

# Pecyn Dogfennau



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
*Chief Executive,*  
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County Hall, Carmarthen. SA31 1JP

**DYDD MAWRTH, 10 EBRILL 2018**

**AT: HOLL AELODAU'R PWYLLGOR CYNLLUNIO**

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R  
**PWYLLGOR CYNLLUNIO** A GYNHELIR YN Y **SIAMBR, NEUADD Y SIR,  
CAERFYRDDIN, AM 11.00 AM, DYDD MAWRTH, 17EG EBRILL, 2018** ER  
MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD  
YNGHLWM

*Mark James* DYB

**PRIF WEITHREDWR**



**AILGYLCHWCH OS GWELWCH YN DDA**

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# PWYLLGOR CYNLLUNIO 20 AELOD

## Y GRŴP PLAID CYMRU – 10 AELOD

1. Y Cynghorydd Mansel Charles Aelod o Gyngor Cymuned Llanegwad
2. Y Cynghorydd Tyssul Evans Aelod o Gyngor Cymuned Llangyndeyrn
3. Y Cynghorydd Jeanette Gilasbey Aelod o Gyngor Tref Cydweli
4. Y Cynghorydd Ken Howell
5. Y Cynghorydd Carys Jones
6. Y Cynghorydd Alun Lenny Aelod o Gyngor Tref Caerfyrddin  
(Cadeirydd)
7. Y Cynghorydd Jean Lewis
8. Y Cynghorydd Dorian Phillips
9. Y Cynghorydd Gareth Thomas
10. Y Cynghorydd Eirwyn Williams

## Y GRŴP LLAFUR – 6 AELOD

1. Y Cynghorydd Suzy Curry
2. Y Cynghorydd Penny Edwards
3. Y Cynghorydd John James Aelod o Gyngor Tref Pen-bre a Phorth Tywyn
4. Y Cynghorydd Dot Jones Aelod o Gyngor Cymuned Llannon
5. Y Cynghorydd Ken Lloyd Aelod o Gyngor Tref Caerfyrddin
6. Y Cynghorydd Kevin Madge Aelod o Gyngor Tref Cwmaman

## Y GRŴP ANNIBYNNOL – 4 AELOD

1. Y Cynghorydd Sue Allen Aelod o Gyngor Tref Hendy-Gwyn
2. Y Cynghorydd Ieuan Davies
3. Y Cynghorydd Joseph Davies
4. Y Cynghorydd Irfon Jones (Is-Cadeirydd) Aelod o Gyngor Cymuned Bronwydd

## NI CHANIATEIR EILYDDION MEWN CYFARFODYDD O'R PWYLLGOR YMA

Aelodau Lleol a gwahoddir i fynychu'r cyfarfod:-

- Eitem 3.1 – Cynghorwyr E.M.J.G. Schiavone a A.D.T. Speake
- Eitemau 3.2 & 3.3 – Cynghorydd G. John

# AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGAN BUDDIANNAU PERSONAL.
3. YSTRIED ADRODDIADAU'R PENNAETH CYNLLUNIO YNGHYLCH Y CEISIADAU CYNLLUNIO CANLYNOL [YR YMWELODD Y PWYLLGOR A'U SAFLEOEDD YN FLAENOROL] A PHENDERFYNU AR Y CEISIADAU
  - 3.1 W/35730 - ADEILADU DWY UNED A1 AC UN UNED A3 YNGHYD Â LLEFYDD PARCIO CYSYLLTIEDIG, HEN GARTREF TAWELAN, LLWYN ONN, CAERFYRDDIN, SA31 3PY. 5 - 32
  - 3.2 W/36625 - NEWID DEFNYDD ARFAETHEDIG AC ADDASU'R LLAWR GWAELOD AC ADDASU'N RHANNOL Y LLAWR CYNTAF ER MWYN DEFNYDDIO'R ADEILAD AT DDEFNYDD BWYTY (DOSBARTH A3) YN Y NEUADD SIROL, Y CLOS MAWR, CAERFYRDDIN, SA31 3LE; 33 - 54
  - 3.3 W/36626 - NEWID DEFNYDD ARFAETHEDIG AC ADDASU'R LLAWR GWAELOD AC ADDASU'N RHANNOL Y LLAWR CYNTAF ER MWYN DEFNYDDIO'R ADEILAD AT DDEFNYDD BWYTY (DOSBARTH A3) YN Y NEUADD SIROL, Y CLOS MAWR, CAERFYRDDIN, SA31 3LE. 55 - 72
4. RHANBARTH Y GORLLEWIN - PENDERFYNU AR GEISIADAU CYNLLUNIO. 73 - 124

Mae'r dudalen hon yn wag yn fwriadol

<b>Application No</b>	<b>W/35730</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSTRUCTION OF TWO A1 UNITS AND ONE A3 UNIT WITH ASSOCIATED CAR PARKING AT FORMER CARTREF TAWELAN, ASH GROVE, CARMARTHEN, SA31 3PY

<b>Applicant(s)</b>	ASPECT DEVELOPMENTS LTD, C/O AGENT,
<b>Agent</b>	JCR PLANNING LTD - MR JASON EVANS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen West
<b>Date of validation</b>	26/06/2017

## CONSULTATIONS

**Head of Transport** – Have responded raising no objection to the proposal. They recommend a number of planning conditions with any approval. These include those in relation to access layout, gates, visibility, parking provision and provision of a travel plan.

They also provide comments on the assessment of the proposal including the following:

*“The proposals seeks use of an improved/widened existing access with new segregated pedestrian footway, from the 20mph statutory speed limited Ash Grove road, that currently serves the care home. The care home is not proposed to be demolished and existing, centrally located, parking provision has been retained for the building’s ongoing use.*

*A new level footway is proposed to provide direct pedestrian access to the development from the footway adjacent to Jobswell Road.*

*Parking provision is made within a new car park, in general accordance with the CSS Wales’ Parking Standards 2008 and includes for one disable space, twenty car spaces and a cycle parking area located adjacent to the units. However, the provision of at least one motorcycle space has not been made.*

*The site access is located within 200m of the National Cycle Route 4 (NCR4) on the B4312 at Monument Hill. Delivery arrangements for the units will allow the 10 metre long Co-Op delivery vehicles to reverse through the proposed new car park. A Delivery Management Plan has been proposed that will be required to provide details for how this will be safely*

*managed. In feedback provided to the developer it was advised that a delivery management plan be secured with details provided of the schedule and amount of deliveries to the development to ensure that the Co-Op 10m rigid delivery vehicle operates safely and outside of the peak hours. Similar information has been requested for any 3rd party operators that are expected to visit the site eg bread delivery vehicles as used at other similar Co-Op sites. In addition, priority give way markings are now proposed at the access junction into the Cartref Tawelan with the retail development traffic given priority over the Cartref Tawelan traffic.*

*The planning application was accompanied by a TA (Transport Assessment) dated April 2017. Following a review of that TA the applicant was requested by CCC Highways to provide further information in order that the capacity of Jobswell Road / Monument Hill signal controlled junction could be ascertained using an agreed figure of 10% new trips and allowing for the return to use of the Tawelan Care Home. Amendments were also sought to the proposed parking layout at the development site. However, the Welsh Government highways officers also sought capacity assessment of Jobswell Road / Monument Hill signal controlled junction with a sensitivity test assuming that 100% (all) of the trips attracted to the proposed development are new to the highway network.*

*This capacity assessment was submitted in the form of a Transport Assessment Addendum (TAA) dated Dec 2017. The TAA submitted presents the results of a more robust scenario than the local we had requested (as a means of addressing comments made by WG/SWTRA on the planning application) and considers all trips generated by the development to be primary trips. The development is forecast to generate 77 and 68 vehicle movements in the AM and PM peaks respectively. In reality only 10% of these trips would be primary trips (new trips) with the remainder already on the surrounding road network.*

*The junction capacity results presented in the TAA show that the development would have a negligible impact on the Job's Well Road signals and that the junction would continue to operate with a small amount of spare capacity during the AM and PM peak hours".*

**Carmarthen Town Council** – Has objected to the proposal on the following grounds:-

- increase in traffic in an already congested area;
- the loss of a green space/impact on the environment;
- the possible negative impact of this new development on any future re-development at the former Glan Tawelan Care home itself (ie the existing building that now stands empty);
- Members require further information about what the proposals regarding the future use of that building before they can make an informed decision on this planning application.

**Local Member** - County Councillor E M J G Schiavone has responded raising the following issues:

- The nearby residents directly affected by the proposed development are concerned about the increased volume of traffic in what is already a congested area.
- There are existing issues with limited parking in this area which will be exacerbated by additional vehicles utilising the proposed development.
- The increased traffic flow will impact negatively on pedestrian safety including schoolchildren walking to and from school.
- The proposed development will eradicate an attractive green space.

**Tudalen 6**

- There is a lack of clarity in terms of the future use of the existing Tawelan building and how this might impact negatively on the local residents.

County Councillor A D T Speake has objected to the proposal and requested to address the Planning Committee. He has also requested that members carry out a site visit. The following issues were raised:-

- limited information has been provided;
- parking issues from future driver/shoppers parking in nearby streets worsening existing issues;
- insufficient parking provision proposed;
- parking on bends creating highway safety issues;
- the planned increase in the volume of local traffic when the traffic lights at Johnstown Square and the T-junction located at Jobs Well Road/Ash Grove junction is well known to be heavily congested during peak periods of the day time;
- highway and pedestrian safety based on what will be a substantial increase in the volume of local traffic;
- further traffic in the future from Carmarthen West;
- questioning of the investment to the area;
- previous housing developments approved despite warnings over traffic congestion;
- proximity to Tesco store – 95% of the local population drive to the store, 5% walk/cycle;
- insufficient need for a further food store or A3 use as sufficient local facilities;
- further A1/A3 provision leading to impacts on existing small businesses;
- insufficient space for vehicles to manoeuvre within the site;
- questioning of information provided in supporting statements;
- need to consider possible impacts upon the Care Home;
- requests that Care Home proposals be included in the submission;
- The nearby residents directly affected by the proposed development are concerned about the increased volume of traffic in what is already a congested area;
- There are existing issues with limited parking in this area which will be exacerbated by additional vehicles utilising the proposed development;
- The increased traffic flow will impact negatively on pedestrian safety including schoolchildren walking to and from school;
- The proposed development will eradicate an attractive green space;
- There is a lack of clarity in terms of the future use of the existing Tawelan building and how this might impact negatively on the local residents;
- Timing of a site visit should be during busy traffic periods;
- Photographs from objectors should be include in the presentation;
- Cllr Speake has also subsequently made further comments. These related primarily to the Transport Assessment. He feels that the details provided are not accurate. He feels that the volumes of traffic have been under estimated. There is also concern over the ability for a 10m vehicle to reverse within the site and the dangers of this within a car park open to the public. Reference is also made to the petition and that this shows the strength of feeling form local people. He feels that the proposal would radically alter the local topography and that the locating a commercial development in a residential area is not appropriate.

**Head of Public Protection** – Have responded in relation to a number of considerations.

Noise

In relation to noise impacts they note that the current site contains a residential care home that, although currently vacant, could potentially be brought back into use as things stand. Also, the area is predominantly residential and there are properties within similar proximity to the proposed unit as the care home along Job's Well Road.

As a result, noise issues should be a consideration for this development, particularly given the long proposed opening hours for the proposed development (6am to 11pm and 8am to 10pm, seven days a week). The siting and selection of plant associated was considered important and refer to conditions regarding noise levels.

A Noise Impact Assessment (NIA) was requested.

Following the submission of additional information including a Noise Impact Assessment further comments were sought and these raise no objection in relation to noise. Conditions are recommended including ones relating to noise levels, opening and delivery times.

### **Air Quality**

The Transport Assessment identified a potential number of vehicle trips associated with the proposed development at just under 1000 a day. In view of the location of the site being just outside of the boundary of the Carmarthen Air Quality Management Area it was considered prudent to request that an Air Quality Assessment (AQA) be submitted in respect of the proposed development. The AQA should also consider the impact from the proposed conversion of the existing nursing home facility in to an office complex.

Subsequently an Air Quality Assessment has been submitted as part of the application and has been completed in accordance with the relevant legislation and guidance. Local air quality monitoring data has been used as part of model verification and as comparison against to determine potential impacts from the traffic generation associated with the proposed development. The conclusion of the Assessment is that it is unlikely there will be a significant negative impact from the development in terms of nitrogen dioxide or particulate matter. Additionally, it is hoped that the Carmarthen Western Link will be opened before the completion of this proposed development, if it is granted permission. This would ease the traffic impact from the development and alleviate any impacts on the Carmarthen Air Quality Management Area, which lies in close proximity to the proposed development.

Therefore, it is not considered that the proposed development will have a significant adverse impact on air quality as regulated under the Environment Act 1995 and in relation to the requirements of Local Air Quality Management. In conclusion there were no adverse comments or recommended conditions.

### **Dust**

A condition has been recommended in relation to managing dust during construction. Details of mitigation measures in relation to dust nuisance were subsequently submitted and these detailed mitigation measures can be conditioned.

### **Contamination**

Due to the nature of former land uses it was not considered any further details were required and no conditions are recommended.



**Welsh Water/Dwr Cymru** – Offer no objection to the application.

**Land Drainage Officer** – Initially advised that a soakaway test should be carried out as the location of the site is within a built up area. It was stated that an alternative option is available that would require works to be undertaken at the adjacent carriageway. It is now noted however that the applicant has chosen to utilise an Aco Drain across the entrance to control run-off and find this solution acceptable.

**Public Rights of Way** – Have confirmed there are no rights of way affected.

**Natural Resources Wales** – Offer no objection to the application.

**Welsh Government (Transport) (WG)** – Initially responded requesting further information regarding proposed and existing traffic levels. This included questions over whether the existing traffic counts took place before or after the care home had closed. Clarification was sought as to whether the details provided looked at the “worst case scenario” regarding traffic and its impacts.

Further information was subsequently submitted and WG responded stating they do not consider that the proposal would have a material impact on the A40 trunk road and have no objection or further comments to make.

**Neighbours/Public** - The application has been publicised by the posting of Site Notices near to the site. To date 11 responses have been received in this application. The following issues were raised:-

- existing parking issues;
- insufficient parking provision for the development;
- possible need to dedicated parking in the surrounding area;
- increase in traffic leading to further congestion;
- questions over who the proposed occupant of the units would be;
- highway safety implications;
- increase in traffic on top of existing issues;
- traffic creating danger for pedestrians;
- there are existing facilities in the area and these are not needed;
- reference to building of a new Primary School on Pontcarreg farmland;
- questions/comments over possible relocation of existing commercial uses elsewhere in the town;
- suggestions of alternative uses for the existing building and the application site;
- disturbance from increased litter, smells, pollution, disturbance and noise from the proposed units;
- development inappropriate to the area;
- loss of trees and green space;
- site is in a residential area;
- timing of transport studies not appropriate – should be during school time traffic;
- proposal as an "eyesore";
- disturbance from deliveries and vehicles has been referred to being detrimental to sleep;
- site visits being during busy periods of traffic;
- Impacts on human rights were raised in terms of people’s enjoyment of their property;

- it was also queried why photographs submitted by objectors could not be included in the presentation;
- the timing of the application being presented to the planning committee during the Easter holiday period when interested parties may be away has also been queried;
- non-compliance with conditions if application is approved;
- impacts from lighting during the evening/night;
- anti-social behaviour due to alcohol licence

A petition signed by 582 people opposing the application has also been received. The petition referred to the following objections:-

- increase in traffic on top of existing issues;
- there are existing facilities in the area and these are not needed;
- reference to building of a new Primary School on Pontcarreg farmland.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the application site.

## **APPRAISAL**

### **THE SITE**

The application site comprises part of the grounds of the former Tawelan Care Home. The site is located off the western flank of Jobswell Road, Johnstown at the western end of Carmarthen. The site comprises the southern part of the site which currently has now buildings within it and is grassed. The site is located approximately 95m north of the Jobswell Road Traffic lights where the road meets Monument Hill. The site is bounded to the west by Jobswell Road and to the south and east by Ash Grove. There are residential properties on the opposite side of the road to the south, west and east. To the north of the site is the building formerly used as the care home and the remainder of the grounds. There are further residential properties to the north in the wider site. There is an access to the site off Ash Grove to the eastern side of the site. The land slopes from the north to the south. The application site itself is raised above the road to the south. At the time of the application there were some trees within the grassed area. Along the boundary of the site was an open timber fence.

The application site does not include the care home building itself. While reference was made in the submission initially that there would be an application for the care home to be converted to office running concurrently this has not been the case.

The site is located within the development limits of Carmarthen as delineated by the Carmarthenshire LDP. The site has no specific designation and is "white land". The site was formerly in the ownership of the Authority. The site however was sold and the Authority no longer owns any part of the site.

### **THE PROPOSAL**

The application requests full planning permission for the construction of two A1 retail units and one A3 unit with associated parking.

During the application additional information was submitted following the receipt of comments from consultees and comments made on the proposal. This included a noise impact assessment, air quality assessment, amended landscape details and additional information in relation to highways considerations.

The proposal would utilise the existing access with it being appropriately widened. The new drive would then run south west across the site leading to the far end of the site. The buildings would be located at the southern end of the site with the drive/car park areas between the proposed buildings and the former care home building. There are a total of 21 parking spaces proposed either side of the new drive/road. One of these would be a less abled space and one a family space. A storage compound is located to the west of the retail units. This would be enclosed with a 2.5m high paladin security fence. Along the western side (Jobswell Road) of the site the application shows the planting of a new hedgerow along the boundary of the retail units. Amended plans have now shown that this hedgerow would continue along the whole of the western boundary of the former care home site. A pedestrian access is proposed off Jobswell Road leading in to the site.

The proposed units would be located in 1 single storey building. The western most end of the building is the largest unit (A1) and measures some 347sqm. The retail floor space would be 232sqm. The middle section is the smaller A1 unit (110sqm) and the eastern most unit is 70sqm. The roofed is proposed to be covered in slate, with grey aluminium rainwater goods, grey aluminium fenestration units, and a mix of walls finished in white render and brickwork with elements of wooden cladding.

In relation to opening hours it is suggested that the larger A1 unit would then operate from 6am to 11pm seven days a week, while the remaining two units, including the A3 unit would operate from 8am to 10pm seven days a week.

External lighting is also proposed at various locations across the site.

Further clarification was given during the application that the lighting. In terms of bin storage areas the agent has commented that the location was chosen on the basis of the orientation of the proposed building's elevations, main access points and service arrangements. Alternative areas further to the south east of the current position and along the south eastern elevation of the building, but these were felt to be more prominent, taking into account site and adjoining land levels, as well as adjoining uses. In terms then of the storage requirements of the two smaller units, these will be met within the proposed units themselves, with no external storage facilities being required.

The landscape scheme submitted with the application was been amended. It is now proposed to have a new hedgerow along the whole of the Jobswell Road boundary, including the land north of the main application site adjacent to the former care home. The hedgerow will run along the western and southern boundaries of the site to the vehicle access. Amended cross sections showing the hedgerow position and how this would link with the proposed levels of the land have also been submitted.

## **Transport Assessment**

A Transport Assessment was provided looking at the impacts of the proposed development. This refers to three sets of bus stops being located within 60m of the site and that the pedestrian facilities in the vicinity of the site are of good quality with footways, street lighting,

and links to the further pedestrian network within the nearby town centre. National Cycle Route 4 (NCR4) is also within 100m of the site.

Looking at the proposed development it states the proposed development has the potential to reduce the need to travel by car and walking has the potential to replace short journeys. The statement acknowledges that the nearby junctions experience congestion at peak times. A peak hour traffic survey was undertaken and observed queues of up to 20 vehicles (120m) commonly occurring on all arms of the junction during peak times. Reference is made to the Carmarthen West relief road easing congestion currently experienced once completed.

The existing access to the site is to be widened to accommodate 2 way access and a segregated footway will also be provided. Reference is made to the CSS Parking Standards which the Authority use and how this provides parking requirements based on the floor area of the units and their use class. Twenty-one spaces are provided as well as a shared commercial vehicle parking space.

TRICS data has been used when looking at likely traffic generation from the proposal. The data considers the type and size of use as well as the general location. The data submitted indicates 2,412 daily people trips to the site of which 1,118 (46%) are anticipated to be pedestrian, 967 (40%) driven, 47 (2%) by public transport, 43 (2%) by cycle. The remaining 237 trips (10%) would be as vehicle passengers. During peak hours it is anticipated there would be 77 vehicle movement in the morning and 68 movements in the afternoon peak hours. Comments are made regarding passer-by trips and transferred trips rather than all journeys being new ones. In this instance it is felt that trips would be transferred in part from Tesco. With the combined impact of the pass-by, transferred, diverted and new trips associated with the development on the Jobswell Road/Monument Hill junction the Statement comments that the development would have no significant impact on the volume of traffic using the junction. The new traffic is said to be balanced against the removal of traffic by those who would have otherwise travelled elsewhere.

Additional information was requested in relation to traffic and amendments to the parking layout. An addendum to the Transport Assessment was submitted and the layout of the site amended. It is estimated that the development will attract 77 vehicle movements during the am peak hour and 68 movements during the pm peak hour. Further details of the possible in combination traffic generation, were the care home to re-open were included. The TS addendum states comments that the Tawelan Care Home has the capacity to accommodate 45 residents and based on TRICS trip rate data it is estimated that this would generate 5 to 6 peak hour vehicle movements only. Even assuming that all of this traffic passes through the signal controlled junction this traffic will have no material impact on its operation. WG requested a sensitivity test. To ensure that the sensitivity test is doubly robust it has been assumed that all of the new traffic attracted by the development travels through the signal controlled junction and that no traffic travels to/from the north along Jobs Well Road or east along Ash Grove. This scenario results in 62 to 70 additional peak hour movements through the junction compared to the scenario where only 10% of the development's traffic is 'new'. The analysis provided concludes that under the predicted conditions the Jobs Well Road junction operates within capacity. Queues and delays are within normal levels and can be accommodated within the existing network without impacting upon the performance of the junction. Under the sensitivity test conditions the junction continues to operate within capacity.

Swept path analysis was provided to show vehicle turning movement in the car park area. Again looking at the potential in combination impacts were the care home to re-open the TS addendum states the proposed access is considered to be of suitable dimensions to accommodate the likely volume and type of traffic that will be generated by the proposed development. Whilst the care home that shares this access is currently unoccupied, were it to return to use it is considered that traffic movements associated with the care home and retail areas are compatible and that the proposed access arrangement poses no significant hazard in terms of conflict between traffic accessing the two areas. It is suggested that a delivery management plan form part of a planning condition if the application is approved.

### **Noise Impact Assessment**

This looked at the impacts of noise from the proposed plant required as part of the development. An amended assessment provided clarification on certain aspects, including the inclusion of the possible re-use of the care home. The residential property on Jobs Well Road is located between 24m and 26m from the plant area Job Wells Road. The assessment found that no mitigation was required. The residential care home adjacent to the site is located between 25 m and 30 m from the plant area facing Jobs Well Road

### **Air Quality Assessment**

The report looked at the construction phase of the development and the impact significance of the construction phase is not considered to be significant based on the implementation of the mitigation measures detailed in the assessment.

In relation of the operational phase of the development reference is made to traffic generation. The assessment states that it predicted no exceedances of the AQO road traffic exhaust emissions.

### **Drainage**

The proposal indicates that foul drainage would connect to the main sewer system. For surface water drainage soakaways are proposed for the main part of the site and an Aco Drain across the entrance to control run-off.

### **Retail Provision Assessment**

Although the size of the development falls below the national threshold where a retail impact assessment would be mandatory (2500sqm+) as a result of pre-application discussions a report looking at retail provision was submitted with the application. The assessment has used data from Carmarthenshire County Council's 'Retail Study Update', published in September 2015 and prepared by 'Nathaniel Lichfield and Partners.

Reference is made to various national policies/guidance such as Planning Policy Wales TAN4 and TAN23 and the general economic climate is also discussed.

The amount of existing residential areas and the allocated site at Carmarthen West is referred to when looking at the current level of provision. In relation to local provision they refer to Sycamore Stores which is located approximately 260m from the site. The assessment comments that due to *"its size, is unlikely to meet all 'day-to-day' retail needs of the locality, resulting in residents having to satisfy such needs by trips further afield"*. The Tesco store is highlighted however the assessment considers it being *"beyond what would*

*be considered to be walking distance of most of the new and indeed existing residential units referred to above and so does not represent either a sustainable or self-reliant means of serving a localised retail need as defined by both national and local planning policy”.*

There is also a small shop associated a petrol station on Old St Clears Road which is approximately 325m away while the Spar in Johnstown is in the region of 850m from the site.

A sequential approach to site selection was then considered. The report states that *“a key factor has been what is considered to be ‘walking distance’, as any retail offer that was not within such distance from the residential area it is to serve would be accessed by motorised means and so would place it on par with larger and more comprehensive retail offers. As has been detailed previously, the application proposal has been designed to serve a localised need and not represent a form of use that could be found further away in a larger centre”.*

The search used a walking distance of 800m which is referenced in Manual for Street and considered site in terms of “suitability” and “availability”. Only 1 property was identified as being marketed at the time of the assessment. Due to the size (75sqm) it was not considered that the site was a suitable alternative. The assessment also refers to *“the site under similar national and local retail planning policy considerations as to that of the application site”.* The site was also only available to rent and required works to be undertaken to reach their requirement standard.

The impact on Carmarthen Town Centre was also looked at. The assessment comments that *“much of the existing residential population around the application site – including those relating to the University – lie at a location that is beyond walking distance from the existing Town Centre boundary and so it is fair to conclude are currently satisfying their day-to-day retail requirements elsewhere”.* The assessment concludes that there would not be any significant impact on the town centre.

## **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 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 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 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 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 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 RT1 Retail Hierarchy**



This 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). The notes for this policy state proposals will be expected to reflect the settlements' position with larger centres generally more likely to be able to support retail growth.

### **Policy RT8 Local Shops and Facilities**

This policy states that proposals which would result in the loss of a local shop or service outside of the identified Growth Areas and Service Centres will only be permitted where:

- a. There is another shop or service of a similar compatible use available for customers within:
  - (i) a convenient walking distance; or,
  - (ii) where applicable, the Sustainable Community.
- b. Its loss would not be detrimental to the social and economic fabric of the community.

In the absence of an alternative provision, proposals resulting in the loss of the local shop or service will only be permitted if it can be demonstrated to the Council's satisfaction that all reasonable attempts have been made to market the business for sale or let over a 12 month period and have failed.

It refers to location outside of growth areas or service areas however there is no equivalent policy for growth areas such as Carmarthen.

### **Policy SP8 Retail**

This policy 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.

The notes for this policy comment that sustainable planning objectives in respect of shopping provision and town-centres generally focus on ensuring the availability of local outlets. These provide essential goods and services which are readily accessible to residents, preferably by a choice of means of transport, whilst also providing the opportunity to access a wide range of other, non-essential goods and services within reasonable distances.

This approach recognises the general pattern of provision in a traditional hierarchy of centres ranging from the small village shop, post office and public house serving essential local needs to the larger centres and providing a greater choice over a wider product range. The larger centres are the location for related activities in the leisure and entertainment sphere including cinemas and restaurants etc and for commercial office uses including solicitors, accountants and estate agents etc.

In general, local provision represents goods and services required on a day-to-day basis (convenience items) and for which residents may make short journeys frequently, whilst the larger centres not only provide such facilities but also more specialised items (comparison goods) sought less frequently and for which shoppers are prepared to travel further.

Traditionally shopping provision has evolved in a hierarchy of centres with overlapping catchments reflecting their size and importance.

As well as LDP policy there are a number of areas of national policy and guidance which would be relevant to the proposal.

Technical Advice Note 4 (Retail and Commercial Development) states that one justification for retail development is where it would “*address locally defined deficiencies and alleviates a lack of convenience provision in a disadvantaged area. This relates to the ability of all communities and disadvantaged areas in particular to access the goods and services which they need on a day to day basis. Current provision may not meet these requirements resulting in expensive, unnecessary trips further afield. Local provision to meet this need would therefore be a positive step for these communities. Localised deficiencies may also arise when new residential development has recently been constructed*” (6.7).

Other sections of consideration include:

*“8.2 - Retail applications of 2,500 sq metres or more gross floorspace that are proposed on the edge of or outside retail and commercial centres should be supported by a retail impact assessment provided by the developer. Local planning authorities should undertake impact assessments to evidence a site identified in a development plan to meet a need of 2,500 sq metres or more. Smaller retail planning applications or site allocations may also be assessed where local planning authorities believe it will have a significant impact on a retail and commercial centre. Requests for retail impact assessments by local planning authorities on smaller developments should be proportionate to potential impacts”.*

*“8.3 - In addition to the needs and sequential tests, planning applications for retail developments on the edge of or outside a retail or commercial centre that are not in accordance with the development plan should be assessed against a range of impact criteria, for example:*

- *Impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area.*
- *Impact of the proposal on centre vitality and viability, including local consumer choice and range and quality of the comparison and convenience retail offer.*
- *Consideration of the cumulative effects of the development proposal in relation to any outstanding planning permissions.*
- *The impact of the proposal on allocated sites outside centres being developed in accordance with the development plan.*
- *Impact of the proposal on in centre trade and turnover in the centre and other centres in the wider area, taking account of current and future consumer expenditure capacity in the catchment area.*
- *Assessment of the proportion of customers using the development traveling by different modes of transport.*
- *Impact on travel patterns over the catchment area.*

- *Any significant environmental impacts”.*

In relation to Planning Policy Wales (PPW) Chapter 10 relates to Retail and Commercial Development. The following is of relevance to this proposal:-

*“10.2.3 - Development plans should establish a hierarchy of retail and commercial centres using locally defined definitions; identify those which fulfil specialist functions and consider future roles and opportunities. This should be informed by evidence which underpins how each centre has been defined in the hierarchy”.*

*“10.2.8 - Individual small shops and businesses, such as convenience stores and public houses, which are not part of established retail and commercial centres, can play an important economic and social role, particularly in rural areas and in urban areas with limited local provision, and their loss can be damaging to a local community. The role of these businesses should be taken into account in preparing development plan policies and in development management decision making. The policies for diversification of the local economy set out in section 4.6 and Chapter 7 will also be an important consideration”.*

Chapter 7 of Planning Policy Wales applies and was revised to strengthen the emphasis given to economic considerations and also clarifies economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. It is clear from this statement that the Welsh Government regards tourism as major contributor to the Welsh economy.

It stresses the need for local planning authorities to give increasing weight to job creation, PPW states in Chapter 7:

*“7. 6.1 - Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:*

- *the numbers and types of jobs expected to be created or retained on the site;*
- *whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;*
- *a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.”*

Technical Advice Note 23 (Economic Development) is a further consideration.

*“Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority’s priorities” (2.1.2)*

The TAN requires local planning authorities to assess the economic benefit associated with allocating sites and determining planning applications for economic development. Where a planning authority is considering a site allocation or planning permission that could cause harm to social and environmental objectives the TAN proposes an approach where three questions that should be asked -

- Are there alternative sites for the proposal?
- How many direct jobs will result from the proposal?
- And would such a development make a special contribution to policy objectives?

in order to help balance the economic, social and environmental issues.

### **THIRD PARTY REPRESENTATIONS**

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

#### **Highways Considerations**

A number of concerns/objections were raised including existing and proposed parking issues, insufficient parking on site, on street parking leading to highway safety concerns, highways safety issues from increased traffic on pedestrians and other road users, level of traffic generation, future traffic from West Carmarthen and highlighting existing traffic issues. In relation to traffic generation and issues with the capacity of the road network the junction between Jobswell Road and Old St Clears Road was of particular concern. Insufficient space for vehicles, particularly larger vehicles, to manoeuvre within the site was another concerns put forward. The information submitted by the applicant was also queried and considered to be inaccurate. Insufficient turning area was also raised.

Questions over previous housing applications in the area and warnings of the traffic generation this would cause has been raised. Each application must be assessed on its own merits. This report looks at the implications of this proposal in line with relevant planning policy and material considerations.

The Transport Assessment submitted with the application and the report refers to various statements/conclusions that it made. The site is located in a largely residential area. On that basis it is likely that a large number of the journeys/visits to the site would be on foot or would have otherwise been made to existing facilities further afield. As such the proposal could reduce the number or length of car journeys undertaken to satisfy the current need/demand. The Local Member (Cllr Speake) comments that he feels the nearby Tesco store is used by local residents and that the vast majority drive to that store. The site is located close to public transport links with bus stops near and the site can be accessed on foot easily with footways along the boundaries. There is also a new pedestrian access proposed from Jobswell Road at the western end of the site. An addendum to the TS was provided following comments/queries from the Head of Transport and Welsh Government (Transport). These included revising the parking layout and providing further details of how vehicles would manoeuvre within the site. Assessments of the traffic movements and their impact in combination with the activities that could be associated with the former care home, were that to re-open, were also considered.

Reference has been made in a number of objections to existing problems such as parking and traffic generation. The proposal attempts to demonstrate that it would not lead to any

significant impacts on highway safety, provides sufficient parking and it does not give rise to issues in terms of traffic generation and the capacity of the road network. Traffic considerations at the junction at the bottom of Jobswell Road are well documented and previous applications in the area have assessed the capacity of the traffic lights. The TS addendum also looked in greater detail at the possible impacts of the proposal on this junction. It is the impacts of the proposed development which needs to be considered. Existing issues are noted however the proposal cannot be used to rectify any existing issues, only the impacts it may cause.

Welsh Government (Transport) have responded following assessment of the additional information as well as that originally approved. They have no objection to the proposal and do not request the imposition of any conditions. WG responded stating they do not consider that the proposal would have a material impact on the A40 trunk road and have no objection or further comments to make.

The Head of Transport has responded also raising no objection to the proposal, recommending the imposition of conditions relating to several aspects including the scheme. These include the improved access, provision of parking spaces and visibility splays. Reference is also made to a travel plan and delivery management plan which can be covered by planning condition. Comments are also made in relation to several areas that have been raised as a concern by those that have commented on the proposal. Reference is made to the provision of additional details during the application in relation to traffic generation and the capacity of the junction. They also note the level of detail that has been used was over and above what had initially been requested due to the requirements of the Trunk Roads Agency. The following comments were received:

*“The TAA submitted presents the results of a more robust scenario than the local we had requested (as a means of addressing comments made by WG/SWTRA on the planning application) and considers all trips generated by the development to be primary trips. The development is forecast to generate 77 and 68 vehicle movements in the AM and PM peaks respectively. In reality only 10% of these trips would be primary trips (new trips) with the remainder already on the surrounding road network.*

*The junction capacity results presented in the TAA show that the development would have a negligible impact on the Job’s Well Road signals and that the junction would continue to operate with a small amount of spare capacity during the AM and PM peak hours. ”*

In relation to the access at the site they comment that *“the proposals seeks use of an improved/widened existing access with new segregated pedestrian footway, from the 20mph statutory speed limited Ash Grove road, that currently serves the care home”*. They also acknowledge that as the existing care home is not included in the application sufficient parking provision has been retained for this were it to re-open. They highlight that a new footway is proposed for pedestrian access off Jobswell Road. Parking provision is in general accordance with the relevant standards. The only exception being provision of a motorcycle space which has not been provided. It is felt that this can be covered by planning condition. Concern had been raised over delivery vehicles using the site. The Head of Transport is satisfied that the layout is sufficient for a 10m long delivery vehicle to reverse within the site. A delivery management plan has been proposed and will be covered by planning condition to deal with the stores vehicles and any other vehicles delivery to the site.

Need, Justification for the Proposed Uses

Objections have referred to the lack of need or justification for the type of development proposed in this location. There was also a query/concern over who the proposed occupants may be. Comments were made over potential re-developments or relocation of existing stores elsewhere in and around Carmarthen also. The location within a residential area was queried and that this was not a suitable location for this type of commercial development. Concern that the site was located in a residential area was also raised.

Possible relocation of other existing stores have been raised however this is speculation and not a consideration of this application. Possible impacts on the vitality and viability of the town centre is a consideration when looking at retail/commercial developments outside of defined town centres. The proposal is for a relatively small scale retail/commercial development. The total floor area of the 3 units is 527sqm. This is below the threshold to require a Retail Impact Assessment as set out in TAN4. However the applicant was advised that a report looking at retail provision and other potential sites be submitted. A report was submitted with the application with details of it referred to above.

Comments have been received from the Forward Planning Manager. He has stated that *“Having considered the proposal there are no in principle policy objections. Whilst the scale of retail activity is noted there is no requirement for the submission of a Retail Impact Assessment, however a Retail Provision Assessment has been submitted which considers the national and local requirements in relation to retail proposals as well as setting out a sequential search as required through policy. Having considered the proposal it is noted that whilst it accords with policy provisions in relation to proposals for small local convenience provision, regard should continue to be had in relation to compatibility with the surrounding area”*.

He also queried if there were any details of proposed operating hours. This matter is addressed later in the discussions on impacts on amenity.

The location being within a residential area is one of the reasons put forward by the applicant to demonstrate that there is a need for such facilities in the area. The site is within a residential area meaning that there would be a high number of potential users within the area. The level of provision in the area is something that the applicant feels is lacking. They have identified a small store in area as the only nearby facility. Objectors have referred to other facilities such as the Spar in Johnstown and Johnstown Post Office. They have also referred to a number of existing A3 uses in the area. Reference is made by both objectors and the applicants to the allocated land at West Carmarthen. It is noted that within the West Carmarthen Development Brief includes an area where there is likely to be commercial district centre. This therefore acknowledges that where there are large areas of residential use there is often a need to provide some facilities in a local level. This would prevent the need for longer journeys for day to day convenience shopping and other needs. Similarly the Spar in Johnstown serves this kind of purpose for properties in that area. The sustainability of such facilities is an important consideration. Linked with the comments above on traffic generation the development has the potential to reduce traffic movements/distances.

Impact on existing businesses have been referred to however competition is not a consideration, unless looking at impacts on the Town Centre. The town centre of Carmarthen is some distance from the site and given the scale of the proposal it is not considered it would bring about any significant impacts on the viability or vitality of the town centre. The Tesco store referred to is not located in the Town Centre as delineated by the

Carmarthenshire Local Development Plan and is approximately 900m from the site. The Town Centre is further from the site, approximately 1.3 km away.

National policy highlights that small shops and businesses, such as convenience stores, can play important economic and social roles in areas with limited local provision. Based on the scale of the proposed development and the general level of provision in the area it is not considered that the application warrants refusal on the basis of issues relating to need, justification or impact on the town centre.

The level of investment the development would bring about has been queried. The proposal is for two A1 units and one A3 unit. The application indicates that in terms of employment there would be 13 full time and 21 part time jobs created by the development. Regardless of the level of employment created it is felt that the proposal complies with the relevant planning policies. However as noted in the Planning Policy Section various planning policies and guidance highlight the importance of economic benefits that development can bring.

### Impacts on Amenity

Several objectors have put forward concerns relating to possible impacts from the proposed development of the amenity of nearby residents. This was from increased litter, smells, pollution as well as general noise and disturbance. The Public Protection Division requested a Noise Impact Assessment and one was subsequently submitted looking at noise from the proposed plant area of the development. Following this being examined by the Public Protection Division they have not raised any objection to the proposal. They have recommended a number of conditions in order to protect amenity levels at nearby properties. These conditions make reference to the noise from the development not exceeding existing background levels. Further clarification was sought over the possible impact on the care home occupants if it were to re-open as part of the site, including the care home building is not included in this application. Additional information was provided in the amended noise assessment and this found no significant impacts and did not identify the need for any mitigation. The plant area is some 25-30m from the care home. While the car park area is closer than that, comments are made in relation to opening hours and the care home does have roads and residential areas adjacent to it where there would already be some element of disturbance. Issues relating to anti-social behaviour and impacts from the lighting at the site have also been raised. Reference has been made to the Human Rights Act.

There are further conditions limiting the opening hours of the units, with stricter controls over the proposed A3 unit. The application suggests an opening time of 6am for the A1 units. However it is felt that for the A1 units the limits are 7am-11pm opening with the A3 unit being 8am-10pm. Timing of deliveries to the units is also restricted with no deliveries permitted between 11pm and 7am. No deliveries are permitted on Sundays, Bank or Public Holidays. It is considered that with these restrictions noise/disturbance from the site would not be of a significance to warrant refusal of the application. Non-compliance with these conditions has been raised. If they are not complied with then the Authority would have powers to investigate and enforce against any breaches.

Possible disturbance and pollution from traffic could be another source of impact on amenity. Discussions above have referred to the potential for the development to reduce traffic movements/distances in the area rather than increase them. There will be vehicles using the site and on-site parking is provided. The Head of Transport has not raised any concern with the parking provision and therefore it is suitable. Any parking and associated coming

and going of vehicles would be mainly within the car park. Limiting opening hours also restricts the times that movement would occur.

Smells and litter were also referred to. The proposal is for 2 small retail units and one A3 use. A plant area is shown on the western end of the site for the larger unit which is proposed to be fenced off. This would reduce any smells as well as noise. No other extraction facilities are shown for the other units. If further units are required these would need a separate planning permission and would be assessed at that time. No objections have been raised from the Public Protection Division in relation smells or other matters. Existing powers under separate legislation would remain. A storage compound is included adjacent to the plant area and again is fenced off. Clarification was sought from the agent regarding bin storage for the other units and the agent has responded confirming that the bin storage for the smaller units would be internal. The agent has commented that the location was chosen for the larger unit was on the basis of the orientation of the proposed building's elevations, main access points and service arrangements. Alternative areas further to the south east of the current position and along the south eastern elevation of the building, but these were felt to be more prominent, taking into account site and adjoining land levels, as well as adjoining uses. In terms then of the storage requirements of the two smaller units, these will be met within the proposed units themselves, with no external storage facilities being required. While the positioning is not ideal the area will be screened by fencing.

Another area of possible disturbance which is a relevant consideration is in relation to lighting at the site. The proposal shows external lighting on the building itself and in the car park area. One of these lights at the western end of the car park is orientated west, facing across the road towards properties on the opposite side of Jobswell Road. This was subsequently amended so that the light has been positioned to face towards the store rather than towards Jobswell Road. Concern was raised over the impact of the lights during the evening/nights. No objection has been raised by the Public Protection Division. With the alteration of the location of the lighting this should also reduce any impacts.

Comments in relation to anti-social behaviour due to an alcohol licence have been raised. The licencing of the premises is dealt with under separate legislation. This may also impose restrictions on the timing of sales.

Overall while it is acknowledged that there may be some impacts from the development it is not considered that the proposal raises significant concerns in relation to impacts on amenity of a scale to warrant refusal.

### Design and Layout

Concerns were raised over the impact of the development on the environment and that it would lead to a loss of green space in a built up area. Concerns over the proposal being an eyesore and impacts on the topography of the site were also raised. The application site forms of the external space associated with the former care home. It is not publically accessible space or recreation land but private land in conjunction with the building. Therefore while the visual appearance would obviously be alerted the application does not involve any loss of public space. Impacts on topography and the character of the area being residential have been raised.

The site is not allocated as a recreational land or as public space. The site is part of the grounds of a private premises. The visual impact of the proposal on the character of the area and the design of the proposal is a consideration. The existing access is to be improved



and therefore there are no new vehicle access points. The land levels are currently sloping and there is a need to level off the site. The proposed works are located on the flatter area of the site with there being a steeper fall near the edge of the site. The car park is located between the proposed and existing buildings in the main and therefore will not be overall prominent. They are screened by boundary treatments and this is discussed further.

The site is located at a higher land level than the adjacent land to the south and west. Therefore the building would be in a visible location. There are alterations to the levels of the land to reduce levels at the proposed building. Therefore this does reduce the prominence of the building. The proposed building is single storey and therefore has a lower ridge line than the existing building on site. It also sits at lower land level than the existing building. As such the views of the building from the lower land levels would have the context of the existing building. The building itself is set in from the edge of the site with sloping grassed boundaries around it. The external materials are also in keeping with the overall character of the area. It is not felt that the design or the scale and massing of the building raises any significant concerns.

A 2.5 m fence is proposed around the refrigeration and store compound areas. These are located on the south western corner of the site and this area is prominent. Currently the boundary treatments are an open timber fence. The proposal however now includes the planting of a new hedgerow running from the access point to the east of the site, along the southern boundary and along the western edge of the site. The application was amended to extend the hedgerow along the whole of the western side of the site, including the land adjacent to the care home up to the northern edge of the former care home boundary. It is felt that this, along with the change in land levels would screen parts of the building and the fenced off ancillary areas.

The Public Protection Division have responded raising no objections to the proposal. They have requested conditions in relation to the opening times and deliveries as well as noise levels. It is felt that with these controls any impacts on amenity are not sufficient to warrant refusal of the application.

## Drainage

The proposal would create additional hard surfaces on what is currently a grassed area and involve changes to land levels at the site. Therefore how the development would deal with drainage is a consideration. The Land Drainage Section initially advised a soakaway test should be carried out as the location of the site is within a built up area. It was stated that an alternative option is available that would require works to be undertaken at the adjacent carriageway. They note the applicant has chosen to utilise an Aco Drain across the entrance to control run-off and find this solution acceptable. It appears that there are several options for how drainage could be dealt with at the development. Therefore it is felt that the imposition of a condition requiring full details of any drainage system is appropriate. These details would need to be submitted and agreed by the Local Planning Authority in conjunction with the Authority's Land Drainage Section.

The proposal is to connect the foul water to the public sewer. Welsh Water have not raised any objection to the proposed connection. Reference is made in their response to where the connection point should be and it is felt that this should be dealt with under any agreement the developer/applicant has with Welsh Water rather than a planning condition.

## Other Matters

Reference has been made in many objections to a possible new school on Pontcarreg farmland and the impacts this would have on traffic. There is no pending application for any such development. This may relate to possible developments within the West Carmarthen Development Brief site. If this is the possible future development referred to the Development Brief then the brief indicates that this area would be accessed off the new Carmarthen West link road. There is however no application for any school at this location at present.

The Planning Ecologist has not raised any concerns or requested further details/surveys. It is felt that the information provided to date in relation to landscape details are sufficient. The trees on the site are not subject to TPO's. Therefore consent would not be needed to remove them. The proposed hedgerow planting increases the landscape features with a large proportion of the boundary being subject to planting. NRW have also not raised any concerns.

Suggestions for alternative uses were put forward. However a decision needs to be made on the proposal that forms part of this application. Comments were made about the impact of the development on the possible future use of the existing building on site. The existing building is not included in the application site. Therefore the use of the building as a care home would remain and it could potentially re-open or be used for other uses in the same use class. The application has referred to there being a potential application for the conversion of the building to offices. There is no application to date and therefore the submission is based on the potential for the care home to be re-used. As indicated above in relation to noise were the care home to re-open it is not felt any mitigation is required to deal with the plant. It is felt that there sufficient controls via conditions to limit any impacts.

Questions over the proposed occupants of the proposed units and the exact nature of the A3 use have been received. The applicant has indicated that the intended occupant of larger A1 unit would be the Co-operative. However any permission would not be specific to any particular user and the occupant can change without the need for planning permission. In terms of the A3 use class again the permission would relate to the use class rather than any specific occupier.

Further information about what the proposals regarding the future use of the existing building. As stated previously the existing building is not included in the application site. While comments have been made over possible applications there is currently no application for at the existing building.

Having regard to the timing of the application being presented to the planning committee it is merely being presented to the first available planning committee. Members resolved to carry out a site visit. The timing of a visit has also been questioned. The report outlines the relevant issues, including traffic at the site and nearby junctions. Members have resolved to visit the site. It is acknowledged that traffic levels will vary according to the time of day.

The inclusion of third party photographs of traffic in the area have been raised. Photographs were provided however they have not been included. The Council is not able to control the nature and origin of the photographs and, ultimately, the presentation to Members of the Committee is that of the Council with the responsibilities for the nature of the images lying therein. The members have also chosen to carry out a site visit and will be able to view the site and surrounding area at the visit.

## CONCLUSION

In conclusion and having regard to prevailing planning policies and material considerations, it is considered the development complies does not give rise to any concerns to a degree which would warrant refusal of the application. It is therefore recommended for approval subject to the conditions below.

## 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:
  - 1:200 scale Access Arrangements (005A) received on 8 February 2018;
  - 1:100 scale Proposed Layout Plan (CW488/20 Rev N) received on 8 February 2018;
  - 1:200 scale Site Layout Plan (CW/488/22K) received on 8 February 2018;
  - 1:100 scale Proposed Elevations and Site Sections (CW488/21 F) received on 13 December 2017;
  - Transport Assessment – Addendum received on 11 December 2017;
  - LED High Powered Commercial Floodlights received 11 December 2017
  - Noise Impact Assessment received on 6 December 2017;
  - 1:200 scale Proposed Landscaping Scheme (LANDSC/JE/0059R2) received 6 December 2017;
  - 1:500 scale Proposed Site Plan (CW488/23 REV H) received on 16 November 2017;
  - 1:1250 scale Site Location Plan (CW488/24 B) received 16 November 2017;
  - 1:25 scale Typical Surface Water Soakaway Plan received 25 July 2017;
  - Air Quality Assessment received on 21 June 2017;
  - 1:50 scale Proposed Refrigeration Area Details (CR3 REV 01) received on 21 June 2017;
  - Transport Assessment received 21 June 2017;
  - 1:500 scale Tree Survey (TS/JE/0023A) received 30 March 2017.
- 3 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including future maintenance and management of the scheme for that phase has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as agreed.
- 4 The rating level of the noise emitted from the proposed development shall not exceed the existing background noise level. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

Where the background noise levels shall be expressed as LA90 1hr and the ambient noise levels shall be expressed at Laeq 1hr.

- 5 At the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for rating and assessing industrial and commercial sound to determine whether noise arising from development exceeds the level specified in condition 1 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 4 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 4. The development shall then be undertaken in accordance with the approved details.
- 6 The A1 Class Use premises shall not open for business before 07:00 am or after 23:00 pm of any day
- 7 The A3 Class Use premises shall not open for business before 08:00 am or after 22:00 pm of any day
- 8 No deliveries shall be taken at or dispatched from the site between the hours of 23:00pm through to 07:00am and not at any time on Sundays, Bank or Public Holidays to protect the hours of sleep.
- 9 The demolition and construction works forming part of the development hereby approved shall be carried out in dust mitigation measures included in the Air Quality Assessment received on 21 June 2017.
- 10 Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building and boundary treatments shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11 The approved Detailed Landscape Design Scheme, as defined in the following submitted documents, 1:200 scale Proposed Landscaping Scheme (LANDSC/JE/0059R2) received 6 December 2017 shall be fully implemented in the first available planting and seeding seasons following the commencement of development.

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

- 12 Prior to its use by vehicular traffic, the amended access road shall be laid out and constructed in accordance with the details shown on the 1:200 scale Access Arrangements (005A) received on 8February 2018;

- 13 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.
- 14 Prior to any use of the amended access by vehicular traffic, a visibility splay of 2.4 metres x 33 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 carriageway. In particular, there shall be no growth or obstruction to visibility over 0.6m in height above the adjacent carriageway crown within this splay area.
- 15 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.
- 16 Notwithstanding the parking spaces and layout shown on the plans herewith approved prior to the beneficial use of any of the premises hereby approved a plan showing the provision of a further 1 no motorcycle parking space shall be submitted to and approved by the Local Planning Authority. The space shall be provided prior to the beneficial use of any of the premises. Thereafter, they shall all be retained in perpetuity, 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 Prior to the beneficial use of any part of the development hereby approved a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development, shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the Local Planning Authority.
- 18 Prior to the beneficial use of any part of the development hereby approved a Delivery Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the Local Planning Authority.

## **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 prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 4-8 To protect amenity levels of adjacent properties and in the interest of visual amenity.
- 9 To ensure that the amenity of local residents/businesses is adequately protected during demolition and construction.
- 10 In the interest of visual amenity.

- 11 To ensure that the development retains, incorporates, and makes provision for the appropriate management of, existing landscape and important local features which contribute to local qualities and distinctiveness.

12-18 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 SP1, SP9, SP8, SP17, SP14, RT1, RT8, TR3, EP3, GP1, TR4, GP2 and GP4 of the adopted Local Development Plan in that the due to the location of the site is located within development limits of Carmarthen. The site is located in a sustainable location in close proximity to public transport and accessible by sustainable methods of transport. The scale and design of the development is considered acceptable. Details of landscape features are proposed which are considered sufficient which would improve the visual appearance of the boundary of the site. It is considered that the proposal does not give rise concerns in relation to highway safety or traffic generation with appropriate standards being provided for access and parking. Subject to conditions it is considered that appropriate surface water drainage can be achieved. The development provides appropriate connectivity and permeability to allow pedestrian access to and from the site. There are no significant concerns regarding the developments impact on ecology. 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. The proposal would not harm the viability or vitality of the town centre.

## **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.

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

Mae'r dudalen hon yn wag yn fwriadol



<b>Application No</b>	<b>W/36625</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	PROPOSED CHANGE OF USE AND CONVERSION WORKS OF GROUND FLOOR AND PART CONVERSION OF FIRST FLOOR TO FACILITATE RESTAURANT (CLASS A3) USE AT THE GUILDHALL, GUILDHALL SQUARE, CARMARTHEN, SA31 3LE

<b>Applicant(s)</b>	NEXTCOLOUR LTD, ST HELENS HOUSE, ST HELENS ROAD, SWANSEA, SA1 4DG
<b>Agent</b>	ASBRI PLANNING LTD - MR RICHARD BOWEN, SUITE 4, J SHED, KINGS ROAD, SWANSEA, SA1 8PL
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	05/01/2018

## CONSULTATIONS

**Head of Transport** – has not commented to date.

**Carmarthen Town Council** – have responded stating they support the application.

**Local Members** – Cllr Gareth John has not commented to date.

Cllr A Lenny is the Chair of the Planning Committee and has also not made any prior comment.

**Public Protection Division** – have recommended the imposition of conditions with any approval.

**Dyfed Archaeological Trust** – have recommended the imposition of a condition on any approval relating to a written scheme of investigation

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and at press with 3 responses having been received to date from members of the public. One comment stated that they were not against the development but made reference to the following comments:

- Shame to have yet another chain store in town.

- It is an important building to keep in use and the applicant needs to provide more information.
- No statement of significance to assess the impacts of works or condition report for repairs.
- Some partitions to be removed are pre - 1974 and contribute to this building. Better understanding required of the works. Insufficient justification for such alteration to this Grade 1 building as there are plenty of examples of restaurants which are not open plan. Further details of alternative options are needed.
- Suggestions of alternative proposals.
- Copying of the existing columns muddies the chronological history of the building. A sympathetic. The practicality of retaining the cornices is questionably without structural assessment.
- Lack of detail e.g. floor and ceiling finishes in the restaurant.
- There will be physical alteration from drainage and mechanical ventilation to the commercial kitchen and toilets etc. too which is not mentioned.
- Building is Grade I listed not Grade II\*
- Heritage Impact Statement is one sided and based on commercialism
- Works would affect the character of the building and have not been sufficiently justified
- Lack of information on where furniture/paintings would be taken to.
- There are other potential uses for the building
- Comments on the history of the building
- Errors within the supporting document
- Reference to possible removal of stone slabs to the rear would also require consent.
- Details submitted fall below minimum requirements for the submission to be valid
- No structural survey to look at implications of the proposed works
- Walls to demolished may be older than stated
- Impact of changes to the ground floor on the character of the building
- Impact of changes to the jury room on the character of the building
- Further information needed in relation to the flooring and levels and therefore archaeological considerations
- Council should have carried out a Heritage Impact Assessment following purchase of the building
- Issue of vehicular access for deliveries, and to collect trade waste, storage of trade waste on site and disabled access to the building not addressed
- Conflict between deliveries and pedestrians
- Relevant retail/town centre policies not addressed in the submission and applications seen to be contrary to them (RT2 and RT3)
- Primary retail frontage being eroded
- Description of the area being mainly retail is incorrect with a high level of A3 uses already in the town
- No market research provided to show need for further A3 uses in the town
- Impact on other existing business
- Lack of waste storage area for the new use
- Inaccurate information relating to parking provision
- Insufficient detail has been submitted to tell if the requirements of Building Regs Approved Doc M have been met
- No disabled access to the Crown Court – previously a lift had been referred to
- Tourist information centre should be located at the site

The Carmarthen Civic Society have also responded:

- The HIS is inadequate and Conservation Principles not adequately addressed
- Any changes should ensure the special significance of the building is not prejudiced.
- Insufficient attention paid to understanding the buildings significance.
- Information missing on previous applications and Quadrennial inspection report.
- Pleased the main court will remain in situ.
- Concern over removal of the ground floor walls and works to the Jury Room at first floor level and justification for this.
- Lack of plans/information regarding Jury Room works
- Question whether an A3 use requires open plan layout.
- Question justification for new columns.
- Lack of detail regarding the works required for the proposed kitchen area.
- Insufficient information relating to structural engineering works required.
- Application currently wholly unacceptable and strongly recommend that it be refused or, at the very least, be deferred.
- Concern at the removal of the stair to the dock which is incorrectly referred to as modern in the submission
- Lack of information in relation to disabled access. Only access is from Hall Street and past the kitchen area
- Questions/concerns over the proposed “free-standing” partition in the jury room/toilets and lack of information. Alternatives suggested.
- Concerns over potential fire risk
- Detailed information of the toilets and kitchen area required before any decision eg plumbing, drainage, electrics, fixtures/fittings
- Council should have carried out an options appraisal prior to purchase

## RELEVANT PLANNING HISTORY

W/24269 Refurbishment of the ground floor magistrate's court 1, redecoration and reorganisation of north stair and first floor foyer, external repairs to south facade stonework (including new lead cover flashing), new ventilation grilles to underfloor void on south facade and damp proof membrane (newlath) to south wall of magistrate's court 1. roof repairs - Listed Building Granted 07/04/2011

W/00577	Internal alterations - new under stairs cupboard store for storage of disabled stairmate crawler for access up/down stairs Listed Building Consent Granted	11/03/1997
D4/26368	Directional sign Listed Building Consent Refused	29/02/1996
D4/26166	Advertisement sign Consent to Display an Advertisement Granted	01/02/1996
D4/26155	External ramp (Hall Street) and internal alterations to provide disabled facilities No Decision Notice	

D4/23265	Removal of window and replace door to allow access Listed Building Consent Granted	1/04/1993
D4/21960	Alteration and refurbishment to existing building Listed Building Granted	21/04/1993

## APPRAISAL

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

## THE SITE

The application site is the Guildhall, Carmarthen. The site is located in the centre of Carmarthen at the top of Guildhall Square with Hall Street to the north east and St Mary's Street to the south west. The surrounding area is predominantly characterised with commercial properties at ground floor level and occasional residential accommodation above. The Primary Retail Frontage runs along the northern side of the square and Hall Street and Secondary Retail Frontage along the southern side of the square and St Mary's Street.

The last use of the Guildhall was as Carmarthen Magistrates Court but subsequently closed as a result of changes to the Justice Department's estate. The Magistrates Court closed in May 2016. The building has been vacant since. Carmarthenshire County Council purchased the building in 2016.

The site is located within the Town Centre of the Carmarthen as delineated in the Carmarthen Local Development Plan (LDP). The site is located within the Carmarthen Town Conservation Area.

The building is a Grade I listed building. The listing details describes the building as follows:

*“Carmarthen town hall, built 1767-77, to replace late C16 guildhall. The building was designed as a hall with market below, the market opened 1772, the hall completed 1777. Thomas Lloyd has established that the architect was Sir Robert Taylor, this his only known work in Wales, the main windows similar to his Bank of England Court Room and his guildhall at Salisbury. Successive alterations are recorded: hall steps replaced 1788 by Thomas Humphries, carpenter. Double curving flight of external steps from the upper hall added 1811 in Portland stone, and the adjoining market entrances blocked, by John Roberts, mason. A rear wing was added on site of Falcon Inn for jury rooms and offices 1827-9 by D. Morgan. Samuel Lewis in 1833 described the building as having courts and banqueting room over offices and cornmarket. Plans for improvements by E.Haycock, J. Collard, J. Jenkins and C.C. Nelson were submitted in 1842, but nothing done. Clock inserted 1848. Minor repairs 1848 by D. Morgan and 1852 by J. Collard, and proposal for repair and extension by Collard 1859. In 1860-2 W.H. Lindsey removed the front steps and presumably added the ground floor portico and the clock turret (cockrel vane given in 1862). Further alterations in 1898. W. V. Morgan altered the interior in 1908-9, remodelling the court room entirely. The building was originally stuccoed, but stripped to rubble stone in mid C20, with some loss of original character”.*

The reason for designation is given as “*Graded I as one of the principal Georgian civic buildings of Wales, and the only work in Wales by Sir Robert Taylor*”. The building was initially listed in 1954 with the listing being amended in 2006 to change it to Grade I.

There is an associated listed building consent also before the Planning Committee for the same proposals.

## **THE PROPOSAL**

The application seeks full listed building consent for change of use and conversion works of ground floor and part conversion of first floor to facilitate restaurant (Class A3) use.

As well as the change of use of parts of the building there are also works proposed to it. A Heritage Impact Statement has been submitted with the application looking at the proposed works and their effect on the building. This states that the prospective occupant is required there to be some adaptation to the existing building to accommodate a restaurant facility to enable the building to serve the required function and to operate a commercially viable business. It states that certain works need to be undertaken to meet current building regulations and health and safety considerations for both staff within the building and customers using the facility. As the works proposed are internal only they do not require full planning permission.

The HIS states that the prospective tenant is “*particularly interested in occupying the Guildhall not only for the prime business location, but also for the historic and architectural quality of the building*” and that that “*occupant wishes to preserve and enhance the historic features to promote their business to achieve the required commercial viability*”.

As noted above the change of use and areas of works only relates to part of the building and large areas of the building will not be used in operation of the proposed business and will remain unaltered from their current state. The current accommodation affected by the proposal includes the magistrates court, entrance/foyer and cells/security area at the front of the building. The rear magistrates retiring room, WC areas, witness lobby and consultations areas are also included along with associated corridors and linked areas. At first floor level the jury assembly room is included. The main court room is not to be altered. This is to be closed off and further details of this area given later in the report. The whole of the upper floor and parts of the ground and first floor are not proposed to be altered as part of this submission. There are also works to the basement area.

The proposed restaurant operator seeks to utilise the majority of the ground floor area of the building. The submission indicates that a small proportion to the rear may be utilised by Dyfed Powys Police as a local facility however there is no current submissions relating to this.

At first floor level the main Crown Court is not to be altered other than barriers to prevent access. The former Jury Assembly Room is proposed to be converted to WC facilities. The upper floors of the building are not affected by the works.

The proposals include the following works:

- Walls either side of the central hall to the ground floor (with black and white marble floor) are to be re-moved as part of the proposed scheme to open the ground floor area allowing the restaurant facility to function.

- 4 no new stone columns are proposed (2 either side of the central hall) to match existing ones at ground floor level.
- All modern holding cells and rest areas off the main foyer area allowing the restaurant facility to function adjacent to the central wall where walls are to be removed.
- The removal of all furniture and raised level area together with the rear stud wall to the Magistrates Retiring Room allowing the restaurant facility to function at the other side of the central hall.
- The removal of all modern stud walling and WC to Witness Waiting Area to create open kitchen area with creation of serving hatch to main stair area.
- Subdivision of the first floor Jury Assembly Room and insertion of door way to facilitate the creation of WC.
- Insertion of toughened glazing with stainless steel balustrade to allow public viewing of courtroom but prevent access at 1.5m in height. This is to be fitted to the floor only and not to the doors or walls.

The HIS provides justification for the proposed works.

The following points are provided as justification for removal of the current partitioning and stair:

- The partitioning, staircase and window blocking in this area is dated post 1974 and not part of the historic fabric of the original building or its early life.
- The original partitioning and stair were removed prior to 1975.
- The original windows on two elevations are re-opened reinstating the area as the original layout of the building.
- The walls either side of the central hall to the ground floor (with black and white marble floor) are to be removed as part of the proposed scheme to open the ground floor area allowing the restaurant facility to function.
- These walls are thought to have been constructed post the initial construction of the building which was in fact originally open as a market. New natural stone columns will be positioned in the opening designed to replicate the existing Tus-can columns to the front of the building.
- Careful consideration has been given to their removal and the following points provided as justification.
- The removal of walls is vital to achieving a workable and viable scheme for a restaurant facility within the schematic proposal.
- The walls have no architectural features significant to the character of the original building.
- Any corncicing and the marble flooring would be retained as part of the schematic proposal.
- The removal of the walls will not alter the architectural character of the building.

Given consideration of these points it is felt there is justification for removal of the walls and significant benefit to be gained as a result.

In relation to the removal of WC and lobby partitions to the rear of the magistrates the following points are made:

- The installation of this WC and lobby are not shown on the 1975 measured survey drawing but are shown on the quadrennial survey drawings dated 4-0505 and therefore are not part of the historic fabric of the original building or its early life. The

partition wall to the rear of the magistrates court is shown on early drawings of the building and is shown for removal as part of the schematic proposal.

- The removal of walls is vital to achieving a workable and viable scheme for a restaurant facility within the schematic proposal.
- The walls have no architectural features significant to the character of the original building.
- The removal of the walls will not alter the architectural character of the building.
- The partitioning forming the WC and lobby is dated post 1974 and not part of the historic fabric of the original building or its early life.

The other major alteration at ground floor level relates to the installation of restaurant kitchen. This will entail the removal of modern partition walls, doors, WC and kitchen areas which have no architectural features significant to the character of the original building. The HIA acknowledges that their removal will have a positive impact on the character of the building and makes the following points:

- Any new subsequent fit out works will require minimal intervention in terms of the building fabric and will include the following to be undertaken by the named operator;
- All fittings are surface mounted with no intervention into the historic fabric of the building.
- All services are surface run to avoid chasing of walls to the historic building fabric.
- All installations are fully reversible returning the area back to an unaltered state following removal without damage to the historic fabric.

At first floor Jury Room the works relate to the installation of customer WC facility. These entail the Jury Assembly Room being converted which will require a new door opening being created off the first floor landing through the existing wall to the Jury Room. Other works will include;

- A modern panelled WC partition system will be in-stalled concealing all pipework which is surface run to avoid chasing of walls to the historic fabric of the building.
- All fittings are surface mounted with no intervention into the historic fabric of the building.
- All services are surface run to avoid chasing of walls to the historic building fabric.
- All installations are fully reversible returning the area back to an unaltered state following removal without damage to the historic fabric.

Fire doors are required to provide adequate means of escape in the event of a fire.

- Where possible existing doors will be re-used.
- Existing doors will be re-hung to suit the direction of escape.
- Existing doors will be upgraded with suitable seals and panel treatments to provide the required levels fire resistance.
- If existing doors are not suitable for upgrade and cannot provide the required level of fire resistance a replica fire door will be installed and the existing door re-moved and stored on site for reinstallation at a later date if required.

The HIS states that *“the scope of works in relation to the ground and first floor areas are considered minimal and proportionate in that they relate to in the main the removal of modern fabric which provides to positive contribution to the special character of the building.*

*Any works which relate to refurbishment of the building will use recognised conservation methods and techniques which in themselves do nothing to detract from the character or setting of the building.*

*All installations are fully reversible returning the areas back to an unaltered state following removal without damage to the historic fabric”.*

During the course of the application further information was provided. This included additional details relating to the new door at the Jury Room, the works involved with the conversion of the room and retention of features such as the ceiling rose and fire place and the serving hatch for the kitchen.

The additional information included the following:

- Details of the new door for the Jury Room toilets – this states that the existing door leaf is of similar profile to other doors within the building – but is the only door leaf of 6 panel design - all others are of a 4 panel design. In the interests of conservation the new door will reuse a leaf removed from the ground floor area of the former magistrates court. The new leaf will be fitted into a new lining and architrave to match the profile of the existing adjacent door.
- Details of the new opening for the kitchen. New lintel is to be to structural engineers specifications. A sample of the existing plaster should be removed and analysed to establish the make up to allow a compatible mix for replacement.
- The glass balustrade to the Court Room has been increased to 1.5m in height.
- Details of the works relating to the removal of the staircase between the Court Room and existing cells are now provided. The opening in floor to have removable section panels for future restoration or film production use. These are to be constructed to provide fire protection and sound insulation. Removable panels are not to be fixed or built into the historic fabric of the building.
- Details of the proposed partition for the new toilets facilities in the Jury Room are provided. The partition cut around profile of existing ceiling rose and existing cornice along with skirting is to remain (uncut) with the partition cut to cornice profile. Protective cladding is proposed around the fire place.

Further additional/amended information has been submitted and further comment made in relation the proposal by the applicant following requests by the Authority. This comprises the following:

- Reference is made to a “phased approach” to the development. The current proposals being to *“firstly establish the principle of the change of use building to a Class A3 use with the minimal works necessary to create an internal layout suitable for an A3 operator. The second phase of the project will involve the operator submitting a further detailed application for listed building consent for the entire fit out of the elements of the building required to facilitate the operation of the actual bar/restaurant”.*

On that basis they have confirmed they are *“are unable to commit to the precise level of detail previously requested in terms of the following aspects;*

- *Details on plumbing, cooling/heating and waste disposal need to be provided for each item installed at every location.*
- *Details of the installation of the commercial kitchen required by the operator.*
- *Details of any flue extraction system to be required as a result of the installation of any kitchen.*



- *Information on the flooring and floor finishes throughout the building.*
  - *Details of the methods or materials that will be used to redecorate or make good any walls following the removal of wall sections and window reveals.*
  - *Details on the mortar mixes and details of paints and finishes in each of the areas where building work and redecoration will be undertaken.*
- Details of works to upgrade the existing WC facilities that are to be retained.*
- *Details of the works including materials and methods involved, in the opening up of the windows along the Hall Street side of the building which will inevitably need some repair work to the reveals, and very possibly to the windows themselves.”*

Some areas of additional information have been provided, including those already referred to above. Confirmation is given that the Court Room is not to be affected and no works are proposed there. The glazed barrier is proposed to prevent access. The additional details for the jury room are referred to. The new doorway seeking to re-use an existing ground floor door. The photographic information provided has been updated to remove areas where they contradicted the details shown elsewhere in the submission. This clarifies elements such as where doors are proposed to be removed/retained. It also clarified that the rear wall of the magistrates court is to be retained. It is confirmed that the stairs to the court room from the cells are to be removed and that the redundant furniture is not to be retained by the operator. It will be retained by Carmarthenshire Council and removed from the building. Further details relating to the structural works proposed for the removal of the ground floor walls have been provided.

Additional details have been provided supporting the proposed use and why other uses would not be appropriate/feasible. This includes comments from property agents regarding the potential for other alternative uses. The A3 use is said to be the most viable future use. This is due to the following factors:

- The A3 market is currently strong in terms of demand in general across the country.
- Most A3 operators prefer to work with the features of an existing building (within reason) and view listed buildings as iconic destinations which helps drive footfall.
- An A3 use would enhance future public use and be least costly in terms of refurbishment depending on the occupier specification.
- An A3 use would be the least likely to impact on the Grade I listing
- A3 would be the only option that would not require external financial assistance such as grant funding.

Several other possible uses have been addressed.

In relation to office use the application refers to sporadic and limited demand in the town centre. The first floor court room would not be lettable and the existing ground floor arrangement provides minimum letting area. Concerns have also been raised over the ability to commit to repair works and insuring the building. It is said that refurbishment costs would be extensive against limited rental returns.

For residential use conversion is considered to be difficult given the listing status. The number of units that could be create are likely to be low and therefore unlikely to be viable. This type of use would also preclude the general public from being able to access and use the building. Issues of management of the courtroom area would also come in to play.

Retail use is seen to be likely to require an open plan floor space, preferably without any columns and single floor level. Disabled access to the shop front area is questions. The lack of any clear shop window/frontage is another concern.

Extensive refurbishment works would again be necessary and repair obligations could be onerous for this type of use. The level of demand for this type of use in the area is also questioned.

## **PLANNING POLICY**

In the context of the current development control policy framework the site lies within the development limits of the LDP, within a Conservation Area and within the defined Town Centre of Carmarthen. The building is also Grade I listed.

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

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have 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.

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

Paragraph 6.1.1 of Welsh Government policy document 'Planning Policy Wales' (November 2016) states that throughout Wales there are historic assets which illustrate how past generations have shaped the world around us. The historic environment is central to Wales' culture and its character, and contributes to our sense of place and cultural identity. It enhances our quality of life, adds to regional and local distinctiveness and is an important economic and social asset. It is vital that the historic environment is appreciated, protected, actively maintained and made accessible for the general well-being of present and future generations.

Paragraph 6.1.3 of Welsh Government policy document 'Planning Policy Wales' (November 2016) highlights that the historic environment is relevant to and is a vibrant part of the culture and economy of Wales. To enable the historic environment to deliver rich benefits to the people of Wales, what is of significance needs to be identified and change that has an impact on historic assets must be managed in a sensitive and sustainable way.

Paragraph 6.2.1 of Welsh Government policy document 'Planning Policy Wales' (November 2016) sets out the general Government objectives which include a need to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved. It also goes on to state there is a need to recognise its contribution to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life, and its importance as a resource to be maintained for future generations. In relation to conservation areas it highlights the need to preserve or enhance the character or appearance of conservation areas, while at the same time helping them remain vibrant and prosperous;

Paragraph 6.5.11 of Welsh Government policy document 'Planning Policy Wales' (November 2016) relates to works to listed buildings and where new uses are proposed.

This states that the aim should be to find the best way to protect and enhance the special qualities of listed buildings, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future.

Technical Advice Note (TAN) 24: The Historic Environment (2017) provides Guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and listed building applications.

Paragraph 1.8 of TAN24 1.8 recognises that changes in the historic environment are inevitable. This can be the result of decay caused by natural processes, damage caused by wear and tear of use, and the need to respond to social, cultural, economic and technological changes

Paragraph 5.12 of TAN 24 states that applicants for listed building consent are required to provide a heritage impact statement. This present the results of a heritage impact assessment, which is a process designed to ensure that the significance of the building is taken into account in the development and design of proposals for change. Heritage impact assessments should be proportionate both to the significance of the listed building, and to the degree of change proposed, and the statement should provide enough information to allow the local planning authority to judge and impact when considering applications for listed building consent.

Paragraph 5.13 of the TAN states that when determining a listed building consent application, the local planning authority should consider the following issues:

- The importance and grade of the building and its intrinsic architectural or historic interest.
  - The physical features of the building which justify its listing and contribute to its significance, (for example its form and layout, materials, construction and detail) including any features of importance such as the interior, which may have come to light after the building's inclusion on the list.
  - The contribution of curtilage and setting to the significance of the building, as well as its contribution to its local scene.
  - The impact of the proposed works on the significance of the building.
  - The extent to which the proposed works would bring substantial community benefits for example, by contributing to the area's economy or the enhancement of its local environment.
- Paragraph 5.14 of Welsh Government Guidance TAN 24 states that many listed buildings can sustain a degree of sensitive alteration and extension to accommodate continuing of new uses.

Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' was published in May 2017. The introduction to the guidance states that protection of assets, however, need not prevent change which can increase the long-term sustainability and economic viability of your listed building. Positive change can bring improvements to our understanding and appreciation of the historic environment as well as social and economic benefits through increased regeneration and tourism. Together, these benefits will help to create the Wales we want in the future by meeting the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015

Paragraph 4.5 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states new work or alteration may sometimes be necessary or appropriate to keep a historic building in long-term viable use or to give it a lease of life.

The Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. The final part of Conservation Principles is entitled 'Conservation Principles in Action'. This identifies how to consider different levels of intervention at a particular site or historic asset.

The advice ranges from routine management and maintenance, through repair, periodic renewal, where archaeological intervention is needed, restoration to new work and alteration. Consideration is also given to how the historic environment can be accommodated alongside other interests and where enabling development may be acceptable to secure the future of an important historic asset. This part of the document provides tests against which different aspects of a development proposal can be judged.

Cadw's Conservation Principles (2011) states at Paragraph 1.4:

'Conservation of a historic asset is achieved by gaining and sharing an understanding of its significance (see Principles 2 and 3). This understanding will enable:

- The identification of those heritage values which are vulnerable to change.
- The definition of the constraints needed to reveal, protect and sustain those values.
- Achieving a balance between the impact of the different options on the heritage value and significance of the as-sets affected.
- A consistency in decision making, aimed at retaining the authenticity and future significance of the heritage asset.'

Technical Advice Note 12: Design is also applicable in several areas.

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

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

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

Policy EQ1 of the Location Development Plan for Protection of Buildings, Landscapes and Features of Historic Importance states:

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.

Policy RT1 Retail Hierarchy states that proposals will be considered in accordance with the 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).

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 TR3 Highways in Developments - Design Considerations refers to a number of highways considerations including parking, access and traffic generation.

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority and covers a wide range of topics. These include requiring development to conform 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, incorporate existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges, utilise materials appropriate to the area within which it is located, not having a significant impact on the amenity of adjacent land uses, properties, residents or the community, include an integrated mixture of uses appropriate to the scale of the development; retain, 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; achieve and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement); 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; protect and enhance the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment; ensure or provides for, the satisfactory generation, treatment and disposal of both surface and foul water, have regard to the generation, treatment and disposal of waste, have regard for the safe, effective and efficient use of the transportation network; provide an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all; include where applicable, provision for the appropriate management and eradication of invasive species.

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 RT4 Principal Centres (Growth Areas): Town Centre Zone states that 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 RT1 sets out the Retail Hierarchy of the County and identifies Carmarthen as one of the Growth Centres.

As well as TAN24 and TAN 12 referred to above TAN 23: Economic Development (2014) would also be applicable. TAN4 would apply in relation to town centres and retailing.

### **THIRD PARTY REPRESENTATIONS**

There have been objections received including those from members of the public, the Carmarthen Civic Society and the Georgian Society.

Comments primarily related to the need to provide additional information and sufficient justification for the works proposed given its status as a Grade I listed building. Comment was made that it was not felt that application had sufficient information to be valid. The requirements for the application to be valid are different to considerations as to whether the scheme is acceptable or provides sufficient detail to address any concerns. It should be acknowledged that conditions can be added to approvals where appropriate for the provision of additional information/details. Concern was raised over the impact of the proposed works on the building and also comment that alternative uses were available which would require less works. Suggestions for alternative works were also made. Comments were made in relation to the proposed works and whether alternatives were considered. It is felt by some objectors that the history of the building has been misinterpreted in the submission and that certain element/justification is therefore not correct. Those who commented/objected also felt that insufficient justification had been provided for the works. Further information in relation to the flooring and levels and therefore archaeological considerations was also referred to by objectors. Reference is made in the report to the request and provision of additional details by the applicant. These relate in part to additional details those who have commented ask for. Clarity is also provided in relation to the need for further details to be provided either by planning condition or by further LBC submissions. The additional information provided includes details of new doors, openings and details of the works proposed to the Jury Room. These matters and the wider merits of the proposal are expanded on below. It is also acknowledged that certain details can be provided as part of conditions imposed on any permissions/consents.

Comments regarding the listed status of the building and errors within the submission were referred to. The application is clear that the building is Grade I listed. The applicant has confirmed that they would not seek to use these as part of the proposal. It is indicated that they would be removed and stored by Carmarthenshire County Council. The need for listed building consent for works to the yard area was highlighted. There is no reference to works being required in the yard as part of the application.

The site is located centrally within Carmarthen Town Conservation Area and is an important historic and cultural building for the town, County and indeed Wales. The Guildhall has also played an important role in some of the key events within Welsh history. The building was designed as a hall with market below, the market opened 1772, the hall completed 1777. The court also played a pivotal role in the 'Rebecca Riots' which took place in 1839-43. In 1966 Gwynfor Evans' landmark victory as first Plaid Cymru MP was announced from the balcony of the Guildhall. The site is located in a prominent location within the town and is the focal point for Guildhall Square.

The various relevant guidance documents, policies and legislation referred to earlier in the report highlight the importance of any works being appropriate and fully justified. The applicant has provided a HIS looking at the works and their impact on the building. The building is Grade I listed and one of few such designations in the County. The guidance and policies also acknowledge the need where appropriate for buildings to be adapted. The building itself as it stands is as a result of changes over time where alterations have played their part in creating the historic building we have today. These alterations would have partly been due to the changing use of the building where adaptation has been necessary to allow the building to continue being used.

The building has been vacant since the closing of the courts. The building has been purchased by the Authority to prevent it becoming unmanaged and falling in to disrepair. This emphasises the importance and standing that the building has within the County. The need for a new use is vital to sustain the building in the long term. Given the current layout and arrangements of the building, including a no insignificant portion of the ground floor being cells, it is inevitable and essential that a new use for the building is to be found if it is to have a sustainable future. The existing form and scale of the building makes it difficult to identify any long terms viable single user which would not involve at least some degree of alteration. It is difficult to envisage a new occupier where elements like the cells area could be utilised in its current form. The current proposal would introduce a new use for the ground floor of the building would is important for this prominent town centre location. It would also be a use where public would be able to access and use the building and avoid the situation where currently it is closed and the public are unable to access the site.

The proposal would remove walls to create an open ground floor area which is considered justified and reasonable given the nature of the proposed use. There has been comment that alternatives options for this area should be considered. The proposal has been submitted as has been described and the applicant provided justification for why the works are deemed necessary as part of the overall development. The proposal would introduce 4 pillars off the existing central hall where the walls currently stand. Comments have been made by the member of public who commented that these are not appropriate. There was also concern over a lack of a structural survey to show the possible impacts of the works prosed. These pillars have been designed to the match the existing pillars in the main hall and therefore create a consistent feature reflecting those already within the central hall entrance and would appear alien. At ground floor level it is also proposed open up the windows on the Hall Street Elevation. These are currently closed off due to the use of this area being primarily for cells. This would be beneficial in terms and would bring this part of the building back to life and be consistent with the opening on the other side. The Authority did request additional justification and it would have been of assistance if further details were provided. In relation to the structural works the Building Control Officer has commented that the plans and details have been provided by structural engineers to provide continued support where walls removed. Then comment that when the work starts engineers would

need to visit the site to ensure the assumptions they have made with regards to site conditions are correct.

The first floor court room is a fundamental part of the importance of the building and its historic value. This proposal would not require any alteration to or removal of features from the court room. Given the public access included as part of this proposal it is considered practical that the area is given some protection to prevent open access to this area. The proposed barrier is relatively unobtrusive and easily removable if necessary. The proposal would indeed allow views in to the courtroom and the appreciation of this key feature of the building which many other potential re-uses would be unlikely to achieve.

In relation to other potential uses it is likely that these would also require some level of adaptation and works to the building. Additional details have been provided in terms of possible alternative uses. The extent of works needed to parts of the building regardless of the uses identified mean there would undoubtedly be impacts. The likely demand to alternative uses such as office, retail and residential need to be considered alongside the ability of these uses to be able to fund the works required and ongoing maintenance costs of the building as a whole.

The re-use of the building has potential to give rise to wider benefits to the town. At a time where many town centres have problems with vacant properties the proposal would provide an opportunity for regeneration of Guildhall Square. Carmarthen Town centre has evolved with the introduction of the St Catherines Walk development and the roles and functions of town centres has changed. Bringing a new life to this important building would be likely to create benefits outside the building itself and also bring them to the wider area of this more historic part of the town centre. Recent guidance and policy again reflects the importance of economic benefits that can be achieved through historic assets being appropriately utilised.

During the course of the application further information have been provided in relation to the detailed aspects of the works. Additional plans have been submitted showing finer detail of works such as the new door for the first floor Jury Room and the ground floor serving hatch for the new kitchen area. The need for such facilities are acknowledged considering the proposed use. At the Jury Room the key features of the room such as the fire place and the ceiling rose are to be retained. The design of the scheme has enable the fire place to be covered so that it is protected and the dividing wall in the WC is not to be full height retaining the ceiling features. These works would also be easily reversible if needed in the future with the features remaining in situ. With the provision of these and the amended HIS it is considered that proposed changes are acceptable and fully justified.

There are certain elements of the development which are not available at this stage, for example the kitchen layout. The applicant is fully aware that further submissions are likely to be required to provide the more detailed aspects of certain parts of the building. However it is felt that the current submission provides sufficient justification and security that the proposed use and works identified to date are appropriate.

The merits of the internal works as discussed above along with the associated benefits of bringing the building back in to use. In relation to other planning considerations the site is located in the town centre and the nature of the use proposed is one which is typical of a town centre. Objections have referred to the proposal being contrary to various retail/town centre policies, the erosion of the retail frontage and the possible impacts of an additional A3 use on existing buildings and the town centre as a whole. Objections also felt market research was needed to show a further A3 use was needed. The site lies between the



Primary and Secondary Retail Frontages as delineated in the Carmarthenshire LDP. It is located within neither but within the wider town centre. Carmarthen is defined as a Growth Centre in the retail hierarchy of the LDP. Objectors refer to the policies RT2 and RT3 however these relate to areas within the Primary and Secondary Retail Frontages. Policy RT4 relates to town centres in Growth Areas and permits developments 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*”. Comment in objections have been made of the importance of the building and even the need for a new use for it. Reference is made to other locations in the town where it is felt there is dead frontage. It is considered that bringing this building back in to use, and a use which is expected within a town centre would be likely to increase the viability and vitality of the town centre. Objections raise concern over competition and a lack of need for the A3 use. Competition is inevitable and within the town centre is not a material consideration. The LDP acknowledges that while shopping is expected to continue as the principal activity in town centres, it is only one of the factors which contribute to their wellbeing. Retail policies cannot be divorced from the broader functions of the larger towns as centres for other services and facilities, including food and drink establishments (cafes, restaurants, public houses, etc.) and commercial leisure developments. A diversity of uses in town centres assists in promoting their continued viability and, particularly with regard to leisure uses, contributes to the vitality of a successful evening economy. There is a mix of uses in the town and the proposed use is not considered to cause harm to the town centre

To the contrary as referred to above the re-use of a prominent building such as this is likely to have benefits for the area. There are a number of commercial building in the area and while there are some residential uses at upper floors it is not felt that this proposal would create any significant impacts on amenity of nearby residents. The Public Protection Division have been consulted on the application and have not raised any objection to the proposal. Powers under separate legislation could control opening hours and also any issues relating to disturbance.

Concerns have been raised in relation to vehicular access for deliveries, lack of parking, collection and storage of waste. Conflict between vehicles and pedestrians has also been raised. In relation to traffic and highways matters the existing use would have had a level of traffic associated with it. There is no dedicated off street parking existing or proposed. Again the existing/last use of the building would have had potential to generate a certain level of traffic. It needs to be considered what additional impacts this proposal would have. If there are any such impacts are they of a degree to warrant refusal of the application. The site is located in the town centre in relatively close proximity to the bus station and several public car parks. The lack of specific delivery facilities or on site parking is typical of the older parts of the town centre. Therefore it is not considered there are any significant highways implications created by the proposed development. The Head of Transport has been consulted and has not responded to date. Waste storage has been raised as a concern. Again the existing use of the building is a consideration. An area to the rear of the building is enclosed and could accommodate bin storage. There have been improvements in the area in this regard with a bin store erected off Nott Square in recent years.

Whether sufficient facilities are provided for disabled access and whether it meets Building Regs Approved Doc M has been referred to. Disabled access is provide off Hall Street and concern has been raised over this due to the busy nature of the street. Objections referred to previous indications that a lift would be provided are not included. The application has never included a lift and what is currently proposed is what the assessment should be based upon. As referred to above the Building Control Officer has not raised any concerns

regarding the structural details provided to date. The applicant has indicated that further submission and details would be needed for certain elements of the proposal. Therefore this could include details relating to compliance with Building Regulations. Conditions could be imposed to this effect to ensure details are provided prior to works commencing at the building.

Objections also refer to the Council carrying out an options appraisal prior to purchase. Whether or not this was done the application before use needs to be assessed. Details have been provided by the applicant regarding their feeling on alternative uses.

## **CONCLUSION**

As with any proposal there is a need to balance all aspects of the scheme to reach a decision as to whether overall a development is acceptable. The Authority requested additional details, including those relating to justification for certain elements of the work. While some additional details were submitted it would have been preferable for more to have been put forward by the applicant. There is a proposal before the Authority and we must make a determination on the basis of the information provided. There are few such examples within the County where the proposals affect a building with such cultural and historical important building as with the Guildhall, Carmarthen. There will inevitably be impacts on a building of this nature and scale where such a specific use comes to an end and a new chapter in the buildings history is required. The impacts of these changes is weighed in the balance with the benefits of securing a long term viable use for a building of this importance at local and national level such as with the Guildhall. Overall it is considered that the proposed development is acceptable and the recommendation is one of approval

The recommendation is one of approval for the following reasons and subject to the following conditions.

## **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
  - 1:200 and 1:20 scale Proposed Alterations – Structural Details (J5594/01)
  - 1:200 scale Existing Building Fabric Removed – Floor Plans (D-01-P/2)
  - Photographic Survey March 2018 (Rev A)
  - Heritage Impact Statement Report – March 2018

received on 23<sup>rd</sup> March 2018

- 1:200 scale Schematic Proposal (01-SK- P2)
- 1:50, 1:10 and 1:5 scale New Door to First Floor WC (06-DET P1)
- 1:20 scale Kitchen Serving Hatch (07-DET P1)
- 1:200 scale Floor Plans – Basement, Ground and First (01-GA P2)

- 1:20 scale Guildhall Glass Balustrade (03-DET P2)
- 1:10 scale Dock Stair – Infill (05-DET P1)
- 1:20 and 1:5 scale Partition – First Floor (04-DET P1)

received on 9<sup>th</sup> February 2018

- 1:1250 scale Location Plan
- 1:20 and 1:5 scale Guildhall Columns (01-DET)
- 1:50 scale Guildhall Columns (02-DET)

received on 21<sup>st</sup> December 2017

- 3 The rating level of sound emitted from any fixed part or machinery associated with the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.
- 4 Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of sound immissions arising from the development to determine whether they exceed the sound levels specified in condition 3. The assessment shall be undertaken under the supervision of the Local Authority.
- 5 In the event that Condition 3 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in condition 3. These measures will then be implemented forthwith.
- 6 No development shall take place until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local planning authority. This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved.

## **REASONS**

- 1 To comply with Section 18 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3-5 In order to protect levels of amenity at existing nearby properties.
- 6 To protect historic environment interests whilst enabling development

## **REASONS FOR DECISION**

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 RT1, SP8, SP13, EQ1, GP1, T3 and RT4 of the adopted Local Development Plan, 2014 (LDP) in that the site is located in the defined town centre of Carmarthen and contributes towards a diversity of uses appropriate to a town centre and does not have an adverse impact on its function, visual character and quality. The site is closely relate to other commercial areas and would not be harmful to the vitality or viability of the town centre. There are no significant concerns in relation to amenity, highways or other considerations. Impacts from the proposal on the historic environment and built heritage such as the Conservation Area and the listed building itself are considered to be outweighed by the benefits of securing a long term viable use for the building.
- In having special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possess as required under sections 16(2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority acknowledges that the development includes elements of harm being caused to the Guildhall. However the impacts of these changes is weighed in the balance with the benefits of securing a long term viable use for a building of this importance at local and national level such as with the Guildhall. It is considered that the benefits of the proposal outweigh the harm cause in this instance.

## NOTE(S)

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

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

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

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

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



Mae'r dudalen hon yn wag yn fwriadol

<b>Application No</b>	<b>W/36626</b>
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<b>Application Type</b>	Listed Building
<b>Proposal &amp; Location</b>	PROPOSED CHANGE OF USE AND CONVERSION WORKS OF GROUND FLOOR AND PART CONVERSION OF FIRST FLOOR TO FACILITATE RESTAURANT (CLASS A3) USE AT THE GUILDHALL, GUILDHALL SQUARE, CARMARTHEN, SA31 3LE

<b>Applicant(s)</b>	NEXTCOLOUR LTD, ST HELENS HOUSE, ST HELENS ROAD, SWANSEA, SA1 4DG
<b>Agent</b>	ASBRI PLANNING LTD - MR RICHARD BOWEN, SUITE 4, J SHED, KINGS ROAD, SWANSEA, SA1 8PL
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	05/01/2018

## CONSULTATIONS

**Carmarthen Town Council** – have responded stating they support the application.

**Local Members** – Cllr Gareth John has not commented to date.

Cllr A Lenny is the Chair of the Planning Committee and has also not made any prior comment.

**Public Protection Division** – have recommended the imposition of conditions with any approval.

**The Royal Commission on the Ancient and Historical Monuments of Wales** – have not commented to date.

**The Ancient Monuments Society** – have not commented to date.

**The Council for British Archaeology** - have not commented to date.

**The Georgian Group** – have responded with objections to the proposal. They accept that the building has no practical working use, and is no longer considered suitable to fulfil the function for what it was built. However, feel any new scheme must be sympathetic to the original fabric and layout.

They object to the current scheme because of the harm that the proposed ground floor changes would cause to this grade I listed building. They feel that the removal of walls either side of the main entrance hall is not acceptable. Their removal would affect the character of the internal space, and damage the historical layout and that there is no need to remove such walls in order to facilitate a restaurant. Eating establishments can function successfully in multiple rooms; there is no need to create a large open space.

They also question the need, and the justification of inserting additional stone columns in the internal space. They feel their addition would affect the historical integrity of this space, and are wholly unnecessary.

They add that additional information/detail is needed in regards to the new kitchen. Greater detail is needed in terms of extractor fans, ducts, waste pipes etc. These may appear as minor issues, but can have a big impact on the aesthetics of a grade I listed building.

They advise a revised scheme be provided as they feel current scheme is not fit for purpose.

**The Society for the Protection of Ancient Buildings** – have responded stating their casework resources are limited to listed building consent applications that will have a physical impact on individual buildings with fabric dating from 1720 or earlier. They understand that the building dates from 1766/1767 with later additions.

**The Victorian Society** – have not commented to date

**Dyfed Archaeological Trust** - have recommended the imposition of a condition on any approval relating to a written scheme of investigation. Such a condition is recommended on the full planning application.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and at press with 3 responses having been received to date from members of the public. One comment stated that they were not against the development but made reference to the following comments:

- Shame to have yet another chain store in town.
- It is an important building to keep in use and the applicant needs to provide more information.
- No statement of significance to assess the impacts of works or condition report for repairs.
- Some partitions to be removed are pre - 1974 and contribute to this building. Better understanding required of the works. Insufficient justification for such alteration to this Grade 1 building as there are plenty of examples of restaurants which are not open plan. Further details of alternative options are needed.
- Suggestions of alternative proposals.
- Copying of the existing columns muddies the chronological history of the building. A sympathetic. The practicality of retaining the cornices is questionably without structural assessment.
- Lack of detail e.g. floor and ceiling finishes in the restaurant.
- There will be physical alteration from drainage and mechanical ventilation to the commercial kitchen and toilets etc. too which is not mentioned.
- Building is Grade I listed not Grade II\*
- Heritage Impact Statement is one sided and based on commercialism



- Works would affect the character of the building and have not been sufficiently justified
- Lack of information on where furniture/paintings would be taken to.
- There are other potential uses for the building
- Comments on the history of the building
- Errors within the supporting document
- Reference to possible removal of stone slabs to the rear would also require consent
- Details submitted fall below minimum requirements for the submission to be valid
- No structural survey to look at implications of the proposed works
- Walls to demolished may be older than stated
- Impact of changes to the ground floor on the character of the building
- Impact of changes to the jury room on the character of the building
- Further information needed in relation to the flooring and levels and therefore archaeological considerations
- Council should have carried out a Heritage Impact Assessment following purchase of the building
- Issue of vehicular access for deliveries, and to collect trade waste, storage of trade waste on site and disabled access to the building not addressed
- Conflict between deliveries and pedestrians
- Relevant retail/town centre policies not addressed in the submission and applications seen to be contrary to them (RT2 and RT3)
- Primary retail frontage being eroded
- Description of the area being mainly retail is incorrect with a high level of A3 uses already in the town
- No market research provided to show need for further A3 uses in the town
- Impact on other existing business
- Lack of waste storage area for the new use
- Inaccurate information relating to parking provision
- Insufficient detail has been submitted to tell if the requirements of Building Regs Approved Doc M have been met
- No disabled access to the Crown Court – previously a lift had been referred to
- Tourist information centre should be located at the site

The Carmarthen Civic Society have also responded:

- The HIS is inadequate and Conservation Principles not adequately addressed
- Any changes should ensure the special significance of the building is not prejudiced.
- Insufficient attention paid to understanding the buildings significance.
- Information missing on previous applications and Quadrennial inspection report.
- Pleased the main court will remain in situ.
- Concern over removal of the ground floor walls and works to the Jury Room at first floor level and justification for this.
- Lack of plans/information regarding Jury Room works
- Question whether an A3 use requires open plan layout.
- Question justification for new columns.
- Lack of detail regarding the works required for the proposed kitchen area.
- Insufficient information relating to structural engineering works required.
- Application currently wholly unacceptable and strongly recommend that it be refused or, at the very least, be deferred.

- Concern at the removal of the stair to the dock which is incorrectly referred to as modern in the submission
- Lack of information in relation to disabled access. Only access is from Hall Street and past the kitchen area
- Questions/concerns over the proposed “free-standing” partition in the jury room/toilets and lack of information. Alternatives suggested.
- Concerns over potential fire risk
- Detailed information of the toilets and kitchen area required before any decision eg plumbing, drainage, electrics, fixtures/fittings
- Council should have carried out an options appraisal prior to purchase

## RELEVANT PLANNING HISTORY

W/24269	Refurbishment of the ground floor Magistrate's Court 1, redecoration and reorganisation of north stair and first floor foyer, external repairs to south facade stonework (including new lead cover flashing), new ventilation grilles to underfloor void on south facade and damp proof membrane (newlath) to south wall of Magistrate's Court 1; roof repairs Listed Building	Granted	07/04/2011
W/00577	Internal alterations - new under stairs cupboard store for storage of disabled stairmate crawler for access up/down stairs Listed Building	Consent Granted	11/03/1997
D4/26368	Directional sign Listed Building	Consent Refused	29/02/1996
D4/26166	Advertisement sign Consent to Display an Advertisement	Granted	01/02/1996
D4/26155	External ramp (Hall Street) and internal alterations to provide disabled facilities No Decision Notice		
D4/23265	Removal of window and replace door to allow access Listed Building	Consent Granted	1/04/1993
D4/21960	Alteration and refurbishment to existing building Listed Building	Granted	21/04/1993

## APPRAISAL

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

## **THE SITE**

The application site is the Guildhall, Carmarthen. The site is located in the centre of Carmarthen at the top of Guildhall Square with Hall Street to the north east and St Mary's Street to the south west. The surrounding area is predominantly characterised with commercial properties at ground floor level and occasional residential accommodation above. The Primary Retail Frontage runs along the northern side of the square and Hall Street and Secondary Retail Frontage along the southern side of the square and St Mary's Street.

The last use of the Guildhall was as Carmarthen Magistrates Court but subsequently closed as a result of changes to the Justice Department's estate. The Magistrates Court closed in May 2016. The building has been vacant since. Carmarthenshire County Council purchased the building in 2016.

The site is located within the Town Centre of the Carmarthen as delineated in the Carmarthen Local Development Plan (LDP). The site is located within the Carmarthen Town Conservation Area the rear part of the building is not.

The building is a Grade I listed building. The listing details describes the building as follows:

*"Carmarthen town hall, built 1767-77, to replace late C16 guildhall. The building was designed as a hall with market below, the market opened 1772, the hall completed 1777. Thomas Lloyd has established that the architect was Sir Robert Taylor, this his only known work in Wales, the main windows similar to his Bank of England Court Room and his guildhall at Salisbury. Successive alterations are recorded: hall steps replaced 1788 by Thomas Humphries, carpenter. Double curving flight of external steps from the upper hall added 1811 in Portland stone, and the adjoining market entrances blocked, by John Roberts, mason. A rear wing was added on site of Falcon Inn for jury rooms and offices 1827-9 by D. Morgan. Samuel Lewis in 1833 described the building as having courts and banqueting room over offices and cornmarket. Plans for improvements by E.Haycock, J. Collard, J. Jenkins and C.C. Nelson were submitted in 1842, but nothing done. Clock inserted 1848. Minor repairs 1848 by D. Morgan and 1852 by J. Collard, and proposal for repair and extension by Collard 1859. In 1860-2 W.H. Lindsey removed the front steps and presumably added the ground floor portico and the clock turret (cockerel vane given in 1862). Further alterations in 1898. W. V. Morgan altered the interior in 1908-9, remodelling the court room entirely. The building was originally stuccoed, but stripped to rubble stone in mid C20, with some loss of original character".*

The reason for designation is given as "Graded I as one of the principal Georgian civic buildings of Wales, and the only work in Wales by Sir Robert Taylor". The building was initially listed in 1954 with the listing being amended in 2006 to change it to Grade I.

There is an associated full planning application also before the Planning Committee for the same proposals.

## **THE PROPOSAL**

The application seeks full listed building consent for change of use and conversion works of ground floor and part conversion of first floor to facilitate restaurant (Class A3) use.

As well as the change of use of parts of the building there are also works proposed to it. A Heritage Impact Statement has been submitted with the application looking at the proposed works and their effect on the building. This states that the prospective occupant is requires there to be some adaptation to the existing building to accommodate a restaurant facility to enable the building to serve the required function and to operate a commercially viable business. It states that certain works need to be undertaken to meet current building regulations and health and safety considerations for both staff within the building and customers using the facility.

The HIS states that the prospective tenant is *“particularly interested in occupying the Guildhall not only for the prime business location, but also for the historic and architectural quality of the building”* and that that *“occupant wishes to preserve and enhance the historic features to promote their business to achieve the required commercial viability”*.

As noted above the change of use and areas of works only relates to part of the building and large areas of the building will not be used in operation of the proposed business and will remain unaltered from their current state. The current accommodation affected by the proposal includes the magistrates court, entrance/foyer and cells/security area at the front of the building. The rear magistrates retiring room, WC areas, witness lobby and consultations areas are also included along with associated corridors and linked areas. At first floor level the jury assembly room is included. The main court room is not to be altered. This is to be closed off and further details of this area given later in the report. The whole of the upper floor and parts of the ground and first floor are not proposed to be altered as part of this submission. There are also works to the basement area.

The proposed restaurant operator seeks to utilise the majority of the ground floor area of the building. The submission indicates that a small proportion to the rear may be utilised by Dyfed Powys Police as a local facility however there is no current submissions relating to this.

At first floor level the main Crown Court is not to be altered other than barriers to prevent access. The former Jury Assembly Room is proposed to be converted to WC facilities. The upper floors of the building are not affected by the works.

The proposals include the following works:

- Walls either side of the central hall to the ground floor (with black and white marble floor) are to be re-moved as part of the proposed scheme to open the ground floor area allowing the restaurant facility to function.
- 4 no new stone columns are proposed (2 either side of the central hall) to match existing ones at ground floor level.
- All modern holding cells and rest areas off the main foyer area allowing the restaurant facility to function adjacent to the central wall where walls are to be removed.
- The removal of all furniture and raised level area together with the rear stud wall to the Magistrates Retiring Room allowing the restaurant facility to function at the other side of the central hall.
- The removal of all modern stud walling and WC to Witness Waiting Area to create open kitchen area with creation of serving hatch to main stair area.

- Subdivision of the first floor Jury Assembly Room and insertion of door way to facilitate the creation of WC.
- Insertion of toughened glazing with stainless steel balustrade to allow public viewing of courtroom but prevent access at 1.5m in height. This is to be fitted to the floor only and not to the doors or walls.

The HIS provides justification for the proposed works.

The following points are provided as justification for removal of the current partitioning and stair:

- The partitioning, staircase and window blocking in this area is dated post 1974 and not part of the historic fabric of the original building or its early life.
- The original partitioning and stair were removed prior to 1975.
- The original windows on two elevations are re-opened reinstating the area as the original layout of the building.
- The walls either side of the central hall to the ground floor (with black and white marble floor) are to be removed as part of the proposed scheme to open the ground floor area allowing the restaurant facility to function.
- These walls are thought to have been constructed post the initial construction of the building which was in fact originally open as a market. New natural stone columns will be positioned in the opening designed to replicate the existing Tus-can columns to the front of the building.
- Careful consideration has been given to their removal and the following points provided as justification.
- The removal of walls is vital to achieving a workable and viable scheme for a restaurant facility within the schematic proposal.
- The walls have no architectural features significant to the character of the original building.
- Any corncicing and the marble flooring would be retained as part of the schematic proposal.
- The removal of the walls will not alter the architectural character of the building.

Given consideration of these points it is felt there is justification for removal of the walls and significant benefit to be gained as a result.

In relation to the removal of WC and lobby partitions to the rear of the magistrates the following points are made:

- The installation of this WC and lobby are not shown on the 1975 measured survey drawing but are shown on the quadren-nial survey drawings dated 4-0505 and therefore are not part of the historic fabric of the original building or its early life. The partition wall to the rear of the magistrates court is shown on early drawings of the building and is shown for removal as part of the schematic proposal.
- The removal of walls is vital to achieving a workable and viable scheme for a restaurant facility within the schematic proposal.
- The walls have no architectural features significant to the character of the original building.
- The removal of the walls will not alter the architectural character of the building.
- The partitioning forming the WC and lobby is dated post 1974 and not part of the historic fabric of the original building or its early life.

The other major alteration at ground floor level relates to the installation of restaurant kitchen. This will entail the removal of modern partition walls, doors, WC and kitchen areas which have no architectural features significant to the character of the original building. The HIA acknowledges that their removal will have a positive impact on the character of the building and makes the following points:

- Any new subsequent fit out works will require minimal intervention in terms of the building fabric and will include the following to be undertaken by the named operator;
- All fittings are surface mounted with no intervention into the historic fabric of the building.
- All services are surface run to avoid chasing of walls to the historic building fabric.
- All installations are fully reversible returning the area back to an unaltered state following removal without damage to the historic fabric.

At first floor Jury Room the works relate to the installation of customer WC facility. These entail the Jury Assembly Room being converted which will require a new door opening being created off the first floor landing through the existing wall to the Jury Room. Other works will include;

- A modern panelled WC partition system will be in-stalled concealing all pipework which is surface run to avoid chasing of walls to the historic fabric of the building.
- All fittings are surface mounted with no intervention into the historic fabric of the building.
- All services are surface run to avoid chasing of walls to the historic building fabric.
- All installations are fully reversible returning the area back to an unaltered state following removal without damage to the historic fabric.

Fire doors are required to provide adequate means of escape in the event of a fire.

- Where possible existing doors will be reused.
- Existing doors will be rehung to suit the direction of escape.
- Existing doors will be upgraded with suitable seals and panel treatments to provide the required levels fire resistance.
- If existing doors are not suitable for upgrade and cannot provide the required level of fire resistance a replica fire door will be installed and the existing door re-moved and stored on site for reinstallation at a later date if required.

The HIS states that *“the scope of works in relation to the ground and first floor areas are considered minimal and proportionate in that they relate to in the main the removal of modern fabric which provides to positive contribution to the special character of the building. Any works which relate to refurbishment of the building will use recognised conservation methods and techniques which in themselves do nothing to detract from the character or set-ting of the building.”*

*All installations are fully reversible returning the areas back to an unaltered state following removal without damage to the historic fabric”.*

During the course of the application further information was provided. This included additional details relating to the new door at the Jury Room, the works involved with the

conversion of the room and retention of features such as the ceiling rose and fire place and the serving hatch for the kitchen.

The additional information included the following:

- Details of the new door for the Jury Room toilets – this states that the existing door leaf is of similar profile to other doors within the building – but is the only door leaf of 6 panel design - all others are of a 4 panel design. In the interests of conservation the new door will reuse a leaf removed from the ground floor area of the former magistrates court. The new leaf will be fitted into a new lining and architrave to match the profile of the existing adjacent door.
- Details of the new opening for the kitchen. New lintel is to be to structural engineers specifications. A sample of the existing plaster should be removed and analysed to establish the make up to allow a compatible mix for replacement.
- The glass balustrade to the Court Room has been increased to 1.5m in height.
- Details of the works relating to the removal of the staircase between the Court Room and existing cells are now provided. The opening in floor to have removable section panels for future restoration or film production use. These are to be constructed to provide fire protection and sound insulation. Removable panels are not to be fixed or built into the historic fabric of the building.
- Details of the proposed partition for the new toilets facilities in the Jury Room are provided. The partition cut around profile of existing ceiling rose and existing cornice along with skirting is to remain (uncut) with the partition cut to cornice profile. Protective cladding is proposed around the fire place.

Further additional/amended information has been submitted and further comment made in relation the proposal by the applicant following requests by the Authority. This comprises the following:

- Reference is made to a “phased approach” to the development. The current proposals being to *“firstly establish the principle of the change of use building to a Class A3 use with the minimal works necessary to create an internal layout suitable for an A3 operator. The second phase of the project will involve the operator submitting a further detailed application for listed building consent for the entire fit out of the elements of the building required to facilitate the operation of the actual bar/restaurant”*.

On that basis they have confirmed they are *“are unable to commit to the precise level of detail previously requested in terms of the following aspects;*

- *Details on plumbing, cooling/heating and waste disposal need to be provided for each item installed at every location.*
- *Details of the installation of the commercial kitchen required by the operator.*
- *Details of any flue extraction system to be required as a result of the installation of any kitchen.*
- *Information on the flooring and floor finishes throughout the building.*
- *Details of the methods or materials that will be used to redecorate or make good any walls following the removal of wall sections and window reveals.*
- *Details on the mortar mixes and details of paints and finishes in each of the areas where building work and redecoration will be undertaken.*

*Details of works to upgrade the existing WC facilities that are to be retained.*

- *Details of the works including materials and methods involved, in the opening up of the windows along the Hall Street side of the building which will inevitably need some repair work to the reveals, and very possibly to the windows themselves.”*

Some areas of additional information have been provided, including those already referred to above. Confirmation is given that the Court Room is not to be affected and no works are proposed there. The glazed barrier is proposed to prevent access. The additional details for the jury room are referred to. The new doorway seeking to re-use an existing ground floor door. The photographic information provided has been updated to remove areas where they contradicted the details shown elsewhere in the submission. This clarifies elements such as where doors are proposed to be removed/retained. It also clarified that the rear wall of the magistrates court is to be retained. It is confirmed that the stairs to the court room from the cells are to be removed and that the redundant furniture is not to be retained by the operator. It will be retained by Carmarthenshire Council and removed from the building. Further details relating to the structural works proposed for the removal of the ground floor walls have been provided.

Additional details have been provided supporting the proposed use and why other uses would not be appropriate/feasible. This includes comments from property agents regarding the potential for other alternative uses. The A3 use is said to be the most viable future use. This is due to the following factors:

- The A3 market is currently strong in terms of demand in general across the country.
- Most A3 operators prefer to work with the features of an existing building (within reason) and view listed buildings as iconic destinations which helps drive footfall.
- An A3 use would enhance future public use and be least costly in terms of refurbishment depending on the occupier specification.
- An A3 use would be the least likely to impact on the Grade I listing
- A3 would be the only option that would not require external financial assistance such as grant funding.

Several other possible uses have been addressed.

In relation to office use the application refers to sporadic and limited demand in the town centre. The first floor court room would not be lettable and the existing ground floor arrangement provides minimum letting area. Concerns have also been raised over the ability to commit to repair works and insuring the building. It is said that refurbishment costs would be extensive against limited rental returns.

For residential use conversion is considered to be difficult given the listing status. The number of units that could be create are likely to be low and therefore unlikely to be viable. This type of use would also preclude the general public from being able to access and use the building. Issues of management of the courtroom area would also come in to play.

Retail use is seen to be likely to require an open plan floor space, preferably without any columns and single floor level. Disabled access to the shop front area is questions. The lack of any clear shop window/frontage is another concern.

Extensive refurbishment works would again be necessary and repair obligations could be onerous for this type of use. The level of demand for this type of use in the area is also questioned.

## **PLANNING POLICY**



In the context of the current development control policy framework the site lies within the development limits of the LDP, within a Conservation Area and within the defined Town Centre of Carmarthen. The building is also Grade I listed.

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

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have 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.

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

Paragraph 6.1.1 of Welsh Government policy document 'Planning Policy Wales' (November 2016) states that throughout Wales there are historic assets which illustrate how past generations have shaped the world around us. The historic environment is central to Wales' culture and its character, and contributes to our sense of place and cultural identity. It enhances our quality of life, adds to regional and local distinctiveness and is an important economic and social asset. It is vital that the historic environment is appreciated, protected, actively maintained and made accessible for the general well-being of present and future generations.

Paragraph 6.1.3 of Welsh Government policy document 'Planning Policy Wales' (November 2016) highlights that the historic environment is relevant to and is a vibrant part of the culture and economy of Wales. To enable the historic environment to deliver rich benefits to the people of Wales, what is of significance needs to be identified and change that has an impact on historic assets must be managed in a sensitive and sustainable way.

Paragraph 6.2.1 of Welsh Government policy document 'Planning Policy Wales' (November 2016) sets out the general Government objectives which include a need to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved. It also goes on to state there is a need to recognise its contribution to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life, and its importance as a resource to be maintained for future generations. In relation to conservation areas it highlights the need to preserve or enhance the character or appearance of conservation areas, while at the same time helping them remain vibrant and prosperous;

Paragraph 6.5.11 of Welsh Government policy document 'Planning Policy Wales' (November 2016) relates to works to listed buildings and where new uses are proposed. This states that the aim should be to find the best way to protect and enhance the special qualities of listed buildings, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future.

Technical Advice Note (TAN) 24: The Historic Environment (2017) provides Guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and listed building applications.

Paragraph 1.8 of TAN24 1.8 recognises that changes in the historic environment are inevitable. This can be the result of decay caused by natural processes, damage caused by wear and tear of use, and the need to respond to social, cultural, economic and technological changes

Paragraph 5.12 of TAN 24 states that applicants for listed building consent are required to provide a heritage impact statement. This present the results of a heritage impact assessment, which is a process designed to ensure that the significance of the building is taken into account in the development and design of proposals for change. Heritage impact assessments should be proportionate both to the significance of the listed building, and to the degree of change proposed, and the statement should provide enough information to allow the local planning authority to judge and impact when considering applications for listed building consent.

Paragraph 5.13 of the TAN states that when determining a listed building consent application, the local planning authority should consider the following issues:

- The importance and grade of the building and its intrinsic architectural or historic interest.
- The physical features of the building which justify its listing and contribute to its significance, (for example its form and layout, materials, construction and detail) including any features of importance such as the interior, which may have come to light after the building's inclusion on the list.
- The contribution of curtilage and setting to the significance of the building, as well as its contribution to its local scene.
- The impact of the proposed works on the significance of the building.
- The extent to which the proposed works would bring substantial community benefits for example, by contributing to the area's economy or the enhancement of its local environment.

Paragraph 5.14 of Welsh Government Guidance TAN 24 states that many listed buildings can sustain a degree of sensitive alteration and extension to accommodate continuing of new uses.

Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' was published in May 2017. The introduction to the guidance states that protection of assets, however, need not prevent change which can increase the long-term sustainability and economic viability of your listed building. Positive change can bring improvements to our understanding and appreciation of the historic environment as well as social and economic benefits through increased regeneration and tourism. Together, these benefits will help to create the Wales we want in the future by meeting the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015

Paragraph 4.5 of Welsh Government Guidance 'Managing Change to Listed Buildings in Wales' states new work or alteration may sometimes be necessary or appropriate to keep a historic building in long-term viable use or to give it a lease of life.

The Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. The final part of Conservation Principles is entitled 'Conservation Principles in Action'. This identifies how to consider different levels of intervention at a particular site or historic asset.

The advice ranges from routine management and maintenance, through repair, periodic renewal, where archaeological intervention is needed, restoration to new work and alteration. Consideration is also given to how the historic environment can be accommodated alongside other interests and where enabling development may be acceptable to secure the future of an important historic asset. This part of the document provides tests against which different aspects of a development proposal can be judged.

Cadw's Conservation Principles (2011) states at Paragraph 1.4:

'Conservation of a historic asset is achieved by gaining and sharing an understanding of its significance (see Principles 2 and 3). This understanding will enable:

- The identification of those heritage values which are vulnerable to change.
- The definition of the constraints needed to reveal, protect and sustain those values.
- Achieving a balance between the impact of the different options on the heritage value and significance of the as-sets affected.
- A consistency in decision making, aimed at retaining the authenticity and future significance of the heritage asset.'

Technical Advice Note 12: Design is also applicable in several areas.

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

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

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

Policy EQ1 of the Location Development Plan for Protection of Buildings, Landscapes and Features of Historic Importance states:

Proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

### **THIRD PARTY REPRESENTATIONS**

There have been objections received including those from members of the public, the Carmarthen Civic Society and the Georgian Society.

Comments primarily related to the need to provide additional information and sufficient justification for the works proposed given its status as a Grade I listed building. Comment was made that it was not felt that application had sufficient information to be valid. The requirements for the application to be valid are different to considerations as to whether the scheme is acceptable or provides sufficient detail to address any concerns. It should be acknowledged that conditions can be added to approvals where appropriate for the provision of additional information/details. Concern was raised over the impact of the proposed works on the building and also comment that alternative uses were available which would require less works. Suggestions for alternative works were also made. Comments were made in relation to the proposed works and whether alternatives were considered. It is felt by some objectors that the history of the building has been misinterpreted in the submission and that certain element/justification is therefore not correct. Those who commented/objected also felt that insufficient justification had been provided for the works. Further information in relation to the flooring and levels and therefore archaeological considerations was also referred to by objectors. Reference is made in the report to the request and provision of additional details by the applicant. These relate in part to additional details those who have commented ask for. Clarity is also provided in relation to the need for further details to be provided either by planning condition or by further LBC submissions. The additional information provided includes details of new doors, openings and details of the works proposed to the Jury Room. These matters and the wider merits of the proposal are expanded on below. It is also acknowledged that certain details can be provided as part of conditions imposed on any permissions/consents.

Comments regarding the listed status of the building and errors within the submission were referred to. The application is clear that the building is Grade I listed. Comment was made in relation to where furniture/paintings would be moved to. The applicant has confirmed that they would not seek to use these as part of the proposal. It is indicated that they would be removed and stored by Carmarthenshire County Council. The need for listed building consent for works to the yard area was highlighted. There is no reference to works being required in the yard as part of the application.

The site is located centrally within Carmarthen Town Conservation Area and is an important historic and cultural building for the town, County and indeed Wales. The Guildhall has also played an important role in some of the key events within Welsh history. The building was designed as a hall with market below, the market opened 1772, the hall completed 1777. The court also played a pivotal role in the 'Rebecca Riots' which took place in 1839-43. In 1966 Gwynfor Evans' landmark victory as first Plaid Cymru MP was announced from the balcony of the Guildhall. The site is located in a prominent location within the town and is the focal point for Guildhall Square.

The various relevant guidance documents, policies and legislation referred to earlier in the report highlight the importance of any works being appropriate and fully justified. The applicant has provided a HIS looking at the works and their impact on the building. The building is Grade I listed and one of few such designations in the County. The guidance and policies also acknowledge the need where appropriate for buildings to be adapted. The building itself as it stands is as a result of changes over time where alterations have played their part in creating the historic building we have today. These alterations would have partly been due to the changing use of the building where adaptation has been necessary to allow the building to continue being used.

The building has been vacant since the closing of the courts. The building has been purchased by the Authority to prevent it becoming unmanaged and falling in to disrepair. This emphasises the importance and standing that the building has within the County. The need for a new use is vital to sustain the building in the long term. Given the current layout and arrangements of the building, including a no insignificant portion of the ground floor being cells, it is inevitable and essential that a new use for the building is to be found if it is to have a sustainable future. The existing form and scale of the building makes it difficult to identify any long terms viable single user which would not involve at least some degree of alteration. It is difficult to envisage a new occupier where elements like the cells area could be utilised in its current form. The current proposal would introduce a new use for the ground floor of the building would is important for this prominent town centre location. It would also be a use where public would be able to access and use the building and avoid the situation where currently it is closed and the public are unable to access the site.

The proposal would remove walls to create an open ground floor area which is considered justified and reasonable given the nature of the proposed use. There has been comment that alternatives options for this area should be considered. The proposal has been submitted as has been described and the applicant provided justification for why the works are deemed necessary as part of the overall development. The proposal would introduce 4 pillars off the existing central hall where the walls currently stand. Comments have been made by the member of public who commented that these are not appropriate. There was also concern over a lack of a structural survey to show the possible impacts of the works prosed. These pillars have been designed to the match the existing pillars in the main hall and therefore create a consistent feature reflecting those already within the central hall entrance and would appear alien. At ground floor level it is also proposed open up the windows on the Hall Street Elevation. These are currently closed off due to the use of this area being primarily for cells. This would be beneficial in terms and would bring this part of the building back to life and be consistent with the opening on the other side. The Authority did request additional justification and it would have been of assistance if further details were provided. In relation to the structural works the Building Control Officer has commented that the plans and details have been provided by structural engineers to provide continued support where walls removed. Then comment that when the work starts engineers would need to visit the site to ensure the assumptions they have made with regards to site conditions are correct.

The first floor court room is a fundamental part of the importance of the building and its historic value. This proposal would not require any alteration to or removal of features from the court room. Given the public access included as part of this proposal it is considered practical that the area is given some protection to prevent open access to this area. The proposed barrier is relatively uninstructive and easily removable if necessary. The proposal would indeed allow views in to the courtroom and the appreciation of this key feature of the building which many other potential re-uses would be unlikely to achieve.

In relation to other potential uses it is likely that these would also require some level of adaption and works to the building. Additional details have been provided in terms of possible alternative uses. The extent of works needed to parts of the building regardless of the uses identified mean there would undoubtedly be impacts. The likely demand to alternative uses such as office, retail and residential need to be considered alongside the ability of these uses to be able to fund the works required and ongoing maintenance costs of the building as a whole.

The re-use of the building has potential to give rise to wider benefits to the town. At a time where many town centres have problems with vacant properties the proposal would provide an opportunity for regeneration of Guildhall Square. Carmarthen Town centre has evolved with the introduction of the St Catherines Walk development and the roles and functions of town centres has changed. Bringing a new life to this important building would be likely to create benefits outside the building itself and also bring them to the wider area of this more historic part of the town centre. Recent guidance and policy again reflects the importance of economic benefits that can be achieved through historic assets being appropriately utilised.

During the course of the application further information have been provided in relation to the detailed aspects of the works. Additional plans have been submitted showing finer detail of works such as the new door for the first floor Jury Room and the ground floor serving hatch for the new kitchen area. The need for such facilities are acknowledged considering the proposed use. At the Jury Room the key features of the room such as the fire place and the ceiling rose are to be retained. The design of the scheme has enable the fire place to be covered so that it is protected and the dividing wall in the WC is not to be full height retaining the ceiling features. These works would also be easily reversible if needed in the future with the features remaining in situ. With the provision of these and the amended HIS it is considered that proposed changes are acceptable and fully justified.

There are certain elements of the development which are not available at this stage, for example the kitchen layout. The applicant is fully aware that further submissions are likely to be required to provide the more detailed aspects of certain parts of the building. However it is felt that the current submission provides sufficient justification and security that the proposed use and works identified to date are appropriate.

Whether sufficient facilities are provided for disabled access and whether it meets Building Regs Approved Doc M has been referred to. Disabled access is provide off Hall Street and concern has been raised over this due to the busy nature of the street. Objections referred to previous indications that a lift would be provided are not included. The application has never included a lift and what is currently proposed is what the assessment should be based upon. As referred to above the Building Control Officer has not raised any concerns regarding the structural details provided to date. The applicant has indicated that further submission and details would be needed for certain elements of the proposal. Therefore this could include details relating to compliance with Building Regulations. Conditions could be imposed to this effect to ensure details are provided prior to works commencing at the building.

Objections also refer to the Council carrying out an options appraisal prior to purchase. Whether or not this was done the application before use needs to be assessed. Details have been provided by the applicant regarding their feeling on alternative uses.

## **CONCLUSION**

As with any proposal there is a need to balance all aspects of the scheme to reach a decision as to whether overall a development is acceptable. The Authority requested additional details, including those relating to justification for certain elements of the work. While some additional details were submitted it would have been preferable for more to have been put forward by the applicant. There is a proposal before the Authority and we must make a determination on the basis of the information provided. There are few such examples within the County where the proposals affect a building with such cultural and historical important building as with the Guildhall, Carmarthen. There will inevitably be impacts on a building of

this nature and scale where such a specific use comes to an end and a new chapter in the buildings history is required. The impacts of these changes is weighed in the balance with the benefits of securing a long term viable use for a building of this importance at local and national level such as with the Guildhall. Overall it is considered that the proposed development is acceptable and the recommendation is one of approval.

As the building is Grade I listed any recommendation of approval must be sent to Cadw for them to determine the application. The recommendation is one of approval for the following reasons and subject to the following conditions.

## **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

- 1:200 and 1:20 scale Proposed Alterations – Structural Details (J5594/01)
- 1:200 scale Existing Building Fabric Removed – Floor Plans (D-01-P/2)
- Photographic Survey March 2018 (Rev A)
- Heritage Impact Statement Report – March 2018

received on 23<sup>rd</sup> March 2018

- 1:200 scale Schematic Proposal (01-SK- P2)
- 1:50, 1:10 and 1:5 scale New Door to First Floor WC (06-DET P1)
- 1:20 scale Kitchen Serving Hatch (07-DET P1)
- 1:200 scale Floor Plans – Basement, Ground and First (01-GA P2)
- 1:20 scale Guildhall Glass Balustrade (03-DET P2)
- 1:10 scale Dock Stair – Infill (05-DET P1)
- 1:20 and 1:5 scale Partition – First Floor (04-DET P1)

received on 9<sup>th</sup> February 2018

- 1:1250 scale Location Plan
- 1:20 and 1:5 scale Guildhall Columns (01-DET)
- 1:50 scale Guildhall Columns (02-DET)

received on 21<sup>st</sup> December 2017

- 3 Additional conditional detail is being considered in relation to the proposed kitchen fit-out, the detailing in the 1<sup>st</sup> Floor Jury Assembly Room, the Disabled Access WC and other finishes and fittings. This will be detailed as part of the written addendum.

### **REASONS**

- 1 To comply with Section 18 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3- To have special regard to the desirability of preserving the building in respect of Section 16 (2) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

## REASONS FOR DECISION

In having special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possess as required under sections 16(2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority acknowledges that the development includes elements of harm being caused to the Guildhall. However the impacts of these changes is weighed in the balance with the benefits of securing a long term viable use for a building of this importance at local and national level such as with the Guildhall. It is considered that the benefits of the proposal outweigh the harm cause in this instance.

## NOTE(S)

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

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

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

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

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



*Ardal  
Gorllewin/  
Area West*

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR AMGYLCHEDD**

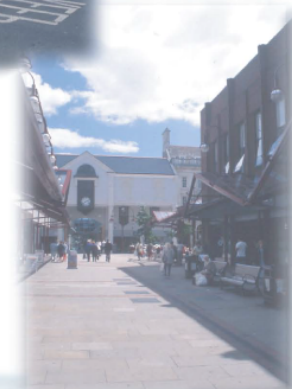
**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

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

**AR 17 EBRILL 2018  
ON 17 APRIL 2018**

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



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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>17 APRIL 2018</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/34933</b>
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<b>Application Type</b>	Outline
<b>Proposal &amp; Location</b>	CONSTRUCTION OF 20 DETACHED PRIVATE MARKET DWELLING HOUSES WITH INTEGRAL GARAGES AND 2 SEMI-DETACHED AFFORDABLE HOUSES, ALL WITH ON-PLOT PARKING AND PRIVATE AMENITY SPACE, IMPROVEMENT AND WIDENING OF EXISTING ADOPTED HIGHWAY AND CONSTRUCTION OF NEW ADOPTED HIGHWAYS ON LAND ALLOCATED IN THE LOCAL DEVELOPMENT PLAN FOR RESIDENTIAL DEVELOPMENT AT BRON YR YNN, DREFACH, LLANELLI, SA14 7AH

<b>Applicant(s)</b>	MR LEWIS, 16 BETTWS Y COED, CYNCOED, CARDIFF, CF23 6PL
<b>Agent</b>	ROBERTSON FRANCIS PARTNERSHIP - JONATHAN WILLIAMS, 13 CATHEDRAL ROAD, CARDIFF, CF11 9HA
<b>Case Officer</b>	Richard Jones
<b>Ward</b>	Gorslas
<b>Date of validation</b>	06/01/2017

## CONSULTATIONS

**Head of Transport** – No objection subject to conditions.

**Head of Education** – A contribution of £13,000 is required towards local education provision.

**Head of Leisure** – No response has been received to date.

**Land Drainage Officer** – No response received to date.

**Arboricultural Officer** – No objection subject to a condition requiring an arboriculture method statement and tree survey prior to the commencement of development.

**Countryside Access Officer** – If approved regard should be made by the developer of the existence of the footpath and to the requirement not to obstruct or encroach upon it at any time.

**Gorslas Community Council** – Have raised the following concerns:

- The proposal would create road safety concerns and will result in a rat run through the estate of Bron yr Ynn.
- Lack of visibility for vehicles travelling in an easterly direction on the main road and seeking to turn right into the proposed entrance.
- Impact on the pedestrian safety of pupils attending the village school.
- Members would also wish to express concern relating to the proposed "amenity space" being a mini park. There is already a good, and well used, park in Drefach and, at a time when public resources are at a premium, the Council would not see a secondary development providing similar provision in the same area. There are considerable costs involved in the ongoing maintenance of a park amenity and it is the Council's view that any such resources would be better spent on the current park provision which is available and well used by the residents of Drefach.
- Construction traffic should not be permitted to access the proposed site through Bron Yr Ynn.

**Local Members** – County Councillor A Vaughan-Owen and County Councillor D Price have responded jointly with the following comments:-

- The creation of a 'rat run' between Heol Cwmmawr and Heol Blaenhirwaun, Drefach. Drivers heading from Cwmmawr towards the direction of Cross Hands will inevitably look to use Bron yr Ynn as a more direct route, as opposed to having to travel towards Drefach Square and then turning right.
- The position of the junction at Heol Blaenhirwaun near Drefach School is on a bend and therefore does not have the benefit of clear views for drivers. Speed of traffic from the Cross Hands direction is often excessive, and this is clearly a highway safety concern, particularly being so close to the school.
- There are also drainage concerns locally given the topography, and I would want assurances that any runoff water from the site would be diverted accordingly and will not adversely affect current properties at Bron yr Ynn.
- If the decision is taken to approve the application then I would ask that community benefits are accrued via s.106, and I would be grateful for the opportunity to discuss potential projects at that stage.

**Natural Resources Wales** – Initial request was made for an assessment of dormouse and bat habitat at the site and to assess the impact on these species. The applicant has subsequently conducted a survey for dormouse. The developer has not deemed a bat survey necessary as trees that would represent bat friendly habitat will not be felled as part of the proposed development.

The applicant has indicated that dormouse mitigation will be provided as part of the development, and this will be achieved through the retention of existing vegetation/trees on the eastern boundary of the site. NRW have raised no objection in the principle to this but have requested greater detail from the applicant as to the location of the mitigation in relation

to the proposed dwellings. Clarity has also been sought by the case officer regarding the level of detail the applicant requires to submit. To date this matter is ongoing.

**CADW** – Has responded but make no observations.

**The Coal Authority** – Concerns have been raised that the application has not been accompanied by a coal mining risk assessment. This has been requested by the LPA but to date has not been submitted by the Applicant for assessment.

**Dwr Cymru/Welsh Water (DC/WW)** – The application form indicates that the developer proposes to drain foul water to a main sewer. We expect that connection to be made to the existing 150mm combined sewer that runs to the north eastern side of 10 Hen Ffordd.

DC/WW have no reason to believe that the capacity of that sewer will be exceeded by the addition of the new foul flow from proposed development.

Any new foul sewer serving the development will have to be offered for public adoption and therefore constructed to a standard suitable for public adoption as governed by “Sewers for Adoption Ed 7 “ Water Research Centre (WRc) ISBN978 1 898920 65 6.

In terms of public rights of way I can advise that a sewer of this type would be routinely constructed by the developer’s contractor before it becomes adopted. The need for a footpath closure or diversion is not, therefore, a matter for this company.

**Neighbours/Public** – The application was advertised on site by the posting of site notices and in the local press given the proposal’s status as a ‘major’ development. Further consultations have been issued following the submission of further information to allow consultees to comment further. Twenty letters of objection have been submitted and these are summarised below:

- General concern from a highway safety perspective – poor access and visibility entering the site, insufficient road dimensions to meet highway standards, new road will be used as a “rat-run”; impact of pedestrian safety specially school children accessing Drefach Primary School which is located opposite the site entrance; new road inadequate for refuse vehicle. The proposed access is on a dangerous bend. Parking is already a problem on the estate road serving existing dwellings – the proposal will make this worse.
- Concern regarding the quality and destination of the proposed foul drainage.
- Concern regarding flooding of the road and existing footpath running adjacent to the site.
- The development of the site will result in a loss of wildlife.
- There is Japanese knotweed on the site and it appears the developer is unaware of this.
- The site is currently a natural habitat which helps absorb surface water. The proposed development could increase run off on to roads and the existing footpath.
- Will the sewer pipe be of sufficient standard to take the extra sewage from the new development?

- Will the registered public footpath FP31/5 have to be closed whilst trenching for a new foul sewage?
- More favourable access point exists into the site from the adjacent field, whereas there are better housing sites in the village.
- There are already enough houses in the village.

## RELEVANT PLANNING HISTORY

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

W/29766	Residential development	Pending
PA/15054	Outline application for a self-build residential development comprising 22 detached dwellings (including two affordable) with all matters reserved save for access and layout	Pending
W/18148	Residential development Non-determination - finally disposed of	02 July 2013
D4/25944	Siting of dwellings Full planning refused	28 November 1995

## APPRAISAL

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

## THE SITE

The site is located to the immediate south of Heol Blaenhirwaun (B4310) and approximately 2.4 miles to the west of Cross Hands Town Centre. The site subject to this application forms a residential allocation within the Carmarthenshire County Council Local Development Plan to the western side of Drefach.

The site is formed of a parcel of land which is located between Heol Blaenhirwaun to the north and Bron-Yr-Ynn to the south. The site is currently unused and consists of low level grassland and scrub measures 1.2-hectares in area.

In terms of the key landscape features/boundaries, the site is bound to the north by fencing with a row of trees between the site and Heol Blaenhirwaun, which is at a higher ground level than the application site; to the east is enclosed by fencing with a row of trees and agricultural fields beyond; to the south the site abuts the existing access to the site from the B4310, with fencing along the boundary and semi-detached bungalows beyond; from the west the site borders the Bron yr Ynn estate, with largely two storey semi-detached dwellings beyond.



The site is bordered by a significant length of Bron-Yr-Ynn, and access to the site is shown directly from this road. This is similar to the previous planning application, for which Planning Committee resolved to grant planning permission (in June 2014) for 30no. residential units, (planning application No. W/29766). This has yet to be determined pending the signing of a S.106 agreement. The current proposal, in addition, proposes vehicular and pedestrian access is provided more directly from the public highway which bounds the northern boundary of the site (Heol Blaenhirwaun).

The nearest bus stops are located on Heol Cwmmawr, within easy walking distance of the site (approximately 300 metres, or a 4-minute walk), and with regular services in both directions to Llanelli and Ammanford. The site is in close proximity to Drefach Primary School and Ysgol Y Gwendraeth as well as a post office and number of other facilities and services within Drefach.

The topography of the site is such that there is a slope down the site, from north to south.

The characteristics of the local area comprise a range and mix of building types within close proximity to the application site. The Bron-Yr-Ynn estates extends to some 50 semi-detached dwellings set over a cul-de-sac formation, extending to a junction with Heol Cwmmawr at the village centre. On Heol Blaenhirwaun, to the north of the site, development is sparser, with a pair of semi-detached cottages at Cwmmawr Lodge separated from the remainder of the village and Drefach Primary School, located approximately 70 metres north-west of the site.

To the south-west of the application site, lies the Bron-Yr-Ynn residential estate, providing semi-detached two storey houses and bungalows. The estate adjoins Uwch Gwendraeth, a further estate development consisting of detached bungalows and additional dwellings to the rear of the street frontage at Hen Ffordd, in a further cul-de-sac formation.

## **THE PROPOSAL**

Outline planning permission is sought for the development of 22 residential dwellings, including 2 affordable dwellings along with an associated estate road and an upgrade to the existing road that accesses the site through the Bron yr Ynn residential estate. At this stage the applicant seeks approval for details of layout, scale, and access.

The submitted housing layout shows a new estate road accessing off Heol Blaenhirwaun which crosses an existing area of green space relating to Bron yr Ynn estate. This then connects with the existing estate road which will be widened as part of the proposal as it is currently substandard in width. The road widening will allow for two way traffic into the site from the primary road network, whilst also improving the road dimensions for existing residents

The main body of the site comprises the irregular parcel of land located to the north Nos. 32-52 Bron yr Ynn. The proposed development will comprise 20 detached 4 and 5 bedroom dwellings and a pair of semi-detached dwellings located in the site's southwest corner. The four bedroom dwellings will be split across two house types that will measure 12-14m in width x 8-10m x 8-10m ridge height and 16m-18m in width x 8-10m in depth x 8-10m in height. The 5 bedroom dwellings will have an L shape footprint and measure 14-16m in width x 13-15m in depth x 8-10m in height. The semi-detached pair of dwellings will have a combined footprint and scale of 10-12m in in width x 8-12m in depth x 10-13m.

The road access within the estate will comprise a central spine road with private shared access drives serving 15 of the dwellings, a separate shared private drive off Bron yr Ynn will serve 6 of the proposed dwellings, whilst the pair of semis will be accessed directly off Bron yr Ynn.

Car parking will be provided either directly to the front of properties within short front curtilage driveways, or driveways to the side of the properties and integral garaging

The following supporting information has been submitted with the application:-

- Location Plan;
- Site Plan;
- House Types;
- Drainage Plan;
- Design and Access Report;
- Planning Statement;
- Ecological Report;
- Dormouse Survey;
- Arboricultural Report;
- Pre-Application Consultation Report;

## **PLANNING POLICY**

The site lies within the defined development limits of the area as delineated in the Adopted Carmarthenshire Local Development Plan December 2014 (LDP), and is identified as a residential allocation

In respect of the application's policy context reference is drawn to the following policies:-

Local Planning Policies

Local Development Plan (LDP)

In the context of the Authority's current Development Plan the application site is located within the development limits of Llanelli and allocated for housing purposes under Policy H1 of the Plan.

Reference is drawn to the following policies of the Plan which are considered relevant in this instance.

In terms of the Plan's strategic policy context, Policy SP1 promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

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

Policy SP3 identifies Drefach as being within the Ammanford-Cross Hands Growth Area - one of three Growth Areas within the Plan's Settlement Framework for the County which reflects their high population levels and the availability of an extensive range of services and

facilities in the strategic context. The settlements are well served by facilities that are vital to support sustainability being on sustainable transport routes and are therefore capable of accommodating a proportionally higher level of growth and development.

Policy SP5 allocates sufficient land for 15,778 new dwellings within the Plan area in accordance with the Settlement Framework with a high proportion (8,333) of these dwellings being directed towards the Growth Areas.

Policy SP9 promotes the provision of an efficient, effective, safe and sustainable integrated transport system.

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

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

Policy GP1 is a general policy which, amongst others, 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. Developments should also not have a significant impact upon the amenity of adjacent land uses and properties, be served by appropriate access provision and have regard to the safe and efficient use of the transport network. Proposals are also required to have regard to the generation, treatment and disposal of waste.

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

Policy GP3 states that the Council will, where necessary seek developers to enter into planning obligations or to contribute via the Community Infrastructure Levy to secure improvements to infrastructure, community facilities and other services to meet the requirements arising from new developments. Allied to this, Policy AH1 states that a contribution towards affordable housing will be required on all housing allocations and windfall sites. It goes on to state that the Council will seek a level of affordable housing of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub market areas. The application site falls within the 10% viability area.

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

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

Policy TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Reference is also made to the need to meet required access and parking standards as well as promoting the interests of pedestrians, cyclists and public transport as part of proposals.

Policy EQ1 requires 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.

Policy EQ4 relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Similarly, Policy EP1 requires that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

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

Policy EP3 requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated. Furthermore, Policy EP6 states that in areas where land instability is known, proposals must be accompanied by a scoping report to ascertain the nature of the instability.

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

#### National Planning Policy

Planning Policy Wales (PPW) (Edition 9, November 2016) provides a national overview of planning policy on a wide range of issues relevant to the proposed development. The Welsh Government supports the vision for good quality, mixed housing accessible to all which conforms to sustainability principles which underpin all planning policy guidance.

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

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

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

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

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

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

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

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

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

## MAIN ISSUES

### Procedural Requirements

The applicant has submitted a Pre-Application Consultation report with the application. This details the pre-submission consultation that was carried out by the applicant to accord with statutory legislation. The purpose of this is to obtain feedback from public and statutory consultees on the development proposal. Having assessed the procedures taken to comply with the pre-application guidelines it is considered the applicant has met its duty in this regard. Due to recent changes to the thresholds for the carrying out of screening opinions in the revised 2016 EIA Regulations, one is not required in this instance.

## Design, Layout and Access

The design and layout of the scheme comprises an estate road and shared private drives emanating off Bron Yr Ynn. As referred to above dwellings will primarily be larger detached units save for a pair of semi-detached dwellings at the south west corner of the estate. Dwellings will occupy plots with satisfactory space for private amenity to the rear and parking and to the front.

The dwellings maintain adequate space from one another to ensure no significant harm in terms of privacy or physical overbearing impacts. Furthermore the existing dwellings to the south of the application site will maintain adequate separation distance so that amenity levels are not significantly harmed.

The detailed design of the dwellings will be submitted at the reserved matters stage, however at present the layout and scale proposed is consistent with the mix of dwellings in the village and as such as to maintain character from this perspective.

## Highways

The Head of Highways has assessed the scheme and notes that traffic calming will be required to ensure the access off Heol Blaenhirwaun meets highway standards. The traffic calming works will be on the highway in the form of a speed hump therefore approval of this will need to be secured through S.278 of the Highways Act. A condition will nevertheless be in place to ensure this is carried out before development. Further conditions are proposed to ensure the new estate road and layout comply with highway standards. On this basis no highway objection has been raised.

## Foul and Surface Water Drainage

The applicant has submitted a Drainage Plan showing new foul and surface water connections for the site. The foul water will connect into the existing system. Welsh Water have raised no objection regarding this proposal.

The application form indicates that the developer proposes to drain foul water to a main sewer. We expect that connection to be made to the existing 150mm combined sewer that runs to the north eastern side of 10 Hen Ffordd.

WW have no reason to believe that the capacity of that sewer will be exceeded by the addition of the new foul flow from proposed development.

Any new foul sewer serving the development will have to be offered for public adoption and therefore constructed to a standard suitable for public adoption as governed by "Sewers for Adoption Ed 7 " Water Research Centre (WRc) ISBN978 1 898920 65 6.

In terms of public rights of way concerns raised by the third party objector. The need for a footpath closure or diversion is not, therefore, a matter for this company. The Council's Access Officer has indicated that the PRoW should not be obstructed, however, if work is required to temporarily close the PRoW then the developer will need to apply to the Council for a Traffic Regulation Order.

CCC Land Drainage have been consulted on the acceptability of the scheme, however, have not responded to date. On this basis approval is subject to a favourable response from them. In the event that no objection is raised a planning condition will be imposed requiring the developer to provide full details of a surface water management scheme.

## Ecology

The applicant has submitted an Ecological report with the application and following concerns from the Council requested a Dormouse survey to assess the site's habitat for this species. Mitigation has been requested by NRW in the form of a method statement and mitigation plan showing areas of dormouse habitat post construction. The applicant has provided details which show an area of boundary trees at the east of the site that will be retained as a corridor for the species. NRW and the Council's Planning Ecologist have requested more detail in the mitigation plan. The LPA is currently in discussion with the applicant regarding this matter and awaiting further clarification. NRW have however, approved the principle of the mitigation put forward. While this matter is pending and awaiting resolution, members are requested to grant officers delegated authority to deal with this matter following a resolution to grant outline planning permission.

## Community Contributions

The applicant has been notified that a financial contribution towards local education provision will be required to the sum of £13,000. This will need to be secured through a S.106 legal agreement.

The Council's Parks Officer has not responded to date, although it is noted that the village is well served by a park and playing pitches within comfortable walking distance of the site.

An onsite contribution of 2 affordable dwelling is required in this case as the site is within the 10% provision area. This provision will be safeguarded within the S.106 legal agreement as all the proposed dwellings are all earmarked for affordable housing.

## Other Issues

The site is within an area of former mine workings therefore the applicant has prepared a coal mining risk assessment report for consideration. A response on the acceptability of the report's findings is pending from the Coal Authority, therefore approval of this application is subject to a favourable response from this agency.

## **THIRD PARTY REPRESENTATIONS**

A large number of concerns have been submitted in respect of highway safety, however, the Head of Highways has raised no concerns regarding the proposal and considers that the development can be effectively controlled by conditions. These will include a condition for traffic management along Heol Blaenhirwaun in the form of a speed hump to reduce traffic speed and ensure the proposed access meets the necessary standard.

The matter relating to the foul and surface water drainage has been addressed in the Drainage section of the report.

In terms of the loss of wildlife at the site, confirmation is currently being sought from NRW regarding the acceptability of proposed dormouse mitigation in the event the development is approved. Subject to a favourable response from NRW officers request that the committee give delegated authority to approve this matter in the event the committee are minded to approve the application. Notwithstanding the dormouse issue, all other ecological and biodiversity matters are addressed in the Ecology section of the report.

The concerns raised by a third party in respect of Japanese Knotweed are noted as are the results of the applicant's Ecology Survey which details that the site contains this invasive species. In the event that members determine to approve the application a suitably worded planning condition will be imposed to deal with its eradication prior to development commencing.

A third party representation has highlighted that a more favourable access into the site exists off Heol Blaenhirwaun. The LPA must assess the scheme before them and in this instance the access into the site has been considered acceptable by the Head of Transport.

Concern has been raised that there are already enough houses in the village and that the proposed development is not required. Whilst this might be the view held by the local resident, the site is allocated for residential development in the LDP and its provision is based on the housing need in the area as evidenced through the LDP process.

## **CONCLUSION**

The application site is located within the defined settlement limits of Drefach and is also allocated for residential use within the Adopted LPD. The applicant has demonstrated that highway access can be provided satisfactorily subject to conditions and a S.278 agreement. Furthermore the density, scale and layout of the proposed development can be accommodated within the site without significantly harming the character of the area of the amenity of existing residents. Notwithstanding this confirmation has yet to be given from NRW regarding the acceptability or otherwise of Dormouse mitigation for the site, whilst responses from the Coal Authority and the Council's Land Drainage division are pending. Subject to favourable responses from these consultees members are requested to approve the application before them.

On balance therefore, after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date, it is considered that the proposal accords with the aforementioned policies and is therefore put forward with a favourable recommendation subject to the imposition of the following conditions and favourable responses from the Coal Authority, NRW and CCC Land Drainage. Approval is also subject to the signing of a S.106 legal agreement committing to education and affordable housing provision.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.



- 2 The development shall be carried out in accordance with the following approved plans and documents:-
- Transport Statement – Nov 2016 received on 30<sup>th</sup> November 2016;
  - Ecology Report - Nov 2016 received on 30<sup>th</sup> November 2016;
  - Planning Statement received on 30<sup>th</sup> November 2016;
  - Pre-Application Consultation (PAC) Report received on 30<sup>th</sup> November 2016;
  - Design and Access Statement received on 30<sup>th</sup> November 2016;
  - Tree Protection Plan (9TPP) [TW3631] 1:750 @A3 received on 30<sup>th</sup> November 2016;
  - Tree Report [TW3631] Nov 2016 received on 30<sup>th</sup> November 2016;
  - Site Location Plan [DP100 rev A] 1:1250 @A3 received on 30<sup>th</sup> November 2016;
  - Existing Site Plan Survey [DP101 RevA] 1:1250 @A3 received on 30<sup>th</sup> November 2016;
  - Proposed Site Drainage Plan [DP 113 RevB] 1:1000 @A3 received on 10<sup>th</sup> January 2017;
  - Proposed Site Plan [DP110 Rev F] 1:1000 @A3 received on 10<sup>th</sup> January 2017;
  - Additional Site Plan [DP100 Rev G] 1:1000 @A3 received on 16<sup>th</sup> January 2017;
  - Ecology/Dormouse Survey 11/10/17 received on 13<sup>th</sup> October 2017;
  
  - Refuse Vehicle Swept Path Analysis Details [SLW0004\_TK01] 1:1250 @A3 received on 11<sup>th</sup> January 2018;
  - Proposed Site Plan [DP150 Rev E] 1:1000 @A3 received on 11<sup>th</sup> January 2018;
  - Dormouse Method Statement received on 27<sup>th</sup> February 2018;
  - Coal Mining Risk Assessment received on 6<sup>th</sup> April 2018.
- 3 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
- a) the expiration of five years from the date of this outline planning permission;
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 Development shall not commence until detailed plans of appearance and landscaping of each building stated in the application have been submitted and received the written approval of the Local Planning Authority.
- 5 Detailed cross sections indicating finished floor and ridge levels compared to the highway and existing/proposed ground levels shall be included in any reserved matters application.
- 6 A sample/detailed specification of the external finishes to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 7 Prior to the beneficial occupation of the dwellings hereby approved, all the required boundary walls and fences to serve those respective dwellings shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme.

- 8 No development approved by this permission shall be commenced until a detailed scheme and programme for the provision and implementation of surface water drainage works has been submitted to and approved by the Local Planning Authority. Such a scheme shall include a management plan of surface water drainage during the construction phase of the development and shall be implemented in accordance with the approved details and programme of implementation.
- 9 All boundary trees within and adjoining the development area should be protected for the duration of any future work following the guidelines in BS5837 (Trees in relation to construction). They should be fenced off to the outermost limit of their branches and no materials or equipment stored or dumped inside the fence.
- 10 A detailed landscaping scheme for the whole site including the retention of any existing landscape features and the indication of species, size and number of trees and/or shrubs to be planted shall be submitted to and specifically approved in writing by the Local Planning Authority prior to the commencement of the development and shall, following approval of such a scheme, be implemented in the first planting season following commencement of the development or at such other time as may be specifically approved in writing by the Local Planning Authority.
- 11 No development shall commence until a detailed method statement for the removal/eradication of Japanese knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Thereafter, the approved method statement shall be carried out.
- 12 Prior to any use of the access road by vehicular traffic, a visibility splay of at least 2.4 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 Heol Blaenhirwaun carriageway.
- 13 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.
- 14 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.
- 15 The parking spaces and layout shown on the plans herewith approved shall be provided 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.

- 16 No development shall take place until a detailed Construction Environment and Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and as agreed.
- 17 Prior to any use of the access road onto Heol Blaenhirwaun a scheme of Traffic Management shall be submitted to the written approval of the Local Planning Authority and specification of the Local Highway Authority that incorporates a speed hump to the east side of the proposed access together with all necessary associated measures.
- 18 Prior to any use of the access road onto Heol Blaenhirwaun a scheme of Traffic Management shall be submitted for the written approval of the Local Planning Authority and specification of the Local Highway Authority that provides for signage and necessary infrastructure to incorporate 'Except for Access' signs at the junctions of the new access with Heol Blaenhirwaun and also at the junction of Bron Yr Inn with Heol Cwmmawr.
- 19 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;
  - how each of those watercourses and pathways will be protected from site run off during construction;
  - how the water quality of the watercourses will be monitored and recorded;
  - how surface water runoff from the site during construction will be managed/discharged; Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses;
  - storage facilities for all fuels, oils and chemicals;
  - construction compounds, car parks, offices etc.;
  - details of the nature, type and quantity of materials to be imported on to the site;
  - measures for dealing with any contaminated material (demolition waste or excavated waste);
  - identification of any buried services, such as foul sewers, so that they are protected;
  - details of emergency contacts, for example Natural Resources Wales hotline.
  - details of the provision and frequency of use of facilities for washing down the wheels of construction vehicles prior to entering the public highway.

- 20 No development shall commence until details of the foul drainage scheme proposed to serve the development which shall include improvements to the public sewerage system have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and to the written approval of the Local Planning Authority prior to the occupation of any of the dwellings hereby approved.
- 21 Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 22 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.
- 23 No development shall take place until a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and as agreed.
- 24 Any proposed external lighting to be erected as part of the residential development should be designed/orientated to avoid illuminating the retained boundary habitats in consideration of their function as wildlife corridors for mammals and birds. No development shall commence until details of a site lighting plan have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved scheme.

## **REASONS**

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

- 2 For the avoidance of doubt as to the extent of this permission.
- 3-7 In the interest of visual and residential amenity.
- 8 To ensure a satisfactory means of surface water disposal and to prevent localised flooding
- 9+10 In the interests of biodiversity, landscape protection and general site amenity.
- 11 To ensure the removal of this invasive species prior to the commencement of development on site.
- 12-18 In the interests of highway safety.
- 19-20 In the interests of the environment and general amenity.
- 21 To ensure compliance with Policy AH1 of the Carmarthenshire (Local Development (Adopted 2014)).
- 22+23 In the interests of highway safety.
- 24 In the interests biodiversity.

## **REASONS FOR GRANTING PLANNING PERMISSION**

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

- The proposal complies with Policy H1 of the LDP in that it is allocated for residential development.
- The proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- The proposal complies with Policy GP1 of the LDP in that it is appropriate in terms of scale and will not cause unacceptable loss of amenity to neighbouring properties.
- The proposal complies with Policy TRS3 of the LDP in that it will be served by suitable access and parking provision and the traffic generated by the proposed development will not adversely affect highway safety or residential amenity.
- The proposal complies with Policy SP2 of the LDP in that the site is not at risk of flooding.
- The proposal complies with Policies REC2, AH1 and GP3 of the LDP in that the applicant/developer will contribute towards community benefits as part of the development.

- The proposal complies with Policy EQ4 and SP14 of the LDP in that the development will not cause demonstrable harm to priority species or their habitats and the natural environment.
- The proposal complies with Policy EP3 of the LDP in that the development will be drained in a sustainable and acceptable manner.
- The proposal complies with Policy GP4 and EP2 of the LDP in that will be served by adequate infrastructure and not pose an unacceptable risk to the natural environment.

## **NOTE(S)**

- 1 Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.
- 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 The developer is advised to contact the Authority's Highways Adoption Officer with regard to the offering of the proposed estate road for adoption by the local authority under Section 38 of the Highways Act 1980.
- 4 It is the responsibility the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence under Section 184 of the Highways Act 1980 before undertaking any works on an existing Public Highway.
- 5 Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement, and the total cost of completing such an agreement shall be borne by the developers.

- 6 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 7 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 8 Any vegetation clearance/works should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.
- 9 A TRO shall be required for the Traffic Management works to be provided in accordance with conditions 17 & 18 above.

<b>Application No</b>	<b>W/36892</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	PROPOSED EXTENSION AND ALTERATIONS TO DWELLING AT 6 LON CLYCHAUR GOG, ABERGWILI, CARMARTHEN, SA31 2JX

<b>Applicant(s)</b>	STEVE BALLETT, 6 LON CLYCHAUR GOG, ABERGWILLI, CARMARTHEN, WALES, SA31 2JX
<b>Agent</b>	GRIFF DAVIES ARCHITECTURAL DESIGN - GRIFF DAVIES, LLYSHENDY, GLANMOR TERRACE, NEW QUAY, CEREDIGION, SA44 9PS
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Abergwili
<b>Date of validation</b>	02/03/2018

## CONSULTATIONS

**Abergwili Community Council** – Has not responded to date.

**Local Member** – County Councillor D T Williams has not responded to date.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and 3 neighbouring properties were notified with 3 responses having been received as a result. The following issues were raised:

- Scale of the proposal is not acceptable;
- Extensions have an overwhelming visual impact on neighbours;
- Impact on views;
- Appearance to solid high building across the length of the neighbours garden;
- Extension would be overbearing;
- Impacts on amenity and privacy;
- Loss of light;
- Amplification of sound levels from traffic;
- Extension would be up to the boundary;
- Design and scale is not in keeping with the character of the area;
- Open character of the estate would be harmed;
- Loss of garden area for the existing property out of character with the area;
- Larger properties on the estate are for sale at present;



- Precedent for future similar proposals;
- Reference to restrictive covenants;
- Proximity of hot-tub to neighbour rear entrance causing over shadowing and impacts on privacy as well as noise.

## **RELEVANT PLANNING HISTORY**

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

D4/25624	Construction of 43 dwellings and associated highways Full planning permission	03 August 1995
D4/20838	Removal of Condition 12 from planning consent D4/19361, granted on 04/09/1990 Full planning permission	19 February 1991
D4/19361	Construction of mixed residential development to provide 46 dwellings of 3 & 4 bedrooms, detached and semi detached Full planning permission	04 September 1990
D4/16566	Siting of residential development Full planning refused	09 May 1989
D4/7640	Siting of residential development Full planning refused	16 April 1981
D4/7368	Siting of residential development Withdrawn	17 April 1980
D4/6557	Siting of a residential development Withdrawn	22 August 1979

## **APPRAISAL**

### **THE SITE**

The application consists of a detached 2 storey dwelling located at the south eastern end of Lon Clychaur Gog. The site is at the edge of a housing estate at the northern part of Abergwili. The property has a drive to the front of the property with an integral double garage protruding from the front elevation. The proposed has a hipped roof covered in tiles and render walls. The main amenity space is located at the rear of the property. There are properties either side of the application site within an agricultural field to the rear. The properties to the south west are orientated with their rear elevation facing towards the side elevation of the application site.

### **THE PROPOSAL**

The application seeks full planning permission for extensions to the dwelling.

Extensions are proposed to the rear, front and side elevations of the dwelling.

The front elevation would be extended with first floor accommodation introduced above the existing double garage. Initially the first floor element was to extend over the whole of the garage. This has been subsequently reduced. The front extension would extend approximately 3.3m over part of the existing ground floor garage area. The extension would have a hipped roof and would accommodate an additional bedroom. The ridge line of the extension is stepped down from the height of the main roof.

To the south western side of the property an additional single storey section is proposed. This runs from the existing garage towards the midway of the existing dwelling. This would have a lean to roof with rooflights and would accommodate part of a WC and utility room. To the north eastern side of the garage a canopy is proposed.

To the rear and north eastern edge of the property there is proposed to be a single storey extension with a covered canopy and open sided hot tub area. This would have a hipped and lean to roof.

At the rear of the property a new 2 storey extension is proposed. This has a hipped roof set at the same height as the main roof. It would accommodate a further bedroom with a catslide roof element to the north east creating additional ground floor living space. This is approximately 4.8m in depth from the existing rear elevation. There are no first floor windows on the side elevations of this extension.

A bat survey was submitted with the application which showed no signs of bats at the property.

## **PLANNING POLICY**

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

Policy GP6 Extensions states that proposals for the extension of existing residential dwellings / use class C3 (which require planning permission) whether buildings, other structures or a particular land use must comply with the following:

- a. The scale of the proposed extension is subordinate and compatible to the size, type and character of the existing development and does not result in over development of the site, nor lead to reduced and inadequate areas of parking, utility, vehicle turning, amenity or garden space;
- b. The external appearance of the proposed extension in terms of design is subordinate, and the materials should complement that of the existing development;
- c. There are no adverse effects on the natural environment, landscape/townscape or the setting and integrity of the historic environment;
- d. The local environment and the amenities of neighbouring developments are not adversely affected by the proposed extension;
- e. The use to be made of the proposed extension is compatible with the existing building, structure or land use.

## 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.

### **THIRD PARTY REPRESENTATIONS**

Turning to the representations received to date.

The concerns raised relate primarily to the scale and design of the proposed extensions. Concerns were raised over the impacts of the extensions in terms of the character of the property and the area. There were also concerns over the impacts on amenity from the extensions.

The proposal does include several extensions at different parts of the property. In terms of the character of the area the proposal does have a mix of housing types. It should be noted that aspects of the proposals would be permitted development on their own. The scale of the rear extension is outlined in the report above. It is not considered excessive in terms of its scale or over development of the rear garden space. There are no first floor flank windows overlooking the rear amenity space of the adjacent properties. The roof line is not subordinate to that of the main dwelling however it is considered that the additions are not harmful to the character of the area or of the building itself.

The rear extension would extend the built form facing towards the properties to the south west. The front extension would also add to the built form, although less so than originally proposed. While it is acknowledged that there would be some impact from the increased built form it is not felt that the impacts are to a degree to warrant refusal of the application.

The changes to the front of the property have been reduced. Initially the extension was to be over the full extent of the double garage. This was not considered to be acceptable and subsequently was reduced. It now protrudes only partially over the double garage. There are no similar examples of extensions to the front of the dwellings in the estate. However it needs to be considered whether this change is considered to be harmful to the character of the area. While it would be different to other properties in the area it is not considered the front extensions would be harmful to the character of the area. There are examples of dormer windows and first floor accommodation above garages in the estate at other property types. There is a first floor flank window however this faces north east and overlooks the front drive and garden area of the adjacent property. There is an open frontage to the adjacent property they have rear amenity space which is enclosed. Therefore it is not felt that the introduction of a window facing the front area would have significant impacts on amenity.

Concerns have been raised over loss of light from the proposed extensions on adjacent properties. The single storey extensions given their scale and location are not considered to have any significant impacts on light at adjacent properties. The front extension is approximately 3.3m of additional first floor area. Given the location of this extension, along with the presence of the existing dwelling behind it there are not considered to be significant impacts from this. The rear extension is located close to the boundary with the properties to the south west. Given its height there will be an element of overshadowing at certain times of the day of the rear amenity space, namely in the morning. There is however a separation of distance in the region of 12-13m between the proposed extension and it is considered that any impacts would not be of a significance to warrant refusal of the application.

The other extensions are single storey. It is not considered they would cause any significant impacts in terms of overlooking, loss of light, amenity or overbearance.

Loss of garden area for the existing property being out of character with the area was an issue raised. The property has a rear amenity space of approximately 14m in depth at present. Even with the rear extension it is considered that sufficient amenity space would be retained. In relation to the character of the estate in terms of amenity space while it would be lower than many it is not felt that the area remaining is significantly reduced to an extent to be harmful to the character of the area. A depth in the region of 9m at the shortest point would still remain and the rear extension is not across the whole of the rear elevation at the full depth.

Proximity of the hot-tub to neighbour rear entrance causing over shadowing and impacts on privacy as well as noise was raised. The hot tub element of the extension is single storey. While located close to the boundary it is not considered this would give rise to any significant concerns in relation with loss of light. This element alone would be permitted development and could be added separately without needing planning permission. In terms of noise it is not considered there would be any significant impacts over and above the usual use of garden space. The hot tub is partially covered whereas it could be located in the open potentially without requiring planning permission. Noise has also been referred to in terms of the larger dwelling amplifying noise from nearby roads. It is not considered that there is any specific evidence to suggest this would be to a degree to raise concerns warranting the refusal of the application.

Sufficient parking area is retained with the double garage and a drive to the front of the property. The proposed materials will match that of the existing dwelling and those common in the estate. A bat survey was provided and this indicates no presence of bats at the property.

Certain matters have been raised which are not materials considerations such as the loss or impacts on views and also reference to restrictive covenants on the estate. The approval of the proposal setting a precedent has also been referred to. Each application is considered on its own merits. If any future applications for extensions are proposed here or at other properties they would be assessed at that time against the relevant policies and other considerations. Objections have referred to larger properties on the estate being for sale and that these could be purchased rather than extending this property. Again it is not felt that this is a material consideration.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this

application, together with the representations received to date it is considered that on balance the proposal is acceptable.

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

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
  - 1:2500 and 1:500 scale Proposed Site and Location Plans received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Existing and Proposed Roof Plans received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed Side Elevations (AC.08) received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed Garden Elevation (South East Rear Elevation) (AC.06) received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed Side Elevations East and North West (AC.05) received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed Entrance Elevation (AC.04) received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed Ground Floor (AC.02) received on 23<sup>rd</sup> March 2018;
  - 1:100 scale Proposed First Floor (AC.02) received on 23<sup>rd</sup> March 2018;
  - Bat Report received on 20 February 2018.

### **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.

### **REASONS FOR DECISION**

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

- The proposed development complies with Policy GP6 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the extension not considered to be harmful to the character of the building or area. The scale and design of the extensions are considered acceptable. Proposed materials would match that of the existing dwelling and those common in the estate. Sufficient amenity space and parking provision is also provided for. While there would be impacts on the amenity of any nearby properties it is not felt these are of a degree to have significant detrimental impacts.

## NOTE(S)

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

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

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

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

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

<b>Applicant(s)</b>	MR & MRS THOMAS, WOOFORD HOUSE, BROADWAY, LAUGHARNE, SA33 4NS
<b>Agent</b>	SAURO ARCHITECTURAL DESIGN LTD - PETER SAURO, 9 ELLISTON TERRACE, CARMARTHEN, SA31 1HA
<b>Case Officer</b>	Helen Rice
<b>Ward</b>	Laugharne Township
<b>Date of validation</b>	26/04/2017

**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 originally deferred for a site visit by the Planning Committee on 16 November 2017.**

**The site visit took place on 23 January 2018 after which Members resolved to defer determination of the application to enable further discussions with the applicant on the level of community benefits to be provided and to discuss concerns raised on the separate accesses to the site serving the open market and affordable housing element and the lack of a link between the two elements being detrimental to residents.**

**The applicants were present at the committee on 23 January 2018 and thus were fully aware of the discussion that took place. Shortly after the committee, Officers contacted the applicant's agent seeking a response to the matters raised. A formal response was received on 23 March 2018 which included a series of amended plans to respond to the layout concerns expressed by Members at the committee. In summary the revised layout is based on a single point of access from the A4066 and provision of a pedestrian link only from the site to Cwrt Wooford which would enable residents of the site to easily access Laugharne school by foot. The revised layout has also been amended to disperse the 13no. affordable housing units (identified by a red dot on the revised layout plans).**

**The applicant has also provided a statement in response to the request for the previous community benefits. In summary, the applicant advises that the previous**

legal agreement for the community benefits was as a result of the policy position at that time i.e. that the site was outside of the settlement boundary of the UDP whereas the site is now in the LDP. The statement clarifies that the playing field continues to be let to Laugharne Athletic Club for a nominal rent and there are no desires to develop the playing field. The statement raises concerns over the nature of the objections raised which is stated as being driven by Laugharne Athletic club and includes misunderstandings and misrepresentations. The statement confirms that they are willing to enter into a Section 106 agreement to secure 13 no. affordable housing, highways and education contributions. No further benefits are to be provided. The statement is available in full on the Council's website.

Furthermore, Laugharne Athletic Club wish to ensure that Members are aware that they sought Legal Opinion on the matter as referred to in the original committee report. This Legal Opinion is available to view on the Council's website.

The previous committee report is produced below albeit amended to reflect the revised proposals and additional comments received as a result of the re-consultation process with consultees and wider public.

## 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.

### **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.

The site 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.

Of the 42 no. dwellings, 13 no. dwellings would be affordable and following revisions to the scheme, these units would be accessed from the same principal access serving the development and dispersed in between open market dwellings. A pedestrian link between the site and Cwrt Wooford is now proposed to enable future residents to access the school and footpath down to Laugharne via Cwrt Wooford.

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, that have been duly updated to reflect the revised scheme.

## **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 (9<sup>th</sup> 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 in Section 122 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 playing fields are not affected in any way

by the development. The applicant confirms in their statement that the playing fields remain to be rented at a nominal rate to the Athletic Club and there is no reason why this would end as a result of this development. The only connection between the application and the playing fields is that the applicant is the landowner. Landownership is not a matter for this application and Section 106 Planning Obligations cannot be used to rectify landownership matters which fall outside the planning remit. Therefore, officers consider that the sought after obligation would fail to meet tests (a) and (b). 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 revised layout, it is considered that adequate siting of the proposed dwellings can be achieved without having an unacceptable impact on existing amenity.

Concerns were originally 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. This concern has now been addressed following the submitted revisions.

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 providing a pedestrian access from the application site into Cwrt Wooford. 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 19<sup>th</sup> and 20<sup>th</sup> 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 raised in relation to the siting of the affordable units has now been addressed, with units being more dispersed within the site and accessed from the same access point albeit with a pedestrian access into Cwrt Wooford.

## **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 (696/01C) received 23 March 2018
  - 1:500 scale Proposed Drainage Strategy Plan (C-SK01C) received 23 March 2018
  - 1:500 scale Proposed Landscape Concept (RS044-01-0) received 23 March 2018
  - 1:250 scale Site Sections (696/02B) received 23 March 2018
  - 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 received 23 March 2018
- 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](http://www.carmarthenshire.gov.uk))