

# Pecyn Dogfennau



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
Chief Executive,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

**DYDD GWENER, 3 MAI 2019**

**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 AM  
10.00 YB, DYDD MAWRTH, 14EG MAI, 2019** ER MWYN CYFLAWNI'R  
MATERION A AMLINELLIR AR YR AGENDA SYDD YNGHLWM

*Mark James* DYB

**PRIF WEITHREDWR**



**AILGYLCHWCH OS GWELWCH YN DDA**

<b>Swyddog Democrataidd:</b>	<b>Emma Bryer</b>
<b>Ffôn (Ilinell uniongyrchol):</b>	<b>01267 224029</b>
<b>E-bost:</b>	<b>Democraticservices@sirgar.gov.uk</b>
<b>Cyf:</b>	<b>AD016-001</b>

# 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 – 4 AELOD

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

### 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-Gadeirydd) Aelod o Gyngor Cymuned Bronwydd

### Y GRŴP ANNIBYNNOL NEWYDD – 2 AELOD

1. Lle Gwag
2. Lle Gwag

NI CHANIATEIR EILYDDION MEWN CYFARFODYDD O'R PWYLLGOR YMA

# AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGAN BUDDIANNAU PERSONOL
3. RHANBARTH Y DE - PENDERFYNU AR GEISIADAU CYNLLUNIO 5 - 18
4. RHANBARTH Y GORLLEWIN - PENDERFYNU AR GEISIADAU CYNLLUNIO 19 - 48

Mae'r dudalen hon yn wag yn fwriadol

*Ardal Del/  
Area South*

**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 14 MAI 2019  
ON 14 MAY 2019**

**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>14 MAY 2019</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA SOUTH**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
<b>S/38295</b>	<b>Construction of new house with integral garage at Plot 3, Heol Bronallt, Fforest, Llanelli, SA4 7TE</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/38295</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSTRUCTION OF NEW HOUSE WITH INTEGRAL GARAGE AT PLOT 3, HEOL BRONALLT, FFOREST, LLANELLI, SA4 7TE

<b>Applicant(s)</b>	MR NEIL EBORN, 48 CLAYTON DRIVE, PONTARDULAIS, SWANSEA, SA4 8AD
<b>Agent</b>	ROBERT HIGGINS ARCHITECT - MR ROBERT HIGGINS, 105 PENYBANC ROAD, PENYBANC, AMMANFORD, SA18 3QP
<b>Case Officer</b>	Zoe James
<b>Ward</b>	Hendy
<b>Date of validation</b>	15/01/2019

**The application is being reported back to Planning Committee following the meeting on 19 March 2019 where Members resolved to grant planning permission contrary to Officer's recommendation, subject to planning conditions and completion of a Unilateral Undertaking.**

## **CONSULTATIONS**

**Head of Transport** – Has raised concerns regarding visibility and parking as one of the car parking spaces is positioned within 2.4m of the edge of the carriageway. Also noted that the car parking spaces were below standard size. A revised plan has been received which repositions and increases the size of the proposed the parking spaces. Highways have now confirmed no objection subject to a condition regarding visibility splays.

**Llanelli Rural Council** - No observations received to date.

**Local Member** - Councillor Gareth Thomas is a member of the Planning Committee and has requested that the application be brought to the Planning Committee and that a site visit is undertaken in order for members to view the location and any impact of the development on surrounding properties.

**Dwr Cymru/Welsh Water** – Following the revised drainage proposal seeking to discharge directly into an adjacent storm drain, Dwr Cymru/Welsh Water have confirmed that they are willing to permit the connection of foul and surface water flows to the separate foul and surface water systems, subject to the required Section 104 Adoption Agreement and Section 106 Connection Approvals being in place.

**Sustainable Drainage Approval Body** – Initially raised concerns regarding siting of a soakaway at the site due to the sloping nature and proximity of the neighbour’s house at the lower end. Recommended that on-site infiltration tests in accordance with BRE365 are undertaken to ensure no detrimental impact on the lower neighbour’s property. Revised plans were submitted proposing direct surface water drainage connection to existing storm drain to the rear of the application plot, no objection subject to Dwr Cymru Welsh Water’s agreement.

**Public Rights of Way** – Initially commented stating that no regard has been given to the existence of Footpath 34/43 and if planning permission is to be granted, conditions are required. However, have since confirmed that the route of Footpath 34/43 was incorrectly mapped and abuts the application site.

**Llanelli Ramblers** – Initially objected on basis that application impacts on Footpath 34/43 and no regard has been given to use of the Public Right of Way. Further to the correction to the alignment of the public right of way advised by the PRoW team, the initial objection submitted on behalf of Llanelli Ramblers has now been withdrawn. The withdrawal is subject to the conditions requested by the PRoW team (in their comments 11/02/19) being fulfilled.

**Neighbours/Public** - The application has been publicised by the posting of two Site Notices. Please note that 2 no. responses have been received from 2 no. properties raising material planning considerations as follows:-

- privacy/amenity/overbearing;
- proposal does not take account of public footpath;
- query regarding land ownership; and
- increased traffic causing safety issues.

## RELEVANT PLANNING HISTORY

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

S/37293	Construction of new house with integral garage. Full Planning refused	12 July 2018
D5/16775	Residential development Full planning permission	16 March 1995
D5/15196	Residential development 37 detached dwellings Reserved Matters granted	18 March 1993
D5/11875	Residential development Outline planning permission	23 October 1989
D5/11616	Construct 8 semi-detached and 4 detached houses Approved	26 June 1989
D5/5740	Construction of detached houses Refused	25 June 1981
D5/5237	Residential Outline planning refused	11 September 1980

## **APPRAISAL**

### **THE SITE**

The application site consists of a rectangular parcel of land fronting the western side of Bronallt Road within the village of Hendy. The site is bordered by Public Right of Way footpath no. 34/43 and then no. 53 Bronallt Road to the south, existing property Y Winllan is to the north west and a vacant parcel of land, part of which has recently been granted outline planning permission at Planning Committee subject to completion of a Section 106 agreement for 2 dwellings (reference. S/36098). The Coed y Bronallt estate is situated to the north west of the site and is characterised by large detached houses and Bronallt Road comprises a mix of large detached houses as well as former local authority semi-detached properties.

The site consists of a grassed overgrown area which has an unkempt appearance and has previously been subject of two enforcement notices served regarding untidy land. The levels of the site fall towards its western boundary. The Y Winllan property within the Coed y Bronallt estate to the rear is set at a lower level than the site.

### **THE PROPOSAL**

The application seeks full planning permission for a detached dwelling with integral garage, alongside new access, driveway and parking spaces to the front and private garden space to the rear. This application follows a previous application (reference. S/37923) at the site which was refused under officer delegated powers due to concerns regarding its harmful impact on the residential amenity of the occupiers of the neighbouring dwelling of 'Y Winllan' by way of loss of privacy and overbearance.

The present application has not altered from the previously submitted scheme and comprises a three storey property built into the land which appears two storey when viewed from Bronallt Road.

At ground floor level, the property comprises an integral garage, study, bathroom, snug, dining/living room and large open plan kitchen which runs along the rear elevation of the property. A semi-circular stairwell is proposed beyond the main wall of the rear elevation in the north western corner of the property. The stairwell has no fenestration and provides access to the lower floor. There is also an internal staircase within the centre of dwelling which provides access to the first floor. At first floor, four bedrooms are proposed, each of which has its own en-suite. Bedrooms 1 and 2 overlook the rear garden (three windows) whilst bedroom nos. 3 and 4 face Bronallt Road. The lower ground floor includes a lounge, lobby, shower room, utility room and bin store with access to the rear garden from the living room via bi-folding doors or the bin store on the south elevation.

The application has been accompanied by cross sectional drawings taken through the site which show the proposed finished levels of the development in relation to existing properties to the east and west. Whilst the proposed dwelling has been built into the land, the topography and elevated position results in the dwelling having a direct elevated outlook towards the rear elevation and private garden area of the existing property, Y Winllan to the

rear. The positioning of the stairwell to the north west of the property seeks to reduce views from the kitchen and lounge yet this does not overcome the concerns regarding overlooking.

A 1.8m high close boarded timber fence is also shown on the plans along the north and western boundary.

The application is accompanied by a draft Unilateral Undertaking and completed Certificate of Title indicating the applicant intends to comply with the requirements for a contribution towards affordable housing in line with Policy AH1.

## **PLANNING POLICY**

In the context of the Authority's current Development Plan the site is within the defined development limits of Hendy as contained in the adopted Local Development Plan (LDP). It is not the subject of any designation or allocation in the Plan and therefore appears as white land. Reference is drawn to the following policies of the Plan:-

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

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. Development proposals should also not have a significant impact on the amenity of adjacent land uses and properties.

Policy GP2 Development Limits 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 Planning Obligations states that the Council will, where necessary seek developers to enter into planning obligations 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.

Policy H2 Housing within Development Limits permits proposals for smaller housing developments on unallocated sites within the development limits of a defined settlement provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 Affordable Housing states a contribution to affordable housing will be required on all housing allocations and windfall sites. The Council will seek a level of affordable housing contribution of 30% in the higher viable areas, 20% in the middle viable areas, and 10% within the Ammanford/Cross Hands sub-market areas.

Policy GP4 Infrastructure and New Development states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be

satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

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 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 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 EQ4 Biodiversity 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.

### **THIRD PARTY REPRESENTATIONS**

Two letters of objection have been received from neighbouring residents who raise concerns regarding the impact of the proposal on their residential amenity. Concerns are raised by a neighbour located to the west regarding loss of privacy and overbearance as a result of the proposed development and notes that only a property which sits at similar height to their property would address this concern. The objection also refers to the existing footpath being well used and inaccuracies regarding the red line plan. It is noteworthy that previously the neighbour commented on the earlier application at the site, yet did not raise such strong concerns or objections regarding the proposal.

The second objection refers to loss of views as a result of the development and concerns over increase in traffic resulting in highway safety issues.

Highway/pedestrian safety has been carefully considered. There was initial concern from Highways regarding visibility and parking for the proposed development. One of the proposed car parking spaces was situated within 2.4m of the nearside edge of the carriageway. The comments also highlighted that the size of the parking spaces fall below the 2.6m x 4.8m standards.

Revised plans have since been submitted with one of the spaces relocated and the parking spaces increased in size to the above standards. Highways have responded stating that should the application be approved, a condition will be imposed requiring 2.4m x 4.3m visibility splays to be implemented and retained thereafter. On this basis, the Head of Transport has no objection.

Turning to the objection regarding loss of privacy and overbearance on adjacent dwelling 'Y Winllan', it is pertinent to note that the previous application (reference. S/37293) for the same scale development at the site was refused on this basis. As before, it is considered that the new dwelling would have a direct elevated outlook towards the rear elevation and private garden area of this existing property at close quarters to the detriment of the privacy and enjoyment of its occupiers. Moreover, the scale and massing of the new dwelling combined with its proximity and elevated position above 'Y Winllan' would mean it would appear as an overly dominant and overbearing feature from this existing property. It is considered that the proposed development therefore fails to conform to criteria within Policy GP1 (Sustainability and High Quality Design) and Policy H2 (Housing within Development Limits).

In terms of loss of views as Committee Members will be aware this is not a material planning consideration. As per highways comments, the proposed development is not considered to have an impact on highway safety grounds subject to a condition regarding visibility.

The agent has submitted revised plans amending the red line area of the application site which accords with the Certificate of Title completed by the applicant's solicitor. On this basis, it is considered that the concern regarding land ownership has been addressed.

## **CONCLUSION**

After careful consideration of the site and surrounding environs, the proposal is considered not to be acceptable given its impact on the amenity of adjacent residential dwellings. Whilst the proposal complies with a number of policies within the Local Development Plan (LDP) given the site's location within the Development Limits in Hendy, the proposed dwelling fails to comply with the relevant criteria within LDP Policies GP1 and H2, by reason of its siting, size and scale.

Given the sloping nature of the site, accompanied by the scale and massing of the proposed dwelling, it is considered to result in unacceptable harm to the residential amenity of the occupiers of the neighbouring dwelling 'Y Winllan' due to loss of privacy and overbearance. Despite attempts to reduce overlooking through proposed fencing and positioning of the stairwell on the rear elevation, the new dwelling would have a direct elevated outlook towards the rear elevation and private garden of the existing property at close quarters resulting in a detrimental impact on the privacy and enjoyment of its residents. Given the proximity and site topography, alongside the scale and massing of the proposed dwelling would result in it appearing as an overly dominant and overbearing feature from the existing property. The concerns raised by the Sustainable Drainage Approval Body regarding the proposed use of a soakaway due to the sloping nature of the site and the proximity of the neighbour's house at the lower end are addressed through submission of revised plans and proposal to connect to the existing storm sewer.

The proposal includes adequate parking facilities so no concerns are raised regarding highway safety, subject to imposition of suitable condition. As previously identified, a draft Unilateral Undertaking has been submitted by the applicant's solicitor regarding a commuted payment to contribute towards the provision of affordable housing in the locality as part of the proposal. We are presently awaiting the final completed agreement. As such, the proposal complies with the requirements regarding affordable housing within LDP Policy AH1 (Affordable Housing).

Contrary to Officer recommendation, a resolution to grant planning permission was given by Planning Committee on 19 March 2019, subject to planning conditions and finalisation of a

Unilateral Undertaking. As highlighted above, a draft Unilateral Undertaking has been submitted and is in the process of being finalised and the following conditions are recommended:

## **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 hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - Site Plan and Location Plan drawing no. 01 received 15 February 2019;
  - Site Layout Plan scale 1:200 drawing no. 02 Rev D received 7 March 2019;
  - Floor Plans drawing no. 03 received 28 November 2018;
  - Elevations drawing no. 04 received 28 November 2018;
  - East West Site Sections drawing no. 05 received 9 January 2019.
- 3 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 Bronallt Road frontage within 2.4 metres of the near edge of the carriageway.
4. The access and visibility splays 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.
5. 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 purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
6. Surface water flows from the development shall only communicate with the public surface water sewer as shown on drawing number 02D submitted with the planning application.
7. The proposed development site is crossed by a foul and surface water public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of each of the public sewers.
8. Before the development hereby permitted is first brought into use the bathroom, wetroom and en-suite windows (as shown on Plans drawing no. 3) shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter.

### **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.
- 3-5 In the interest of highway safety.
- 6 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.
- 7 To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 8 In the interest of privacy.

### **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 GP2 of the LDP in that it is situated within the development limits of Hendy.
- The proposal complies with Policies GP3 and AH1 of the LDP in that the applicant/developer has entered into a legal agreement securing the relevant contribution towards community benefits as part of the development.
- The proposed development complies with Policy TR3 of the LDP in that it provides appropriate parking and will not generate unacceptable levels of traffic on the surrounding road network or be detrimental to highway safety.

### **NOTES**

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

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

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

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

- 2 The affordable housing contribution required in line with Policy AH1 of the Local Development Plan has been secured by the applicant entering into a S106 agreement/Unilateral Undertaking.
- 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))
  - Please see the relevant response from Dwr Cymru/Welsh Water and the Council's Sustainable Drainage Approval Body and refer to the recommendations and advice contained therein.

Mae'r dudalen hon yn wag yn fwriadol

*Ardal  
Gorllewin/  
Area West*

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR AMGYLCHEDD**

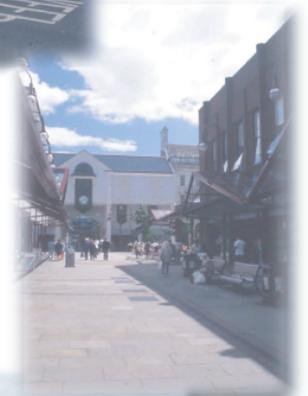
**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

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

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

**AR 14 MAI 2019  
ON 14 MAY 2019**

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



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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>14 MAY 2019</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA WEST**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
<b>W/37401</b>	<b>Demolition of existing buildings and redundant telecommunications slabs and erection of Lidl Foodstore with associated parking, delivery arrangements and widening of current access road at former Carmarthen Police Station, Friars Park, Carmarthen, SA31 3AW</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/37401</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	DEMOLITION OF EXISTING BUILDINGS AND REDUNDANT TELECOMMUNICATIONS SLABS AND ERECTION OF LIDL FOODSTORE WITH ASSOCIATED PARKING, DELIVERY ARRANGEMENTS AND WIDENING OF CURRENT ACCESS ROAD AT FORMER CARMARTHEN POLICE STATION, FRIARS PARK, CARMARTHEN, SA31 3AW

<b>Applicant(s)</b>	LIDL UK GMBH - DR WENDY HURST, WATERTON INDUSTRIAL ESTATE, OFF COWBRIDGE ROAD, BRIDGEND, CF31 3PH
<b>Agent</b>	
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Carmarthen South
<b>Date of validation</b>	15/06/2018

## CONSULTATIONS

**Head of Highways and Transport** – Has raised no objection to the development subject to the imposition of suitable conditions securing, amongst others, a scheme for the widening of part of the pedestrian footway to the north of the site and the submission of a delivery management plan as part of the development.

**Head of Waste and Environmental Services (Land Drainage)** – Has confirmed his acceptance of the surface water drainage strategy proposed.

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

**Carmarthen Town Council** – Has offered the following comments in respect of the application:-

- Request that concerns and requests raised by Cadw and the Dyfed Archaeological Trust be addressed as part of the application.

- Request that the perimeter of the building be relocated sufficiently to allow for proper landscaping and greening around its perimeter, particularly on the Morfa Lane and to the north side of the building to mitigate its visual impact upon the surrounding environment.
- Further clarification is required as to how the widening of the access road will impact upon the Scheduled Monument.

**Local Member** - County Councillor A Lenny is a member of the Planning Committee and has therefore made no prior comment on the application. County Councillor G John has also not commented on the application to date.

**Welsh Government (Transport Division)** – Has no objection in terms of the likely traffic impact upon the trunk road network.

**Dyfed Archaeological Trust** – Concerns raised regarding the impact of the development upon the setting of the nearby Civil War earthworks known as ‘The Bulwarks’ which is a Scheduled Monument (SM). In doing so, advises that the final decision as to the acceptability of the impact of the development upon the scheduled monument lies with Cadw. In the event that planning permission is granted, recommends the imposition of a condition securing the submission of a written scheme of investigation of archaeological works to be undertaken as part of the development in order to protect the historic environment.

**Cadw** – Advise that the demolition of the existing buildings on the site and their replacement with the new store will open up views to and from the scheduled monument and the modern buildings in the site will no longer dominate the scheduled monument (as is the current situation). Whilst they suggest that that the position of the car park with its associated movement and noise will have an adverse impact upon the setting of the scheduled monument, on balance they consider the development will have a slight positive impact on the setting of The Bulwarks scheduled monument.

Also advise that the slight expansion of the car park on the western side of the scheduled monument as part of the development and the widening of the access road will require scheduled monument consent. They confirm that an application for scheduled monument consent has been submitted to Cadw for these works and that they have authorised an archaeological evaluation of these areas of the site to inform their decision in respect of this application as well as the current planning application. The evaluation works have recently been completed and whilst Cadw have been consulted on the results of the evaluation, no further comments have been received to date.

**Dwr Cymru/Welsh Water** – Has examined the foul and surface water drainage strategy submitted with the application and raised no objection to the development subject to the imposition of suitable conditions.

**Natural Resources Wales** – Has raised no objection to the application subject to the imposition of suitable conditions.

**Neighbours/Public** – The application has been publicised with the posting of a number of site notices within the vicinity of the site and the publication of a notice in the local newspaper. Subsequent amendments to the development as part of the application process and the submission of additional supporting information by the applicant also

required further re-consultation exercises whereby further site notices were posted and an additional press notice published in the newspaper.

As a result of these publicity exercises, fifteen third party letters of representation have been received from interested parties, including the Carmarthen Civic Society, all of whom object to the application. It is noteworthy that eight of these letters were received in respect of the original development layout prior to it being amended in accordance with Cadw's advice. The objections are summarised below:-

- The Bulwarks scheduled monument is of national importance and nothing should be built in or near it to detract from the significance of the earthworks.
- Negative physical impact upon the scheduled monument through its access and parking arrangements.
- The proposal will threaten the visual connection between The Bulwarks and the castle which was central to the strategic planning of The Bulwarks.
- The Bulwarks are one of the best preserved 17th century Civil War defences/earthworks within the UK and possibly Europe and should be preserved.
- The site should be developed as a historical tourist attraction or heritage centre.
- The application area is likely to contain buried archaeological remains as well as a large section of The Bulwarks.
- The designation of The Bulwarks as a scheduled monument is intended to protect it from developments such as that currently proposed.
- The widening of the road must be undertaken under qualified archaeological supervision.
- Increased traffic generation on the surrounding road network.
- The development will prevent further investigation and analysis of the scheduled monument while also affecting visitor understanding of its importance as well as the soil chemistry of any buried features.
- The development will be unsightly dominating the skyline of Carmarthen on the western approach with the signage and fencing being unattractive.
- Detract from the rural market town.
- The size of the building will create shadow and an unpleasant commercial feel to the residential houses in Morfa Lane.
- Increased noise and pollution from the car park will impact upon neighbours.
- The site is partly within and forms part of the setting of a conservation area and occupies a prominent location on one of the principal approaches into the town.

- Impact upon the setting of the Towy Valley Registered Landscape of Historic Interest.
- The proposal would have a harmful effect upon the fabric of the scheduled monument and its setting and as such be contrary to policies SP13, EQ1, GP1 and EQ5 of the LDP.
- The position of the building close to the scheduled monument will adversely impact upon its physical setting and block public views of its function as a defensive earthwork to a greater extent than the existing buildings on the site.
- A method statement for the demolition and clearance stage detailing how potential buried archaeological remains will be safeguarded is required.
- Loss of parts of the scheduled monument with the widening of the road and visual impact of signage.
- The introduction of a more intensive commercial use with more traffic and external illumination will have a detrimental effect upon the SAM.
- A well thought out landscaping scheme is essential to soften the visual impact of the development.
- Lack of boundary treatment and signage details.
- No separate access for delivery vehicles.
- Proximity of the access road and parking spaces to the steep slope and the safety impact of the same.
- Lack of parking spaces.
- Question the stability of the western slope to safely accommodate the development.
- The change in layout will result in a more visually intrusive development than that originally proposed and have a clear demonstrable harm upon The Bulwarks scheduled monument and its setting as well as well as that of the adjoining conservation area.
- The Bulwarks scheduled monument would be left as an 'island' of preserved archaeology.
- The perimeter of the development will be enclosed by fencing that will visually separate it from its setting with no buffer between it and the car park.
- Failure of the applicant to assess the setting of The Bulwarks in accordance with Cadw's guidance and inadequacies in the heritage assessment submitted.
- The need to promote the Bulwarks as an attraction from the Coastal Path and its link with the castle.

- Unacceptable layout and scale and design of the new store having a much larger footprint than the existing buildings on the site.
- Loss of amenity to neighbours as a result of deliveries and light pollution.
- Visual impact of the new store and adjacent plant area upon Morfa Lane.

## RELEVANT PLANNING HISTORY

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

W/20901	Construction of new glazed canopy to front entrance Full planning permission	21 May 2009
W/20759	Installation of new fence and gate and replacement fence and new gate Full planning permission	30 June 2009
W/18211	Removal of existing modular office building with proposed larger office as replacement Full planning permission	10 March 2008
TM/00880	Placement of 2 no. portacabins for office use Full planning permission	09 May 2002
W/03597	Construction of volumetric modular building for office use Full planning permission	08 August 2000
W/02450	Formation of additional car park Full planning permission	29 April 1999
D4/4399	Temporary buildings renewal Full planning permission	22 March 1978
D4/4398	Temporary office Full planning permission	23 March 1978
D4/1176	Temporary office accommodation Full planning permission	30 October 1974

## APPRAISAL

### THE SITE

The application site consists of the former Carmarthen Police Station at Friars Park in Carmarthen. It is located immediately to the south west of the town centre in an area that is characterised by a mix of commercial and residential properties. The site measures approximately 1.3 hectares in area with the former police station being centrally located on an elevated plateau above Morfa Lane and the A4242 which bound its western and southern boundaries respectively. The western and southern parts of the site consist of

steeply sloping grassed banks which slope down from the police station towards the roadways.

The former police station consists of a mix of building types which range from one to three storeys in height with facing brickwork and pitched and flat roofs. There are also a number of portacabin structures on the site principally above the grassed bank that flanks Morfa Lane. The buildings are surrounded by a hardstanding parking area and vehicular access is achieved via an access road that egresses onto the A4242 to the south.

The site includes part of a scheduled monument known as The Bulwarks which comprises the remains of an earthwork defensive line dating back to the Civil War in 1642-51 that was built to protect west Carmarthen. The surviving section of the defences consist of a central section of bank some 0.7 metres high fronted to the west by a 5.6 metre wide ditch and can be seen as a grassed area located within and adjacent to the north eastern boundary of the site. North and south of this are two polygonal projecting bastions with the best preserved being in the grassed area located immediately to the north of, and outside, the application site with the depth of the ditch being circa 2 metres below the exterior and 4 metres below the crest of the bank. The southern bastion consists of the sloping grassed bank that forms the southern part of the application site and flanks the access to the police station.

The central section of The Bulwarks scheduled monument located along the north eastern boundary of the site is located within the Lammas Street Conservation Area while the remainder of the application site falls outside this designated area.

The site is located immediately adjacent to and to the west of the Wilko store in the town centre with the bus station and retail areas of Merlin's Walk and Lammas Street located beyond this approximately 200 metres from the site. To the west, and on the opposite side of Morfa Lane is the Toyota car garage and neighbouring commercial buildings as well as the Tesco Extra store. Carmarthen Park is located to the north of the Tesco store. There are a number of residential properties to the north of the site that front on to Morfa Lane and these are separated from the site by a public footpath that runs contiguous with the northern boundary of the site and provides a direct pedestrian link to Friars Park and the town centre. The River Towy is located to the south of the site on the opposite side of the A4242.

## **THE PROPOSAL**

The application seeks full planning permission for the demolition of the existing buildings and structures on the site and the development of a new Lidl foodstore with associated parking, road widening, landscaping and infrastructure works.

By way of background to the proposal, Lidl currently has a store in Carmarthen town centre which is located in Priory Street approximately 700 metres to the east of the application site. The store opened in 2000 and has now become dated in terms of its floor area and operational arrangements and is too small to serve its customer base. There is therefore a need for a larger store to meet the local consumer need it currently serves while also providing a better equipped store to improve their overall shopping experience. The applicant has considered the feasibility of redeveloping the existing site, however, the site is not large enough to accommodate an extended store and adequate parking and servicing arrangements. As a result, they have decided to relocate the store to the

application site. The applicant indicates that 5 additional employment opportunities will be created in addition to the 35 existing jobs as a result of the relocation proposal.

## **Site Layout and Design**

The new store is to have a gross internal floor area of 2,127 square metres of which 1,326 square metres will consist of retail floor space. It will provide an additional 328 square metres of retail floor space to that currently provided at the Priory Street store which represents a 33% increase. 80% of the overall floor space will be dedicated to convenience goods with comparison goods taking up the remaining 20%.

In the original development layout submitted with the application the store was located in the north eastern part of the site adjacent to The Bulwarks scheduled monument. However, following concerns raised by Cadw regarding its proximity to the monument and its impact upon the immediate setting and views of the same, the applicant has followed Cadw's subsequent advice in relocating the store to the south western part of the site above the grassed bank flanking Morfa Lane. The car parking area and internal access road are to be located between the store and the scheduled monument.

The building is to be of a single storey construction with a mono-pitch roof that will have a maximum ridge height of 7 metres. The principal south east elevation facing the A4242 will have a glazed frontage that will extend around to the customer entrance on the north east elevation. This will provide a contemporary appearance and an active frontage to the store when viewed from the A4212 while also providing an outlook into the store and providing a light environment for customers. The remaining elevations are to consist of two coloured insulated metal cladding wall systems. The lower levels of the walls will comprise white cladding panels laid horizontally whilst at higher levels below the eaves of the building the cladding will be grey in colour. A wrap around canopy is incorporated on the front and side elevations facing the car park to provide cover to the customer entrance while also accommodating the trolley park and customer cycle stands. The roof of the building is to have a number of solar PV panels which will follow the roof slope and be orientated in a south westerly direction.

The scheme incorporates 122 car parking spaces which are arranged around the front and side elevations of the proposed store. The layout has been arranged to allow customers to easily manoeuvre around the car park while incorporating safe pedestrian routes to and from the store and existing public footpaths around the site. The spaces include 6 disabled spaces and 8 parent and child spaces which are located close to the store for ease of access. Lighting columns will be provided in the car park and pedestrian routes.

The service area is located to the north west of the store to facilitate the manoeuvring of delivery vehicles in and out of the warehousing area which is located at the rear of the store. Provision is made for a dedicated loading bay and turning area for delivery vehicles whereby they will not encroach on any parking bays. The development also includes a hardstanding area for plant adjacent to the rear of the south west elevation. The floor levels of the store and parking areas will reflect the prevailing ground levels of the site.

Vehicular access to and from the new store will be via the existing road system leading from the A4242 on the south eastern boundary. Access is provided via a 'Left in Left Out' arrangement from the A4242 and the road also provides access to the rear service yard of the adjacent Wilkos store as well as Mill Street which provides access to a small number

of residential garages. The existing roadway leading into the site is to be widened from 5 to 9 metres in width with provision being made for a new footway that will provide pedestrian access from the A4242 to the south. The scheme also includes the provision of a new pedestrian access from the store car park to the existing footpath that runs contiguous with the northern boundary of the site thereby providing direct pedestrian access to Friar's Park and the town centre.

The application has been accompanied by a detailed landscaping scheme which provides for the implementation of new planting frameworks within the development. These will include new hedgerows, tree planting and planting beds around the development particularly along the southern western and south eastern boundaries of the store and car park facing Morfa Lane and the A4242. The development also incorporates low safety fencing between the car parking area and grassed slope to the south of the store.

The application has been accompanied by the following supporting information certain of which are appraised below:-

- Design and Access Statement
- Retail Impact Assessment
- Geo-Environmental Investigation Report
- Transport Statement and Travel Plan.
- Flood Consequence Assessment & Drainage Strategy
- Heritage Assessment.
- Archaeological Evaluation
- Pre-application Consultation Report
- Air Quality Assessment
- Preliminary Ecological Appraisal and Bat Survey.
- Noise Assessment

### **Flood Consequence Assessment & Drainage Strategy**

The Flood Consequence Assessment (FCA) confirms that the majority of the site falls within Flood Zone A of the development advice maps contained in TAN15 which is considered to be at little or no risk from fluvial or tidal flooding. A small area of the site along the southern boundary is located in Flood zone B – an area known to have flooded in the past, and Flood Zone C2 – an area considered at risk from flooding without significant defence infrastructure. The A4242 to the south of the site which provides vehicle access to the site also falls within Zone C2.

The FCA confirms that the proposed use falls within the category of 'less vulnerable' development as defined in the TAN which is considered acceptable within Zone A. Moreover, it highlights that the TAN states that such uses can also be considered acceptable in Zone C2 subject to the satisfying certain acceptability criteria.

Turning to surface water drainage, infiltration tests undertaken across the site confirm that the use of soakaways is a suitable drainage option for the development. Surface water from the store and car parking areas will therefore be discharged to geo-cellular style soakaways located beneath the car park.

With regard to foul drainage, foul flows from the development will be discharged to the existing combined public sewer located in Morfa Lane similar to the existing situation.

## **Transport Assessment**

The transport assessment considers the highway impacts of the development upon the surrounding road network and junctions while also comparing the vehicle movements with the site's previous and extant use as a police station. It also provides an assessment of the parking provision within the site.

The assessment utilises observed traffic data from Lidl in order to determine the additional trip generation associated with the relocation of the existing store while an allowance has also been made for the increased floor space of the new store.

The likely vehicular movements associated with the new store during peak periods is estimated to be closely aligned with the site's extant use as a police station while resulting in a net decrease in trips during certain peak periods. Upon completion of the relocated store the existing store will close and the assessment suggests that the majority of customers will transfer to shopping at the new store. Moreover, as the customers will have already been travelling on the highway network the change in traffic volumes will be negligible. Whilst it recognises that there will be some redistribution of vehicle movements throughout the highway network due to the transfer in trips between the existing and new store, this is deemed to have a negligible effect on the local highway network and any change will be offset by the reduction in vehicle trips, particularly during the weekday am and pm peak periods, that would have been generated by the former use of the site.

The proximity of the store to a number of residential catchments is highlighted in the assessment which, coupled with the provision of cycle, pedestrian and public transport links, make the store highly accessible by all modes of sustainable transport thereby reducing the overall traffic impact upon the local highway.

On the basis of the foregoing, it is concluded that the relocation of the store will have a negligible effect upon the performance of the local highway network.

In addition, from a parking perspective, it demonstrates that the proposed level of car parking accords with the Authority's parking standards and will be sufficient to accommodate the likely number of customers and will operate within capacity during peak periods.

## **Retail Impact Assessment**

The assessment provides an analysis of the impact of the development upon the town centre within the policy context of the Authority's Local Development Plan (LDP) and national planning policy as set out in Planning Policy Wales and Technical Advice Note (TAN) 4 which relates to retail and commercial developments.

It provides an analysis of the vitality and viability of Carmarthen town centre and, in doing so, draws upon the findings of the Authority's own Retail Study undertaken in 2010 and subsequently updated in 2015. The town centre is deemed to have a healthy mix of retail and service uses and whilst the level of vacancies is in line with national averages, the assessment suggests that the town centre's particular strength is its prominent comparison sector.

On the matter of the need for the development, the assessment again draws upon the findings of the Authority's Retail Study in confirming that the existing Lidl store in Priory

Street is trading well above the level a store of its size can reasonably be expected to meet which has resulted in operational challenges in meeting the current demand. It highlights the important role that the existing store plays in convenience goods provision in the town and surrounding rural area comprising of around 10% of the total turnover. In quantitative terms, the retail study identifies a requirement of approximately 6,086 sqm metres of retail floor space in Carmarthen by 2021 which includes 981 square metres of A1 convenience goods and 4,866 sqm of comparison goods provision. This exceeds the additional floor space of 328 sqm provided by the proposed new store whereby the assessment concludes that there is sufficient capacity to support the new store.

Turning to qualitative need, the retail study found that smaller format stores typically associated with Limited Assortments Discounters such as Aldi and Lidl have become increasingly popular over recent year and that improving the existing provision in Carmarthen will therefore be of direct benefit to local shoppers. The proximity of the new store to the primary retail area of the town is also seen as a benefit to the town and shoppers by way of encouraging linked trips and reinforcing and enhancing the town's commercial strengths and position as a principal centre. Furthermore, the 'freeing up' of the existing town centre store is seen as a catalyst for a further retail opportunity and investment in the town centre.

As to the sequential approach to the selection of the site, emphasis is placed upon the site's location within 300 metres of the town's primary shopping area while also confirming that there are no other sites that can be reasonably considered available, suitable and viable to accommodate the proposed new store.

The assessment concludes that the development will not have an adverse impact upon the vitality and viability of the town centre and is therefore considered to be in accord with planning policy objectives.

### **Heritage Assessment**

This provides an analysis of the impact of the development upon the historic environment and designated historic assets within a 1km area of the site based upon Cadw's advice contained in the publication entitled 'Conservation Principles, Policies and Guidance for the Sustainable Management of Historic Environment in Wales (2011).

It confirms that the site includes The Bulwarks Civil War defences referred to above which due to its high state of preservation has been granted scheduled monument status and protection. They form the sole remnant of Carmarthen's Civil War defences and are deemed to be the best preserved urban fortifications of this type in Wales. The scheduled monument forms part of the grassed areas in the north eastern and southern parts of the site and the assessment emphasises its important evidential and historical value through its potential to enhance our knowledge of Post-Medieval military defences. It suggests that this potential largely rests in the buried archaeological remains that it is likely to contain.

The assessment highlights that the elevated location of the scheduled monument defences on the site would have offered views of the valley below and its setting encompassed the wider agricultural landscape as well as the medieval burgrave plots of Lamas Street to the north. Notwithstanding this, emphasis is placed upon the change in character that has already taken place in the vicinity of the scheduled monument with the development of the police station on the site and the neighbouring retail development at Greyfriars Park.

The development will physically impact upon the scheduled monument with the widening of the access road from 5 metres to 9 metre in width and slightly extending the existing hardstanding area of the police station in the north eastern part of the site to accommodate the car park of the new store. Whilst both elements will need separate Scheduled Monument Consent from Cadw, the assessment opines that the boundary of the scheduled monument has already been encroached by the existing access and the proposal will not result in any further intrusive effects. Further to this, and in accordance with Cadw's advice, the applicant has recently undertaken an archaeological evaluation of these areas of the site. Whilst the evaluation found that these areas of the site have been the subject of disturbance, modification and landscaping as part of the construction of the police station, it does identify a number of archaeological features which potentially relate to the original construction of the SM.

As to the impact upon the setting of the SM, whilst there is intervisibility between the development and the scheduled monument given their proximity, the proposal will introduce a mitigating element with the replacement of the large police station buildings with the single storey store that will restore some long distance views from the north and to the south. The increased traffic of the new store is recognised, however, overall it is concluded that the development will have a neutral impact upon the scheduled monument.

The site's location within the Registered Historic Landscape of the Towy Valley and Lammas Street Conservation Area is also recognised and assessed in the document as is the site's proximity to the Picton Terrace/Penilwyn (Carmarthen) Park Conservation Area to the west of the site. Consideration is also given to the impact upon Listed Buildings in these conservation areas as well as those located to the east of the site at Spring Gardens off the A4242.

In connection with the above, it is suggested that the development will not physically impact upon the significance and appearance of the Lammas Street Conservation Area and its associated Listed Buildings whereby it will develop an already developed area and provide a mitigating element with a reduction in building heights. This will assist in partially restoring some historic views to and from the site and wider area. Similarly, there is deemed to be no direct impact upon the Conservation Area of Carmarthen Park while the lack of intervisibility with its Listed Buildings as well as those located in Spring Gardens to the east of the site will ensure there will be no unacceptable harm to the character and setting of these assets.

Finally, in terms of the Towy Valley Registered Historic Landscape, the assessment concludes that its character won't be locally altered to a degree that will cause any harm to its character and appearance.

### **Other Supporting Documents**

As to the other supporting documents, the Ecological Appraisal confirms the site to be of moderate ecological value with the presence of tree and hedge species which provide habitat for breeding birds, and a diversity of grassland. No evidence of bats or other protected species was found in any of the buildings within the site. The proximity of the site to the Afon Tywi Special Area of Conservation (SAC) is highlighted in the appraisal and it makes a number of recommendations so as to ensure the development will result in no harm to the SAC by way of ground disturbance and run-off.

The location of the site within the Carmarthen Air Quality Management Area (AQMA) has resulted in the submission of an Air Quality Assessment of the potential impact of the development upon the same both during its construction and operation phases. The assessment concludes that the redevelopment of the site will result in no unacceptable impacts upon air quality in the AQMA.

The noise assessment considers the impact of potential noise arising from the development upon the nearest noise sensitive properties in terms of vehicle movements of both of customers and delivery vehicles and plant noise associated with the new store. It finds that the development will have no unacceptable noise impacts upon neighbouring residential properties.

Finally, the Geo-Environmental Investigation Report confirms that the site is considered stable to develop with regard to past mining activity with no known contamination that would preclude its redevelopment.

## **PLANNING POLICY**

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

In the context of the Authority's current Development Plan the application site is located within the development limits of Carmarthen as defined in the adopted LDP. It is contiguous with and outside the town centre designation of the town as identified in the Plan and has no specific designation whereby it appears as 'white land'. Parts of the site are designated as a scheduled monument and shown to be within the Lammas Street Conservation Area, as referred to earlier in this report.

The following policies of the Plan which are of relevance to the proposal:-

In terms of the Plan's strategic policy context, **Policy SP1 – Sustainable Places and Spaces** promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land. Furthermore, the policy promotes the distribution of development to sustainable locations in accordance with the Plan's settlement framework.

**Policy SP2 - Climate Change** 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 – Sustainable Distribution Settlement Framework** identifies Carmarthen as being 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 SP8 – Retail** permits retail proposals where they maintain and enhance the existing retail provision within the County and protect and promote the viability a vitality of the defined retail centres.

**Policy SP9 – Transportation** promotes the provision of an efficient, effective, safe and sustainable integrated transport system through, amongst others, reducing the need to travel and supporting alternative sustainable modes of transport to the private motor car.

**Policy SP13 – Protection and Enhancement of the Built and Historic Environment** requires that development proposals should preserve or enhance the built and historic environment, its cultural, townscape and landscape assets, and where appropriate, their setting. It goes on to state that proposals relating to Listed Buildings, Conservation Areas and Scheduled Ancient Monuments will be considered in accordance with national guidance and legislation.

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

Turning to the specific policies of the Plan:-

**Policy GP1 – Sustainability and High Quality Design** 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 protect and enhance the setting and integrity of the historic environment.

**Policy GP2 – Development Limits** permits proposals within defined development limits subject to the policies and proposals of the plan, national policies and other material planning considerations.

**Policy GP4 – Infrastructure and New Development** states that proposals will be permitted where the infrastructure is adequate to meet the needs of the development.

**Policy RT1 – Retail Hierarchy** states that retail proposals will be considered in accordance with the Plan's retail hierarchy wherein Carmarthen is designated as one of three Principal Centres.

**Policy TR2 – Location of Development: Transport Considerations** 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 – Highways in Developments: Design Considerations** 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 – Protection of Buildings, Landscapes and Features of Historic Importance** states that proposals for development affecting landscapes, townscapes, buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where they preserve or enhance the built and historic environment.

**Policy EQ4 - Biodiversity** precludes 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), 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.

**Policy EP1 – Water Quality and Resources** permits proposals where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters.

**Policy EP2 – Pollution** requires that proposals 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 – 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.

### **National Planning Policy**

Planning Policy Wales (PPW) (Edition 10, November 2018) provides a national overview of planning policy on a wide range of issues relevant to the proposed development.

It highlights a number of overarching objectives for retail and commercial centres which planning authorities should aim to deliver through their development plan and development management decisions ensuring the maximum contribution to the well-being goals. The planning system must promote viable urban and rural retail and commercial centres as the most sustainable places to live, work, shop, socialise and conduct business as well as sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness.

Paragraphs 4.3.13 – 4.3.17 place emphasis on the need to ensure that communities have access to adequate levels of retail provision and the requirement to consider the need for additional retail provision in determining planning applications other than in those areas designated for such uses such as defined retail centres. This approach reinforces the role of centres as the best locations for retail, leisure and commercial activities. The quantitative and qualitative need for a development must be considered and local planning authorities should determine and justify the weight given to the latter.

Paragraphs 4.3.18 – 4.3.24 advocate a sequential approach to site selection in determining planning applications for retail developments whereby the first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres. Where a suitable site is not available to meet the identified need within a retail or commercial centre, then consideration should be given to

edge of centre sites which are accessible by a choice of public and private modes of travel.

Paragraph 4.3.25 refers to the potential impact new retail developments located outside designated retail centres can have on the viability and vibrancy of a centre and the need for developments to consider such issues with the submission of a retail impact assessment. It suggests that impacts resulting from such developments, whether individual or cumulative, may include changes in turnover and trading ability, traffic and travel patterns as well as affecting centre regeneration strategies and existing and proposed retail sites allocated in development plans.

The retail advice contained in PPW is reinforced in Technical Advice Note (TAN) 4: Retail and Commercial Development 2016.

Planning Policy Wales also provides the national planning policy framework for the consideration of the historic environment and is supplemented by guidance contained in Technical Advice Note (TAN) 24: The Historic Environment as well as Cadw associated best practice guidance.

Paragraph 6.1.5 of PPW states that 'the planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations'. The historic environment is made up of individual historic features which are collectively known as historic assets and include, amongst others, Listed Buildings, Conservation Areas, Historic Parks and Gardens and Archaeological remains which include scheduled monuments. Para 6.1.2 of PPW refers.

Paragraph 6.1.6 sets out the Welsh Government's objective for the historic environment which includes conserving archaeological remains, safeguarding the character of historic buildings and managing change, preserving or enhancing the character or appearance of conservation areas and protecting areas on the register of historic landscapes in Wales.

In connection with archaeological remains, paragraph 6.1.23 confirms that the conservation of remains and their setting is a material consideration in determining planning applications. Moreover, paragraph 6.1.26 advises that where archaeological remains are known to exist, an application should be accompanied by sufficient information through desk based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains.

Paragraph 4.2 of TAN 24 advises that when considering development proposals that affect Scheduled monuments or other nationally important remains, 'there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains'. Furthermore, paragraph 4.7 highlights the need for applicants to undertake and provide a desk based archaeological assessment and, where appropriate, an archaeological evaluation and demonstrate how they have modified a development to minimise any negative impact upon the identified remains and how they intend to mitigate any remaining impacts.

Paragraph 4.9 of the TAN advises that when considering planning applications that affect known or potential archaeological remains, local planning authorities should consult their

archaeological advisor and where they directly affect a scheduled monument and its setting, Cadw must be consulted.

Finally, paragraph 4.11 provides advice on the measures for the preservation of remains in situ while paragraphs 4.12 - 4.14 relate to the recording of archaeological evidence as part of development proposals and the use of planning conditions to secure a brief setting out the scope of archaeological work that is required as part of a development.

### **THIRD PARTY REPRESENTATIONS**

As noted in the summary above, the application has attracted considerable objection in respect of both the original and revised development layouts. The concerns raised are wide ranging and can be broadly categorised and appraised as follows:-

#### **Impact upon the Bulwarks Scheduled Monument**

This is a common concern amongst respondents whereby they highlight the historical and national importance of the scheduled monument and the need to ensure it is preserved and protected. The concerns relate the impact of the development upon the setting of the scheduled monument as well as the direct physical impacts by widening the access improvements and extension of the car park.

The impact of the development upon The Bulwarks scheduled monument is one of the main issues in the determination of the application and has been the subject of a thorough analysis by officers and Cadw. As mentioned earlier in the report, the proposed store was located in the north eastern part of the site adjacent to the scheduled monument in the original development layout submitted with the application. However, following concerns raised by Cadw regarding its proximity to and impact upon the immediate setting and views of the scheduled monument, the applicant followed Cadw's advice in relocating the store to the south western part of the site.

In responding to the revised layout, Cadw advise that the existing police station complex has had a significant adverse impact upon the setting of the scheduled monument whereby it has blocked the significant long views westward from the central part of the defences within the site and also substantially impinged into the short views between the bastions to the north and south. Moreover, the scheduled monument is also dominated by tall buildings particularly the main office block which is three storeys high.

They advise that removal of all the existing buildings on the site as part of the development and the relocation of the store to the western part of the site will serve to open up the significant short views between the bastions as well as the view from the northern bastion to the river Tywi along the central line of the defence. Whilst the significant long view to the west will still be blocked, Cadw suggest that the lower height of the new store relative to the existing buildings will reduce the feeling that the scheduled monument is dominated by modern buildings. Furthermore, they advise that the use of the site as a supermarket instead of a police station will allow the public to view the scheduled monument from the west and potentially allow interpretation to be introduced which will draw public attention to its importance in Carmarthen's heritage.

Whilst Cadw accept that the use of the site as a supermarket will introduce more traffic movement and noise to the site, based upon the foregoing they advise that the development will have less impact on the way the scheduled monument is currently

experienced, appreciated and understood and will have a slight positive impact upon its setting. The impact of the development upon the setting of the scheduled monument is therefore considered to be acceptable and in accord with the objectives of policies SP13 and EQ1 of the LDP as well as those of national planning policy as set out in PPW and TAN 24.

In addition, Cadw have advised that the slight expansion of the car park on the western side of the scheduled monument and the widening of the access road requires scheduled monument consent. They confirm that they have received an application for the same for these works from the applicant and authorised an archaeological evaluation of these parts of the site in order to assess the acceptability of the development and its impact upon the monument. As mentioned above, the evaluation works have recently been undertaken and found a number of archaeological features which potentially relate to the original construction of the SM. Officers are currently awaiting Cadw's comments on the results of the evaluation and are therefore seeking a resolution to approve the application subject to Cadw's formal acceptance of these and the impact of the development upon the scheduled monument. Members will have noted from the consultations received that the Dyfed Archaeological Trust have recommended the imposition of a condition securing the submission of a written scheme of investigation of archaeological works to be undertaken as part of the development in order to protect the historic environment and any permission granted will be conditioned in accordance with this advice.

### **Visual impact upon the surrounding area including the setting of the Conservation Area and Towy Valley Historic Landscape**

A number of respondents have raised concerns regarding the visual impact of the development upon the surrounding area including the setting of the Lammas Street Conservation Area and Towy Valley Historic Landscape wherein the site is located. Many refer to the scale and perceived visual dominance of the building on the western approach to the town as well the impact along Morfa Lane.

The Lammas Street Conservation Area primarily relates to the existing developments that flank the northern and southern sides of Lammas Street to the north of the site while also extending southwards to include the northern bastion of The Bulwarks to the north of the application site. It also incorporates the central section of the defensive bank which falls within the north eastern part of the site. The development will not physically impact upon the appearance of the Conservation Area in that it will relate to the already developed area of the police station and the scheduled monument in the site which falls in the Conservation Area will remain undeveloped.

The Listed Buildings within the Conservation Area are distant of and screened from the site by modern developments with the exception of the Grade II Listed Christ Church whose intervisibility with the scheduled monument will not be altered as part of the proposal. Furthermore, and as highlighted above, the removal of the existing buildings and their replacement with a building of a lower height in the western part of the site will restore historic views of the scheduled monument and Conservation Area and reduce the dominance of modern buildings. The proposal will not therefore cause any material harm to the setting of the Conservation Area.

In a similar manner, the replacement of the existing complex of buildings with a single building of a lower height within the context of neighbouring commercial and retail

developments either side of the site will not result in an unacceptable change to the character and appearance of the wider Towy Valley Historic Landscape.

Turning to the perceived visual impact of the development upon the western approach into Carmarthen and the appearance of Morfa Lane. Although the building will be located in the western part of the site and be set close to and above the grassed bank that flanks Morfa Lane, the relatively low height of the building at some 7 metres will ensure that it will not appear as an overly dominant feature when viewed from both the A4242 and Morfa Lane. The building will not project any higher than the ridge levels of the residential properties of Morfa Lane to the north of the site while the generous separating distance and intervening footway and existing landscape features will safeguard against any unacceptable impacts in terms of residential amenity.

The current outlook towards the site from Morfa Lane and the A4242 is characterised by a row of portacabin structures and the dated three storey office block building within the site. Their replacement with the new contemporary style store with its mix of glazed and clad elevations will complement the appearance of neighbouring commercial developments particularly the new car garage that flanks the western side of Morfa Lane. The provision of robust planting proposals within the development and in particular the planting of native hedgerow hedgerows and additional tree planting along the top of the grassed slopes facing both Morfa Lane and the A4242 will serve to enhance the appearance of the development in the surrounding area while at the same time providing some screening to the new building. The small plant area to the south western side of the store is to have appropriate screening from Morfa Lane in addition to the planting proposals referred to above. The former will be secured by an appropriately worded condition.

Whilst the new store will inevitably result in the erection of advertisement signage within the site, details of these have not been submitted for consideration as part of the current application. The acceptability of any new signage will therefore be considered as part of a separate application for advertisement consent. Moreover, a suitable condition will be imposed on any permission securing the provision of a suitable lighting scheme as part of the development.

Concerns regarding the erection of new fencing around the perimeter of the site are misjudged in that the only new fencing proposed within the development is low euroguard fencing to the front of the store which will provide a safety barrier between the parking spaces and the neighbouring slope. This fencing will be screened from the A4242 and Morfa Lane by a new hedgerow planting.

The proposal is therefore considered to be in accord with the requirements of policies GP1, SP13 and EQ4 in terms of its impact upon the character and amenity of the surrounding area and the setting of the conservation area and historic landscape wherein it is located.

### **Highway Impacts**

Concerns regarding the highway safety implications of the development are raised in the objections with respondents' expressing views on the increased traffic generation and the lack of parking facilities and a separate access for delivery vehicles.

The application and accompanying Transport Assessment has been the subject of a thorough analysis by the Head of Transport who has offered no objection to the

application subject to the imposition of appropriate conditions. He is satisfied that the development will result in no unacceptable impacts upon the wider road network and that the level of parking provision accords with the Authority's adopted parking standards. Moreover, he's recommended the imposition of conditions securing the implementation of a suitable delivery management plan as part of the development as well as improvements to the neighbouring footpath to the north of the site to improve pedestrian access to and from the development.

The proximity of the store to the primary retail area of the town combined with its high level of accessibility by a range of sustainable modes of transport will encourage linked trips to the town as well as assisting in reducing the level of traffic generated by the development and the impact upon the local highway network.

The Welsh Government have also raised no objection in terms of the likely traffic impact upon the wider trunk road network.

The proposal is therefore considered to be in compliance with Policies SP1, SP9, GP1, and TR3 of the LDP in terms of its sustainability and highway impacts upon the surrounding area.

### **Other Matters**

Turning to concerns regarding the noise impact upon nearby residents, the noise assessment submitted in support of the application considered this matter in detail and concludes that the proposal will not result in any unacceptable impacts upon the living conditions of neighbouring residents. The Head of Public Protection has accepted the findings of the assessment and recommended the imposition of suitable conditions on any permission granted.

As mentioned above, matters relating to external lighting within the development and its impact upon residents has been addressed with the imposition of a suitable condition.

Issues relating to the stability of the site and proximity of the store to the grassed slope are outside the scope of the application and will be addressed as part of any subsequent application for building regulation approval.

Finally, suggestions as to alternative more suitable use site are not relevant to the application.

### **CONCLUSION**

After careful examination of the site, together with the representations received to date, the proposed development is considered to be acceptable and in compliance with the key policy and sustainability objectives of the Authority's adopted LDP as well as those of National Planning Policy. The proposal will provide a beneficial commercial use for a vacant and underused brownfield site within the town and its design, scale and layout will be in keeping with and complement the character and appearance of the surrounding area.

The retail impact assessment supporting the application provides a robust assessment of the development within the context of the requirements of the policy objectives of the LDP and national planning policy and concludes that there will be no adverse impact upon the

vitality and viability of Carmarthen town centre. It draws upon the findings of the Authority's own retail study which, in quantitative terms, identifies a need for additional convenience goods floor space in Carmarthen by 2021. The development will contribute towards meeting this need and enhance the retail provision within the town while at the same time allowing the applicant to address existing capacity and operational difficulties by relocating to a larger store that will meet the demands of its local customer base.

The applicant has demonstrated that there are no sequentially preferred sites that could realistically accommodate the proposed development and whilst the site is located outside the town centre as defined in the LDP, it is nevertheless contiguous with the same and closer to the primary retail area of the town than the existing store. Its location will encourage linked trips to the town while also being accessible by a range of sustainable transport modes including walking, cycling and public transport. In addition, the proposal will result in the creation of additional employment opportunities in the town while also providing a new retail opportunity in the town centre in the existing store.

From an historic environment perspective, the development will not cause any unacceptable harm to the character or setting of historic assets located within and surrounding the site. Cadw have confirmed that there will be no unacceptable impact upon the setting of The Bulwarks scheduled monument whilst their observations are awaited on the recent archaeological evaluation undertaken by the applicant.

In addition, the development satisfies the sustainability requirements of the LDP from an environmental quality and utility provision perspective by implementing a drainage strategy that will dispose of foul and surface water in a sustainable and controlled manner. Welsh Water and the Authority's drainage engineers have confirmed their acceptance of the drainage strategy proposed whereby it is considered to be in accord with the objectives of policies EP2 and EP3 of the LDP. Furthermore, from a flooding perspective, the development is located within an area that is at little or no risk from flooding and although part of the access road falls within Zone C2 and is at risk of flooding, the development will benefit from safe pedestrian access and egress to areas the north of the site in the event of a flood. The proposal is therefore in accord with the objectives of policy SP2 and TAN15 and NRW have raised no objection to the application in this regard.

There are no ecological objections to the development with the Authority's Ecologist recommending the imposition of a condition securing the submission of a Construction Management Plan to safeguard against any unacceptable pollution impacts during the construction phase of the development. Furthermore, in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017, the Authority has undertaken an Appropriate Assessment of the impact of the development upon the Afon Tywi SAC which concludes that, with the implementation of the pollution prevention measures, the development will not have a detrimental effect upon water quality within the SAC either alone or in combination with other development. The Authority is currently awaiting NRW's acceptance of the findings of the Appropriate Assessment and the application is therefore put forward with a favourable recommendation subject to this being received.

Furthermore, and as outlined in the appraisal above, there are no sustained highway, amenity or pollution objections to the development. The application is therefore put forward with a favourable recommendation subject to the following:-

- 1 Cadw confirming that the results of the archaeological evaluation and the impact of the development upon the scheduled monument are acceptable.
- 2 Natural Resources Wales confirming their acceptance of the conclusions of the Authority's Appropriate Assessment relating to the impact of the development upon the Afon Tywi SAC.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development shall begin no later than five years from the date of this permission.
- 2 The works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans and information:-
  - Site location plan (010001) received on 25<sup>th</sup> May 2018;
  - 1:200 scale topographic and services survey received on 25<sup>th</sup> May 2018;
  - Landscape proposals plan (173-2018./83 Rev H) received on 15<sup>th</sup> March 2019;
  - Proposed elevations (5872 – 020001 Rev 7) received on 14<sup>th</sup> March 2019;
  - Proposed store roof plan (5872 – 010003 Rev 4) received on 14<sup>th</sup> March 2019;
  - 180kWp Photovoltaic (PV) Layout (EE-08 – Rev 1) received on 14<sup>th</sup> March 2019.
  - Proposed site layout and external area extent (5872 – 900102 – Rev 14) received on 6<sup>th</sup> March 2019;
  - Existing features and overlay plan (173-2018./82 Rev B) received on 12<sup>th</sup> February 2019;
  - Existing features plan (173-2018./82) received on 12<sup>th</sup> February 2019;
  - Flood consequence assessment and drainage strategy (January 2019) received on 12<sup>th</sup> February 2019;
  - Landscape methodology and 5 year aftercare scheme (February 2019) received on 12<sup>th</sup> February 2019;
  - Travel Plan (January 2019) received on 12<sup>th</sup> February 2019;
  - Proposed store layout (5872-01002 Rev 5) received on 7<sup>th</sup> February 2019;
  - Preliminary Ecological Appraisal and Bat Survey (October 2018) received on 9<sup>th</sup> November 2018.
- 3 The access and parking layout shown on the proposed site layout and external area extent drawing (5872 – 900102 – Rev 14) received on 6<sup>th</sup> March 2019 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 and parking facilities is to be obstructed by non-motorised vehicles.
- 4 Prior to the commencement of the development a detailed Delivery Management Plan shall be submitted to and approved in writing by the local planning authority. The plan is to be implemented in full in accordance with the approved details.

- 5 Prior to the commencement of development a scheme of cycle parking within the curtilage of the site which shall be dedicated to serve the proposal shall be submitted to and approved in writing by the local planning authority. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity.
- 6 Prior to the commencement of development a scheme for the widening of the existing public footpath (61/8) running contiguous with the north western boundary of the site, at the location of the proposed pedestrian access to the development shown on the proposed site layout and external area extent drawing (5872 – 900102 – Rev 14) received on 6<sup>th</sup> March 2019, shall be submitted to and approved in writing by the local planning authority. The approved scheme is to be fully implemented in accordance with the approved details prior to any part of the development being brought into use.
- 7 No more than 266 square metres of the net sales area of the store hereby approved shall be used for the sale of comparison goods.
- 8 Prior to the commencement of the development hereby approved a scheme of lighting of the external areas of the development shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development.
- 9 The rating level of the noise emitted from plant associated with the proposed development shall not exceed the existing background noise level. The background noise levels have been established as 45dB LA90 between the hours of 07:00 and 23:00, and 31dB LA90 between the hours of 23:00 and 07:00.  
  
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.
- 10 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 9 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 9 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in the condition. The development shall then be undertaken in accordance with the approved details.
- 11 There shall be no deliveries to the store between the hours of 23:00 and 05:00.
- 12 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.

- 13 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and thereafter retained in perpetuity.
- 14 Prior to the commencement of the development a Construction Exclusion Zone (CEZ) shall be established to protect all existing vegetation identified for retention. The CEZ shall be defined by a barrier of a specification appropriate to exclude the degree and proximity of all construction phase operations. The barrier shall form a continuous length, aligned as follows:-
- i) To the perimeter of root protection areas, defined in accordance with BS5837 of all trees, groups of trees or woodland located within, on, or with a canopy spread which overhangs the site boundary.
  - ii) To 1.5m from the edge extent of above ground growth of all shrub masses, hedges and hedgerows located within or on the site boundary.

Any construction operations and access within the CEZ shall be limited to those undertaken in compliance with the recommendations of BS5837. The CEZ shall be enforced throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

- 15 The Landscape Design Scheme (LDS) shown on the Landscape proposals plan (173 - 2018./83 Rev H) received on 15 March 2019 and Landscape methodology and 5 year aftercare scheme (February 2019) received on 12 February 2019 shall be fully implemented in the first planting season following the occupation of the development.

Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved LDS which, within the lifetime of the approved development 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.

- 16 No development approved by this permission shall be commenced until a Construction Environmental Management Plan detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the local planning authority. The details of the CEMP shall be implemented as approved.

As a minimum the CEMP must include the following points:-

- Storage facilities for all fuels, oils and chemicals.

- Details on any water features/sensitive habitats on the site and how they will be protected.
- Full details of how any watercourses will be crossed or confirmation that this is not applicable.
- Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
- 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).
- Details on waste types that will be produced and how they will be managed.
- Full details of the proposed earthwork bunds.
- Identification of any buried services, such as foul sewers, so that they are protected.
- Details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0300 065 3000.

17 No development shall commence until detailed specifications of the plant and associated screening measures to be erected/sited in the 'plant area' to the side of the south western elevation of the store, as shown on the proposed site layout and external area extent drawing (5872 – 900102 – Rev 14) received on 6 March 2019, have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3, 4 In the interests of highway safety.
- 5, 6 In the interests of sustainability and improving pedestrian and cycling facilities.
- 7 In the interests of preserving the retail vitality and viability of the town centre.
- 8 In the interests of safeguarding visual and residential amenity.
- 9-11 In the interests of safeguarding residential amenity.
- 12 To protect historic environment interests whilst enabling development.
- 13 To ensure the installation of an appropriate drainage scheme and to prevent the pollution of the environment.
- 14,15 To protect existing landscape features and ensure the provision, establishment and maintenance of an appropriate landscaping scheme.
- 16 To prevent the pollution of the environment.

17 In the interests of safeguarding visual amenity.

**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