

**Cyngor Sir Caerfyrddin
Carmarthenshire County Council**

**ATODIAD
ADDENDUM**

**Adroddiad Pennaeth Lle a
Chynaliadwyedd
Lle a Seilwaith**

**Report of the Head of Place
and Sustainability
Place and Infrastructure**

19/12/2023

**I'W BENDERFYNU
FOR DECISION**

Application No	PL/03279
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Proposal	Demolition of the existing food store to facilitate residential redevelopment, together with associated vehicular and pedestrian accesses, car parking, amenity areas, cycle and bin stores, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure
Location	Lidl Supermarket, Priory Street, Carmarthen, SA31 1LS

Details

Consultations

The Head of Environmental Infrastructure (Highways) - Has no objection subject to the conditions set out below.

Natural Resources Wales - Has no objection to the amended plans.

Local Member(s) - Cllr John cannot make Committee so has a statement in lieu of speaking.

Appraisal

Built Heritage

The site was outside the Conservation Area when submitted, however has since been included and the amendments to the boundary were formally adopted December 2023.

Given the new status of the site within the Conservation Area, concerns have been raised over the roof light windows on the Priory Street block, the use of solar panels and the density and design of the rear blocks with the use of some flat roofs. There is also concern that there is insufficient detail on the plans regarding the fenestration.

Firstly, the roof light windows are necessary in order to allow sufficient light into the second floor apartments. It is noted that the initial scheme was higher and had larger windows, however the scale and height has been reduced in order to address heritage concerns. The consequence of reducing the height is that insufficient light levels were achievable to make the upper floor units habitable hence the additional windows. The use of conservation type roof lights needs to be weighed against the lowering of the ridgeline and making the proposal more subordinate to the Infirmary building.

Solar panels are proposed on roofs that face away from the highway. Whilst not a traditional feature within a conservation area, the proposal is for new build properties forming a new chapter in the history of the site rather than retro fitting on traditional buildings. The presence

on elevations away from the public highway is not likely to be detrimental to the historic character and amenity of the conservation area as a whole.

The design and density of the site has been carefully considered. It is noted that the site is lower density than the adjacent Infirmary site that is a mix of 2-4 storey accommodation with little amenity space. The proposal has 12 fewer units than the similar sized Infirmary site which included the conversion of the Listed Building so density varies across the site. It is also noted that the density is approximately half that of the sheltered scheme known as Ty Rhys which lies between the site and the Parade. The site has a communal garden surrounded by the apartment blocks which gives a green and attractive area for residents to enjoy. The density can not be lowered without the proposal being unviable given the extent of the archaeology work that is required. If the development fails, the archaeology will remain beneath the commercial building and the site will slowly degenerate so as to be detrimental to the historic character an amenity of the Conservation Area, so again a balance needs to be weighed.

The other matters such as windows and chimney design can be conditioned as below if permission is granted.

Highway Safety

The site is in a sustainable location and the layout accommodates the required number of parking spaces for residents. There is a shortfall for visitors, however the site is in close proximity to a large public car park. The Local Planning Authority accepted this justification for the former Infirmary site adjacent which accommodated significantly more units. A sustainability assessment has been submitted which justifies the reduction, along with a Travel Plan so the proposal is considered to be in accordance with Policy TR3. Appropriate conditions are set out below which are recommended to be imposed.

Conditions

Additional / Amended Conditions are recommended as follows:

Condition

The means of existing vehicular access into the site, as well as the existing Ghost Island right turn arrangement fronting the site on the A484 shall be permanently stopped up, and the public highway reinstated to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority, prior to the new means of vehicular access herein approved, being brought into use.

Reason: In the interests if highway safety in accordance with Policy TR3.

Condition

The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

Reason: In the interests if highway safety in accordance with Policy TR3.

Condition

The development herewith approved shall be operated strictly in accordance with the approved Travel Plan.

Reason: In the interests of highway safety in accordance with Policy TR3.

Condition

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.

Reason: In the interests of highway safety in accordance with Policy TR3.

Condition

No development shall take place until a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter to be implemented in full and as agreed.

Reason: In the interests of highway safety in accordance with Policy TR3.

Condition

Prior to the commencement of development, a scheme for refuse storage and collection shall be submitted to the written approval of the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details prior to first use of the development hereby approved.

Reason: In the interests of highway safety in accordance with Policy TR3.

Condition

Before the windows and doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policy EQ1 of the LDP.

Condition

Before any construction occurs above damp-proof course (DPC) level, samples, or detailed specifications of all external materials to be used on the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed materials.

Reason: To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policy EQ1 of the LDP.

Condition

Before the render hereby permitted is applied, a sample panel of all new render to be used shall be provided on site, showing the proposed render mix and final surface texture/finish/colour, and shall be agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved sample panel.

Reason: To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policy EQ1 of the LDP.

Condition 12 - Amend to read as follows:

Works shall be undertaken strictly in accordance with the following documents:

- Bat Survey Report received 23/12/2021
- Ecological Appraisal Report received 23/12/2021
- Landscape Maintenance and Management Plan received 14/11/2023

Reason: In the interest of protected species and biodiversity in accordance with Policy SP14 and EQ4 of the LDP.

Conclusion

The site is a deteriorating commercial unit which is now within the Carmarthen Conservation Area. Redevelopment would remove a building which is at odds with the residential character of its surroundings and provide 48 affordable units for the over 55s. Whilst there is concern over some detailed aspects of the scheme, on balance the character and appearance of the conservation area will be preserved and enhanced so the recommendation remains approval.

Application No	PL/04799
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Proposal	Relocation of existing vehicular / roadway automatic gateway and access control panel with associated fencing and removal of pedestrian gate
Location	Land to the South of NOS 175 and 162, Pentre Nicklaus Village, Llanelli, SA15 2DF

Details

Additional Representation

A further letter of representation has been received from a firm of solicitors, making further representations on behalf of two of their clients. The letter is titled "Proposed Claim for Judicial Review", but as no resolution has been made, or decision notice issued on the planning application such a representation is premature. To further clarify and inform members on this application, the following comments are provided to supplement the principal report, as well as address the elaborated objections.

The proposed repositioning of the gate further along Cockle Pickers Way would be secured by compliance with the submitted plans, as recently updated under Proposed Plan and Elevation Drawing No. 2143 – 04 (Rev. C). As already acknowledged, the pedestrian gate has been used by the public to access the private section of road forming part of Cockle Pickers Way.

On the issue of noise raised concerning the existing gate opening mechanism. As observed by the case officer in the course of visiting the site, the noise generated is both low level, of a short duration of time, and infrequent. In the context of any attendant motor vehicle engine noise the mechanism does not constitute an unacceptable noise impact. The proposal complies with LDP Policy GP1 - *Sustainability and High Quality Design*, including subparagraph (d) which requires that development should not have "a significant impact on the amenity of adjacent land uses, properties, residents or the community".

Regarding the further remarks raised concerning highway safety, it is acknowledged that the planning permission granted mistakenly approved the gate on an adopted highway, due to the relevant highway classification plans not having been updated at the time. The Council, as highways authority (the Highways & Transportation Service), has engaged in a protracted course of correspondence with the applicant to resolve the presence of the gate on the adopted highway, and to remove the gate which in its current position represents an obstruction on the highway. Despite exploring various options, inclusive of trying to have the respective section of the highway unadopted, the applicants explored different ways of resolving the problem. The current proposal represents a viable and functional resolution to the issue.

Despite demands made by third parties that road safety measures should be incorporated into any conditional recommendation, these are not justified in this instance. As the report before you clarifies, the development does not have any adverse highway safety

implications, and clearly complies with LDP Policies GP1(h), and TR3 – *Highways in Development - Design Considerations*.

The further representations received claiming a public right of access via the existing gate, overlaps with an application made to the Council as highways authority for a Definitive Map Modification Order (“DMMO”) to include in the Definitive Map and Statement a public right of way by foot along Cockle Pickers Way, including through the application site. It would be inappropriate for the Council as planning authority, considering this application for planning permission, to prejudge or interfere with the outcome of the DMMO application: moreover, the Planning Committee has no jurisdiction to determine the existence or otherwise of disputed rights of way. The DMMO application is at a very early stage, having been submitted on 14 November 2023, and is subject to a specific statutory procedure suited to the determination of disputed issues of fact and law, unlike the determination of planning applications, which is not designed for such purposes. Issues raised by consultees about the potential existence of a public right of way on the site are therefore most appropriately dealt with through the separate statutory mechanism offered by the DMMO application.

As it stands therefore, there is no public right of way across the application site established in a manner recognised by law. Welsh Government – Technical Advice Note (TAN) 16 *Sport, Recreation and Open Space* paragraph 3.41 states that “Public rights of way should be protected, and information about them, shown on Definitive Maps and statements, should be considered when assessing applications for planning permission.” In this case, because there is no established right of way shown on the Definitive Map and statement, there is no information to consider in this respect.

In the event that such a DMMO application were to be successful in the future, the existence of a public right of way across the application site would not negate a landowner’s ability to erect means of enclosure on their land: the landowner would however be required to accommodate that public right of way by not obstructing it. Whether or not a fence or gate in this location may constitute such an obstruction in the future, and what to do about such an obstruction would be considered by the Council as highway authority, which has statutory powers to address such obstructions.

Accordingly, whilst the existence of the DMMO application could in principle be a material consideration which the Council as local planning authority could lawfully take into account in the determination of a planning application. In this case, and in the circumstances set out above neither the existence of the DMMO application, nor the representations which overlap with the content of the application provide any reason why planning permission should not be granted.

The existing footpath that leads from Cockle Pickers Way to the Millenium Coastal Path (MCP) and beach safeguards the accessibility of this recreational asset. While the precise status of this path is not known, it is plainly well-used, maintained with surfacing and benches, and it connects into the public way along the Wales Coastal Path. The development therefore complies with Policy REC 1 *Protection of Open Space*.

Revised Plan

Subsequent to the writing of the report for this planning application, the Place & Sustainability Service (P&SS) has received an amended plan removing the previously illustrated section of proposed fencing shown on the Western flanking verge to the

highway. Such a revised omission removes any potential conflict with the relevant Hedgerow Regulations. The relevant condition contained in the report is hereby amended:

Amended Condition(s)

Condition 2

The development hereby permitted shall be carried out strictly in accordance with the details shown on the following plan:-

- Location Plan 1:1250 scale and Site Plan 1:500 scale (drawing no. 05 Rev B);
- Proposed Site Plan 1:200 scale (drawing no. 06 Rev. B);

Received 27 January 2023

- Existing Location Plan 1:1250 scale and Site Plan 1:500 scale (drawing no. 01 Rev A);
- Existing Site Plan 1:200 scale (drawing no. 02);
- Existing Site Plan 1:50 scale and existing Gate Elevation Plan 1:20 scale (drawing no. 03 Rev. A);
- Proposed Site and Location Plan drawing no. 2143 05;
- Proposed Site Plan drawing no. 2143 06;
- Background to the Application;

Received 29 September 2023;

- Proposed Plan and Elevation Plan - 1:50 & 1:20 scale, (drawing no. 2143 - 04 Rev. C);

Received 14 December 2023;

Reason:

In the interests of visual amenity and to confirm the extent of the permission.