Architectural Design dated 7 May 2017
- Air Quality Assessment (Section 7) by WYG dated March 2017
- Ecological Appraisal Report (Section 5 – Recommendations and Conclusions) by I & G Ecological Consulting dated February 2017
- Archaeological Appraisal (Section 5) by Archaeology Wales dated April 2017
- Transport Statement by LvW dated 16 October 2017

4 Any reserved matters application shall include a Detailed Landscaping Design Scheme that accords with the Proposed Landscape Masterplan (drawing RS044-01-01) for written approval. The approved scheme shall be fully implemented in the first planting season following commencement of the development. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within a period of 5 years after implementation (with the exception of the new hedgerow along the A4066 which shall be retained in perpetuity) are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

5 Cross sections taken through the site detailing the finished floor levels of the proposed dwellings in relation to the existing ground levels of the site and adjacent properties shall be submitted as part of any reserved matters application. The development shall be carried out in accordance with the approved details.

- 6 No dwelling(s), hereby approved, shall be occupied earlier than 31 March 2019, unless the upgrading of the Laugharne Wastewater Treatment Works has been completed and written confirmation of the completion of works from the Local Planning Authority is received prior to the occupation of any dwelling(s).
- 7 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 and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 8 No development shall take place until a scheme for the control of noise and dust has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the guidance found in the BS5228: Noise Vibration and Control on Construction and Open Sites. The development shall be carried out in accordance with the approved scheme.
- 9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The written scheme of investigation shall be undertaken by a qualified archaeological contractor and shall include details on how the developer intends to mitigate against any adverse effects on the historic environment and shall include a phased archaeological investigation commencing with a geophysics survey of the site. The development shall be carried out in accordance with the approved scheme.
10. No development or site clearance shall take place until an appropriate and comprehensive Ecological Design Scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions. The scheme shall be in compliance with the principles of the landscape and ecological information submitted with the following approved application documents section 5 of the Ecological Appraisal Report by I & G Ecological Consulting dated February 2017 and relevant guidance as provided by the Local Planning Authority.
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 8.0 metre kerbed radii at the junction with the A4066 road.
12. 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 A4066 road frontage within 2.4 metres of the near edge of carriageway.
13. There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole estate road frontages within 2.0 metres of the near edge of carriageway.

14. Prior to any use of the new 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 the A4066 carriageway. In particular there shall at no time be any growth or obstruction over 0.9m within this splay area.
15. A scheme of parking and turning facilities shall be provided as part of any reserved matters submission. The approved scheme shall be fully implemented prior to any part of the development the subject of that reserved matters submission 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.
16. 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.
17. Prior to any use of the estate road serving plots nos.2-13 by vehicular traffic, a visibility splay of 2.0 metres x 25 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 the main estate road carriageway. In particular there shall at no time be any growth or obstruction over 0.6m within this splay area.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To clarify the nature of the remaining details that must be submitted for approval prior to the commencement of any works.
- 3 For the avoidance of doubt as to the extent of this permission.
- 4-5 In the interests of visual amenity and to safeguard an appropriate visual transition between the site and the neighbouring countryside.
- 6-7 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.
- 8 To ensure that the amenity of local residents/businesses is adequately protected from dust during construction.
- 9 To protect historic environment interests whilst enabling development.
- 10 In the interests of biodiversity.
- 11-17 In the interests of highway safety.

NOTES

- 1 The applicant/developer is advised that this consent is subject to a legal agreement with the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. This agreement includes the provision of affordable housing as part of the development and financial contributions towards education and highway improvements.
- 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)