

Document Pack



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

MONDAY, 10 APRIL 2017

TO: ALL MEMBERS OF THE PLANNING COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **PLANNING COMMITTEE** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN AT 1.00 PM ON WEDNESDAY, 19TH APRIL, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

| | |
|---------------------------------|--|
| Democratic Officer: | Kevin Thomas |
| Telephone (direct line): | 01267 224027 |
| E-Mail: | Democraticservices@carmarthenshire.gov.uk |
| Ref: | AD016-001 |

PLANNING COMMITTEE

19 MEMBERS

PLAID CYMRU GROUP - 7 MEMBERS

- | | | |
|----|---------------------------------|--|
| 1. | Councillor J.M. Charles | Member of Llanegwad Community Council |
| 2. | Councillor W.T. Evans | Member of Llangyndeyrn Community Council |
| 3. | Councillor J.K. Howell | |
| 4. | Councillor W.J. Lemon | Member of Llanelli Town Council |
| 5. | Councillor A. Lenny | Member of Carmarthen Town Council |
| 6. | Councillor M.J.A. Lewis | |
| 7. | Councillor J.S. Williams | Member of Pontyberem Community Council |

LABOUR GROUP - 6 MEMBERS

- | | | |
|----|-------------------------------|---------------------------------------|
| 1. | Councillor A.P. Cooper | Member of Llandybie Community Council |
| 2. | Councillor T. Davies | Member of Gorslas Community Council |
| 3. | Councillor D.C. Evans | Member of Ammanford Town Council |
| 4. | Councillor A.W. Jones | |
| 5. | Councillor K. Madge | Member of Cwmamman Town Council |
| 6. | Councillor M.K. Thomas | Member of Llannon Community Council |

INDEPENDENT GROUP - 6 MEMBERS

- | | | |
|----|--------------------------------|---|
| 1. | Councillor S.M. Allen | Member of Whitland Town Council |
| 2. | Councillor D.B. Davies | Member of Llansteffan Community Council |
| 3. | Councillor I.W. Davies | |
| 4. | Councillor J.A. Davies | |
| 5. | Councillor I.J. Jackson | Member of Llandovery Town Council |
| 6. | Councillor H.I. Jones | Member of Bronwydd Community Council |

NOMINATED SUBSTITUTES

Plaid Cymru Group (4)

- | | |
|----|-----------------------------|
| 1. | Councillor D.J.R. Llewellyn |
| 2. | Councillor D.O. Tomos |
| 3. | Councillor G.B. Thomas |
| 4. | Councillor J.E. Williams |

Labour Group (4)

- | | | |
|----|----------------------------|---|
| 1. | Councillor D.J.R. Bartlett | |
| 2. | Councillor P.M. Edwards | |
| 3. | Councillor J.D. James | Member of Pembrey & Burry Port Town Council |
| 4. | Councillor P.E.M. Jones | Member of Pembrey & Burry Port Town Council |

Independent Group (4)

- | | | |
|----|----------------------------|--|
| 1. | Councillor W.J.W. Evans | Member of Llanddarog Community Council |
| 2. | Councillor P.M. Hughes | |
| 3. | Councillor D.W.H. Richards | |
| 4. | VACANCY | |

AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF PERSONAL INTERESTS
3. TO CONSIDER THE HEAD OF PLANNING'S REPORTS ON THE FOLLOWING PLANNING APPLICATIONS [WHICH HAD BEEN THE SUBJECT OF EARLIER SITE VISITS BY THE COMMITTEE] AND TO DETERMINE THE APPLICATIONS
 - 3.1 S/35086 - ALTERNATIVE SCHEME FOR ONE DWELLING (RESUBMISSION OF S/34809 - REFUSED 06/01/2017) AT PLOT ADJACENT 15 HEOL DDU, PEN Y MYNYDD, TRIMSARAN, SA15 4RN 5 - 14
 - 3.2 S/35189 - SITING OF TWO DETACHED DWELLING HOUSES AT LAND AT FORMER CWMBLAWD SAWMILLS, LLANNON ROAD, PONTYBEREM, LLANELLI, SA15 5NB 15 - 26
 - 3.3 W/34901 - DETACHED DWELLING HOUSE AT LAND AT MOUNTHILL, MOUNT PLEASANT, PENSARN, CARMARTHEN, SA31 2LJ 27 - 40
 - 3.4 W/34931 - ALTERATIONS TO FRONT BOUNDARY STONE WALL TO FACILITATE A VEHICULAR ACCESS AT LAND AT MOUNTHILL, MOUNT PLEASANT, PENSARN, CARMARTHEN, SA31 2LJ 41 - 50
4. AREA EAST - DETERMINATION OF PLANNING APPLICATIONS 51 - 96
5. AREA SOUTH - DETERMINATION OF PLANNING APPLICATIONS 97 - 124
6. AREA WEST - DETERMINATION OF PLANNING APPLICATIONS 125 - 180

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|-----------------------|----------------|
| Application No | S/35086 |
|-----------------------|----------------|

| | |
|--------------------------------|---|
| Application Type | Full Planning |
| Proposal & Location | ALTERNATIVE SCHEME FOR ONE DWELLING (RESUBMISSION OF S/34809 - REFUSED 06/01/2017) AT PLOT ADJACENT, 15 HEOL DDU, PEN Y MYNYDD, TRIMSARAN, SA15 4RN |

| | |
|---------------------------|--|
| Applicant(s) | RACHEL JONES, 25 BWLCHYGWYNT, LLANELLI, SA15 2AJ |
| Case Officer | Gary Glenister |
| Ward | Trimsaran |
| Date of validation | 10/02/2017 |

CONSULTATIONS

Trimsaran Community Council – Has not commented to date.

Local Member – County Councillor Mrs M Gravell requests that the application be determined after a Committee site visit so that the impact on neighbours can be assessed.

Neighbours/Public – Two neighbour consultation letters have been sent out, with two replies having been received as a result raising the following matters:-

- The garden extension encroaches beyond the LDP settlement limits.
- The height is overbearing despite removal of the balcony screens previously refused.
- Lack of privacy from roof terrace - patio doors still proposed.
- Spatial character – proportion of house to plot.
- Loss of sunlight/daylight through over-shadowing.
- Loss of third party hedge to provide parking.

RELEVANT PLANNING HISTORY

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

| | | |
|---------|---|------------------|
| S/34809 | Single detached dwelling – amended scheme to S/31132 approved 26-11-2014 Full planning refused | 06 January 2017 |
| S/31132 | Proposed detached dwelling Full planning permission | 26 November 2014 |
| S/26356 | Erection of a three bedroomed house Outline planning permission | 22 May 2012 |

APPRAISAL

THE SITE

The site was formerly part of the garden area for 15 Heol Ddu, Penymynydd and formed a lawed area and garage serving the property. Planning permission was approved in 2012 for a single dwelling and reserved matters subsequently approved in 2014. The site is modest in dimension, however the applicant has acquired the Paddock to the rear, part of which was in settlement limits in the UDP but has been excluded in the LDP.

The applicant has two children with disabilities, the nature of which is sensitive information, and the design requirements have changed since the original approval, hence, the applicant seeks an alternative scheme as described below.

An application for an alternative scheme was refused in January 2017 due to the presence of a balcony above the rear projection being an over bearing element, and the fact that the application proposed a large extension of the garden area into the paddock to the rear which was considered to be an unacceptable incursion into the open countryside and would adversely impact the neighbouring properties.

THE PROPOSAL

The application seeks retrospective approval for an alternative scheme to that originally approved in 2014.

Amendments have been made primarily to the rear of the property with the addition of a single storey rear projection. The general form of the main dwelling is not proposed to be changed however it is noted that one of the attic rooms is proposed to be amended from a store room to a bedroom to form a six bed unit.

The rear projection is shown as 4.3m from the rear projection and extends across the rear elevation which measures 9.75m. The extra floor space is proposed as a day room/living room which is open to the kitchen/dining room to provide a supervised living space due to the specific needs of the children. A large glazed rear opening is proposed opening onto the garden area. It is also noted that Juliette balconies are proposed at first floor to prevent access from the patio doors onto the flat roof (which was previously proposed as a balcony).

The site slopes towards the paddock at the rear so the rear of the house is elevated compared with the ground levels. It is noted that ground levels have been lowered around the house and it is shown on the plans that these will be restored so that a terraced rear garden is provided. The levels are such that the extension is high compared with the neighbouring properties despite the fact that it is single storey.

The proposal includes a 6m extension of the garden outside the settlement limits of the village. This would bring the garden in line with the adjacent property.

PLANNING POLICY

In the context of the current development control policy framework, the site lies within the Pen y Mynydd settlement development limits as defined in the Carmarthenshire Local Development Plan (LDP) adopted 10 December 2014.

Policy GP1 Sustainability and High Quality Design states:

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;

- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste;
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 November 2016 and TAN12: Design (2016)).

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.

Where viability at the target levels cannot be achieved, variation may be agreed on a case-by-case basis.

On Site Contributions

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

Proposals will be required to ensure that the dwelling remains affordable for all subsequent occupants in perpetuity.

Commuted Sums

Where an open market residential site falls below the above thresholds, a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas as set out above. Commuted sum charges will be based on floor space (cost per sq.m).

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 provides the following guidance:

Paragraph 4.11.1 states: “Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.”

Paragraph 4.11.2 states “Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design:”

Paragraph 4.11.3 states “The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent which are material considerations.”

Paragraph 4.11.4 states “Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).”

Paragraph 4.11.8 states “Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.”

Paragraph 4.11.9 states “The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.”

Paragraph 2.2 of Technical Advice Note 12 Design (March 2016) states:

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) states:

- 2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.
- 2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

THIRD PARTY REPRESENTATIONS

The garden extension encroaches beyond the LDP settlement limits by approximately 6m. This is a significant reduction in the area previously sought under S/34809, and is in line with the adjacent property. It is acknowledged that this is an encroachment into open countryside which would allow a small garden to the rear of the dwelling. On balance however, it is considered to be a modest area and unlikely to have a significant and unacceptable impact on the open countryside as does not protrude beyond that of the adjacent property to the South West. This land was formerly within settlement development limits, however it was excluded in the Local Development Plan as attempts to develop it had failed on highway safety grounds. It is evident that the properties along Heol Ddu have encroached into this area over the years without planning permission, so the modest addition to form a garden area is not unreasonable. In order to control development within the extended area, a standard condition is recommended below removing permitted development rights.

There is concern that the height is overbearing despite removal of the balcony screens previously refused. The retrospective nature of the application allows this to be assessed. Whilst the height is greater than you would expect from a single storey extension due to the ground levels, it is subordinate to the main body of the house and is not considered to be overly dominant. The applicant has removed the 1.8m screens originally sought under S/34809, which is considered to have overcome the reason for the refusal.

The original alternative scheme that was refused under S/34809 included a balcony/roof terrace with 1.8m screens either side. The balcony/roof terrace has however been removed from this submission and any use of the roof as a roof terrace would be unauthorised. The formation of a balcony would require planning permission so the merits can be considered if at any time the applicant wishes to apply. The scheme before Committee has Juliette balcony type balustrades in front of the patio doors which would allow them to open the doors and enjoy the view but without being able to walk out onto the roof. Privacy is not therefore considered to be affected because the view from inside the bedrooms would be no greater than if the applicant stood in the window of the approved scheme.

Notwithstanding any encroachment that has taken place into the land to the rear from other properties, the spatial character of Heol Ddu is for houses with modest rear gardens. The proportion of house to plot as proposed is not therefore likely to adversely impact the spatial character of the area. It should be noted that the applicant also owns the paddock to the rear with the intention of grazing a horse, so the amenity space available is more than the formal garden area. There are however safeguards to ensure that nothing is built on the Paddock as it is below the 5ha threshold that would allow agricultural permitted development.

There is a concern that the proposal would cause loss of sunlight / daylight through overshadowing. It is noted that the site is to the north west of No.17 so would have no impact, however it is to the South West of No. 15 so would have an impact in the evening. It should however be noted that in the greatest part, the additional floor space would be to the south of the main part of the building, so would have limited impact on the neighbouring dwelling which is not considered likely to be unacceptable.

The scheme shows parking alongside the house, with a parking / turning area to the front. There is however concern that the formation of the parking spaces to the side of the house would result in the damage or loss of a hedge along the boundary with the neighbouring property which is said to be in third party ownership. The grant of planning permission would not over-ride the ownership of the hedge, and if any damage is made to the adjacent property, separate legislation in the form of the Party Wall Act would apply.

CONCLUSION

After careful consideration of the site and surrounding environs, it is considered that the house as amended fits into the street scene and is unlikely to have an unacceptable adverse impact on neighbouring properties. Whilst the additional rear section is in line with neighbouring garden areas, the roof terrace/balcony with 1.8m screens has been removed so it is not now considered likely to be overbearing and intrusive.

It is noted that if the applicant had built the original scheme, they could have built a 4m single storey rear extension with 4m ridge and 3m eaves without planning permission subject to the provisions of the General Development Order as amended in 2013. The additional 300mm length and additional 1m eave height (max height is in accordance with permitted development rights) as built are not considered to have an unacceptable adverse impact on neighbouring properties compared with what could have been built.

On balance, the proposal is considered to be in accordance with the above policies and therefore an acceptable form of development.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 10 February 2017.
- 2 The development hereby permitted is defined on the following schedule of plans received on 9 February 2017:-
 - 1:500 scale block plan;
 - 1:50, 1:100 & 1:200 scale existing and proposed elevations, site plan and proposed floor plans;
 - 1:100 scale proposed side elevation.
- 3 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only.

REASONS

- 1 To comply with Section 73A of the Town and Country Planning Act (as amended).
- 2 In the interests of visual amenities.
- 3 In the interests of highway safety.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposed development complies with Policy SP1, GP1, GP2 and H1 in that it is sensitive infilling on an allocated site within the settlement development limits which is appropriate in scale and design to the urban form and is not likely to cause unacceptable harm to neighbouring properties.
- The proposed development complies with Policies TR2 and TR3 in that the proposal is not likely to be detrimental to highway safety.
- The proposed development is exempt from affordable contributions as it is an alternative scheme to one approved prior to the adoption of the LDP. This alternative scheme is not therefore a net increase in dwellings that would trigger an affordable housing contribution under Policy AH1.

NOTES

- 1 Please note that this permission 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 permission 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 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 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).

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| Application No | S/35189 |
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| Application Type | Outline |
| Proposal & Location | SITING OF TWO DETACHED DWELLING HOUSES AT LAND AT FORMER CWMBLAWD SAWMILLS, LLANNON ROAD, PONTYBEREM, LLANELLI, SA15 5NB |

| | |
|---------------------------|--|
| Applicant(s) | MR DHA LEWIS, 17A HEOL Y BRYN, PONTYBEREM, LLANELLI, CARMARTHENSHIRE, SA15 5AG |
| Agent | SAURO ARCHITECTURAL DESIGN LTD - MR PETER SAURO, SAURO ARCHITECTURAL DESIGN LTD, 9 ELLISTON TERRACE, CARMARTHEN, SA311HA |
| Case Officer | Gary Glenister |
| Ward | Pontyberem |
| Date of validation | 27/02/2017 |

CONSULTATION

Head of Transport – Recommends refusal on the grounds of lack of visibility and lack of pedestrian facilities.

Pontyberem Community Council – Has not commented on the application to date.

Local Members – County Councillor J S Williams is a member of the Planning Committee and has not made prior comment. She has however asked that the application be determined at Committee after a site visit as the land has been maintained by the family since the mill closed and there is historic permission for a dwelling.

Dwr Cymru/Welsh Water – States that there is no mains sewerage so details of drainage should be submitted prior to commencement of development.

Neighbours/Public – Four neighbouring properties have been consulted with no responses received to date.

RELEVANT PLANNING HISTORY

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

| | | |
|----------|--|-------------------|
| D5/14103 | Two houses Outline planning refused | 30 September 1991 |
| D5/11766 | Two houses Outline planning refused | 26 June 1989 |

APPRAISAL

THE SITE

The application site is strip of land with a road frontage of approximately 39m and an average depth of 23m. The site is outside the development limits of Pontyberem, however it is noted that there is a cluster of 7 houses opposite to the south.

The site is a former sawmill, however any commercial use has long since been abandoned. The remains of the sawmill are evident with some of the wall structure still in place. The owner has maintained the site in a good condition.

The site has also been subject to permission for a dwelling prior to the First World War, and the applicant has the original plans for the site. Undulations on part of the site are said to be evidence of commencement in the form of foundation trenches. The undulations are broadly consistent with the location of the previously approved dwelling, however it is not known when any works were undertaken. However if foundations were dug over 100 years ago as suggested, they have collapsed and infilled over time with no development having taken place, so as to have been abandoned in planning terms.

More recently, planning permission was refused in 1989 and 1991 for two dwellings on the basis of its location in open countryside and highway safety.

THE PROPOSAL

The application seeks outline planning permission to establish the principle of two dwellings on the site in place of the former commercial use. The site is proposed to be laid out with two storey houses addressing the highway with modest rear gardens and a central access with parking & garages and turning to the front for each property.

No justification has been submitted in terms of affordable/local need or rural enterprise.

PLANNING POLICY

In the context of the current development control policy framework the site is outside the settlement development limits of Pontyberem as defined in the Carmarthenshire Local Development Plan (LDP) Adopted July 2006.

Policy SP1 Sustainable Places and Spaces states:

Proposals for development will be supported where they reflect sustainable development and design principles by:

- a) Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;
- b) Promoting, where appropriate, the efficient use of land including previously developed sites;
- c) Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;
- d) Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;
- e) Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;
- f) Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;
- g) Utilising sustainable construction methods where feasible;
- h) Improving social and economic wellbeing;
- i) Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.

Policy GP1 Sustainability and High Quality Design states:

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;

- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste;
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 and TAN12: Design (2016)).

Policy GP2 Development Limits states:

Development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework.

Proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 provides the following guidance:-

Paragraph 4.11.1 states: “Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.”

Paragraph 4.11.2 states “Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design:”

Paragraph 4.11.3 states “The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent which are material considerations.”

Paragraph 4.11.4 states “Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).”

Paragraph 4.11.8 states “Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.”

Paragraph 4.11.9 states “The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.”

Paragraph 2.2 of Technical Advice Note 12 Design (2014) states:

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales - from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (2014) states:

- 2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.
- 2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme should be presented in the design and access statement where one is required.

CONCLUSION

After careful consideration of the site and its surrounding environs, it is considered that whilst there is evidence of a former commercial use and history of permission, both have long since been lost through the passage of time, therefore the proposal is unjustified new residential development in the open countryside. Local and National planning policy directs development to sustainable communities, and there is a general presumption against development in the open countryside.

It is noted that there are houses opposite, however this is not considered to be a sustainable community and merely forms a cluster of rural dwellings without a defined settlement development limit. The general approach adopted in the LDP is to exclude such outlying clusters and confine development limits to sustainable settlements. In this case, the site is 0.7km from the closest part of Pontyberem, and 1.7km from its centre, with no bus stops or pedestrian facilities evident between the site and the village, therefore it is not considered to be in a sustainable location.

In terms of the site specific considerations, an indicative plan has been submitted which shows an indication of two dwellings. It is considered that there is insufficient private amenity space to the rear to serve the dwellings as shown. Notwithstanding the fact that this application merely seeks to establish the principle of development, it is considered that the site is of insufficient dimensions to accommodate two dwellings as shown.

Further, the application does not include any form of legal agreement setting out a contribution towards affordable housing as required under Policy AH1.

On balance, the proposal is not considered to be in accordance with the above policies and therefore is recommended for refusal.

RECOMMENDATION – REFUSAL

REASONS

- 1 The proposal is contrary to Policy SP1 “Sustainable Places and Spaces” of the Carmarthenshire Local Development Plan:-

Policy SP1 Sustainable Places and Spaces

Proposals for development will be supported where they reflect sustainable development and design principles by:

- a) **Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;**
- b) **Promoting, where appropriate, the efficient use of land including previously developed sites;**
- c) **Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;**
- d) **Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;**
- e) **Creating safe, attractive and accessible environments which contribute to people’s health and wellbeing and adhere to urban design best practice;**
- f) **Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;**
- g) **Utilising sustainable construction methods where feasible;**
- h) **Improving social and economic wellbeing;**
- i) **Protect and enhance the area’s biodiversity value and where appropriate, seek to integrate nature conservation into new development.**

In that the site is in a location which is not served by public transport or pedestrian facilities, and is therefore wholly reliant on the private car. The site is not therefore considered to be in a sustainable location.

- 2 The proposal is contrary to Policy GP1 “Sustainability and High Quality Design” of the Carmarthenshire Local Development Plan:-

Policy GP1 Sustainability and High Quality Design

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;

- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 and TAN12: Design (2016)).

In that the site is not of sufficient size to accommodate the two houses along with parking, turning and an adequate rear garden area as shown on the indicative plan.

- 3 The proposal is contrary to Policy GP2 “Development Limits” of the Carmarthenshire Local Development Plan:-

Policy GP2 Development Limits

Development Limits are defined for those settlements identified as Growth Areas, Service Centres, Local Service Centres and identified Sustainable Communities within the settlement framework.

Proposals within defined Development Limits will be permitted, subject to policies and proposals of this Plan, national policies and other material planning considerations.

In that the proposed development is unjustified development outside the settlement development limits of Pontyberem as defined in the adopted Local Development Plan. The proposal would therefore constitute inappropriate and unsustainable development in the open countryside.

- 4 The proposal is contrary to Policy TR3 “Highways in Developments – Design Considerations” of the Carmarthenshire Local Development Plan:-

Policy TR3 Highways in Developments - Design Considerations

The design and layout of all development proposals will, where appropriate, be required to include:

- a) **An integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport;**
- b) **Suitable provision for access by public transport;**
- c) **Appropriate parking and where applicable, servicing space in accordance with required standards;**
- d) **Infrastructure and spaces allowing safe and easy access for those with mobility difficulties;**

- e) **Required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced;**
- f) **Provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.**

Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

In that:

- (i) the site is in a location which is not served by public transport or pedestrian facilities, and is therefore wholly reliant on the private car. The site is not therefore considered to be in a sustainable location.
- (i) it appears impracticable to construct an access within the curtilage of the site which would provide sufficient visibility for vehicles emerging onto the county road.
- (ii) the proposed development would lead to increased pedestrian movements along a section of road with no pedestrian facilities.

- 5 The proposal is contrary to Policy AH1 “Affordable Housing” of the Carmarthenshire Local Development Plan:-

Policy AH1 Affordable Housing

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

Where viability at the target levels cannot be achieved, variation may be agreed on a case-by-case basis.

On Site Contributions

The affordable housing will be required to be provided on proposals of 5 or more dwellings in all settlements. Where adjacent and related

residential proposals result in combined numbers meeting or exceeding the above threshold, the Council will seek an element of affordable housing based on the affordable housing target percentages set out above.

Proposals will be required to ensure that the dwelling remains affordable for all subsequent occupants in perpetuity.

Commuted Sums

Where an open market residential site falls below the above thresholds, a contribution through a commuted sum towards the provision of affordable housing will be sought. The level of contribution sought through a commuted sum will vary based upon its location within the high, medium and low viability sub-market areas as set out above. Commuted sum charges will be based on floor space (cost per sq.m.).

In that the application does not provide a contribution for affordable housing in accordance with Policy AH1.

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| Application No | W/34901 |
|-----------------------|----------------|

| | |
|--------------------------------|---|
| Application Type | Full Planning |
| Proposal & Location | DETACHED DWELLING HOUSE AT LAND AT MOUNTHILL, MOUNT PLEASANT, PENSARN, CARMARTHEN, SA31 2LJ |

| | |
|---------------------------|--|
| Applicant(s) | MR & MRS M GRIFFITHS, MOUNT HILL, MOUNT PLEASANT, LLANGUNNOR, CARMARTHEN, SA31 2LJ |
| Agent | JCR PLANNING LTD - RICHARD BANKS, UNIT 2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE |
| Case Officer | Stuart Willis |
| Ward | Llangunnor |
| Date of validation | 29/12/2016 |

CONSULTATIONS

Head of Transport – Has recommended conditions with any approval.

Dwr Cymru/Welsh Water – Has responded raising no objections.

Llangunnor Community Council – Has no objections subject to the usual neighbour consultation and that details covered in Part 6.2 of the application being strictly enforced.

Local Member - County Councillor D E Williams has requested the application be presented to the Planning Committee if it were to be recommended for refusal. The following reasons were given:

- I know the original house is listed. But such is situated a significant distance back from the adjoining highway, leaving sufficient room for this new build, without much affecting the existing dwelling.
- The few trees that would need to be removed, are as I understand in a relative poor condition, and might have to be felled in any case.
- Highways, have no objections on access, to or from.

Neighbours/ Public - The application has been publicised by the posting of a site notice and at press with 1 response having been received to date on the associated full planning application:

- Healthy trees have already been chopped down prior to the application and more would be cut down unnecessarily.
- Loss of privacy as the property would be built at a higher elevation and would be looking down and into our rear bedrooms, lounge and kitchen.
- Approximately 200 properties have been built within a quarter of a mile of the proposed site already over the last few years and so there is no need for additional properties in this area.

RELEVANT PLANNING HISTORY

The following previous application have been received on the application site.

| | | |
|----------|--|-------------------|
| W/34901 | Detached dwelling house Full planning – before committee also - pending | |
| D4/18394 | Change of Use from coach house to residential accommodation Full planning permission | 12 September 1989 |

APPRAISAL

THE SITE

The application site forms part of the curtilage of a listed building known as Mounthill, Llangunnor. The site fronts a C class road linking Llangunnor with Cwmffrwd. The land is relatively flat and is located forward of the existing dwelling on the site. There is a stone wall along the boundary with the road and also several mature trees. There is an existing access to the northern part of the frontage leading to the existing dwelling. There is a further access adjacent to the site on its southern side leading to a separate dwelling, again set back from the frontage. The surrounding area is primarily residential with recent housing estates having been constructed to the west and opposite the site. The site is within development limits as delineated in the Carmarthenshire LDP. An outline application was submitted last year however it was not registered due to additional information being required. Comments on the merits of the application were also made where it was indicated a recommendation of refusal would be likely.

There is an associated listed building application. The dwelling is set within its own landscaped grounds, and significantly set back from the highway frontage by a series of level gardens, with mature trees along the road frontage, set behind a natural stone wall, and entrance pillars to an access drive. The building is a late Georgian villa roughly square in plan with U-shaped roof line to a central valley, of rendered walls and hipped slate roof. Left hand ridge are 2 bricks stacks, on the right hand ridge is a stack with paired round shafts. The 4 bay front has pointed windows with small pane sashes incorporating Gothic glazing bars. The entrance is left of centre, in added gabled porch on posts. The door has blind Gothic panels and is beneath pointed overlight with Y-tracery. The right side wall has pointed sash windows similar to front, and a square headed fixed pane window. The rear elevation to the L-hand gable end is two storey, incorporating service rooms, the r-hand gable set back.

Mount Hill is set within its own grounds which has a boundary stone wall with railings and gates.

THE PROPOSAL

For the construction of a detached dwelling at the site. The proposal is for a bungalow style dwelling with rooms in the roof. The dwelling would have 4 bedrooms and an integral garage. There would be 2 dormer windows proposed in the rear elevation of the dwelling. There is an access adjacent to an existing one at the southern end of the site for a separate property (Dan-y-Coed). The access and visibility splays would require works to the listed boundary wall at the road frontage of the property. It would also involve the removal of the existing trees. Amended plans were submitted following comments from the Arboriculture Officer.

There is an associated listed building consent to create an opening in the stone boundary wall. The purpose is to create an access for a proposed residential development within the curtilage of the listed building.

A heritage statement was provided which refers to the property having been listed in 2004. The statement refers to the area of garden to be developed as having *“been covered with a small copse of mature trees, but which had been prone to disease, decay and weather damage, and thus had to be felled for safety reasons. The three specimens that remain are unfortunately also suffering from fungal decay, and as the accompanying Tree Survey concludes should be removed to avoid damaging the listed building, adjacent highway, or even the new properties off the opposite flank of the highway.”*

Comments in relation to the design and character of the area and the building as part of the submission are made. The proposed roof pitch of the new dwelling is set at 40 degrees, and of hipped roof shape, with finishing natural slate aiming to match the existing listed property. Window openings will be symmetrically aligned, and with a vertical emphasis and Gothic in form to the front elevation aiming to complement the style and finish of Mounthill. Elevations will be painted render providing a clean and subtle finish, with colouring to match Mounthill.

PLANNING POLICY

In the context of the current development control policy framework the site lies within the development limits of the LDP.

Policy SP1 Sustainable Places and Spaces

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

Policy SP9 Transportation

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

Policy GP1 Sustainability and High Quality Design

This states that development proposals will be permitted where they accord with a number of criteria including the following, it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing, utilises materials appropriate to the area within which it is located; it retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity; an appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;

Policy TR3 Highways in Developments - Design Considerations

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

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

Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

The policy states that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where

it preserves or enhances the built and historic environment. This includes listed buildings, conservation areas and archaeology.

SP13 Protection and Enhancement of the Built and Historic Environment

The policy indicates that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- a) Sites and features of recognised Historical and Cultural Importance;
- b) Listed buildings and their setting;
- c) Conservation Areas and their setting;
- d) Scheduled Ancient Monuments and other sites of recognised archaeological importance.

The policy goes on to state that proposals will be expected to promote high quality design that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

Policy GP2 Development Limits

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

Policy GP3 Planning Obligations

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

Policy GP4 Infrastructure and New Development

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

Policy H2 Housing within Development Limits

In relation to development in this location the policy states that proposals for housing developments on unallocated sites within the development limits of a defined settlement (Policy SP3) will, where they are not subject to the provisions of Part B of the policy be permitted, provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 Affordable Housing

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

On Site Contributions

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

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

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 6.1.1 of the Welsh Assembly Government's policy document 'Planning Policy Wales' (January 2016) sets out the Government's objective of ensuring that the character of the historic building is safeguarded from alterations, extensions or demolition that would compromise a building special architectural and historic interest.

Paragraph 11 of Welsh Office Circular 61/96 that Section 16 & 66 of the Act requires authorities considering application for planning permission and listed building consent for works which affect a listed building to have special regard to the desirability of preserving the setting of the building. The setting is often an essential part of a buildings character especially if a park, garden or grounds have been laid out to complement its design and function. Also, the economic viability as well as the character of a historic building may suffer and they can be robbed of much of their interest and contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other developments.

Paragraph 46 of Welsh Office Circular 61/96 states that the purpose of listing is to ensure that a building's special architectural or historic interest is fully recognised and that any works for the alteration or extension in any way which would affect its character as a listed building, are brought within statutory control.

Paragraph 66 of Welsh Office Circular states once a building has been listed under Section 1 of the Act, Section 7 provides that consent is normally required for its demolition, in whole part, and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent.

Paragraph 68 of the Circular states that while the listing of a building should not be seen as a bar to all future change, the starting point of the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Paragraph 69 of the Welsh Office Circular 61/96 states that applicants for listed building consent must be able to justify their proposals. They will need to show why works which affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 71 of Welsh Office Circular 61/96 states the grading of a building in the statutory lists is clearly a material consideration for the exercise of listed building control. But it must be emphasised that the statutory controls apply equally to all listed buildings irrespective of what grade; and since Grade II includes some 90% of all listed buildings, representing a major element in the historic quality of towns, villages, and country side, failure to give careful scrutiny to proposals for alteration or demolition could lead widespread damage to the historic environment.

Paragraph 80 of Welsh Office Circular 61/96 states that owners of listed buildings should be encouraged to seek expert advice on the best way to carry out works to their listed buildings.

Paragraph 94 of Welsh Office Circular 61/96 states in judging the effect of any alteration it is essential to have assessed the elements that make up the special interest of the building. They may comprise of obvious visual features and the archaeological or technological interest of the surviving structure and surfaces.

Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses. Nevertheless, listed buildings do vary greatly in the extent to which they can accommodate change without loss of special interest.

Paragraph 96 of Welsh Office Circular 61/96 states that listing is a material consideration, but not a reliable guide to the sensitivity of a building to alteration or extension.

Paragraph 2 of Annex D to Welsh Office Circular 61/96 states the foremost principle which should guide works to historic buildings is conserve as found.

Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which is usually related to its original or former function, and these, should be respected for alterations or change of use.

Paragraph 6 of Annex D to Welsh Office Circular 61/96 states alterations should be based on a proper understanding of the structure.

Appendix to Annex D Paragraph (a) 1 to Welsh Office Circular 61/96 states alterations to wall surfaces are usually the most damaging that happen to the overall appearance of an historic building. Alteration or repairs should respect the existing fabric.

THIRD PARTY REPRESENTATIONS

There has not been any objection to the Listed Building Consent submission however there was an objection received on the full application.

The Listed Building Consent and full application are before the Planning Committee at the request of the Local Member. He has referred to trees being removed as they were in a poor condition. Information has been provided and revised regarding the loss of the trees and proposed compensatory planting. The objector raised concern with the loss of the trees at the site and also the loss of trees prior to the submission.

The Arboricultural Officer raised concern over the location of the proposed replanted trees as they were between the turning area and the stone wall. This is a relatively small space and it was felt that the trees may come under significant pressure as they seek to grow at this location. Parking spaces close to them may also result in problems that may eventually lead to the owner seeking the removal of this tree. The trees that will be removed are considered relatively substantial and it is felt that they contribute to the amenity value of the area. Replacements were sought of a species that are likely to grow equal in height to those that are being lost. An alternative planting scheme was requested and it was also suggested that there may be space to plant two lime trees on the southern side of the site between the hedgerow that is to be retained and the porous paving area. Amended plans were provided and comments are awaited from the Landscape and Arboriculture Officer in relation to these.

A lack of highways concerns is also referred to. The Head of Transport has responded with no objections and recommended conditions with any approval.

A loss of privacy has been referred to due to the site being on higher ground than the objector's property. The objector's property is located to the south of the application site. There is a vehicular access between the site and the objectors' curtilage for a separate property and there are no first floor windows on the elevation facing the objector. The windows on the ground floor facing the other property are for a utility room and garage. It is therefore not felt that overlooking would be to a degree to raise significant concerns or to warrant refusal.

The other issue raised was in relation to the number of dwellings built in the area in recent years. There have been large scale residential developments in the area however the LDP notes that allocated sites would not provide all of the housing required. Smaller developments would also be required to ensure appropriate housing is provided.

The proposal includes a draft Unilateral Undertaking in order to provide a contribution towards affordable housing. No details have been provided to indicate that the required level is being disputed.

In terms of the relevant listed building consent matters the Local Member comments that he feels the application site is situated a significant distance back from the adjoining highway, leaving sufficient room for this new build, without much affecting the existing dwelling. Comments have been made by the Conservation Officer. The recommendation is for refusal and the following comments have been made:

“The boundary wall, railings and gates form part of the listing of Mount Hill as a consequence of Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:

‘A listed building means that the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has done since before the 1st July 1948 is listed’.

Therefore, the proposals to create a new opening in the boundary wall to facilitate the new development would be subject to listed building consent and planning permission.

To make a full assessment of applications Paragraph 69 of Welsh Office Circular 61/96 states that:

‘Applicants for listed building consent must be able to justify their proposals. They will need to show why works which affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or its historic interest of the building and on its setting’.

From the outset it has been difficult to make a full assessment as the application lacks somewhat in detailed information namely:

- No statement of justification has been provided for the proposals.*
- The Design/Heritage Statement is not adequate as it fails to make a thorough assessment of the architectural and historic character of the building or its setting, the statutory and non-statutory frameworks for the historic built environment. The statement fails to explain why the proposals are the most suitable taking into account those contexts.*
- There is a lack of detailed drawings i.e. elevation, section drawings highlighting construction, materials and finish to make an assessment of the existing and proposed.*

Therefore, the application falls short of the requirements expected by the Welsh Government and form part of the reasons for refusal.

Where it is possible to make an assessment Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition, Welsh Government Circular 61/96, Welsh Government and the Local Planning Authority’s own planning policies relating to the historic built environment would apply.

In light of the above the Officer observations are that Mount Hill is situated in its own grounds and the site consists of the building and ancillary structures to its rear. In addition, the site consists of lawned areas and trees and there is a stone boundary wall with railings and two entry points with stone piers and gates.

The Officer is of the opinion that evidence i.e. historical maps and on-site analysis suggests that the site today has not been subject to any significant alteration or little addition. Therefore, the site including structures, grounds are an important part of the historic character and setting of the listed building and in terms of conservation the site is sensitive.

The proposed works would not preserve the character and setting of the listed buildings and would have a detrimental effect.

With regards to the wall and railings this would affect the architectural design, construction of the listed building which is not acceptable.

With regards to the proposed house this would entail the dividing up of the gardens which have been laid out to complement the design and function of Mount Hill. The design proposed is such that it closely follows the design and character of the building, to the extent it would visually compete for attention with Mount Hill and distort the authenticity and reading of their individual characters.

In light of the above, the Officer is of the opinion that the proposals are contrary to the Statutory and Non-Statutory Framework for this historic built environment and the applications are refused as a consequence of the detrimental harm caused.

Therefore, the application is recommended in part for a lack of detailed information.

Where it is possible to make an assessment the proposals would not preserve the character or setting of the listed buildings and would have a detrimental effect. Therefore, the proposals are contrary the statutory and non-statutory frameworks for the historic environment and the application is recommended for refusal.”

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is not acceptable.

As such the application is put forward with a recommendation of refusal.

RECOMMENDATION – REFUSAL

REASONS

- 1 The proposal is contrary to Policy GP1 “Sustainability and High Quality Design” of the Carmarthenshire Local Development Plan:-

Policy GP1 Sustainability and High Quality Design

Development proposals will be permitted where they accord with the following:

- a. **It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;**
- b. **It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;**
- c. **Utilises materials appropriate to the area within which it is located;**
- d. **It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;**
- e. **Includes an integrated mixture of uses appropriate to the scale of the development;**
- f. **It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;**
- g. **It achieves and creates attractive, safe places and public spaces, which ensures security through the ‘designing-out-crime’ principles of Secured by Design (including providing natural surveillance, visibility, well lit environments and areas of public movement);**
- h. **An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;**
- i. **It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;**
- j. **It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;**
- k. **It has regard to the generation, treatment and disposal of waste;**
- l. **It has regard for the safe, effective and efficient use of the transportation network;**

- m. It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n. It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).

In that the development fails to conform with or enhance the character and appearance of the site. The proposed development would adversely affect features of historic importance and would fail to preserve or enhance the built and historic environment. The proposed works to the wall and railings and proposed house would fail to preserve the architectural and historic character of the listed buildings and their settings and are considered to have detrimental effect on the character and setting of the listed buildings.

- 2 The proposal is contrary to Policy EQ1 “Protection of Buildings, Landscapes and Features of Historic Importance” of the Carmarthenshire Local Development Plan:-

Policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance

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

In that the proposed development would adversely affect features of historic importance and would fail to preserve or enhance the built and historic environment. The proposed works to the wall and railings and proposed house would fail to preserve the architectural and historic character of the listed buildings and their settings and are considered to have detrimental effect on the character and setting of the listed buildings.

- 3 The proposal is contrary to SP1 “Sustainable Places and Spaces” of the Carmarthenshire Local Development Plan:-

Policy SP1 Sustainable Places and Spaces

Proposals for development will be supported where they reflect sustainable development and design principles by:

- a. Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;
- b. Promoting, where appropriate, the efficient use of land including previously developed sites;

- c. **Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;**
- d. **Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;**
- e. **Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;**
- f. **Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;**
- g. **Utilising sustainable construction methods where feasible;**
- h. **Improving social and economic wellbeing;**
- i. **Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.**

In that the proposal fails to respect, reflect or enhancing local character and distinctiveness. The proposed works to the wall and railings and proposed house would fail to preserve the architectural and historic character of the listed buildings and their settings and are considered to have detrimental effect on the character and setting of the listed buildings.

- 4 The proposal is contrary to SP13 Protection and Enhancement of the Built and Historic Environment of the Carmarthenshire Local Development Plan:-

SP13 Protection and Enhancement of the Built and Historic Environment

Development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- a. **Sites and features of recognised Historical and Cultural Importance;**
- b. **Listed buildings and their setting;**
- c. **Conservation Areas and their setting;**
- d. **Scheduled Ancient Monuments and other sites of recognised archaeological importance.**

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

In that the proposed works to the wall and railings and proposed house would fail to preserve or enhance the architectural and historic character of the listed buildings and their settings and are considered to have detrimental effect on the character and setting of the listed buildings.

| | |
|-----------------------|----------------|
| Application No | W/34931 |
|-----------------------|----------------|

| | |
|--------------------------------|---|
| Application Type | Listed Building |
| Proposal & Location | ALTERATIONS TO FRONT BOUNDARY STONE WALL TO FACILITATE A VEHICULAR ACCESS AT LAND AT MOUNTHILL, MOUNT PLEASANT, PENSARN, CARMARTHEN, SA31 2LJ |

| | |
|---------------------------|---|
| Applicant(s) | MR AND MRS M GRIFFITHS, MOUNT HILL, MOUNT PLEASANT, LLANGUNNOR, CARMARTHEN, SA31 2LJ |
| Agent | JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE |
| Case Officer | Stuart Willis |
| Ward | Llangunnor |
| Date of validation | 06/01/2017 |

CONSULTATIONS

Llangunnor Community Council – Has no objections subject to the usual neighbour consultation and that details covered in Part 6.2 of the application being strictly enforced.

Local Member - County Councillor D E Williams has requested the application be presented to the Planning Committee if it were to be recommended for refusal. The following reasons were given:

- I know the original house is listed. But such is situated a significant distance back from the adjoining highway, leaving sufficient room for this new build, without much affecting the existing dwelling.
- The few trees that would need to be removed, are as I understand in a relative poor condition, and might have to be felled in any case.
- Highways, have no objections on access, to or from.

Neighbours/ Public - The application has been publicised by the posting of a site notice and at press with 1 response having been received to date on the associated full planning application:

- Healthy trees have already been chopped down prior to the application and more would be cut down unnecessarily.
- Loss of privacy as the property would be built at a higher elevation and would be looking down and into our rear bedrooms, lounge and kitchen.
- Approximately 200 properties have been built within a quarter of a mile of the proposed site already over the last few years and so there is no need for additional properties in this area.

RELEVANT PLANNING HISTORY

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

| | | |
|----------|--|-------------------|
| W/34901 | Detached dwelling house Full planning – before committee also - pending | |
| D4/18394 | Change of Use from coach house to residential accommodation full planning permission | 12 September 1989 |

APPRAISAL

THE SITE

The application site forms part of the curtilage of a listed building known as Mounthill, Llangunnor. The site fronts a C class road linking Llangunnor with Cwmffrwd. The land is relatively flat and is located forward of the existing dwelling on the site. There is a stone wall along the boundary with the road and also several mature trees. There is an existing access to the northern part of the frontage leading to the existing dwelling. There is a further access adjacent to the site on its southern side leading to a separate dwelling, again set back from the frontage. The surrounding area is primarily residential with recent housing estates having been constructed to the west and opposite the site. The site is within development limits as delineated in the Carmarthenshire LDP. An outline application was submitted last year however it was not registered due to additional information being required. Comments on the merits of the application were also made where it was indicated a recommendation of refusal would be likely.

There is an associated full planning application. The dwelling is set within its own landscaped grounds, and significantly set back from the highway frontage by a series of level gardens, with mature trees along the road frontage, set behind a natural stone wall, and entrance pillars to an access drive. The building is a late Georgian villa roughly square in plan with U-shaped roof line to a central valley, of rendered walls and hipped slate roof. Left hand ridge are 2 bricks stacks, on the right hand ridge is a stack with paired round shafts. The 4 bay front has pointed windows with small pane sashes incorporating Gothic glazing bars. The entrance is left of centre, in added gabled porch on posts. The door has blind Gothic panels and is beneath pointed over light with Y-tracery. The right side wall has pointed sash windows similar to front, and a square headed fixed pane window. The rear elevation to the L-hand gable end is two storey, incorporating service rooms, the r-hand gable set back.

Mount Hill is set within its own grounds which has a boundary stone wall with railings and gates.

THE PROPOSAL

The applicant proposes to create an opening in the stone boundary wall. The purpose is to create an access for a proposed residential development within the curtilage of the listed building.

There is an associated full planning application for the construction of a detached dwelling at the site. The proposal is for a bungalow style dwelling with rooms in the roof. The dwelling would have 4 bedrooms and an integral garage. There would be 2 dormer windows proposed in the rear elevation of the dwelling. There is an access adjacent to an existing one at the southern end of the site for a separate property (Dan-y-Coed). The access and visibility splays would require works to the listed boundary wall at the road frontage of the property. It would also involve the removal of the existing trees. Amended plans were submitted following comments from the Arboriculture Officer.

A heritage statement was provided which refers to the property having been listed in 2004. The statement refers to the area of garden to be developed as having *“been covered with a small copse of mature trees, but which had been prone to disease, decay and weather damage, and thus had to be felled for safety reasons. The three specimens that remain are unfortunately also suffering from fungal decay, and as the accompanying Tree Survey concludes should be removed to avoid damaging the listed building, adjacent highway, or even the new properties off the opposite flank of the highway.”*

STATUTORY DUTIES, GOVERNMENT POLICIES & ADVICE, COUNTY COUNCIL POLICIES

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

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 6.1.1 of the Welsh Assembly Government’s policy document ‘Planning Policy Wales’ (January 2016) sets out the Government’s objective of ensuring that the character of the historic building is safeguarded from alterations, extensions or demolition that would compromise a building special architectural and historic interest.

Paragraph 11 of Welsh Office Circular 61/96 that Section 16 & 66 of the Act requires authorities considering application for planning permission and listed building consent for works which affect a listed building to have special regard to the desirability of preserving the setting of the building. The setting is often an essential part of a buildings character especially if a park, garden or grounds have been laid out to complement its design and function. Also, the economic viability as well as the character of a historic building may suffer and they can be robbed of much of their interest and contribution they make to

townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other developments.

Paragraph 46 of Welsh Office Circular 61/96 states that the purpose of listing is to ensure that a building's special architectural or historic interest is fully recognised and that any works for the alteration or extension in any way which would affect its character as a listed building, are brought within statutory control.

Paragraph 66 of Welsh Office Circular states once a building has been listed under Section 1 of the Act, Section 7 provides that consent is normally required for its demolition, in whole part, and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent.

Paragraph 68 of the Circular states that while the listing of a building should not be seen as a bar to all future change, the starting point of the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Paragraph 69 of the Welsh Office Circular 61/96 states that applicants for listed building consent must be able to justify their proposals. They will need to show why works which affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 71 of Welsh Office Circular 61/96 states the grading of a building in the statutory lists is clearly a material consideration for the exercise of listed building control. But it must be emphasised that the statutory controls apply equally to all listed buildings irrespective of what grade; and since Grade II includes some 90% of all listed buildings, representing a major element in the historic quality of towns, villages, and country side, failure to give careful scrutiny to proposals for alteration or demolition could lead widespread damage to the historic environment.

Paragraph 80 of Welsh Office Circular 61/96 states that owners of listed buildings should be encouraged to seek expert advice on the best way to carry out works to their listed buildings.

Paragraph 94 of Welsh Office Circular 61/96 states in judging the effect of any alteration it is essential to have assessed the elements that make up the special interest of the building. They may comprise of obvious visual features and the archaeological or technological interest of the surviving structure and surfaces.

Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses. Nevertheless, listed buildings do vary greatly in the extent to which they can accommodate change without loss of special interest.

Paragraph 96 of Welsh Office Circular 61/96 states that listing is a material consideration, but not a reliable guide to the sensitivity of a building to alteration or extension.

Paragraph 2 of Annex D to Welsh Office Circular 61/96 states the foremost principle which should guide works to historic buildings is conserve as found.

Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which is usually related to its original or former function, and these, should be respected for alterations or change of use.

Paragraph 6 of Annex D to Welsh Office Circular 61/96 states alterations should be based on a proper understanding of the structure.

Appendix to Annex D Paragraph (a) 1 to Welsh Office Circular 61/96 states alterations to wall surfaces are usually the most damaging that happen to the overall appearance of an historic building. Alteration or repairs should respect the existing fabric.

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

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

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

THIRD PARTY REPRESENTATIONS

There has not been any objection to the Listed Building Consent submission however there was an objection received on the full application.

The Listed Building Consent and full application are before the Planning Committee at the request of the Local Member. The reasons were relating to access and trees which are not matters concerning the listed building consent. In terms of the relevant listed building consent matters the Local Member comments that he feels the application site is situated a significant distance back from the adjoining highway, leaving sufficient room for this new build, without much affecting the existing dwelling.

Comments have been made by the Conservation Officer. The recommendation is for refusal and the following comments have been made:

“The boundary wall, railings and gates form part of the listing of Mount Hill as a consequence of Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:

‘A listed building means that the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has done since before the 1st July 1948 is listed’.

Therefore, the proposals to create a new opening in the boundary wall to facilitate the new development would be subject to listed building consent and planning permission.

To make a full assessment of applications Paragraph 69 of Welsh Office Circular 61/96 states that:

'Applicants for listed building consent must be able to justify their proposals. They will need to show why works which affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or its historic interest of the building and on its setting'.

From the outset it has been difficult to make a full assessment as the application lacks somewhat in detailed information namely:

- No statement of justification has been provided for the proposals.*
- The Design/Heritage Statement is not adequate as it fails to make a thorough assessment of the architectural and historic character of the building or its setting, the statutory and non-statutory frameworks for the historic built environment. The statement fails to explain why the proposals are the most suitable taking into account those contexts.*
- There is a lack of detailed drawings i.e. elevation, section drawings highlighting construction, materials and finish to make an assessment of the existing and proposed.*

Therefore, the application falls short of the requirements expected by the Welsh Government and form part of the reasons for refusal.

Where it is possible to make an assessment Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition, Welsh Government Circular 61/96, Welsh Government and the Local Planning Authority's own planning policies relating to the historic built environment would apply.

In light of the above the Officer observations are that Mount Hill is situated in its own grounds and the site consists of the building and ancillary structures to its rear. In addition, the site consists of lawned areas and trees and there is a stone boundary wall with railings and two entry points with stone piers and gates.

The Officer is of the opinion that evidence i.e. historical maps and on-site analysis suggests that the site today has not been subject to any significant alteration or little addition. Therefore, the site including structures, grounds are an important part of the historic character and setting of the listed building and in terms of conservation the site is sensitive.

The proposed works would not preserve the character and setting of the listed buildings and would have a detrimental effect.

With regards to the wall and railings this would affect the architectural design, construction of the listed building which is not acceptable.

With regards to the proposed house this would entail the dividing up of the gardens which have been laid out to complement the design and function of Mount Hill. The design proposed is such that it closely follows the design and character of the building, to the extent it would visually compete for attention with Mount Hill and distort the authenticity and reading of their individual characters.

In light of the above, the Officer is of the opinion that the proposals are contrary to the Statutory and Non-Statutory Framework for this historic built environment and the applications are refused as a consequence of the detrimental harm caused.

Therefore, the application is recommended in part for a lack of detailed information.

Where it is possible to make an assessment the proposals would not preserve the character or setting of the listed buildings and would have a detrimental effect. Therefore, the proposals are contrary the statutory and non-statutory frameworks for the historic environment and the application is recommended for refusal.”

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is not acceptable.

As such the application is put forward with a recommendation of refusal.

RECOMMENDATION – REFUSAL

REASONS FOR REFUSAL

- 1 In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses, as required by Section 16(2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the County Council finds that the proposed works to the wall and railings and proposed house would have a detrimental effect on the character and setting of the listed buildings.
- 2 The proposed extension is not in keeping with the Welsh Assembly Government’s objective in paragraph 6.1.1 of its policy document ‘Planning Policy Wales’ (January 2016) of ensuring ‘that the character of historic buildings is safeguarded from alterations that would compromise a building’s special architectural and historic interest’ that the proposals would fail to preserve the architectural and historic character of the listed buildings and their settings.
- 3 The proposed works are not in-keeping with the requirements of paragraph 69 of Welsh Officer which states that applicants for listed building consent must be able to justify their proposals. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and its setting. The application lacks detailed information namely; (a) No justification has been provided. (b) The Design and Heritage statement fails to make a thorough assessment of the architectural and historic character and setting of the building and the statutory and non-statutory frameworks for the historic built environment and explain why

proposals are the most suitable taking into account those contexts. (c) There is a lack of detailed drawings to make an assessment.

- 4 Paragraph 94 of the Circular states that in judging the effect of any alteration on a listed building it is essential to have assessed the elements that make up the special interest of the building. The harm caused by the proposals shows that there has been a lack of proper assessment of the elements that make up the listed buildings character and setting.
- 5 Paragraph 95 of the Circular states many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses. Listed buildings do vary greatly in the extent which they can accommodate change without loss of special interest. The proposals are not sensitive and would be detrimental to the character and setting of the listed buildings.
- 6 Paragraph 2 of Annex D to Welsh Office Circular 61/96 states that the foremost principle which guide works to historic building 'conserve as found'. The proposed works do not adhere to the foremost principle and would have a detrimental effect on the character and setting of the listed buildings.
- 7 Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which is usually related to its original or former function, and these, should be respected for alterations or change of use. The proposals do not respect elements which relate to the character and setting of the listed buildings.
- 8 Paragraph 6 of Annex D of the Circular states alterations should be based on a proper understanding of the structure. The proposals which would be detrimental to the character and setting of the listed buildings which illustrates that there is a lack of understanding of the building.
- 9 Appendix to Annex D Paragraph (a) 1 to Welsh Office Circular 61/96 states alterations to wall surfaces are usually the most damaging that happen to the overall appearance of an historic building. Alteration or repairs should respect the existing fabric. The proposed alterations to the wall and railings do not respect the architectural and historic character of the wall or its setting.
- 10 SP13 of the Local Development Plan of the Built and Historic Environment states proposals should preserve or enhance the built and historic environment of the County, it's cultural, townscape and landscape assets and where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.
 - Sites and features of recognised Historical and Cultural Importance;
 - Listed Buildings and their setting;
 - Scheduled Ancient Monuments and other sites of recognised archaeological importance

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

The County Council finds that the proposed works to the wall and railings and the proposed house would have a detrimental effect on the character and setting of the listed buildings.

SUMMARY FOR REASONS FOR REFUSAL

In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses required by the statutory duty under section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority finds that the proposed works to the wall and railings and proposed house would have a detrimental effect on the character and setting of the listed buildings.

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*Ardal
Dwyrain/
Area East*

**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 19 EBRILL 2017
ON 19 APRIL 2017**

**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.

| | |
|-------------------|---------------------------|
| COMMITTEE: | PLANNING COMMITTEE |
| DATE: | 19 APRIL 2017 |
| REPORT OF: | HEAD OF PLANNING |

INDEX - AREA EAST

| REF. | APPLICATIONS RECOMMENDED FOR APPROVAL | PAGE NOS. |
|----------------|--|------------------|
| E/32266 | Proposed development of Phase 2 of the Cross Hands Economic Link Road between the East Strategic Employment Site and the A476 Llandeilo Road with junctions to Black Lion Road, Norton Road and Llandeilo Road, associated drainage and landscaping works together with the demolition of two properties with associated garages at 99 and 101 Norton Road, Penygroes at a corridor through pasture land, from East Strategic Employment Site to Llandeilo Road, crossing Black Lion Road and Norton Road | 55-83 |
| E/34580 | Demolition of existing school to be replaced with a residential development of 7 no. 2 storey dwellings together with an on-site bat roost structure at former Nantygroes CP School, Llandybie, Ammanford, SA18 3NZ | 84-93 |
| E/35287 | Remove part of front lawn to create car parking/turning area at 41 Parklands Road, Ammanford, SA18 3TD | 94-96 |

APPLICATIONS RECOMMENDED FOR APPROVAL

| | |
|-----------------------|----------------|
| Application No | E/32266 |
|-----------------------|----------------|

| | |
|--------------------------------|---|
| Application Type | Full Planning |
| Proposal & Location | PROPOSED DEVELOPMENT OF PHASE 2 OF THE CROSS HANDS ECONOMIC LINK ROAD BETWEEN THE EAST STRATEGIC EMPLOYMENT SITE AND THE A476 LLANDEILO ROAD WITH JUNCTIONS TO BLACK LION ROAD, NORTON ROAD AND LLANDEILO ROAD, ASSOCIATED DRAINAGE AND LANDSCAPING WORKS TOGETHER WITH THE DEMOLITION OF 2 PROPERTIES WITH ASSOCIATED GARAGES AT 99 AND 101 NORTON ROAD, PENYGROES AT A CORRIDOR THROUGH PASTURE LAND, FROM EAST STRATEGIC EMPLOYMENT SITE TO LLANDEILO ROAD, CROSSING BLACK LION ROAD AND NORTON ROAD |

| | |
|---------------------------|---|
| Applicant(s) | CCC - TECHNICAL SERVICES DEPARTMENT , PARC MYRDDIN, RICHMOND TERRACE, CARMARTHEN, SA31 1HQ |
| Agent | CARMARTHENSHIRE COUNTY COUNCIL , ENVIRONMENT DEPARTMENT, PARC MYRDDIN, RICHMOND TERRACE, CARMARTHEN, SA31 1HQ |
| Case Officer | John Thomas |
| Ward | Llandybie |
| Date of validation | 07/07/2015 |

CONSULTATIONS

Head of Transport - No objection.

Head of Public Protection – No objection subject to the imposition of appropriate conditions

Hydrology Section – No objection, subject to conditions.

Gorslas Community Council - No observations received to date.

Llanfihangel Aberbythych Community Council – No objection.

Llandybie Community Council - Supports the approval of this application.

Local Members (Llandybie, Llanfihangel Aberbythych and Gorslas) - County Councillors C Campbell, D Price, and S Thomas have not commented to date. County Councillors T Davies, is a member of the Planning Committee and therefore has made no prior comment.

Dwr Cymru/Welsh Water - No objection, but do draw reference to advisory notes.

Natural Resources Wales (NRW) – Previous concerns were expressed with regard to the potential ecological impacts of the scheme. Re-consultation following receipt of supplementary environmental information has not provided any formal response to date.

Coal Authority – Did have initial concerns due to the presence of historic mining activity. However, no further observations have been received in response to re-consultation on the further supplementary information received.

Dyfed Archaeology – No objection as there are no historic constraints on site.

South Wales Trunk Road Agency (SWTRA) Does not want to raise any objection or make any direction in respect of the application.

Public Rights of Way Officer – No objection.

Royal Society for the Protection of Birds (RSPB) - Objection on the grounds of a deficient EIA, as it is opined that the EIA does not address the following issues:

- potential adverse impacts to populations of birds of acknowledged conservation importance;
- deficient in bird surveys and lack of appropriate mitigation.

Neighbours/Public - The application is accompanied by an Environmental Statement and has been publicised as an EIA development, inclusive of the posting of a number of site notices in the vicinity of the application site, as well as public notice in the local press.

As the application has been the subject of the submission of further supplementary environmental information, a further re-publicising exercise was undertaken. In response to both publicity exercises six letters of representation have been received, objecting or expressing concern with the application for the following reasons:-

- Uncertainty for property owners attached to buildings earmarked for demolition;
- Lack of specific provision for horse riders;
- Proposal is contrary to Local Development Plan (LDP) policy, and no route is defined;
- Current proposal does not represent the most appropriate option, or match precisely those subject to the public consultation exercise;
- Lack of supporting ecological survey work;
- Absence of a construction method statement;
- Impact on the amenity of a number of adjoining residential properties;

- Limited information on the proposed landscaping of the scheme;
- Little in the form of screening or buffer areas;
- Visual impact from raising the road where it crosses and dissects Norton Road;
- Does not include any form of mitigation measures;
- Query over the precise accommodation works to safeguard existing accesses onto the A476 Llandeilo Road;
- Existing vehicular access and exit problems to domestic properties along Black Lion Road;
- Increased traffic following the opening of Phase 1 of the ELR, which will only get worse with Phase 2;
- Increase noise following the opening of Phase 1, which is anticipated to increase with Phase 2.

RELEVANT PLANNING HISTORY

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

| | | |
|---------|---|-----------------|
| E/32720 | Residential development of 70 no. domestic units | Pending |
| E/32797 | Demolition of former forge including bungalow and garage and 3 no. summer houses Prior Notification (prior approval not required) | 28 October 2015 |
| E/29521 | Proposed minor amendments to plots 4, 5, 6, 7 and 8 of Phase 1, Parc Emlyn Full planning permission | 17 April 2014 |
| E/26842 | Creation of new vehicular and pedestrian access off Norton Road, Penygroes, together with construction of 9 x 3 bedroom bungalows, including associated area of landscaped open space Full planning permission S106 Signed - Marsh Fritillary Butterfly | 01 March 2013 |
| S/23781 | Proposed development of the Crosshands East Strategic Employment Site (SES) access road, comprising a new 7.3m single carriageway road, verge, footpath/cycleway, new Crosshands Business Park four arm roundabout junction, gated livestock access, new ghost island priority junction to the proposed SES, new simple priority junction onto Black Lion Road, new simple priority junction onto Heol Parc Mawr, ghost island priority junction at Meadows Road, footpaths, lighting, drainage, retention pond, landscaping, | |

retaining walls, site remediation, plus associated
engineering operations
Full planning permission

29 November 2012

- E/23536 Variation of Condition No 1 imposed on planning permission E/16745 granted on 22.08.07 as follows:
"Application for approval of the outstanding Reserved Matters must be made to the Local Planning Authority before 20 October 2013 and the Development must be commenced not later than whichever is the later of the following: (A) the expiration of 5 years from the date of permission; (B) the expiration of 2 years from the date of approval of the last of the Reserved Matters to be Approved"
Variation of planning condition 20 October 2010
- E/23535 Variation of Condition no 1 imposed on planning permission E/16744 granted on 22.08.07 as follows:
"Application for approval of the following Reserved Matters: design; external appearance; for Phase 2 and 3 must be made to the Local Planning Authority before 20 October 2013 and the development of these phases must be commenced not later than whichever is the later of the following: (A) the expiration of 5 years from the date of permission; (B) the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved"
Variation of planning condition 20 October 2010
- E/21059 Section 73 planning application for the Variation of Condition No 1 of Reserved Matters approval GW/04743 to extend timescale for commencement of development
Variation of planning condition 30 June 2009
- E/16745 Mixed use redevelopment including residential units (number to be determined at Reserved Matters stage):
Section 73 application permission ref. GW/04742 – seeking a further period of 3 years from the date of a renewed permission to submit Reserved Matters (Site Ref D)
Variation of planning condition 22 August 2007
- E/16744 Mixed use redevelopment including residential, health, commercial and retail developments: Section 73 application permission ref GW/04746 - seeking a further period of 3 years from the date of a renewed permission to submit Reserved Matters (Site Ref C)
Variation of planning condition 22 August 2007

| | | |
|-------------|--|-------------------|
| E/02799 | It is proposed to erect 2 spans of 11,000 volt overhead line Overhead line approval | 20 September 2001 |
| E/02150 | Industrial, warehousing, commercial and residential development (Class B1, B8, A2 and C3 of the Town & Country Planning (Use Classes) Order 1987) including the erection of buildings, creation of amenity open space, re-profiling the levels of the site, and associated building, engineering and other operations Outline planning permission | 21 August 2000 |
| GW/04746 | Section 73 application to extend the time period for the submission of the remaining Reserved Matters for Phase 2 and 3 (design and external appearance) Full planning permission | 24 September 2004 |
| GW/04745 | Details of landscaping (Reserved Matters application to Outline Application E/02150 approved 21.08.00) Reserved Matters approval | 24 September 2004 |
| GW/04744 | Details of access (Reserved Matters application to Outline application E/02150 approved 21.08.00) Reserved Matters approval | 24 September 2004 |
| GW/04743 | Details for Phase 1 of development and siting for Phase 2 and 3 (Reserved Matters application to Outline application E/02150 approved 21.08.00) Reserved Matters approval | 24 September 2004 |
| GW/04742 | Mixed use redevelopment comprising residential units (bungalows x5); new access to North Road; retirement homes (in association with development of adjoining land); and associated engineering works Outline planning permission | 18 November 2004 |
| E/02415 | Dwelling (renewal of E/00719) Outline planning permission | 23 November 2000 |
| E/09526 | Proposed bungalow Outline planning permission | 29 April 2005 |
| E/00719 | Dwelling Outline planning permission | 24 October 1997 |
| P6/253/95 | Bungalow Full planning permission | 29 June 1995 |
| P6/15606/89 | Brickmaking. Clay extraction. Full planning permission | 23 November 1989 |

| | | |
|-------------|---|------------------|
| P6/11064/85 | Importing tip waste Refused | 04 April 1986 |
| P6/11063/85 | Light industrial buildings Refused | 08 May 1986 |
| P6/7743/81 | Removal of refuse tip and reinstatement Full planning permission | 07 January 1982 |
| P6/7710/81 | Proposed 10 bungalows Withdrawn | 06 January 1983 |
| P6/5178/79 | Removal of refuse tip Full planning permission | 27 November 1980 |

APPRAISAL

This is an application which Carmarthenshire County Council has an interest in as landowner and developer.

THE SITE

The application site comprises of a linear strip of land which extends from Black Lion Road to the South, across predominantly open countryside - albeit dissecting the B4556 Norton Road - and merging with the A476 Llandeilo Road at the B4297 Gate Road Junction at its Northern extent. The gently undulating landscape across which the application site extends is made up of small, semi-regular, pastoral fields bordered by dense hedgerows and hedgerow trees. The land is semi-improved, mainly grazed marshy grassland which has not been managed in any meaningful way, while there are also a small number of broadleaved woodland pockets and areas of scrub within envelope of the application site.

At the point where the application site is shown to cross the B4556 Norton Road, an area to the East and South taking in a small part of the former Emlyn Brickworks site is also included, abutting Norton Road at a point West of no. 62 Norton Road. Two residential properties falling within the application site at this intersection with Norton Road, namely nos. 101 & 99 Norton Road are directly affected, as is one further residential property The Forge located on Black Lion Road. The latter property, initially included within the description of the application has, in the interim period following the submission of this application been demolished under a separate prior notification application E/32797.

There are a number of Local Biodiversity Action Plan (LBAP) habitats located in or adjacent the application site which are of intrinsic scientific value, as well as supporting important habitats and species. The Caeau Blaen-yr-Orfa SSSI lies to the immediate West of the application corridor, while the proposed Gorslas Bog pSSSI stands a comparatively short distance further west. A further key sensitive environmental area is the Caeau Mynydd Mawr Special Area of Conservation (SAC), a notable mobile feature of which is the Marsh Fritillary Butterfly (MFB). The application site falls within the metapopulation habitat area used by the MFB and is highly likely to be associated with the Caeau Mynydd Mawr SAC. The areas of suitable habitat within and surrounding the footprint of the proposed application scheme are therefore considered to be of importance at a European scale in terms of their value to the SAC metapopulation.

PROPOSAL

The proposal seeks full planning permission for the construction of a 2 km length of new single carriageway road (one lane in each direction) as a continuation of the initial Phase 1 road that links Heol Parc Mawr and Black Lion Road completed in 2016. The proposed link road would sustain two way traffic flows on a single carriageway consisting of two 3.65m wide running lanes and two 1m wide hardstrips. The proposed new link road would have the typical cross section of a 9.3m wide carriageway with grass verges at each side, together with a 3 metre wide shared footway/cycleway set in the Western verge, running alongside the entire length of the scheme. The verge areas would be planted and graded accordingly. The ELR will facilitate access onto the existing road network as follows:

- C2060 Black Lion Road – staggered priority junction;
- B4556 Norton Road – staggered priority junction; roundabout along the eastern arm of the junction providing access to Norton Road (east); and
- A476 Llandeilo Road – staggered priority junction.

The road design is stated to be fully compliant with the requirements of the Design Manual for Roads and Bridges (DMRB), the design and character of which will be consistent with that constructed in Phase 1. The design speed of this section of road will be 40 mph, albeit the speed limits will decrease at both transitional ends. The vertical alignment has been set to minimise visual impact and assist with balancing the earthwork quantities. There is a single section of earthworks cut (175m long with a maximum depth of 6 m below existing adjoining terrain). The remainder of the proposed road lies on earthworks fill with a maximum depth at 6.5m high above existing adjoining terrain. In general, the majority of the road follows the existing terrain, with the objective of achieving an earthworks balance.

Originally conceived in the 1990's as part of the then Gwendraeth Valley Link Road which was intended to run from Cross Hands down the Gwendraeth Valley to Kidwelly. Both the alignment and extent of the route have changed in the intervening period as the scheme objectives have evolved. Now referred to as the Cross Hands Economic Link Road (ELR), the scheme objectives are:

- Improve access to the proposed East Strategic Employment Site and other proposed economic developments within Cross Hands and the surrounding area;
- Relieve congestion and improve safety on the A48 Cross Hands roundabout which is on a Trans-European Route;
- Relieve congestion and improve safety on the A476 Gorslas “six-ways” Junction;
- Improve journey time reliability through the A48 Cross Hands roundabout and the A476 Gorslas “six-ways” Junction;
- Improve safety on the A476 Llandeilo Road as part of the ‘Safer Routes in Communities’ programme;
- Improve noise and air quality on the A476 Llandeilo Road;
- Support the delivery of the overarching objectives of the Regional Transport Plan; and

- Facilitate the scheme being delivered in phases.

Identified as one of a pool of projects under the Regional Transport Plan (RTP), the ELR has been split into 3 distinct phases:-

- Phase 1: A48 junction (“the diamond”) to Black Lion Road;
- Phase 2: Black Lion Road to A476 Llandeilo Road (north of Gorslas square); and
- Phase 3: A48 junction to A476A476 Heol Bryngwili (south of Cross Hands).

Phase 1 was granted planning permission under application S/23781 and has been developed as part of the access to the Cross Hands East Strategic Employment Site (ESES), a fully serviced business park allocated in the Carmarthenshire Local Development Plan (LDP).

Phase 2 – the subject of this planning application - has been progressed through the WeITAG stage 1 and stage 2 route options appraisal, undertaken on behalf of the Council by external consultants. The Stage 1 appraisal considered six corridor options, three of which then became route options appraised under Stage 2 of the WeITAG exercise – Options Assessment Report. These studies considered various route options against agreed environment criteria. Public consultation in the form of a Public Information Exhibition followed by a Public Consultation Exhibition helped inform and develop the preferred route option alignment.

Informed in part by the public consultation and participation exercise, and based upon the information contained in the WeITAG stage 2 Options Assessment Report, the applicant and their consultants did engage in pre-application discussions with officers resulting in the submission of a formal screening request under the provisions of Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations (SI 1999/293) (As Amended) (EIA Regulations). By virtue of the nature, scale and location of the development, falling within the qualifying thresholds and criteria of a Schedule 2 Project to the EIA regulations, being that the proposal amounts to an Infrastructure Project - (f) Construction of roads (unless included in Schedule 1) and the area of works involved would exceed 1 hectare. As such, a closely scoped EIA was requested given the highly environmentally sensitive nature of the proposal, having regard to ecological features and high sensitivity of the area. Assessed against the ‘significant environmental effects’ selection criteria contained within Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, it was concluded that the project would have the potential to have a significant environmental impact and an EIA would need to be undertaken.

The EIA commissioned and undertaken for the application covers the following principle topic areas:-

- Noise
- Local Air Quality
- Greenhouse Gas Emissions
- Landscape and Townscape
- Biodiversity
- Soil
- Heritage
- Water Environment

Noise

A quantitative assessment of the potential noise impacts for each of the three route options identified under Stage 2 of the WeITAG, were undertaken in accordance with the Design Manual for Roads and Bridges, Volume 11, Section 3, Part 7 - Noise and Vibration (Revision 1).

A noise modelling exercise for sensitive residential receptors identified within the defined calculation area was undertaken to ascertain the worst case scenarios for those properties. Predicted noise levels for the “Do Nothing” situation were calculated based on the layout of the existing road network, existing traffic flows, percentage of heavy vehicles, etc. to provide a baseline assessment against which to consider the different route options.

Based upon the predictions undertaken for the “without” and “with the scheme” scenarios, inclusive of the anticipated year of opening and the design year (2032). The calculations show that there would be Net Present Value (NPV) benefits for all three Stage 2 route options, as well as Net Noise Annoyance (NNA) improvements. Of the three route options, the “Orange” route option 5 was assessed as the most beneficial from a noise point. The “Orange” route is the preferred route option which is the subject of this planning application.

Local Air Quality

An assessment of air quality effects associated with the proposed route options was undertaken to consider whether the air quality in the locality was suitable for the proposed scheme.

The scheme area for the purposes of the baseline assessment is characterised as predominantly residential in a rural area, with sensitive receptors located in close proximity to the existing transport network. The proposed route options would cut across undeveloped grassland and anticipated to divert traffic away from existing relatively busy areas on the surrounding network, and as such has the potential to impact new sensitive receptors. The current proposal involves the removal of two existing sensitive receptors, namely Nos. 99 and 101 Norton Road which are to be demolished, which may otherwise have been affected.

The study qualifies that there are no Air Quality Management Areas (AQMAs) within the vicinity of the scheme and local air quality is considered to be good.

There are three declared sites of special scientific and conservation interest (SSSI and SAC) within 200m of ‘affected’ roads, and these have the potential to be adversely impacted as a result of traffic emissions generated by the proposed route options. On this basis, an assessment of the potential impacts on air quality was undertaken using the Design Manual for Roads and Bridges (DMRB) 1 screening spread sheet tool. The key objectives of which are to assess:

Operational Effects (Local and Regional Air Quality): to describe the significance of the potential air quality effects resulting from changes in traffic flow characteristics on the local road network due to the operation of the proposed route options, with due regard for any impacts on the human health and sensitive vegetation and ecosystems.

The main pollutants of concern in the assessment were those specified in WelTAG2 guidance associated with vehicle exhaust emissions, nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀).

Air pollution can have both chronic (long term) and acute (short term) adverse effects on health, while the emissions of oxides of nitrogen (NO_x) and acid deposition on vegetation can have detrimental impacts on species and habitats, particularly on more nitrogen sensitive ecosystems such as those that exist in and around the application site.

The initial assessment of the three route options considered five scenarios, namely the various route options as well as the “existing” and projected “without scheme” scenarios. The associated modelling included both human and ecological receptor locations, concluding that the predicted concentrations for the three route options would not exceed Air Quality Objectives for either NO₂ or PM₁₀ for any human or ecological receptor location, with the “Orange” route option emerging as the most beneficial in terms of overall annual mass emissions. This would principally be the result of traffic being diverted from the A476 onto the road scheme route.

Subsequent to the submission of the planning application and ES in 2015, a further air quality survey was commissioned and undertaken on behalf of the applicant by Ricardo Energy and Environment. The aim of this later study was to assess the fall-off of nitrogen dioxide (NO₂) and ultrafine particle (UFP) concentrations from the roadside (A476) into the SSSI and provide a baseline assessment to determine the likely extent of operational impacts from fall-out either side of the proposed route of the road. Concentrations of pollutants in air and deposition of particles can damage vegetation directly or affect plant health and productivity. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affect pH and nitrogen availability that can then affect plant health, productivity and species composition. This is made clear in DMRB published guidance and used in undertaking the EIA.

Therefore, the potential exists for the loss or degradation of additional habitat suitable for MFB to occur beyond the red line boundary of the application site. The potential would however reduce as the distance from the road increases, albeit the impact of changes in habitat assemblage and prevalence of Devil’s-Bit Scabious (food plant).

Based upon the results of the investigation of pollutant concentration fall-off from the roadside, the area either side considered likely to suffer for any significant fall-out should be set at 20m from the kerb line (predicted >1% in nutrient nitrogen deposition). This measure has been accepted and used to calculate the level of financial contribution to be paid in mitigation for the direct loss and fragmentation of habitat within the MFB metapopulation area, as set out in the Caeau Mynydd Mawr SPG.

Greenhouse Gas Emissions

In order to compare the route options, approximate carbon dioxide emissions from traffic for each route option has been calculated and provided for the opening year for comparative purposes, using the DMRB methodology. All three corridor options for the Stage 2 WelTAG assessment showed slight increases in emissions over the “No Development” scenario for the purposes of the opening year comparison.

Landscape and Townscape

The potential impacts of the 3 route options under WeITAG Stage 2 were assessed for impacts associated with both the construction and operation phases. The study area was determined by the Zone of Visual Influence (ZVI) using data gathered from desk study work, previous studies, aerial photographs, Ordnance Survey data and a photographic record of the site from a field survey. The assessment was undertaken in accordance with best practice guidelines

The study area is traversed from north to south and east to west by existing road corridors, which are fringed with residential properties and linear ribbon development in Cross Hands and Gorslas. The ZVI description for the Orange Route, namely the preferred route for this planning application reads as follows:-

Orange Route - The ZVI is largely constrained by rolling topography and existing vegetation, which filter and screen the route corridor. Medium distance views would be possible from the rear of properties along Penygroes Road, with shorter distance (more pronounced) views possible from the rear of properties along Gate Road and from those around the junction with Llandeilo Road. There would also be longer distance views from properties on the B4297.

In consideration of the potential visual impact of the scheme, regard has been had to proposed mitigation proposals which incorporate a range of measures to integrate the scheme into the surrounding landscape, thereby limiting effects on landscape character and visual receptors. These include a combination of both cuttings and embankments along the route of the road, keeping to existing ground contours as far as is practical, given the undulating nature of the topography. Existing hedgerows and wooded areas are retained wherever possible, supplemented by a combination of hedgerow translocation and new planting. A comprehensive landscaping plan has been provided, while further safeguards will be secured by condition.

In summary, the preferred route is described as:-

On the whole the Orange route would have the least significant effect on visual receptors. This is because views of the route would be relatively well contained by existing vegetation along field boundaries, Llandeilo Road and Gate Road. During the Construction Period, there would be a large adverse effect on 17 properties on Llandeilo Road where the new road would tie in directly opposite the properties and there would be no existing vegetation to screen views of construction works. Otherwise there would be a slight adverse effect on 82 properties and a neutral effect on 36 properties, as views towards the construction works would be restricted by existing vegetation or built form, or the works would not be visible at all.

The route crosses footpath 31/22A/1 & 50/1/2 & 50/1/1 between Penygroes Road and Gate Road and there would be open, close range views towards construction works, resulting in a large adverse effect. This would be the same for all options as all three would cross this footpath. On completion of construction views from properties would improve as construction works would no longer be a dominant and disruptive feature in the view. In the Opening Year there would be a slight adverse effect on 53 properties and a neutral effect on 82 properties. For some properties, effects would reduce to neutral as the traffic on the road would barely be perceptible through existing vegetation.

By the Future Year, mitigation vegetation would have established to help improve views for the majority of properties, as there would be a neutral effect on 118 properties. Vegetation would help to blend the road into the landscape and screen views of traffic. However, there would remain a slight adverse effect on views from 17 properties on Llandeilo Road, as there would be open views towards a slightly wider road corridor, which would be more dominant in the view than the existing road.

Biodiversity

There are a number of conservation designations within the study area and the surrounding 1km radius. These include six Sites of Special Scientific Interest (SSSIs) and two Special Areas of Conservation (SACs) which support a diversity of habitat types and mix of flora and fauna.

The study area largely comprises a network of semi-improved fields of marshy grassland bordered by hedgerows featuring semi-mature broadleaved trees. The majority of the fields are unmanaged and feature marshy grassland habitat, while in addition to the wooded field boundaries there are a small number of broadleaved woodland pockets and areas of scrub.

The South East part of the study area, at the site of the former Emlyn Brickworks and proposed Parc Emlyn development site, stands a significant sized area of manmade ground featuring a mosaic of dry grassland, marshy grassland, bare ground, dense and scattered scrub, and tall ruderal vegetation. Due to the generally wet nature of the study area there are numerous ditches and areas of standing water, as well as two rivers (Gwendraeth Fawr and Lash) together with their tributaries that lie within the survey area.

The study area includes habitat used by the marsh fritillary butterfly (MFB) and forms part of the metapopulation area associated with this mobile feature of the Caeau Mynydd Mawr SAC, and is therefore considered to be of importance at a European scale in terms of its value to the SAC.

The study area also offers suitable habitat for, and has records of other internationally and nationally protected species including, badger, hazel dormouse, and native reptile and amphibian species. Badger setts and commuting routes have been identified with proposed mammal culverts strategically located to mitigate for the potential severance, and reduce the risk of operational mortality.

As the application site includes, amongst other habitats, woodland, hedgerows and scrub which are ideal dormouse breeding and foraging habitat. It is not surprising that the presence of dormouse on the site has been confirmed. In recognition, a "Ghost" Dormouse Method Statement was submitted with the application, in recognition of the likely need to obtain a protected species licence. Dormouse friendly features are to be provided in certain of the proposed mammal culverts.

Bat surveys have been undertaken along the application route to establish the presence or otherwise of tree/building roosts, activity transects, as well as static surveys for the presence of bats. The results of those surveys helped inform the preparation of the "Ghost" Bat Method Statement also submitted with the application, while a further scoping survey and report has been undertaken for Nos. 99 and 101 Norton Road. The latter, although undertaken outside of the optimum period for bat activity, concludes that both buildings harbour a low potential for the presence of bats. Despite such a low probability, the risk of bats being present in either of both properties cannot be ruled out. Hence, the inclusion of

an unconventional condition requiring an emergence survey before any work commence on the overall road scheme.

The other habitats within the study area that exist outside of the SSSIs are also of importance in terms of providing breeding and foraging habitat for protected species of fauna. Many of the marshy grassland, bog, woodland and hedgerow areas are also local Biodiversity Action Plan (LBAP) habitats and as such are considered important at a county level.

The presence of peat deposits and wet modified bog are considered to be of county level importance.

The potential impacts of the road scheme on the biodiversity of the area are broadly as follows:-

- Land take resulting in habitat loss;
- Land take resulting in severance and fragmentation;
- Land take and/or changes in air and water quality resulting in habitat degradation;
- Direct mortality during construction;
- Direct mortality during operation;
- Noise, vibration and lighting resulting in disturbance.

In terms of the preferred route option, this does not directly affect either the Caeau Blaen-yr-Orfa SSSI or the Gorslas Bog pSSSI. The Caeau Blaen-yr-Orfa SSSI is within 20m of the proposed route centre line and may be affected by changes in air quality and hydrology, which are covered in greater detail under the heading "Local Air Quality" and latterly under the "Investigation of Pollution Concentration Fall-off Report" (Ricardo). Although this route option will require a number of watercourse/field ditch crossings, including the Gwendraeth Fawr, there is only a slight possibility that any of these watercourses could be used by otter and if present, the effect could be of moderate significance. Scheme and construction design, habitat enhancement and planting should reduce this impact to neutral or slight adverse, particularly with the provision of a series of culverts incorporating species friendly features.

This route would also not require the disturbance of any substantial peat deposits.

Soil

The study area lies on the solid geology of the Carboniferous, Lower, Middle and Upper Coal measures). Reflective of the legacy of coal mining activity in the area, the underlying geology includes productive coal which are described in more detail within the engineering section of the Economic Link Road Phase 2 WeITAG Stage 2 Appraisal report.

In terms of agricultural land classification the study area lies within a 'Less Favoured Area' (LFA) and is classified as either 'a Disadvantaged Area' or a 'Severely Disadvantaged Area'.

An areas of potentially contaminated land has been identified from the WeITAG Stage 1 report, on the basis of the historic land use within the study area. Meanwhile, CCC's Contaminated Land Officer has confirmed that there are no sites in the study area which have been designated as "Contaminated Land" under the Environment Act 1990. The land in question was previously used for coal mining and quarrying, with associated spoil heaps of unknown constituents in the area.

The only limited number of potentially contaminative uses within the preferred route corridors under consideration would be as follows:

- Disused railway and tramways, especially sections where which were on embankment and where embankments remain;
- Restored opencast coal workings;
- Former coal workings (pits, levels and shafts);
- Former colliery sites;
- Colliery spoil heaps, and
- Filled quarries

Heritage

There are no cultural heritage assets which have a statutory designation within the study areas. In addition, there are no non-statutory designations such as World Heritage Sites, Registered Landscapes or Registered Parks and Gardens recorded.

No historic landscape character areas have currently been defined within the study area by Dyfed Archaeological Trust, while there are some 22 sites of cultural heritage interest.

There would be no physical impact on any features with statutory or non-statutory designations from the proposed preferred route option. However, there would potentially be direct impacts on a number of heritage assets recorded on the Historic Environment Record and by Royal Commission on the Ancient and Historical Monuments of Wales database (RCAHMW).

In mitigation for any potential risk to an unseen heritage asset, it is recommended that a detailed desk-based assessment is undertaken of the route. This will be covered by condition as recommended by Dyfed Archaeological Trust.

Water Environment

The land is characterised by numerous minor streams and ditches and more notably by the Gwendraeth Fawr which is sourced from springs within the study area and flows in a south-west direction eventually reaching the estuary near Kidwelly. The Afon Lash, a tributary of the Loughor, is fed by springs east of Gate Road and flows in an easterly direction towards Ammanford.

There is no designated Groundwater Protection Zone within the study area and Groundwater Vulnerability is designated as Minor Aquifer Low.

In terms of water quality criteria used previously by Natural Resources Wales (NRW) the Gwendraeth Fawr is identified in the Western Wales River Basin Management Plan (RBMP) as having 'moderate' ecological quality and that it is predicted to have 'good' ecological status by 2015.

The Afon Lash is not identified in the RBMP but the Loughor confluence with the rivers Marlais and Aman, is identified as having 'poor' ecological status and predicted to have 'poor' status by 2015.

The minor streams and ditches within the study area are not identified.

In the context of the Welsh Assembly Government's Development Advice Map (DAM), the whole of the application site is located within Zone A (considered to be at little or no risk from fluvial or tidal/coastal flooding). This designation is further qualified by the supporting Flood Consequences Assessment (FCA) submitted with the planning application.

The potential impacts of the road scheme during the construction and operational phases are, at worst slight to moderate and can reasonably be safeguarded and managed by the imposition of appropriate planning conditions.

In addition to the information contained in the ES, inclusive of volumes 1 & 2, appendices and non-technical summary, the following raft of supplementary and supporting documentation have also been submitted:-

- Design & Access Statement;
- Transport Assessment;
- Surface Water Strategy;
- Flood Consequences Assessment (FCA);
- "Ghost" Dormouse Method Statement;
- Habitat Regulations Assessment;
- Ground Investigation Report;
- Baseline Noise Survey;
- Welsh Transport Planning Appraisal and Guidance (WeITAG) 2 Assessment;
- Preliminary Bat Roost Assessment Report;
- "Ghost" Bat Method Statement;
- Geotechnical Interpretive Report;
- Investigation of Pollution Concentration Fall-off Report;
- Supplementary Ecological Information;
- Environmental Scoping Report.

In respect of the Transport Assessment (TA) submitted in support of the application, detailed consideration is had to the prevailing 'Baseline conditions,' including surrounding land uses and the existing highway network. Assessment of the local road network included traffic flows and speeds, the analysis of which observes that vehicle speeds were below the associated statutory speed limits.

Consideration is also made of road safety, including a review of Personal Injury Accidents over a 5 year period (up to June 2014), which indicates the largest proportion of accidents were around the Cross Hands Roundabout area on the A48 Trunk Road A48, with lower concentration around the Gorslas 'Six Ways' Junction.

Forecasts of traffic volumes, using the A48 SATURN (Simulation and Assignment of Traffic to Urban Road Network) model, is used based upon a design periods of 15 years. Comparison of the 'Do Nothing' and 'Do Something' options, including an allowance for committed and known developments within the Design Period were used to extrapolate likely future traffic figures and patterns.

The conclusion of the TA are, that with the ELR in place there would be a reduction in traffic flows along the A476 through Gorslas leading to the A48 Cross Hands Roundabout, which theoretically should lead to a reduction in accidents at these locations.

The TA also considered Sustainable Transport Modes, including Public Transport, Walking and Cycling as well as Equestrian Provision.

The TA includes an assessment of junction capacity to determine the impact of Phase 2 of the ELR on the surrounding road network; and to assess the suitability of the designs for the junctions proposed along the Phase 2 of the ELR (in terms of how these junctions are forecast to operate with design year traffic forecasts). Again, appropriate modelling software are used to undertake the capacity assessment.

The assessment concludes that there would be improvement to all junctions with the ELR in place, although the 'Gorslas West' junction (A476 / Cefneithin Road / Black Lion Road) remains over theoretical capacity in the "Design Year", albeit with significantly improved operational efficiency. All junctions along the ELR are considered to be within capacity.

The conclusion is that junctions proposed along the Phase 2 of the ELR have been suitably designed and would have sufficient capacity to accommodate forecast future traffic flows. Also, Phase 2 of the ELR would not trigger capacity problems at nearby junctions but would indeed improve operational conditions at some of the most congested junctions on the surrounding road network; most notably at the A476 priority junctions in Gorslas.

In terms of the scheme's drainage, the main carriageway and its associated side road junctions would be positively drained by road gullies and a carrier/filter drainage system incorporating petrol interceptors. In turn, these would outfall into an attenuation pond (2 no.) which would then discharge flows at greenfield run-off rates into nearby watercourses, subject to the agreement of NRW. The Council's own Drainage Engineers have confirmed that such a scheme would satisfy our policy requirements for sustainable drainage (SuDs).

PLANNING POLICY

The statutory starting point for the consideration of all planning applications, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, would be of the relevant Development Plan for the area, unless any material considerations indicate otherwise.

Local Planning Policy Context

The route of Phase 2 of the ELR is neither illustrated nor annotated on any of the proposals maps which accompany the adopted Carmarthenshire Local Development Plan (LDP). Notwithstanding, the written statement makes specific reference to the ELR with certain policies making express reference to the clear policy support for the delivery of what is a priority project for the county council.

In this respect, the following strategic and specific LDP policies are referred to as relevant to the consideration of this application: -

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

Policy SP2 of the LDP 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 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LDP's settlement framework. In this respect the dual settlements of Ammanford/Cross Hands are identified as a Growth Area.

Policy SP9 of the LDP promotes the provision of an efficient, effective, safe and sustainable integrated transport system. One of the key means by which this can be achieved is by promoting the efficient use of the transport network. In line with the objectives and priorities of the Regional Transport Plan for South West Wales, the policy states:

"The following improvements to the highway infrastructure will be safeguarded and the routes identified on the proposals map:

- 1) Cross Hands Economic Link Road
- 2) Carmarthen West Link Road"

Policy SP13 of the LDP states that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets, and, where appropriate, their setting in accordance with national guidance and legislation.

Policy SP14 of the LDP states 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 GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

Policy TR2 of the LDP states 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 of the LDP highlights 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 EQ1 of the LDP states that proposals affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ4 of the LDP 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 where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EQ7 of the LDP specifically refers to the Caeau Mynydd Mawr SAC and the adopted Supplementary Planning Guidance which applies to all developments with the potential to have a likely significant effect in relation to the Conservation Objectives of the SAC. The SPG provides guidance on requirements in terms of mitigation (including the submission of mitigation strategies) and, where appropriate, contributions through planning obligations or other appropriate means.

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

Policy EP2 of the LDP 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 of the LDP 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 Context

Planning Policy Wales (PPW) (Edition 8) sets out the land use planning policies of the Welsh Government, and is itself supplemented by 20 Technical Advice Notes (TANs).

The core philosophy which underlies Planning Policy Wales is to promote the principle of sustainable development as being central to all planning decisions in Wales. Paragraph 4.1.1 of PPW states that:-

“The goal of sustainable development is to “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”

PPW in Paragraph 4.1.4 defines sustainable development in Wales:-

“In Wales, this means enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own generations in ways which:-

- promote social justice and equality of opportunity; and
- enhance the natural and cultural environment and respect its limits – using only our fair share of the earth’s resources and sustaining our cultural legacy.

Sustainable development is the process by which we reach the goal of sustainability.”

The document outlines a number of relevant sustainable development principles, chief amongst which is the promotion of resource efficient settlement patterns and minimising land-take. There is also recognition that the location of development should aim to reduce demand for travel, especially journeys by private car.

Paragraph 4.9.1 states that:-

“Previously developed (or brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.”

Paragraph 7.6.1 advises on development management and requires local authorities to adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits. Key factors include:-

- “The numbers and types of jobs expected to be created or retained on the site;
- Whether and how far the development will help redress economic disadvantage or support regeneration priorities;
- A consideration of the contribution to wider spatial strategies, for example the growth or regeneration of certain areas.”

Planning Policy Wales is supplemented by various Technical Advice Notes (TAN's) which provide more in depth guidance on specific issues. In this instance guidance contained in the following TAN's are applicable:-

TAN 5 Nature Conservation and Planning (2009) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

TAN 11 Noise (1997) provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development.

TAN18 Transport (2007) endeavours to ensure Wales develops an efficient and sustainable transport system to meet the needs of a modern, prosperous and inclusive society.

TAN 23 Economic Development (2014) re-iterates the broad definition of economic development contained within the revised Chapter 7 of PPW, and states that it is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.

Regional Planning Policy

On a regional level the Wales Spatial Plan (WSP) 'People, Places, Futures' serves to translate the Welsh Government's policies into visions of how each part of Wales will develop economically, socially and environmentally over the twenty year lifetime of the plan.

The WSP represents a national statement of policy and forms one of a number of strategic policy documents produced by the Welsh Government. The role of the WSP is to:-

Making sure that decisions are taken with regard to their impact beyond the immediate sectoral or administrative boundaries and that the core values of sustainable development govern everything we do.

Cross Hands is identified as a Primary Key Settlement within the wider network of interdependent settlements that make up the Swansea Bay – Waterfront and Western Valleys plan area. These settlements are seen as local centres for the provision of essential services and employment which the WSP seeks to build upon as part of the areas' regeneration. Cross Hands is seen as a prime example of such a settlement possessing all the necessary attributes for sustained growth, being convenient and well connected to the primary road network with the opportunities for enhanced linkages across the Plan Area and region. It is this strategic location at the intersection of the A48 and A476 that the plan seeks to promote and strengthen including, where necessary, measure to alleviate congestion and tackle bottlenecks within the highway network. This not only serves to optimise the effectiveness and efficiency of the highway network, but would benefit the environment through reduced journey times and lower vehicle emission, together with enhanced highway safety and reduced risk to pedestrians and cyclists.

The WSP also acknowledges the importance of the natural environment, with the coal measure grasslands of the Caeau Mynydd Mawr referred to by name. The plan requires a fine balance to be struck between the potential social and economic gains which new development can bring to the region, and the protection and enhancement of an areas' biodiversity to the ecological benefit of the area.

With regards to protecting the integrity of European designated sites Regulation 61 of the Conservation of Habitats and Species Regulations 2010 reads as follows:-

Assessment of implications for European sites and European offshore marine sites

61 –

- (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—
 - (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.
- (2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the

purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

- (3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.
- (4) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.
- (5) In the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).
- (6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.
- (7) This regulation does not apply in relation to a site which is—
 - (a) a European site by reason of regulation 8(1)(c), or
 - (b) a European offshore marine site by reason of regulation 15(c) of the 2007 Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).
- (8) Where a plan or project requires an appropriate assessment both under this regulation and under the 2007 Regulations, the assessment required by this regulation need not identify those effects of the plan or project that are specifically attributable to that part of it that is to be carried out in Great Britain, provided that an assessment made for the purpose of this regulation and the 2007 Regulations assesses the effects of the plan or project as a whole.

Planning Policy Wales Technical Advice Note 5 'Nature Conservation and Planning' also reiterates this advice and seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system. In the case of this proposed development, where there is no direct on-site impact on a European designated site, but there is the potential to impact indirectly upon the MFB, a mobile feature of the Caeau Mynydd Mawr SAC. LDP policy EQ7 and the associated SPG serve as an appropriate and effective mechanism by which the associate conservation objectives are met.

THIRD PARTY REPRESENTATIONS

The application has attracted six third party letters of representation following both statutory publicity exercises. The concerns and objections raised cover the following issues.

One concern raised surrounds the direct accesses presently enjoyed by properties fronting directly onto the A476 Llandeilo Road, which appear to be shown to be detached and disconnected in and around the proposed re-aligned and re-prioritised junction of the A476 with the ELR. An assurance has been given by the applicant engineers that all existing access (both pedestrian and vehicular) will be protected and maintained. The accesses afforded to each of the properties affected along the A476 Llandeilo Road have been reviewed, inclusive of hard standings / paved areas spanning the verge to each of the properties. In front of certain of the properties affected enhanced provision is to be made by the creation of a cul-de-sac, inclusive of parking spaces and turning head, which will be retained and maintained as part of the highway.

A similar concern has been raised by a resident of Black Lion Road, quoting increased levels of traffic following the opening of Phase 1 of the ELR. Again, the applicant engineers have given an assurance that appropriate accommodation works to safeguard existing accesses will be implemented. Furthermore, with the proposed severing of Black Lion Road and provision of a staggered junction at this point that will provide priority to ELR traffic, this will serve as a traffic calming measure along what is a predominantly residential road. The reassignment of traffic onto the ELR will also ease traffic and reduce congestion on the local network.

An initial concern raised with the proposed demolition of no. 101 Norton Road was uncertainty over the effect on the attached property no. 99 Norton Road. This has largely been overcome with the recent purchase of that party as of the scheme acquisitions. Fortunately, both properties were included within scheme envelope and application site, with the requisite notice(s) already served on all those third parties with properties directly affected. The intention now is to demolish both properties as part of the scheme. It is worth noting that Black Lion Forge has already been demolished, with work undertaken under prior notification to the Town and Country Planning (General Permitted Development) Order 1995.

The potential impact of the scheme upon the amenity of those nearest affected properties has been considered as part of the options appraisal. The chosen route follows the course of least impact, albeit given the linear form of development along those existing roads affected, there would inevitably be some impacts which it is hoped would be ameliorated by the reassignment of traffic.

The absence of a defined route for this phase of the ELR on any of the proposals maps to LDP has been raised in objection to the application, implying that the application is not strictly in accordance with adopted Local Plan. As stated above, the Cross Hands ELR is expressly referred to under LDP policy SP9 Transportation as a RTP priority scheme. As a logical extension to Phase 1 of the link road that has been delivered to facilitate the development of the Cross Hands East Strategic Employment Site. The precise route of Phase 2 of the link road from Black Lion Road to Llandeilo Road was not identified on the proposals map (reflective of the emerging nature of the finalised route) and the ongoing WeITAG route options assessment at the time. From an LDP perspective, the endorsement of the principle of the ELR is clear though its inclusion within the Plan, which is provided added weight

through policy SP9. The said policy makes clear reference to the ELR within the context of safeguarding its route.

The further claim that the application route does not represent the most appropriate option, and neither does it match exactly those presented as part of the public consultation exercise is disputed. The route options appraisal (stages 1 & 2) were undertaken using the Welsh Transport Planning Appraisal and Guidance (WelTAG), which is a Welsh Government recognised tool for assessing options for transport projects. The “Orange” route emerged as the preferred option following both the Public Information Exhibition (November 2012), Public Consultation Exhibition (May 2013) with the Preferred Route announcement (circ. June 2014).

In addition to these impacts, the Proposed Scheme may also have beneficial effects for non-motorised travellers as the new road will divert a certain amount of traffic away from the A48 Cross Hands junction and the A476 Llandeilo Road, in particular the A476 Gorslas ‘six-ways’ junction. This will, therefore, make Llandeilo road easier to cross and may help reduce community severance, while traffic levels along the existing local highway network should reduce. This should benefit, walkers, cyclists and equestrian users, albeit in the case of the latter no specific equestrian provision is made as no bridleways are affected by the scheme.

The various potential effects on non-motorised uses are potentially significant depending upon the degree of change in journey time or amenity and the ability of the people using those routes to adapt to the changes.

The visual impact of the proposed route has been shown to be the least of the various options covered under WelTAG Stages 1 & 2. The level change and engineering required demonstrates how the route would best sit within the landscape, while the topography is such that any visual impact would be most evident from distance vantages. The retention of mature landscape features, hedgerow translocation, and robust landscaping will serve to mitigate any such impacts as far as is reasonably practical. The Council’s landscape architect is content with the landscape strategy shown.

The initial application submission, inclusive of the ES, provides a substantial body of ecological survey work, further reinforced by the supplementary environmental information provided. This has enabled an informed assessment of the potential ecological effects to be made, having regard to the various mitigation and environmental enhancements proposed.

In addition to the third party representations received, the RSPB have objected to the application citing the grounds of a deficient EIA. The basis for this claim is the alleged use of part of the former Emlyn Brickworks site, through which a proposed new section of road serving the Eastern end of Norton Road is to be provided, is used by Lapwing as a nesting and breeding area for which there have been no bird surveys or appropriate mitigation proposed. In response, the applicant has qualified that Lapwings are not a named European protected species, albeit they are afforded some protection under the provisions for wild bird habitats. They are however covered by the provisions of the Environment (Wales) Act 2016. The applicant is aware of the requirements of the Wildlife and Countryside Act 1981 in respect of breeding birds. The former Emlyn Brickworks with its associated spoil heaps does represent a favourable habitat for such ground nesting species as Lapwings, but given the safeguards of having an Environmental Clerk of Works present on site, coupled with the requirements for an Ecological Construction Management Plan to be prepared for the scheme. In the event of nesting Lapwings being found to use the site, then work would

cease until the end of the bird breeding season. Such provisions and legal protection afforded to breeding wild birds should safeguard such wildlife interests. On the further point of habitat loss, the relatively small area concerned, and the limited potential for fragmentation should not have an adverse effect on any such breeding colonies, should they exist.

CONCLUSIONS

The comprehensive application submission, inclusive of a previously scoped EIA, has allowed officers and other interested stakeholders to understand and assess the various potential impacts of the scheme. From a practical perspective, the various route options appraised under WelTAG provides a nationally recognised form of route assessment and selection, buttressed by the EIA and various supplementary documents.

Although not specifically allocated on the LDP proposals map for Ammanford/Cross Hands, express reference is made in policy to the ELR and the policy weight behind delivering such an improvement on social, economic and environmental grounds. This is reflective of other aligned policy documents promoting the scheme on a regional (WSP) and national (RTP) level.

In recognition of the quantifiable impact of the proposal in relation to the Caeau Mynydd Mawr SAC, mitigation in the form of habitat translocation and the better management of surplus land acquired as part of the scheme, together with a financial contribution based upon the SPG formula, will serve to ensure compliance with both policy and European legislative requirements. These will collaboratively serve to ensure not only compliance with the conservation objectives of the SAC, which are themselves aligned with those of the SPG, but also compliance under the Habitat Regulations Assessment which will have to be confirmed by Natural Resources Wales (NRW).

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ('WBFG Act') has been considered in the determination of this application. In reaching this recommendation, account has made to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

It is therefore recommended, subject to NRW's endorsement of the Council's Appropriate Assessment of the project, under the Habitat Regulations Assessment requirements, that planning permission be granted for this proposal.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The approved development relates to the following plans and documents and works should be carried out strictly in accordance with them unless amended by any conditions above:-

- 080/0060/061 – PA01 (Rev. A), Location Plan – 1:2500 scale;
- 080/0060/061 – PA02 (Rev. A), General Arrangement & Typical Sections – 1:2500 & 1:200 scale;
- 080/0060/061 – PA003, Junction 1 General Layout – 1:500 scale;
- 080/0060/061 – PA004, Junction 2 General Layout – 1:500 scale;
- 080/0060/061 – PA005, Junction 3 & 4 General Layout – 1:500 scale;
- 080/0060/061 – PA006 (Rev. A), Surface Water Strategy – 1:2500 scale;
- PA007 (Rev. A), Carriageway Alignment (1 of 6) – 1:500 & Section 1:500/1:100 scale;
- PA008 (Rev. A), Carriageway Alignment (2 of 6) – 1:500 & Section 1:500/1:100 scale;
- 080/0060/061 – PA009, Carriageway Alignment (3 of 6) – 1:500 & Section 1:500/1:100 scale;
- 080/0060/061 – PA010, Carriageway Alignment (4 of 6) – 1:500 & Section 1:500/1:100 scale;
- 080/0060/061 – PA011, Carriageway Alignment (5 of 6) – 1:500 & Section 1:500/1:100 scale;
- 080/0060/061 - PA012 (Rev. A), Carriageway Alignment (6 of 6) – 1:500 & Section 1:500/1:100 scale;
- 080/0060/061 – PA014, Attenuation Pond “A,” Plan and Sections;
- 080/0060/061 – PA015, Attenuation Pond “B,” Plan and Sections;
- 080/0060/061 – PA016, Proposed Gwendraeth Fawr Underpass - 1:5000, 1:200, 1:100 & 1:50 scale;
- 080/0060/061 – PA017 Rev. A Proposed Cattle Underpass;
- 080/0060/061 – PA018, Proposed Piped Culverts – 1:5000, 1:200 & 1:50 scale;
- DBS01 – Survey of Devil’s Bit Scabious – 1:2500 & 1:1000 scale.

- 3 No development shall be commenced until precise details of the proposed surface water attenuation ponds, together with details of their respective catchment areas; capacity, and discharge rates to a recognised watercourse have been submitted to and approved in writing by the Local Planning Authority. Such an approved scheme shall then be implemented prior to the construction of any impermeable surfaces draining into the system.
- 4 No development approved by this permission shall be commenced until an Ecological Management Plan detailing all necessary ecological retentions, enhancements, creations and management measures for the development is submitted to and approved in writing by the Local Planning Authority. The plan shall then be implemented as approved.
- 5 No development hereby granted shall commence until an ecological clerk of works has been appointed in consultation with the relevant planning authority. The ecological clerk of works shall be a suitably qualified environmental professional and shall be retained throughout the duration of civil construction works on site to advise on minimizing ecological effects of the construction activities.
- 6 No development approved by this permission shall be commenced until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. All construction work thereafter shall be undertaken in accordance with provisions of the approved plan.

- 7 No development approved by this permission shall be commenced until a Waste Management Plan for the control, management, storage and disposal of demolition waste/excavated material has been submitted to and approved in writing by the Local Planning Authority.
- 8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- (i) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
 - (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

- 9 Prior to occupation of any part of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
- 10 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 12 No development approved by this permission shall be commenced until a Method Statement 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.
- 13 No development or site clearance shall take place until a method statement for the translocation of the existing hedge/ hedgerow[s] has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include an implementation programme and shall be in compliance with relevant guidance as provided by the Local Planning Authority.
- 14 The detailed landscape design scheme proposals shall be presented through a clearly legible and accurate drawing on an appropriate base plan. The proposal plan should be supplemented by additional information; specifications and schedules, as necessary to provide sufficient detail of the landscape proposals, to enable full assessment to facilitate approval of the scheme; compliance monitoring and enforcement. Additional information should be clearly referenced to the proposal plan.
- 15 Prior to the commencement of any works associated with the development [including site vegetation clearance, demolition of existing structures, excavation, heavy machinery entering site or the on-site storage of materials] a Tree Protection Plan [TPP] shall be undertaken in compliance with the recommendations of BS5837 and submitted and agreed in writing by the Local Planning Authority. The TPP shall provide details of protective measures, operations and construction exclusion zones for all trees, large shrubs and hedges identified for retention. The approved TPP shall be fully implemented and inspected on site by a representative of the Local Planning Authority, and approved in writing, prior to the commencement of any works associated with the development, and thereafter, shall be maintained in its entirety throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.
- 16 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 17 Prior to the commencement of any work on site the applicant/developer shall commission the undertaking of a bat survey of the site, the findings of which shall be forwarded to the Local Planning Authority for written approval. Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been

granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3 To prevent surface water flooding.
- 4+5 In the interests of environmental protection.
- 6-12 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 13-15 To ensure an appropriate level of environmental protection.
- 16 To protect historic environment interests whilst enabling development.
- 17 To ensure that existing trees and landscape elements of suitable quality and condition are retained and effectively accommodated and protected as part of approved development.

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 Any works undertaken or forming part of the highway shall meet with the requirement of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government.
- 3 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website (www.carmarthenshire.gov.uk).

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| Application No | E/34580 |
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| Application Type | Outline |
| Proposal & Location | DEMOLITION OF EXISTING SCHOOL TO BE REPLACED WITH A RESIDENTIAL DEVELOPMENT OF 7 NO. 2 STOREY DWELLINGS TOGETHER WITH AN ON SITE BAT ROOST STRUCTURE AT FORMER NANTYGROES CP SCHOOL, LLANDYBIE, AMMANFORD, SA18 3NZ |

| | |
|---------------------------|---|
| Applicant(s) | CARMARTHENSHIRE COUNTY COUNCIL - JONATHAN FEARNE, CORPORATE PROPERTY, BUILDING 8, ST. DAVIDS PARK, JOBSWELL ROAD, CARMARTHEN, CARMARTHENSHIRE, SA31 3HB |
| Agent | LEWIS PARTNERSHIP LIMITED - PHILIP LEWIS, 13 PARK CRESCENT, LLANELLI, CARMARTHENSHIRE, SA15 3AE |
| Case Officer | Ceri Davies |
| Ward | Llanfihangel Aberbythych |
| Date of validation | 24/10/2016 |

CONSULTATIONS

Head of Transport – Has recommended approval subject to the imposition of suitable conditions.

Llanfihangel Aberbythych Community Council – Has only commented on the need to retain the bus shelter at the site frontage.

Local Member – County Councillor Cefin Campbell has asked the Authority to consider carefully the concerns raised by third parties.

Natural Resources Wales – Has not commented on this application to date

Dwr Cymru/Welsh Water – Has no adverse comments.

Dyfed Archaeological Trust – Has advised that an appropriate photographic survey of the existing building be carried out prior to commencement of works.

Neighbours/Public – The application was advertised by means of site notice; eight letters of objection have been received to date raising the following concerns:-

- Traffic generation
- Highway safety/lack of visibility
- Loss of privacy/Overlooking
- Over development
- Height of dwellings
- Surface water disposal
- Impact on protected species

RELEVANT PLANNING HISTORY

| | | |
|---------|---|--------------|
| E/28872 | Re-submission of outline planning application E/27873 – Demolition of existing school to be replaced with a residential development of 5 no. 2 storey dwellings Withdrawn | 21 May 2014 |
| E/27873 | Outline planning application to replace the disused school with approximately 5 no. 4 bedroom dwellings Withdrawn | 9 April 2013 |

APPRAISAL

This is an application in which Carmarthenshire County Council has an interest either as applicant/agent, or in terms of land or property ownership.

THE SITE

The application site consists of the disused school building and surrounding land associated with the former Nantygroes primary school in Milo. The disused school lies at the north-eastern edge of the village and consists of a large school building with a number of ancillary buildings/structures; there are a number of residential dwellings immediately opposite and immediately adjacent to the application site. The site does not at present have a vehicular access directly onto the adjacent highway (C2145); access to the school is via a gated access at the north eastern boundary of the site off an unadopted rear lane.

The boundary to the north of the site is made up of mature hedgerow; the eastern boundary is a mixture of hedgerow and walling and fencing; the southern boundary which abuts the main road consists of a sloping masonry wall with hedging on top, the remaining western boundary consists of stone walling. The site is relatively flat and measures approximately 0.449Ha in area.

THE PROPOSAL

This application seeks outline planning permission for seven detached dwellings and involves the demolition of the existing redundant school building; all detailed matters are reserved for future consideration, nevertheless, indicative plans have been submitted showing access, siting and layout. The layout shows four dwellings fronting onto the main highway and three dwellings to the rear with a new central access to serve all seven dwellings.

The application was accompanied by a drainage statement, tree survey report, and bat survey of the existing buildings on the site as well as a Design and Access Statement.

PLANNING POLICY

In terms of the application's policy context, reference is made to the following Carmarthenshire Unitary Development Plan (LDP) policies and plans:-

The application site is located within the defined development limits for Milo as delineated by Inset Map SC39 of the LDP, which is not allocated nor designated for any particular use.

Policy SP1 (Sustainable Places & Spaces) states that proposals will be supported where they reflect sustainable development and design principles by supporting identified settlements, promoting the efficient use of land including previously developed sites, integrate with the local community taking account of character and amenity, reflecting and enhancing local character, creating safe, attractive and accessible environments, utilising sustainable construction methods and integrate conservation into the development.

Policy GP1 of the Local Development Plan provides development proposals which should be compatible with their surroundings in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing. In particular proposals must not adversely affect local amenity in terms of visual impact, loss of height or privacy, disturbance and traffic involvement.

Policy GP4 provides support to development where the infrastructure is adequate to meet the needs of the development.

Policy H2 provides that there is policy support for the development of unallocated sites within the defined development limits of settlements, provided the development is in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy AH1 provides that a contribution to affordable housing will be required on all housing allocations and windfall sites. The level of contribution is dependent upon the viability areas within which the application site falls.

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

THIRD PARTY REPRESENTATIONS

Turning to the representations received to date; the main areas of concern are as follows:-

- Traffic generation
- Highway safety/lack of visibility
- Loss of privacy/Overlooking
- Over development
- Height of dwellings
- Surface water disposal
- Impact on protected species

Other concerns raised, included lack of public consultation, however, in terms of complaints over consultation, Members are advised that the application was publicised in accordance with Part 8(5)(a) of the Town & Country Planning (General Development Procedure)) Order 1995 which requires that an application shall be publicised by giving requisite notice *“by site display in at least one place on or near the land to which the application relates for not less than 21 days”* .

CONCLUSION

Members are advised from the outset, that the two previous applications submitted for this site were both subsequently withdrawn on the advice of the Authority, primarily on the basis that there were matters that remained outstanding which related to ecology and highway safety; both those matters have now been addressed as part of this application.

Whilst this application seeks outline planning permission only for residential development at this juncture, as already mentioned, indicative drawings have been submitted as part of the application showing how the site could potentially accommodate seven dwellings with associated access, parking and turning areas. The said plans, though indicative does allow the authority to gauge the potential impact of the development at this location.

With regard to the indicative plans as submitted, it is considered that overlooking/loss of privacy for the properties opposite is not deemed a sustainable objection owing to the separation distances between the dwellings as depicted on the indicative plans and the houses which lie on the other side of the classified road. In addition the orientation of the proposed dwellings as shown to the rear of the site will not lead to direct overlooking for dwellings immediately adjacent to the former school site, namely Ambyth and Marley Lodge.

The most contentious issue has been the concerns raised by local residents in relation to fears over highway safety. It is acknowledged that the C2145 is the main road through the village; there are speed restrictions in place for the village and the site fronts onto the road however there is no direct access from the former school site onto the classified road at present. As part of this proposal a new access will be formed at a central point of the site frontage which will provide a direct access onto the C2145. The access point and associated visibility splays have been subject to scrutiny by the Head of Transport who expressed initial concerns at the lack of achievable visibility at the time of the previous submission (E/28872). The Head of Transport has now provided confirmation that the initial concerns have been adequately addressed subject to the imposition of suitable conditions and is now supportive of the proposal including the new access, road layout and associated visibility splays. The authority is satisfied therefore that the proposal makes adequate provision for vehicular parking within the curtilage of the application site in accordance with the Authority’s adopted guidelines; hence on–street parking will not be an issue in this instance. It is accepted that the development by its very nature will lead to an increase in car users at this location however on balance it is considered that the adjacent highway can accommodate the additional traffic growth. The initial concerns over lack of visibility splays have been addressed, hence it is considered the highway objection from third parties cannot be sustained in this instance.

With regard to concerns raised in relation to foul and surface water disposal, neither Welsh Water/Dwr Cymru (DCWW) or Natural Resources Wales (NRW) have objected to this planning application; the Authority is satisfied therefore that there is adequate capacity within the existing public sewer to accommodate the increase usage associated with this development. Furthermore, DCWW and NRW have not provided any adverse comments in

terms of infrastructure capacity to accommodate the additional surface water flows that will be derived from the site. The surface water drainage from the estate road and 7 dwellings will be collected via 100/150mm pipework adopted under 104 agreement with DCWW and connected into existing site outlet into existing highway surface water drainage system. The Council's Flood Defence Engineer has advised that the proposed drainage scheme will require a S38 agreement.

In terms of the concerns over ecology, the application was accompanied by a bat survey undertaken by Soltys Brewster Ecology and a Phase 1 Habitat survey undertaken by Pryce Ecologists; the said surveys concluding that there is evidence of bats using the school building. For that purpose, Natural Resources Wales (NRW) has been consulted to ensure the development will not be a detriment to the maintenance of the favourable conservation status of the bat species present, providing that the mitigation measures are adequately implemented in accordance with the approved method statement. At the time of writing the Authority is still awaiting formal confirmation from NRW that the mitigation measures proposed are acceptable. Conditions will be imposed as a matter of course to ensure the appropriate licence is obtained prior to the start of any demolition works and the mitigation measures as outlined are implemented.

It is considered that the development will not have an adverse impact on the character of the village as suggested by objectors and that the proposal makes good use of vacant and to an extent under-utilised land within the village. Reference has been made to the fact that Milo by its very nature is characterised by ribbon development and objectors deem a housing estate development is therefore out of character with the remainder of the village. It is acknowledged that there are no current estates within the village; and the village is indeed characterised by linear development, however the site represents an infill piece of land within the heart of the village, hence does not represent an intrusion into the open countryside as has also been suggested by some objectors. Furthermore, the depth of the site allows for dwellings to be built to the rear as well as along the site frontage; the said frontage will serve to reinforce the street-scene at this part of the village. As such, the creation of an 'estate' type development sits comfortably within the village context.

From a siting and scale perspective, the proposal is deemed in-keeping with the surrounding residential area and the overall proposal represents a sustainable form of development which can be easily incorporated as part of the village. Concerns have been raised over the two storey nature of the houses; whilst the plans are indicative only at this juncture, no details have been submitted in relation to the design, appearance and scale of the dwellings, nevertheless, Members are reminded that the proposal makes specific reference to the two storey element of the proposed dwellings in the proposal description. It is acknowledged that the majority of dwellings to the east and west along the northern side of the C2145 Road are single storey bungalows, however the majority of the properties along the southern side of the C2145 are a mixture of two storey dwellings and two storey dormer dwellings; the existing school is also of a height more akin to two storey. It is considered therefore that two storey dwellings will not represent an inappropriate form of development at this location, this is reinforced by the cross-section drawings submitted as part of the application which show the existing school to be approximately 10 metres in height and proposed two storey dwellings to be 9 metres in height, therefore no higher than the existing school building.

On balance, it is considered that the proposal for seven dwellings within the redundant site accords with the general development control policies of the LDP; the site is deemed to be of sufficient dimensions to adequately accommodate seven modestly sized dwellings, shown on the submitted drawings, whilst providing sufficient private amenity space. The proposal does not represent a form of over-development and is of sufficient size to provide access/parking and turning area within the site curtilage, as such accords with the relevant policies of the LDP.

In conclusion, it is considered, the development is compatible with adjacent land uses and the character or amenity of the area will not be adversely affected. The overall development is of a density and plot ratio which sustains the local environment. In the absence, therefore, of any sustainable transport, amenity, local planning or public service provision objections, the application is recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-
 - a) the expiration of five years from the date of this outline planning permission;
 - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 3 The permission now granted relates to the land defined by the 1:500 Scale and Site Plan and 1:2500 Scale Location Plan received on 13th May 2016.
- 4 Development shall not commence until detailed plans of the siting, design, external appearance and landscaping of the development, together with the means of access thereto, have been submitted, and received the written approval of the Local Planning Authority.
- 5 The development hereby permitted shall be constructed of materials, which reflect the architectural style and appearance of traditional local buildings with suitable proportioned openings in keeping with the traditional character and proportions of such buildings
- 6 The external walls of the proposed dwellings shall be constructed of materials which reflect the character and style of local buildings and the roof shall be covered in natural or fibre cement slates or flat profiled tiles coloured dark grey.

- 7 No development shall take place until details and plans showing the finished floor / roof levels of the dwellings hereby approved, together with cross sections through the site have been submitted to and approved in writing by the Local Planning Authority, such details to form part of any Reserved Matters application for the site. Development shall be carried out in accordance with those details approved, unless otherwise agreed in writing with the Local Planning Authority.
- 8 Prior to its use by vehicular traffic, the new access road shall be laid out and constructed with 5.0 metre carriageway. 1.8 metre footway, and 6.0 metre kerbed radii at the junction with C2145 road.
- 9 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.
- 10 There shall at no time be any means of vehicular access to the development from the private road to the rear.
- 11 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 43.0 metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the estate road in relation to the nearer edge of carriageway. In particular no growth or obstruction over 0.9m within this splay area.
- 12 Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 13 Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.
- 14 Prior to beneficial occupation of any part of the development herewith approved, a 1.8m wide footway shall be provided along the entire site frontage with the C2145 Road. This work shall be completed to the written approval of the Local Planning Authority and to the specification of the Local Highway Authority.
- 15 Before any development hereby approved is commenced, details shall be submitted for all means of enclosure and boundary treatments along the rear and side boundaries of the application site, to the written approval of the Local Planning Authority.
- 16 No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

- 17 Development shall not begin until an appropriate photographic survey of the existing building(s) has been carried out in accordance with guidelines provided by the Local Planning Authority's archaeological advisors – The Dyfed Archaeological Trust-Heritage Management. The resulting photographs should be approved by the planning authority prior to the commencement of development and deposited with the regional Historic Environment Record, held and maintained by the Dyfed Archaeological Trust.
- 18 The work shall be carried out in accordance with the NRW approved bat surveys, conditions and mitigation measures.
- 19 Where any species listed under Schedules 2 or 4 of Conservation of Habitats and Species Regulations 2010 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
- 20 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Technical Advice Note No.2 or any future guidance that replaces it. The scheme shall include:
 - the numbers, type, tenure and location on the site of the affordable housing provision to be made;
 - the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 The application is in outline form only.
- 3 For the avoidance of doubt as to the extent of the site.
- 4-7 In the interest of visual amenity. (Policy GP1 & H2 of the LDP)
- 8-14 In the interest of highway safety. (Policy TR3 of the LDP)
- 15 In the interest of residential amenity (Policy GP1 of the LDP)

- 16 To reduce the risk of increased flooding and achieve a satisfactory form of drainage.
- 17 To protect historic environment interests whilst enabling development.
- 18-19 In the interests of protecting wildlife and to ensure that the development does not adversely affect a European Protected Species. (Policy EQ5 of the LDP)
- 20 To ensure the adequate provision of affordable housing (Policy AH1 of the LDP)

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposed development complies with Policy H2, AH1 and GP1 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that the siting of dwellings at this location will not detrimental to the character and appearance of the area and it is not considered there are any significant impacts in relation to amenity. Sufficient amenity space is provided for the proposed dwellings and appropriate parking and access can be provided.

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 developer is strongly advised to contact Western Power Distribution prior to any development, in order to ascertain their requirements for the protection of any existing services and to obtain details of them. This could avoid a serious accident and the developer paying costs of repairs.

- 3 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 4 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 5 It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.

Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement and the developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical works on site, shall be met by him.

- 7 If the site is sold by the Council to a third party, any prospective purchaser(s) of the land referred to in the Planning Permission E/34580 will be required in the Contract of Sale to enter into a S106 Agreement with Carmarthenshire County Council for the provision of Affordable Units on site, and/or contributions towards affordable housing provision.

| | |
|-----------------------|----------------|
| Application No | E/35287 |
|-----------------------|----------------|

| | |
|--------------------------------|--|
| Application Type | Full Planning |
| Proposal & Location | REMOVE PART OF FRONT LAWN TO CREATE CAR PARKING/TURNING AREA AT 41 PARKLANDS ROAD, AMMANFORD, SA18 3TD |

| | |
|---------------------------|---|
| Applicant(s) | MR & MRS G NOAKES, 41 PARKLANDS ROAD, AMMANFORD, SA18 3TD |
| Case Officer | Julian D Edwards |
| Ward | Saron |
| Date of validation | 17/03/2017 |

CONSULTATIONS

Llandybie Community Council – No observations received to date.

Local Member – County Councillor A Davies has not commented to date, County Councillor A P Cooper is a Member of the Planning Committee therefore has made no prior comment.

Neighbours/Public – Two neighbour consultation letters have been sent out to advertise the application, no letter of objection or concern have been received.

RELEVANT PLANNING HISTORY

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

| | | |
|-------------|--|------------------|
| E/07644 | Kitchen/utility room extension at rear elevation Full planning permission | 3 September 2004 |
| E/01411 | Provision of a dormer window to the front elevation of the roof Full planning permission | 25 February 1999 |
| P6/15644/89 | Dwelling (rear of 41 Parklands Road, Penyban Ammanford). Outline planning permission granted on appeal | 25 April 1989 |

APPRAISAL

The application is made by employees of the Local Planning Authority.

THE SITE

The application site is the existing dwelling addressed as 41 Penybanc Road, Penybanc, Ammanford. The dwelling is an existing detached dormer dwelling with an existing driveway to the west of the dwelling leading to a garage. The dwelling also currently enjoys a lawned area to the front and a large lawned area to the rear.

THE PROPOSAL

Planning permission is sought to construct a vehicular parking/turning area on part of the existing front lawn area. The proposed turning area will be accessed off the existing driveway and allow an additional parking space or turning facility within the curtilage of the dwelling. Under the old pre September 2013 permitted development rules, such a development would not have required planning permission. However, following the adoption of these rules, any impermeable hardstanding over 5 sq. m now requires planning permission. In this instance, the hardstanding measures 10 sq. metres.

PLANNING POLICY

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 consists of the Carmarthenshire Local Development Plan (LDP) adopted in December 2014, with regard to which Policy GP6 applies in this instance.

Policy GP6 in this instance permits the extension of residential dwellings, whether it be buildings or other structures, in this instance the extended driveway provided the scale is subordinate and compatible to the size, type and character of the existing dwelling and would not result in overdevelopment of the site or lead to inadequate garden space; the external appearance of the proposal is acceptable; the amenities of neighbouring developments are not adversely affected by the development and that the use of the development is compatible with the existing dwelling.

THIRD PARTY REPRESENTATIONS

No third party representations have been received as a result of the consultation process.

CONCLUSION

The application has to be determined based upon the plans submitted and take into account the relevant planning policies and any other material considerations. It is clear the provision of the proposed extended driveway is an extremely modest form of development that only needs planning permission due to the recent change in permitted development rules and has to be dealt with by the Planning Committee due to the fact the applicant is employed by the Local Planning Authority.

The development itself is a very modest hardstanding proposal that complies with policy GP6 and would not harm the existing dwelling nor the amenities of the existing occupiers of the neighbouring developments.

On balance therefore, it is considered that this proposal is an acceptable form of development and is recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans received on 16 March 2017:
 - 1:1250 scale Location Plan;
 - 1:500 scale Block Plan;
 - 1:250 scale Proposed Parking/Turning Area.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenities.

NOTES

- 1 Please note that this permission 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 permission 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 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 conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

*Ardal De/
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 19 EBRILL 2017
ON 19 APRIL 2017**

**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.

| | |
|-------------------|---------------------------|
| COMMITTEE: | PLANNING COMMITTEE |
| DATE: | 19 APRIL 2017 |
| REPORT OF: | HEAD OF PLANNING |

INDEX - AREA SOUTH

| REF. | APPLICATIONS RECOMMENDED FOR APPROVAL | PAGE NOS. |
|----------------|--|------------------|
| S/34180 | New cubicle housing for young stock (retrospective) at Cwmlberem Farm, Pontyberem, Llanelli, SA15 5BP | 101-109 |
| S/34640 | Erection of 1no. 250kw wind turbine (45m tip height, 30m hub height) and associated infrastructure at land at Rhos Farm, Trimsaran Road, Llanelli, SA15 4RF | 110-124 |

APPLICATIONS RECOMMENDED FOR APPROVAL

| | |
|-----------------------|----------------|
| Application No | S/34180 |
|-----------------------|----------------|

| | |
|--------------------------------|--|
| Application Type | Full Planning |
| Proposal & Location | NEW CUBICLE HOUSING FOR YOUNG STOCK (RETROSPECTIVE) AT CWMBEREM FARM, PONTYBEREM, LLANELLI, SA15 5BP |

| | |
|---------------------------|--|
| Applicant(s) | NOEL RICHARDS, COEDMOELON FARM, PONTYBEREM, LLANELLI, SA15 5AN |
| Case Officer | Gary Glenister |
| Ward | Pontyberem |
| Date of validation | 26/07/2016 |

CONSULTATION

Head of Public Protection – Noise complaints have been received under other legislation, however the applicant has been working with public protection to ensure that the issues are resolved. There are no adverse comments on the proposal as there is no increase in stocking numbers proposed.

Pontyberem Community Council – Raises the following matters:-

- The application is retrospective.
- The proposal does not comply with the approved plans.
- The proposal is not in keeping with the village.
- Impact on neighbours due to size.
- Impact on environment due to increase in animals.
- Precedent for unauthorised works.
- Access is unsuitable for heavy vehicles.

Local Member – County Councillor J S Williams is a member of Planning Committee and has not commented to date.

Dwr Cymru/Welsh Water – Has no adverse comments.

Neighbours/Public – The application has been advertised by the posting of one site notice with 8No responses received to date raising the following matters.

- Application is retrospective
- Proximity to third party property

- Scale of development is over powering
- Highway safety
 - Increase in vehicles
 - Mud on road
 - Damage to verges
 - Speed / weight of vehicles
- Loss of amenity
 - Statutory nuisance
 - Odour/air quality
 - Light pollution
 - Insect infestation / flies
 - Slurry storage
 - Starlings
 - Noise/hours of operation

RELEVANT PLANNING HISTORY

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

| | | |
|---------|---|-------------------|
| S/32710 | Proposed cubicle housing Full planning permission | 3 December 2015 |
| S/31889 | Retrospective application for extension to existing cubicle/feed building Full planning permission | 23 June 2015 |
| S/31827 | Discharge of Condition 4 of planning permission S/30670 (provide Method Statement). Discharge of Condition granted | 27 April 2015 |
| S/30670 | Replacement of existing dwelling Full planning permission | 26 September 2014 |
| S/08474 | Construction of loose housing cattle building Approved | 14 February 2005 |
| S/00922 | New kitchen/dining/bedroom extension Approved | 27 November 1997 |
| S/00548 | Hay and cattle shed Permitted Development | |

APPRAISAL

This application has been submitted following an investigation/action undertaken by the Authority's planning enforcement officers.

THE SITE

The application site is a well-established farm holding in open countryside to the North of Pontyberem. The site has existing buildings approved in 2005 and extended in 2014 and an existing slurry pit. The site of the building was formerly unused land immediately adjacent to the existing shed forming part of the farm complex.

The site also has one residential dwelling which has full planning permission for a replacement dwelling which is currently under construction.

There is a third party dwelling which has recently been extended approximately 56m to the north east of the nearest part of the shed. The dwelling forms part of a small holding which itself has stables and an agricultural building, however it is noted that the residential garden lies between the dwelling and the proposal.

The farm complex is crossed by a public right of way, however this is not affected by the proposal.

Planning permission was granted in December 2015 for a similar proposal however it has not been built in accordance with the approved plans so the current proposal is retrospective and seeks retention of the building.

THE PROPOSAL

The application seeks full retrospective planning permission for the erection of a 50m by 29.15m cubicle shed on the holding. Given the sloping nature of the site, the shed is 4.285m to eaves and 8.8m to the ridge when viewed from the nearest neighbouring property to the North and 5.685m to eaves and 10.2m to ridge when viewed from the South. The original scheme measured 4.852 to eaves and 8.151m to ridge assuming a flat site and measured from the same finished floor level as the original shed adjacent.

The eave height is proposed to be 0.833m higher and ridge height is proposed to be 2.049m higher than the approved scheme when viewed from the South. It is noted however that the original heights are annotated from the same level as the adjacent building, which is 0.56m lower than the floor level shown for the new building, therefore the difference is 0.56m greater than indicated. The land is higher from the north so the difference is not as significant, being some 0.649m higher to ridge, but as adjusted for ground levels, would be 1.209m higher when viewed from the neighbouring property.

The building is narrower than approved by 0.45m, however the original had a feeding passage to serve the new and existing shed and as built it incorporates a separate feeding passage for the new shed only and there is a 4.1m gap between the buildings to allow a feeding passage for the original building to run in parallel. The new building is sited 1.1m further forward than the original building and was originally approved set back 4.5m. The result of the re-siting of the building forward and sideways with the formation of a double feeding passage is that the nearest corner of the building is some 10m closer to the nearest property than approved.

The applicant states that the holding has been re-organised since the new building has become operational in that the cubicles have replaced the older cubicle building which is now used partly for loose housing of young stock and to the greater extent for storage.

The proposal has not therefore increased the stocking level on the holding, and has merely improved conditions for the stocking level which was there previously.

PLANNING POLICY

In the context of the current development control policy framework the site is outside the settlement development limits of Pontyberem as defined in the Carmarthenshire Local Development Plan (LDP) Adopted December 2014.

Policy GP1 of the LDP (Sustainability and High Quality Design) states:-

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste;
- l) It has regard for the safe, effective and efficient use of the transportation network;

- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 and TAN12: Design (2016)).

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 provides the following guidance:-

Paragraph 4.11.1 states: “Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.”

Paragraph 4.11.2 states “Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design:”

Paragraph 4.11.3 states “The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent which are material considerations.”

Paragraph 4.11.4 states “Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).”

Paragraph 4.11.8 states “Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.”

Paragraph 4.11.9 states “The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.”

Paragraph 2.2 of Technical Advice Note 12 Design (March 2016) states:-

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.

Paragraphs 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) state:-

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

THIRD PARTY REPRESENTATIONS

The retrospective nature of the application should be noted in that the shed as submitted has already been constructed. Members will recall an application for a smaller scheme being reported to Committee in December 2015 which was approved. The applicant however has not built in accordance with the approved plans as a feeding corridor was required between the old and new buildings, so the overall scale was increased. As noted above, the width and height have increased, and the siting of the shed has been amended so the Committee is being asked to make a decision on the shed as built and whether the amendments would have an unacceptable impact compared with the approved shed.

There is concern over the proximity of the proposal to third party properties. It is acknowledged that there is a residential dwelling approximately 66m from the original siting of the shed, however this gap has reduced by approximately 10m due to the amended siting. It is noted that the roof of the shed can be seen from the neighbouring property, however the reduced distance and increased height do not unacceptably affect the residential amenity of the dwelling or the garden area. It is further noted that intervening vegetation obscures the view and lessens the impact.

As previously reported, the site is in a rural area and the shed as built is immediately adjacent to existing buildings and the nearest property is itself a small holding with an agricultural building present. The amended siting and proximity of the proposal to a residential dwelling needs careful consideration, however it is not considered to be unacceptable within the wider context of the agricultural farm complex.

The scale and height of the proposal is said to be over powering, however in the context of the approved scheme, the additional height is not considered likely to have an unacceptable additional impact. In the context of an existing farm complex, the additional footprint is also considered unlikely to have an over bearing impact on the character and

amenity of the countryside. Given the retrospective nature of the application, the precise impact has been assessed.

There is concern over highway safety, however it should be noted that the proposal is on an existing farm complex and is for animal welfare purposes with no increase in stock proposed. The additional width is for feeding purposes and height is due to ground levels, therefore the amendments to the proposal are not likely to lead to an increase in traffic generation.

The presence of mud on the road and damage to verges are not a material planning consideration and isn't affected by the amendments being considered retrospectively. It is however noted that the Head of Transport has no observations as the herd size is not increased and there are no complaints from a highway maintenance perspective.

There is no increase in stock, so the number of vehicles need not increase, and the speed of the vehicles using the road is outside the control of the local planning authority. Any road traffic violations are a police matter, however it should be noted that the road has a 60mph speed limit so it is unlikely that agricultural vehicles are exceeding this. The weight of agricultural vehicles is reflective of modern agricultural practices and therefore is appropriate for an agricultural business.

There is concern over the shed causing a statutory nuisance. It should however be noted that statutory nuisance is covered by other legislation and that any grant of planning permission does not prejudice other statutory functions of the Council so if a statutory nuisance occurs, action can be taken outside the planning process. It should be noted that the Council has received a noise complaint which relates to the operational practices of the holding and this is currently under investigation. The Public Protection service has been consulted and has no objection to the shed as amended.

It should be noted that as a result of complaints, the applicant has taken measures to reduce the noise and impact of the operational routine on third parties. This includes the use of a different type of machine to push the feed closer to the cattle feeding bar to ensure the animals can reach it. This operation by necessity takes place at 05.30 to ensure animal welfare, and the previous metal scraper has been replaced by an alternative method. The use of alternative reversing beepers has also been employed to ensure noise is minimised.

There is concern regarding slurry storage and it is noted that there have been issues outside planning regarding the slurry arising from the unit which have now been resolved. There is an existing slurry store to the South of the building which is considered acceptable to cater for the needs of the cubicles. It is further noted that the loose housing has dry straw bedding which is collected and does not add to the wet slurry. As no additional waste is arising, there is no requirement to increase capacity.

The impact on the character of the village raised by the community council is not considered relevant as the shed is an agricultural building on an agricultural holding away from the village.

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of the representations received to date, it is considered that the cubicle shed has been built on an existing established farm complex immediately adjacent to existing buildings. The height, width and siting has been assessed in the context of the original scheme approved and whether or not the amendments have an unacceptable impact compared with the approved. Whilst there is concern locally, issues have been carefully examined and the amendments are not considered to materially alter the impact of the building and is not therefore considered unacceptable.

Given the fact that the proposal is for animal welfare purposes rather than an increase in numbers, the use and scale of the site has remained as previously operated, so levels and nature of traffic etc. are not considered unacceptable.

The building is visible from a residential dwelling to the North East which is itself a small holding, however the impact of the amendments is not considered to be unacceptable. The proposal is therefore considered to be in accordance with the above policies.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 26th July 2016.
- 2 The development hereby permitted shall be retained strictly in accordance with the following schedule of plans:-
 - 1:1250 and 1:500 scale Block Plan and Location Plan Drawing No. P/03 dated 21 June 2016;
 - 1:100 scale Proposed Cubicle Housing. Drawing No. P/02 Rev A dated 31 March 2017;
 - 1:100 scale Elevations and Existing Ground Levels. Drawing No. P/01 Rev A dated 31 March 2017.
- 3 The entire building hereby approved shall be used for agricultural purposes as defined under Section 336 of the Town and Country Planning Act 1990 and not for any other purposes.

REASONS

- 1 To comply with Section 73A of the Town and Country Planning Act (as amended).
- 2 In the interest of visual amenities.
- 3 The proposal is for agricultural purposes only.

NOTES

- 1 Please note that this permission 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 permission 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 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 conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 Planning permission does not give permission to stop up or divert any public rights of way on the site. If necessary, the footpath would need to be diverted through other legislation.
- 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).

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| Application No | S/34640 |
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|--------------------------------|---|
| Application Type | Full Planning |
| Proposal & Location | ERECTION OF 1NO. 250KW WIND TURBINE (45M TIP HEIGHT, 30M HUB HEIGHT) AND ASSOCIATED INFRASTRUCTURE AT LAND AT RHOS FARM, TRIMSARAN ROAD, LLANELLI, SA15 4RF |

| | |
|---------------------------|---|
| Applicant(s) | THE FUTURE ENERGY PARTNERSHIP - KIERAN TARPEY, 56A WHEELGATE, MALTON, YO17 7HP |
| Agent | ENTRUST - KIERAN TARPEY, DARESBUY INNOVATION CENTRE, KECKWICK LANE, DARESBUY, WARRINGTON, WA4 4FS |
| Case Officer | Gary Glenister |
| Ward | Trimsaran |
| Date of validation | 03/11/2016 |

CONSULTATION

Head of Transport – Has no objection subject to the imposition of an appropriate condition.

Head of Public Protection – Sought and received further information on cumulative noise levels given the two smaller machines at Pant Farm.

Trimsaran Community Council – No observations received to date.

Local Member - County Councillor M Gravell has not commented to date.

Natural Resources Wales – Has no objection to the proposed development subject to the curtailment proposed to protect bats.

Dyfed Archaeological Trust – Has no objection and no further action is required.

CADW – Agrees with the applicant's conclusion that there is a slight impact on Stradey Castle Historic Park, however has no objection to the proposal.

Coal Authority – Has no objection subject to the standard informative note being included on the decision.

Ministry of Defence – Has no objection.

Civil Aviation Authority – Has no observations however recommends that the MoD be consulted.

Joint Radio Company (on behalf of Western Power) – Has no objection.

National Air Traffic Control – Has no objection.

Spectrum Licencing (On behalf of Offcom) – Has no objection.

Neighbours/Public - The application has been publicised by the posting of six site notices with 3No responses received to date; one support and two objections raising the following issues.

- Location;
- Visual Impact;
- Loss of Amenity;
 - Noise
 - Shadow flicker affecting cattle.

RELEVANT PLANNING HISTORY

There is no relevant planning history on the application site.

APPRAISAL

THE SITE

The turbine is proposed to be sited on agricultural land approximately 475m North-North East of the Rhos Farm complex. The site is approximately 2.6km to the North West of Llanelli, 2.5km North of Pwll and 1.2km to the East of Penymynydd. The site is improved grassland and does not therefore have any significant biodiversity value.

The site forms part of Cwm-Mawr valley which extends down from the coastal plateau to the town of Llanelli. A significant part of the valley forms the Stradey Estate with its Listed Mansion and historic parkland.

The site would be visible from the B4308 (Llanelli to Penymynydd road) albeit at a distance of 820m at its closest.

The site has a scattering of individual properties surrounding it, the closest dwellings are Rhos Farm (546m to the South West and financially linked to the proposal), Bryn Du Farm (540m to the North West) Parc Wilws Farm (580m) to the West, Cencoed Uchaf lies 560m to the South East. There are also dwellings along the B4308 which are over 800m to the South West.

The site is directly overlooked by an isolated detached property known as Bryn-Du. This is the closest property without a financial interest. It is noted that the house fronts onto the site of the proposed turbine so it would be conspicuous in the line of sight from the main habitable rooms at a distance of approximately 540m. Other surrounding properties are further away and are not orientated towards the site so would not be as conspicuous.

THE PROPOSAL

The turbine is proposed to be 30m to hub and 45m to tip with a rotor diameter of 30m. The switch gear is proposed to be accommodated within the mast with a further building proposed for the transformer.

The turbine is proposed as part of a diversification programme for the farm so is being proposed as a partnership arrangement with the land owner.

The application has been accompanied by the following information.

Planning Statement, this summarises the statutory prescribed topic areas such as access, movement, community safety and character in the local context and summarising the background information. The application also includes the following.

Landscape and Visual Impact Assessment – this has been carried out in accordance with current good practice and guidance using the LANDMAP methodology. The report concludes the following:-

“There will be no significant losses of landscape features arising from the construction of the wind turbine. Some changes in the character of the host landscape will occur due to the presence of the medium scale wind turbine as a new landscape element but these are considered to be restricted to the immediate vicinity. Although there would be a noticeable alteration it should be noted that the Proposed Development would not be seen as a lone man-made structure over a long distance and its impact would thus be considerably diluted.

It is acknowledged that the introduction of the Proposed Development to the landscape will represent a degree of change to both the landscape character and visual aspects of the study area. However, the degree of change is considered to be able to be accommodated without a significant adverse impact to either the landscape character or visual amenity.”

Ecological Assessment – The application has been accompanied by an ecological assessment including two surveys and bat reports. The report concludes that the proposal does not present a significant ecological risk to habitats or species in the area as it is improved grassland in excess of 50m from any hedgerow. It is recommended that the turbine includes curtailment which would ensure no detriment to bats.

Noise Assessment – The application included noise information and further clarification was sought and received including cumulative noise analysis. Subject to appropriate conditions the proposal is not considered likely to have an adverse impact on third parties.

Shadow Flicker Assessment - States that this is not likely to be an issue given the relative positioning and distance of the turbine in relation to surrounding dwellings. There are no dwellings within 10x rotor diameter 130degrees either side of North, therefore shadow flicker is not considered likely to be an issue.

Archaeology and Cultural Heritage – The historic environment has been assessed and it is noted that the site is 2.5km from the Listed Stradey Castle so scores high on the Landmap classification for historic and cultural landscapes. However given the topography and intervening vegetation, the proposal is not likely to have an adverse impact on the historic environment.

Public Rights of Way – The site is passed by a bridleway at a distance of approximately 98m. The applicant has carried out pre-application consultation with the Countryside Access section and they have confirmed that the separation distance being more than tip height plus 10% is therefore satisfactory.

An aviation assessment has been submitted which shows that the site is 7km east of Pembrey Airfield and 15km northwest of Swansea Airport and there are no apparent aviation issues.

Telecommunications – The potential for interference has been assessed and pre application consultation carried out by the applicant with no impacts anticipated.

PLANNING POLICY

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

Policy GP1 of the LDP (Sustainability and High Quality Design) states:

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);

- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste;
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 9 and TAN12: Design (2016)).

Policy SP11 Renewable Energy & Energy Efficiency states:

Development proposals which incorporate energy efficiency measures and renewable energy production technologies will be supported in areas where the environmental and cumulative impacts can be addressed satisfactorily. Such developments will not cause demonstrable harm to residential amenity and will be acceptable within the landscape. Each proposal will be assessed on a case by case basis.

Large scale wind farms will only be permitted within Strategic Search Areas.

Policy RE2 Local, Community and Small Wind Farms states:

Local, Community and Small wind farms or individual turbines will be permitted provided the following criteria can be met in full:

- a) The development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size, design and siting of turbines and associated infrastructure;
- b) The development will not have an unacceptable cumulative impact in relation to existing wind turbines and other renewable energy installations and those which have permission;
- c) The siting, design, layout and materials used should be sympathetic to the characteristics of the land-form, contours and existing features of the landscape;
- d) The development would not cause demonstrable harm to statutorily protected species, and habitats and species identified in the Local Biodiversity Action Plan;

- e) Turbines and their associated structures will not be sited in, or impact upon archaeological resources, the setting and integrity of Conservation Areas, Listed Buildings or other areas of historical value;
- f) Proposals will not cause an unreasonable risk or nuisance to, and impact upon the amenities of, nearby residents or other members of the public;
- g) No loss of public accessibility to the area, and existing bridleways and footpaths will be safeguarded from development with no permanent loss to their length and quality;
- h) Turbines and associated infrastructure will, at the end of the operational life of the facility, be removed and an appropriate land restoration and aftercare scheme agreed;
- i) The development will not result in significant harm to the safety or amenity of sensitive receptors and will not have an unacceptable impact on roads, rail or aviation safety;
- j) The development will not result in unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems.

Policy EMP4 Farm Diversification states:

Proposals for farm diversification projects will be permitted where:

- A. It is subordinate to, compatible with and supports the continued operation of the agricultural activity of the existing working farm;
- B. It is of a scale and nature appropriate to the existing farm operation;
- C. The scale and nature of the activity is compatible with its accessibility to public transport and the need for local highway improvements;
- D. The scale and scope of any retail use (where planning permission is required) would not have an adverse impact on the vitality and viability of retail facilities in nearby settlements, or would undermine the retail hierarchy;
- E. It would not have an adverse impact on the character, setting and appearance of the area and the surrounding landscape and where appropriate, townscape.

Proposals should give priority to the conversion of suitable existing buildings on the working farm. Where justified new building should be integrated with the existing working farm complex and not detrimental to the respective character and appearance of the area and surrounding landscape.

National Policy is provided by Planning Policy Wales Edition 9 November 2016 as follows:

12.8 Renewable and Low Carbon Energy

- 12.8.1 The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020. The UK Renewable Energy Roadmap sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change (see 4.5) whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the Welsh Government's Energy Policy Statement Energy Wales: A Low Carbon Transition (2012).
- 12.8.2 Planning policy at all levels should facilitate delivery of both the ambition set out in Energy Wales: A Low Carbon Transition and UK and European targets on renewable energy. The Renewable Energy Directive¹³ contains specific obligations to provide guidance to facilitate effective consideration of renewable energy sources, high-efficiency technologies and district heating and cooling in the context of development of industrial or residential areas, and (from 1 January 2012) to ensure that new public buildings, and existing public buildings that are subject to major renovation fulfil an exemplary role in the context of the Directive. The issues at the heart of these duties are an established focus of planning policy in Wales, and in this context both local planning authorities and developers should have regard in particular to the guidance contained in Technical Advice Note 8: Planning for Renewable Energy and Planning for Renewable Energy – A Toolkit for Planners. The Welsh Government will however consider the preparation of further targeted guidance where appropriate.
- 12.8.6 The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.
- 12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by:
- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
 - ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;

- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

12.8.10 At the same time, local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and
- encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings (see 4.11 and 4.12).
- 12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:
 - the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
 - the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
 - the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
 - the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
 - ways to avoid, mitigate or compensate identified adverse impacts;
 - the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
 - grid connection issues where renewable (electricity) energy developments are proposed; and
 - the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Consideration is also given to Planning Policy Wales - Technical Advice Note (TAN) 8 - Planning for Renewable Energy. Para 2.12 states –

The Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5MW). This could be done through a set of local criteria that would determine the acceptability of such schemes and define in more detail what is meant by "smaller" and "community based". Local planning authorities should give careful consideration to these issues and provide criteria that are appropriate to local circumstances.

Technical Advice Note (TAN) 6 Planning for Sustainable Rural Communities is also pertinent to the consideration of this proposal as on-farm renewable energy production is seen as a form of farm diversification that is positively encouraged in the right location. Not only does it potentially provide an alternative income source to sustain a rural enterprise, but also affords that enterprise energy security against rising energy costs.

THIRD PARTY REPRESENTATIONS

The location of the proposal is a material planning consideration and there is concern that it is close to the common boundary with the property known as Bryn-du. It is noted that the nearest property is Rhos Farm at 520m which has a financial interest in the proposal. Bryn-du is the only property which directly overlooks the proposal and is at a higher level, so the turbine blades would be directly in the line of sight. There is however a gap of some 540m between the turbine and the dwelling, so the turbine would be seen from a reasonable distance. Guidance in TAN 8 recommends that in site selection within strategic search areas a distance of 500m to dwellings, however flexibility is recommended. In these areas wind farms would generally have multiple turbines of a larger scale than that proposed. There is no guidance for smaller schemes such as this, so proposals are assessed on a case by case basis. It is noted that there are other individual properties surrounding the site between 500m and 1km but they don't have a direct aspect over the site.

There is concern that the proposal would result in a loss of visual and residential amenity to the surrounding residential properties closest to the turbine. The views of the Council's landscape officer are particularly relevant when assessing this and as stated above there is not likely to be an unacceptable detrimental impact on the amenity of third parties.

In respect to impacts on visual amenity, the County Landscape Officer states:

"No properties were identified within 10x the blade tip height of the proposed turbine, the nearest property is approximately 520m Rhos Farm [with assumed financial interests in the proposed scheme] with Bryn Du at 560m.

The proposed turbine is clearly within view of one of the main fenestrated elevations of Bryn Du.

The structure would result in adverse impacts to residential amenity however it is considered that the scale of the turbine and relative separation from the property would not result in impacts which would constitute a distinct justifiable reason for refusal of the planning application."

The site is visible from public footpaths however the Landscape advice is as follows:

“It is advised that the proposed scheme will form new, manmade moving elements within some views from publicly accessible areas, however, the location and scale of the turbine model and its relation to the topography; other OCP2 development and proximity to roads and footpaths, and other areas accessible to the public, is such that the proposed development delivers relevant policy objectives to an extent to represent an acceptable development proposal in relation to the landscape consultation remit.”

Noise has been carefully considered both alone and in combination with the two nearby turbines at Pant Farm. The nearest turbine at Pant Farm is some 1.3km away. The conclusion of the analysis is that noise is not likely to be unacceptable at the surrounding properties subject to the imposition of appropriate conditions.

A flicker assessment has been carried out by the applicants showing there are not likely to be properties affected. There is concern that there is livestock on surrounding properties that would be affected given the fact that surrounding holdings are on higher ground and would overlook the turbine site. The assessment methodology in respect of flicker does not extend to impacts on livestock. It is however noted that in many cases, including this one, turbines have been built as farm diversification and sit within holdings which have livestock.

CONCLUSION

In accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the application has been screened to establish whether an Environmental Impact is required. Given the scale and nature of the proposal, the development is not considered to give rise to any significant adverse environmental impacts upon the surrounding area. On this basis, the requirements of an Environmental Impact Assessment are not considered to be applicable to the application. In arriving at this decision the authority have taken into account the selection criteria as set out in Schedule 3 of the above Regs.

After careful consideration of the site and surrounding environs in light of the application and supporting information, it is considered that the proposal is for a 30m (hub) 45m (tip) 250kW turbine which whilst modest compared to the commercial wind farms seen within the strategic areas, would be a significant man made feature within the context of the site. The scale height and impact of each turbine has a different potential impact depending on the specific location and therefore each case has to be considered on its merits.

To set the context of renewable energy, a recent audit of the County has revealed that the County has a potential to produce the following renewable energy if all the permitted schemes are developed.

i] Wind Energy

Total rated capacity of operational and approved onshore wind energy schemes within Carmarthenshire: 177,284kW. This equates to a potential annual electrical energy production, based upon a 25.74% load factor of: -

Output [kWh/annum] = 177,284kW x 8760 x 25.74% = 399,744,218 kWh/annum

This estimation represents sufficient electrical energy from wind turbine generation to provide the annual electricity requirements for 99,811 households.

ii] Solar PV Energy

Total rated capacity of operational and approved photovoltaic schemes of greater than 50kW capacity within Carmarthenshire: 88,196 kW. This equates to a potential annual electrical energy production, based upon a 9.02% load factor of: -

Output [kWh/annum] = 88,196kW x 8760 x 9.02% = 69,688,245 kWh/annum

This represents sufficient electrical energy from photovoltaic installations [>50kW capacity] to provide the annual electricity requirements for 17,400 households.

The potential quantity of electricity generated within Carmarthenshire from onshore wind; and solar sources [>50kW] is therefore sufficient to deliver the energy requirements from renewable sources for 117,211 households. The 2013 estimate of the number of households within Carmarthenshire is 79,561.

The application states that there is an average wind speed of 7.4m/s which would result in a maximum annual production of approximately 750MW/h. The above figures show that the proposal would not produce a significant amount of electricity in the wider context of the County total, therefore the overall need for renewable energy is not considered to be the decisive factor and the application should be considered on its own local merits.

In terms of direct impact, the proposal is only likely to have an impact on the property known as Bryn-Du, given the property's orientation directly towards the site. The turbine would introduce a man-made feature which would be conspicuous within the resident's view, however it is noted that there is no right to a view in planning terms so the test is whether the presence of the turbine would unacceptably impact the residential amenity and living conditions of the property so as to make it uninhabitable (known as the Lavender principle). After careful consideration, whilst conspicuous in the view from Bryn-Du, the site is 540m away from the dwelling and at a lower ground level so is not considered likely to have an over bearing impact or affect residential amenity to an extent that the property would be uninhabitable.

Other properties surrounding the site are orientated away from the site and are at a greater distance. On balance therefore the proposal is not considered likely to be detrimental in terms of noise, health and residential amenity given the scale and the distance from residential properties.

The proposal needs to be assessed within the context of the open countryside and the landscape within which it is proposed. The site at Rhos Farm is in an elevated position on the coastal plateau however is seen in the context of the Cwm-Mawr Valley that cuts down from the plateau towards Llanelli. There is rising land to the South / South East which is a prominent topographical feature when viewed from the coast would obscure the turbine to a certain degree from the coast, and the curved alignment and wooded nature of the Cwm-Mawr valley would obscure general views however it is likely to be visible from Llanelli at certain angles looking up along the Cwm-Mawr. Given the scale of the host landscape and the prominent feature of the coastal escarpment, any fleeting view of the blades would

not cause a significant or unacceptable impact on the landscape when viewed from Llanelli. In terms of the view from the coastal plateau, the site is within the Cwm-Mawr valley which would lessen the impact and intervening vegetation would obscure the views from the public highway. It would be visible however from the public footpath network.

Views of the site are therefore obscured locally and longer distance views would be seen in this context. On balance whilst visible locally, the proposal would not dominate the landscape visually. It is considered that the proposal would not have a significant direct impact on the site or the surrounding landscape in terms of physical harm even though it is visible within the immediate context. The landscape officer has assessed the proposal and has no objection.

In terms of cumulative impact, as stated above, the proposal would be seen in the context of Pant Farm (2 x 36m tip 50kW turbines) the nearest of which is 1.3km South South West, however given the scale and relative positioning it is considered that there would not be an unacceptable impact overall in conjunction with the other turbines.

It is therefore concluded that whilst there would be a localised impact on the immediate surroundings, and it would be highly conspicuous from one property. However it is considered that given the separation distance, the proposal is not likely to have an unacceptable adverse impact on residential amenity or the character and appearance of the open countryside overall, therefore the proposal is in accordance with the above policies.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - 1:5000 scale Location Plan dated 15 October 2016;
 - 1:500 scale Block Plan dated 15 October 2016;
 - 1:250 scale Tubular Tower Elevation. Drawing No. 250-00-30-300 dated 15 October 2016;
 - 1:50 scale Foundation Plan. Drawing No. 329-50-000 dated 6 April 2017;
 - 1:50 scale Transformer Building – Plan View, Front and Side Elevation dated 6 April 2017.
- 3 During the construction phases, no works or construction shall take place other than within the hours of 08:00 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays
- 4 To prevent any demonstrable harm to the amenity of any residents, the rating level of noise immission from the wind turbine (including the application of any tonal penalty) should not exceed a sound pressure level not exceeding 35dB LA90, 10 mins, within the amenity space of any non-financially involved lawfully existing dwelling, at wind speeds up to an including 10m/s, standardised/measured to a height of 10m.

- 5 Within 28 days from the receipt of written request from the Local Planning Authority, following a justified noise complaint the operator of the development shall, at its expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise imissions from the wind turbines at the complainant's property.
- 6 The assessment of the rating level of noise imissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location where measurements for compliance checking purposes shall be undertaken, the method to assess the presence of any tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise imissions.
- 7 During the course of the investigation, should the wind turbine be identified as operating above the parameters specified in the above conditions the wind turbine/s will be modified, limited or shut down. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified in the above condition.
- 8 If the wind turbines hereby permitted cease to operate for a continuous period of 6 months, or are erected and are not commissioned within 6 months of erection, unless otherwise approved in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment and structures relating solely to the wind turbine shall be submitted and approved in writing by the Local Planning Authority within 3 months of the end of the cessation period (or 9 months from erection). The scheme shall include details for the restoration of the site. The decommissioning scheme shall be implemented within 3 months of the date of its approval by the Local Planning Authority.
- 9 Turbines shall not display any sign, symbol or logo on any external surface, unless previously agreed in writing with the Local Planning Authority, except as required for health and safety purposes.
- 10 No development approved by this permission shall be commenced until a Method Statement 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 approved statement shall be adhered to throughout the construction period.
- 11 The Landscape and Biodiversity Enhancement Scheme shall be fully implemented in the first available planting and seeding seasons following the commencement of the development. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Landscape and Biodiversity Enhancement Scheme which, within a period of 5 years after implementation are removed; die; or become in the opinion of the local planning authority, seriously diseased; damaged or otherwise defective, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

- 12 No spoil should be spread within 5 m of any tree or hedgerow.
- 13 Any vegetation clearance should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3-7 To prevent disturbance and loss of amenity to occupiers of nearby buildings.
- 8 To ensure derelict or obsolete structures do not adversely affect the environment.
- 9 To prevent unacceptable landscape and visual impacts.
- 10 To avoid the pollution of ground waters.
- 11-13 In order to mitigate physical and landscape impacts.

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 outline 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).

*Ardal
Gorllewin/
Area West*

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR AMGYLCHEDD**

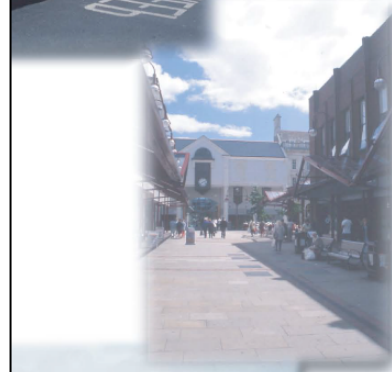
**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

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

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

**AR 19 EBRILL 2017
ON 19 APRIL 2017**

**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.

| | |
|-------------------|---------------------------|
| COMMITTEE: | PLANNING COMMITTEE |
| DATE: | 19 APRIL 2017 |
| REPORT OF: | HEAD OF PLANNING |

INDEX - AREA WEST

| REF. | APPLICATIONS RECOMMENDED FOR APPROVAL | PAGE NOS. |
|----------------|---|------------------|
| W/33620 | Demolish 1920s Stone-Built Public House (The Red Dragon), Empty Since 2006 In A Poor State Of Repair, Fronting A Main Road At Red Dragon, Rhydcymerau, Llandeilo, SA19 7PS | 129-136 |
| W/35182 | Construction Of A Bridge And Wetland System (Retrospective) At Land At Little Garness, Ledgerland Lane, Llanteg, SA67 8PX | 137-146 |
| W/35298 | Change Of Use From Dwellinghouse (C3) To House In Multiple Occupancy (C4) For Up To 4 People At 37 Lime Grove Avenue, Carmarthen, SA31 1SW | 147-152 |

| REF. | APPLICATIONS RECOMMENDED FOR REFUSAL | PAGE NOS. |
|-----------------------|--|------------------|
| W/34736W/34736 | Change Of Use Of Former Chapel To Camera Shop. Works To Include The Removal Of Fixed Pews, A Large Number Of Repairs To The Existing Building, The Introduction Of A New Mezzanine Floor And Staircase, New Internal Security Shutters To The Ground Floor Windows, And The Widening Of An External Doorway To The Rear Of The Building At Zion Chapel, Mansel Street, Carmarthen, SA31 1QX | 154-165 |
| W/34737 | Change Of Use Of Former Chapel To Camera Shop. Works To Include The Removal Of Fixed Pews, A Large Number Of Repairs To The Existing Building, The Introduction Of A New Mezzanine Floor And Staircase, New Internal Security Shutters To The Ground Floor Windows, And The Widening Of An External Doorway To The Rear Of The Building At Zion Chapel, Mansel Street, Carmarthen, SA31 1QX | 167-179 |

APPLICATIONS RECOMMENDED FOR APPROVAL

| | |
|-----------------------|----------------|
| Application No | W/33620 |
|-----------------------|----------------|

| | |
|--------------------------------|--|
| Application Type | Full Planning |
| Proposal & Location | DEMOLISH 1920S STONE-BUILT PUBLIC HOUSE (THE RED DRAGON), EMPTY SINCE 2006 IN A POOR STATE OF REPAIR, FRONTING A MAIN ROAD AT RED DRAGON, RHYDCYMERAU, LLANDEILO, SA19 7PS |

| | |
|---------------------------|--|
| Applicant(s) | COXMOOR PROJECTS LTD - MICHAEL SINGH, 54 THE ROPEWALK, NOTTINGHAM, NG1 5DW |
| Agent | LLANGAIN DESIGNS - MR STEVE THOMAS, 12 DOL Y DDERWEN, LLANGAIN, CARMARTHEN, SA33 5BE |
| Case Officer | Stephen Thomas |
| Ward | Llanybydder |
| Date of validation | 07/04/2016 |

CONSULTATIONS

Llanybydder Community Council – Has responded correcting some apparent factual information and requested that the County Council notes that the Red Dragon House should not have become a derelict building and consider the impact on the heart of the village if this building is lost.

Local Member - County Councillor I W Davies is a member of the Planning Committee and has not made any prior comment on the application.

Neighbours/Public - The application has been given publicity by the posting of a public notice at the application site. Four representations have been received indicating concern for the demolition of the remaining building that was on the site. A number of those letters of concern give further history of the use of the site. The grounds of concern are:

- Dispute the period of time that the public house use ceased.
- The current disrepair and state of the building is down to the lack of maintenance on the part of the owner and due to the wilful removal of the slates by the developer.
- Concern that the caravan site use to the rear of the building is continued without complying with the site licence.

- The submitted bat survey indicates that the site is for redevelopment as a residential site.
- The building for demolition is part of the historic core of the village and its loss will have a detrimental impact on the heart of the village.

RELEVANT PLANNING HISTORY

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

| | | |
|----------|--|---------------------------------|
| W/13665 | Change of Use/ Outline Planning Permission for Residential Development Finally disposed of | 21 st November 2008 |
| W/13664 | Conversion/ Change of Use of Part of Public House to Village Shop Withdrawn | 18 th October 2006 |
| D4/25145 | Siting of a Single Storey Dwelling Outline Planning Permission | 29 th November 1994 |
| D4/22151 | Rebuilding of Single Storey Rear Extension to Public House Full Planning Permission | 7 th April 1992 |
| D4/18540 | Construction of 3 Bedroom Chalet for Holiday Use Full Planning Permission | 5 th December 1989 |
| D4/15609 | Redevelopment of Existing Caravan Site to Include Three Chalet Residential Units Full Planning Permission | 19 th February 1988 |
| D4/09003 | Erection of Flat Roof Enclosure from Public House to Toilets Full Planning Permission | 6 th August 1981 |
| D4/08167 | Erection of Toilets Full Planning Permission | 5 th February 1981 |
| D4/07970 | Change of Use of Existing Shop Premises to Public House Full Planning Permission | 20 th November 1980 |
| D4/07762 | Change of Use of Existing Shop Premises to Public House Full Planning Refused | 11 th September 1980 |
| D4/07445 | Change of Use of Existing Shop Premises to Tea Rooms Full Planning Permission | 1 st August 1980 |

This application was deferred by the Planning Committee on the 10th November 2016 to allow the applicant to resubmit the application on the basis of the proposal put forward by its representative to replace the former public house with an alternative community facility. The applicant's submission has been sought and the response has been that all that it is seeking is approval to demolish an unsafe building that is causing severe health and safety concerns for all involved. The road frontage plan and a cross section of wall have already been submitted and agreed with officers. It is indicated that nothing further is proposed as part of this application and any further proposals would be subject to a separate planning application.

The applicants indicate in their response letter:

“The current owners installed new windows into the building in 2006 and the property marketed accordingly seeking a tenant, but to no avail. Accordingly, it was closed in 2006 due to the lack of trade, making it not economically viable. The internal flat was occupied until October 2009 and was vacated due to a flood caused by a defective roof. The building has been deteriorating ever since.”

The application is therefore placed back before the Planning Committee with a recommendation for approval.

THE SITE

The application site is the former public house that is located on the north-eastern flank of the B4337 Llanybydder to Llansawel road, within the defined settlement of Rhydcymerau. The building is located immediately at the back of a very short width of footway and is two storeys. It has the appearance of two traditional looking dwellings that had some single storey flat roofed extensions attached to the rear and one side elevation of the building. The single storey extensions have since been removed as well as the slates to the original buildings and the chimneys have been retained in a state of disrepair. To the immediate north east and rear of the buildings there is a long standing use as a caravan site, where there is an apparent licence for up to 30 caravans. The vehicle access way to the site is located to the south of the existing building.

THE PROPOSAL

The application proposes the total demolition of the building on the site and its replacement with a level hardcore finish. The frontage of the site is intended to be finished in a new low 900mm high rendered block wall with a footway of between 1800mm and 2200mm to the front, between it and the highway carriageway. Fixed to the wall it is intended to have a green plastic coated mesh fencing which will give an overall maximum height of 1800mm. The fence is intended to be erected behind the visibility splay from a point measured at 8.5 metres from the mid point of the proposed 5 metre access and extends the whole length of the frontage of the demolished building to a point where the existing hedgebank ends. Behind the fence it is intended to plant a new beech hedge to correspond with the whole length of the fence.

Since the application involves the demolition of buildings a bat survey report was requested and received recently in support of the application. The report concludes that no bats were recorded as entering or exiting the building during the dusk survey.

PLANNING POLICIES

The development plan for the purposes of Section 38 of the Planning and Compensation Act (2004) is the Carmarthenshire Local Development Plan (LDP), adopted in December 2014.

The LDP policies that are considered of particular relevance to this application are:

Policy SP9 and TR3 of the LDP. These policies state that all developments in the interest of highway safety must be served by an appropriate access, parking and turning facilities; furthermore, all proposals which generate levels of traffic on the surrounding road network, which cause harm to the highway safety or amenity of residents living alongside that network, shall be refused. Policy TR3 replicates these points.

Policy GP1 requires that the development will sustain or enhance the local environment in terms of mass, density, plot ratio and scale; will be of a suitable design; would avoid the loss of important features; will cause no harm to the privacy and amenity of existing buildings and their respective users/occupiers; will be designed to ensure ease of access for all and will include appropriate management/eradication of invasive species.

Policy RT8 requires that proposals which would result in the loss of a local shop or service outside of identified Growth Areas and Service Centres will only be permitted where: there is another shop or service of a similar compatible use available for customers within a convenient walking distance or the Sustainable Community. In the absence of an alternative provision, proposals resulting in the loss of the local shop or service will only be permitted if it can be demonstrated to the Council's satisfaction that all reasonable attempts have been made to market the business for sale or let over a 12 month period and have failed.

THIRD PARTY REPRESENTATIONS

Four letters of representation have been received that show concern and object to the demolition of the building. Some of the representations dispute the history of the building in terms of when it was last used and what use has been made of the building. The application states that the former public house has been left empty since 2006 and it is claimed that it has been vandalised and therefore not viable to repair and retain. Representations received indicate that the building was originally used as two properties with one being a dwelling and the other a shop, post office with petrol pumps outside. The building was converted into a public house approximately 1979 and there appears to be some confusion as to when the public house use ceased, however, the representations indicate that the building was occupied until 2011, but no mention that it was being used as a public house at that time. It is suggested that there were tenants living in the property until 2011, which seems that the public house use possibly ceased in 2006.

The representations mention that there is an existing caravan site to the rear, and dispute whether it conforms to the site licence. Whilst this is an issue that may need to be investigated separately it does not form part of the current proposal since this application concerns itself with the demolition of a building and its replacement with a hardcore area and the construction of a wall, fence and the planting of a hedge.

The representations also mention that the bat survey mentions that the site is understood to be for a housing development. If that is an aspiration of the applicant it again does not form part of the current proposal and therefore would be the subject of a separate application for planning permission, which would again be placed for public consultation and subject to the Local Planning Authority's separate decision.

There is reference to the belief that the building for demolition is a historic building and should be retained for that reason. The building would have formed part of the social history of the village in that it has served the community for a period of time during which the village would have developed. However, the building is not listed, nor is it located within a designated conservation area. It is therefore not a building that is protected for its architectural or historical significance.

One of the representations was not concerned with the demolition itself but what it was being replaced with. The submitted amended scheme shows clearly the intention of constructing a wall set back further from the highway than the existing building, attaching a fence to the rear face of the wall and the planting of the hedge behind the fence.

It is argued that the public house should not have become a derelict building due to the removal of the roof by the land owner and that its loss will have a detrimental impact on the heart of the village.

APPRAISAL

The application as submitted is for the removal of a building that was last used as a public house and replacing it with a formally delineated access way to a long established use as a caravan site to the rear part of the property. The application is also for the construction of a low wall, attached to which is a fence and the planting of a hedge. It could be argued that the building should not have been left to deteriorate to its current state and that the roofing material should not have been removed, however, the situation is that the building in its current state has a detrimental effect on the appearance of the village.

Policy RT8 attempts to preserve local shops and facilities and outlines the ways that this can be borne out. Rhydcymerau currently has no shop, nor post office and the public house has allegedly not been used since 2006. This shows that to retain businesses of this nature in such a small community is not economically viable. The application does not include any details of whether there has been any attempt to market the property for sale or for let, however, its current state is considered to have a considerable detrimental effect on the visual appearance of the village. One of the representations from a resident living close to the site indicated no objection to the demolition, but was concerned with what it was being replaced with.

The proposed replacement works are considered as enhancing the village's appearance when compared with the current situation of being presented with a derelict building at the back of the highway, whilst also providing a safer access to the land to the rear of the site. The proposed set back of the wall and the formation of a specific 5 metre wide access will improve visibility conditions to the betterment of highway safety, both of the users of the highway and of the users of the access itself. This would conform to the requirements of Policies SP9 and TR3 of the LDP.

CONCLUSION

Whilst the proposal does not fully conform to the requirements of Policy RT8 in terms of the retention of existing facilities, it will improve highway safety by providing a better delineated access that provides improved visibility conditions at its junction with the B4337. It is therefore recommended on balance that planning permission is granted for this proposal subject to the imposition of the following appropriate conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans and documents:
 - 1:2500 scale site location plan received 24th March 2016;
 - Revised 1:200 scale Road Frontage Plan, drawing no. 01/A, received 6th July 2016
 - 1:200 scale Cross Section of Wall, drawing no. 02, received 6th July 2016
 - Bat Survey Report (August 2016) received 15th September 2016

unless amended by any following conditions.

- 3 The hedgerow shall be fully implemented in the first available planting and seeding seasons following the commencement of development.
- 4 Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved Detailed Landscape Design Scheme which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification, unless otherwise agreed in writing by the Local Planning Authority.
- 5 The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier
- 6 The gradient of the vehicular access serving the development shall not exceed 1 in 20 for the first 10.0 metres from the edge of the carriageway
- 7 Prior to any use of the access road by vehicular traffic, a visibility splay shall be formed and thereafter retained in perpetuity, in accordance with the 1:200 scale Road Frontage Plan, drawing no. 01/A received 6th July 2016.

REASONS

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

- 2 For the avoidance of doubt and to ensure that the development is implemented in accordance with the approved plans.
- 3 To ensure that the development effectively delivers the objectives of the landscaping scheme.
- 4-7 In the interests of highway safety.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposal does not comply with Policy RT8 of the adopted LDP in that the proposal does not fully satisfy the criteria within the policy, however, is considered to outweigh those considerations by the highway safety improvements.
- The proposal complies with Policies SP9 and TR3 of the adopted LDP in that the proposed replacement works provide for a considerably improved access to the site for the betterment of highway safety.

NOTES

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

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

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

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

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

- The applicant is advised that all British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The

Habitats Directive'). This Directive has been transposed into British Law under the *Conservation of Habitats and Species Regulations 2010*.

Regulation 9(5) of the 2010 Regulations requires all local planning authorities, in the exercise of all their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

Under Regulation 41 of the 2010 Regulations it is an offence to:

(1) deliberately capture, injure or kill any wild animal of a European protected species;

(2) deliberately disturb animals of any such species. Disturbance of animals includes in particular any disturbance which is likely—

(a) to impair their ability—

(i) to survive, to breed or reproduce, or to rear or nurture their young; or

(ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or

(b) to affect significantly the local distribution or abundance of the species to which they belong

(3) deliberately take or destroy the eggs of such an animal; or

(4) damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).

- The applicant is advised that all British bats are also protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally to kill, injure, take from the wild, possess or trade in any species of British Bat, as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/ bats whilst they are using such a place.
- It is recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during works.
- If bats are encountered on site works should stop immediately and NRW should be contacted (Natural Resources Wales, - General Enquiries: enquiries@naturalresourceswales.gov.uk or 0300 065 3000 Mon-Fri, 8am - 6pm) a licence may then need to be applied for from NRW. Licences are not automatically granted by virtue of a valid planning consent and it may be possible that the necessary licence application may be refused.

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| Application No | W/35182 |
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| Application Type | Full Planning |
| Proposal & Location | CONSTRUCTION OF A BRIDGE AND WETLAND SYSTEM (RETROSPECTIVE) AT LAND AT LITTLE GARNESS, LEDGERLAND LANE, LLANTEG, SA67 8PX |

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|---------------------------|---|
| Applicant(s) | MIKE AND CAROL PATTINSON-PHILLIPS, LITTLE GARNESS, LEDGERLAND LANE, LLANTEG, WALES, SA67 8PX |
| Agent | SURELINE DESIGN SERVICES LTD - MICHAEL HOWLETT, SEDUM COTTAGE, OWEN STREET, PENNAR, PEMBROKE DOCK, SA72 6SL |
| Case Officer | Helen Rice |
| Ward | Laugharne Township |
| Date of validation | 24/02/2017 |

CONSULTATIONS

Eglwyscummin Community Council – No comments received.

Local Member – Cllr J Tremlett has not commented on the application to date.

Natural Resources Wales – The construction of the bridge has been built over the River Trelissy which is a main river. The bridge would ordinarily require a Flood Risk Activity Permit from Natural Resources Wales prior to commencement of works. However, an application was not submitted and NRW has advised that they do not retrospectively issue Flood Risk Activity Permits. Therefore, they have deferred the matter to the Authority to determine.

The proposed septic tank to feed the series of swales may need to be the subject of a permit in addition to requiring planning permission. [Pembrokeshire County Council]

Land Drainage – No objections

Pembrokeshire Coast National Park Authority – The development would not be considered to have a detrimental impact on views to, from or within the National Park landscape and therefore they offer no objection provided that any landscaping required in mitigation for the works would not result in the spread of non-native species.

Pembrokeshire County Council – The Council is aware of the proposal given the submission of a dual application for the bridge, swales system and track within its administrative area. The Council do not object to the proposal subject to comments from Natural Resources Wales with regards to flood risk and the need for any relevant permits.

Third Parties – The application was the subject of initial notification by way of two site notices, one on Ledgerland Lane, Llanteg (within Pembrokeshire County Council's area and located on the road to the nearest residential property to the development, with the other notice located on the entrance into Coed Marros within Carmarthenshire County Council).

A total of 18 representations from different households were received as a result. 4no. objections were received from different stated households, with 14 representations received from different households in support of the application. The representations received are summarised below.

Objections

- No ecology report undertaken prior to the erection of the bridge
- Works have destroyed wildlife
- Area had potential to support protected species and known to have otters
- Work undertaken during the bird nesting season
- Bridge is not in keeping with the area and can be clearly seen from the nearby well used public footpath SP10/10 [within Pembrokeshire County Council]
- Bridge is over-engineered for the intended domestic/forestry use to connect the woodland to the landowners property at Little Garness, Llanteg
- Significant engineering works have taken place to raise the river banks and backfilling to provide access onto the bridge
- Submitted plans are inaccurate and the bridge is far larger in situ than stated on the plans and thus the plans are misleading
- Concerns that the relevant environmental authorities and building control were not consulted on the construction of the bridge
- The bridge as built far exceeds that which was originally proposed and granted planning permission [by Pembrokeshire County Council only] which would have been more sympathetic
- The bridge is structurally unsound as it is not sunk into the ground and will become unstable as land is eroded over time by the river
- Information contained in the application is misleading in that it is stated that the bridge was completed in August 2016 whereas it was not commenced until the beginning of 2017
- The construction has caused disturbance to the river and riparian habitat and this will continue during the use of the bridge and track
- The bridge will have a negative impact on the residential amenity of neighbouring properties in terms of visual and noise impact
- Traffic using the bridge from the woodland would need to use Ledgerland Lane [situated within Pembrokeshire County Council] which is a private right of way only for residents only
- Heavy traffic using Ledgerland Lane [situated in Pembrokeshire County Council] raising amenity and highway safety concerns
- The development is not in accordance with the Development Plan
- Granting planning permission would also grant permission to raising the river bed in order to stabilize the bridge as it has been incorrectly built and is unsound

- Neighbours were not consulted and publicity of the bridge other than the statutory minimum has been discouraged
- The site is within 550m of a Special Landscape Area with footpath links to the Wales Coastal Path and the Pembrokeshire Coast National Park is located 880m east of the site
- Habitat has been destroyed by works to the bridge and wider works in the woodland to create tracks with little prospect of rejuvenation.

Support

- Coed Marros project is an inspiration and are an asset to Amroth
- The bridge would enable management of the woodland by the landowner from their neighbouring farm, therefore cutting down on air pollution as they currently have to drive from their house at Little Garness to Amroth and into Carmarthenshire to access the woodland
- The bridge is essential for the ongoing management of Little Garness and Coed Marros
- The applicants are very responsible and work with the land in a very sustainable way encouraging the ecology of the environment
- The work to construct the bridge has been done with as little detriment to the environment as possible and will blend in very quickly with moss and lichen
- The applicants have recently planted an Orchard and are in the process of designating some land for allotments
- The bridge fits into the surrounding area
- The bridge does not affect the respondents property and is not offensive or damaging
- Coed Marros has been managing the woodland for several years in a sensitive way to encourage wildlife and increasing biodiversity, restoring the mixed native woodland and diversifying the future timber crop from a monoculture of evergreen spruce to a mixed ecology of native species
- The proposed wetland Ecosystem System Treatment (WET System) is design to purify the domestic sewage from the farm and a camping area [within Pembrokeshire County Council)
- The woodland is set to produce a wider variety of possible products – soft fruit, nut trees, fruit trees, honey and willow wands for basketry
- Little Garness and Coed Marris are now to be managed and thus the bridge is required to link the two sites reducing the need to travel on public roads and would facilitate the ease of movement of forest products from Coed Marros Woodland to Little Garness Farm
- The building of a bridge across the river has already been granted planning permission and provided that the safety of the bridge has not been compromised by the modifications to the materials used, retrospective planning permission should be granted
- The proposal would benefit from strategic and dense planting of native evergreen hedging and yew to reduce visual impact
- The owners are seeking to run a small campsite to host volunteer workers as well as holding 72 hour permaculture training events
- The applicants have opened up their land for the good of the community, organising comical events;
- The bridge is discreetly positioned
- The development will soften over time

Following the submission of amended plans, further re-consultation was carried out, the period of which ends on 15 April 2017, and thus after the committee agenda deadline. Any comments received as a result will be reported to the committee in an addendum.

RELEVANT PLANNING HISTORY

Whilst there have been numerous applications for forestry development in association with the wider woodland, the most relevant history to this particular application is the approval under the forestry prior notification procedure given in July 2015 for the creation of a track down towards the location of the bridge the subject of this permission as detailed below.

W/32326 – Proposed Road - Agricultural Notification, Approved 15/07/2015

However, planning permission for a similar development to that currently proposed was previously granted by Pembrokeshire County Council in November 2015. That application also sought planning permission for the erection of a bridge to effectively link the applicant's home (Little Garness - Pembrokeshire) with the woodland (Coed Marros – Carmarthenshire). No such application was submitted to Carmarthenshire County Council at that time despite one section of the bridge falling within Carmarthenshire's administrative area. Therefore, whilst Pembrokeshire County Council granted permission for the bridge, this would not have extended to granting permission for works within Carmarthenshire Administrative area.

Despite this, works commenced to erect the bridge that was approved along with further works within Pembrokeshire's administrative area. However, the works undertaken did not accord with the plans previously granted. It was on this basis that Carmarthenshire's Planning Department became aware of the works following the receipt of a complaint from a third party. The applicant was at that time in discussions with Pembrokeshire's Planning Department and had agreed to submit a revised application to gain retrospective planning permission for the works. Following discussions with the applicant, the same application was then duly submitted to Carmarthenshire County Council to enable consideration of the element that fell within Carmarthenshire's administrative area only i.e. this application.

APPRAISAL

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties.

THE SITE

The application site straddles the boundary of Carmarthenshire and Pembrokeshire County Council with the River Trelissy defining the boundary between the two administrative areas. The site is accessed from the Carmarthenshire's side via the coastal road between Amroth and Pendine and through the forestry area known as Coed Marros within the ownership of the applicant.

The access road leading up through the woodland from the coastal road to the east of the application site also delineates the route of a public footpath that proceeds due north through the woodland which subsequently connects with a network of footpaths to the north which then proceed west to the north of the defined woodland, across the river and then due south on the opposite side of the river within Pembrokeshire. There is no defined public access to the application site that falls within the Carmarthenshire administrative area.

The application site forms part of the forestry area known as Coed Marros and is located in the bottom of the river valley with the forestry area located to the west on steeply sloping

ground. Works to construct the authorised track leading down to the application site have been completed, including the felling of the woodland in that area and the creation of a hardcore track with evidence of some replanting having been carried out across the land.

THE PROPOSAL

The application is seeking retrospective planning permission for the erection of a bridge across the River Trelissy to connect the forestry (Coed Marros) with the applicant's property at Little Garness, Llanteg. The application also includes proposals for the creation of a track and a Wetland Ecosystem Treatment system however these works are all within Pembrokeshire County Council only. Therefore, the only element of the proposal that is for determination by Members is the section of the bridge that falls within Carmarthenshire County Council's Administrative area.

At present, there is no vehicular access available to the landowners to the forestry over the river and as such, they currently access the site via Llanteg, Amorth and the Coastal Road between Amroth and Pendine, a distance of approximately 8km to the centre of the woodland area. The proposal is therefore to enable the applicants to have a vehicular access directly from their property at Little Garness (Pembrokeshire) along the proposed new track down to the river, across the bridge and into the woodland area (Carmarthenshire) to link up with the track that has already been approved under Prior Notification as referred to above. A distance of approximately 1km.

The bridge has been constructed from concrete with the land levels either side of the bridge raised through compacted backfill which is retained behind gabion baskets and boulders. The bridge constructed is higher and wider than the bridge originally approved. Proposals also include the addition of railings either side of the bridge.

PLANNING POLICY

This application has been considered against relevant policies of the Carmarthenshire Local Development Plan (Adopted December 2014) ('the LDP') and other relevant Welsh Government Guidance. The application site lies outside settlement as defined by the LDP and the following policies are of key relevance to the proposal:

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

Policy SP14 Protection and Enhancement of the Natural Environment requires developments to give due consideration to areas of nature conservation value which is supplemented by **Policy EQ4 Biodiversity** which identifies that the impact of development on biodiversity must be satisfactorily mitigated, minimised or appropriately managed to include net enhancements. Furthermore, **Policy EQ5 Corridors, Networks and Features of Distinctiveness** seeks to ensure that existing ecological networks, including wildlife corridor networks are retained and appropriately managed.

Policy GP1 Sustainability and High Quality Design is an overarching policy that seeks to achieve sustainable and high quality developments throughout the County that respect the

existing character and appearance of the area in terms of siting, appearance, scale, height, massing, detailing, landscaping, materials and the amenity of local residents and other users and wider community.

Policy EQ1 Water Quality and Resources states that watercourses will be safeguarded through biodiversity/ecological buffer zones /corridors to protect aspects such as riparian habitats and species, water quality and provide for floodplain capacity.

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.

Other Welsh Government Guidance of relevance include:

Planning Policy Wales (9th Edition) November 2016

Technical Advice Note 5 (TAN 5) - Nature Conservation and Planning (2009)

Technical Advice Note 6 (TAN 6) – Planning for Sustainable Rural Communities (2010)

CONSIDERATIONS

Having regard to the above policies and the objections received from third parties, the key considerations of relevance to the proposal are the principle of development, impact upon character and appearance of the area, impact upon biodiversity, flood risk and residential amenity.

Members are advised that the below considerations only apply to the application area that falls within the administrative area of Carmarthenshire i.e. one half of the bridge up to the consented track.

Principle of development

Whilst the application site is located outside of any defined settlement, it is required in association with the adjacent forestry and therefore in principle is considered acceptable. The bridge would provide direct access for the applicants to the forestry area thus significantly reducing the number of vehicle trips on the longer 8km route to the benefit of the forestry business and other highway users and generally reducing the need to travel by car. In addition the principle of erecting a bridge at this location has already been accepted by Pembrokeshire County Council in granting planning permission in 2015.

Impact upon character and appearance of the area

The bridge that has been erected is larger, higher and wider than that originally proposed and has resulted in local land levels being increased and backfilling of land. At present, the resultant works has significantly changed the appearance of the area which is now largely dominated by compacted ground, bare earth and the concrete bridge structure itself. It is accepted that at present the works have a negative impact upon the character and appearance of the area, however, it is considered that over time, the area will rejuvenate and that whilst the bridge structure appears stark now, it will weather over time. Nevertheless, a condition requiring the submission of a detailed landscape plan including

maintenance and management is recommended to be imposed to ensure appropriate landscaping of the area is carried out in a timely manner.

Comments received from third parties stating that the bridge is over-engineered are acknowledged, however, it is considered in general that the bridge would enable forestry traffic to safely cross the river and coupled with the consideration that it will blend in with the area over time, on balance, the bridge is considered acceptable.

Impact on biodiversity

Works to date have resulted in disturbance to the watercourse bank, the introduction of the concrete support pillar, gabion baskets and subsequent backfill. An ecological plan that was submitted with the original application to Pembrokeshire County Council prior to the works commencing commented that there was no specific biodiversity interest at the point of the bridge crossing although there was some interest within areas upstream and downstream of the area. The report acknowledged that the river was known to be used by otters albeit there was no evidence/field signs of otter within the stream channel and along the riparian zone up to 100m either side of the bridge location. A suitable resting place for Otter was identified less than 30m away. Nevertheless it was deemed that protected species were unlikely to be affected by the proposal. The works have since taken place and whilst larger, remains to be located in the same location as originally proposed.

The application has been the subject of consultation with Natural Resources Wales who raise no objections to the scheme. Whilst it is the case that some damage will have been caused as would have been the case in any event, it is considered on balance, having regard to the conclusions of the original report and comments received from NRW that the impact of the works on biodiversity are not so unacceptable to warrant a refusal of the application. Nevertheless and in accordance with recent legislation, it is considered appropriate to require biodiversity enhancement measures as a result of the development to be considered collectively with the proposed landscaping details to ensure that suitable habitats are created reflecting the existing riparian corridor upstream and downstream.

Impact on flood risk

The application site is located within the C2 floodzone of the river Trelissy and a Flood Risk Permit would have been required for its erection. Natural Resources Wales have confirmed that whilst a Flood Risk Permit was not applied for, they do not raise any objections to the scheme and have deferred determination to the Local Planning Authority. The Council's Land Drainage team have raised no objections to the development.

Impact on residential amenity

The nearest residential property to the site lies 100m to the west within Pembrokeshire County Council, with further residential properties located near to the proposed track linking to Ledgerland Lane, all within Pembrokeshire County Council. The nearest residential property to the site within Carmarthenshire County Council is 750m due south of the site. Whilst the proposal will result in vehicles travelling closer to existing dwellings, it is not considered that this would be so significant to the extent that it would have an unacceptable impact upon amenity. In addition it is considered that there is sufficient distance between the nearest property and the site to avoid unacceptable impacts.

Third party representations

The majority of the objections raised have been addressed in the above report, however, it is considered necessary to confirm that concerns regarding the submitted plans have been duly addressed through the submission of amended plans which now appear to more accurately reflect the proposals as built. Concerns regarding the apparent lack of other permits and consents fall outside the planning merits of the proposal and is a matter for the relevant organisations to pursue.

CONCLUSION

After careful consideration of the scheme that falls within Carmarthenshire's administrative area, it is considered that on balance the proposal is acceptable. It is acknowledged that the works at present are large and currently scar the landscape however, it is considered that over time and subject to the submission of proposed landscaping details that the area will rejuvenate over time and thus soften the overall appearance of the bridge from the surrounding area. It is considered that the proposal offers an opportunity to reduce traffic on public roads enabling the applicant's to take 1km journey to the wider forestry area rather than the existing 8km round trip. Whilst the development will introduce vehicular movements in proximity to nearby properties (within Pembrokeshire County Council) it is not considered that this would result in an unacceptable impact. On this basis of the above, the application is recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 1 August 2016.
- 2 The development shall be carried out in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
 - 1:10000 scale Site Location Plan (drawing no. lp@10000 REV:Y) received 9 February 2017
 - 1:100 & 1:50 scale Bridge Section (drawing no. br@50 REV:AD) received 5 April 2017
 - Bridge Landscaping Plan (drawing no. br@nts REV:AD) received 5 April 2017
- 3 Within 3 months of the date of this permission, a detailed landscaping scheme for the area either side of the bridge hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall deliver detailed design proposals which effectively integrate appropriate site specific landscape, ecological and biodiversity objectives and functions, including enhancements and shall be in compliance with relevant guidance as provided by the Local Planning Authority. The scheme shall also include details of the proposed timing of works, management and maintenance. The development shall thereafter be carried out in accordance with the approved scheme.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3 To ensure that adequate and appropriate landscaping and biodiversity enhancements are incorporated into the scheme and timely delivered to improve the overall impact of the development on the visual appearance of the area as well as offering biodiversity enhancements.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposed development complies with Policies SP1, SP13, GP1, EQ1, EQ4, EQ5 and TR3 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the development does not have a detrimental impact upon the character and appearance of the area and provides an opportunity to improve vehicular access to the associated forestry area. The proposal would not have an unacceptable impact upon residential amenity, biodiversity, flood risk implications or highway safety issues.

NOTES

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

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

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

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

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

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| Application No | W/35298 |
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| Application Type | Full Planning |
| Proposal & Location | CHANGE OF USE FROM DWELLINGHOUSE (C3) TO HOUSE IN MULTIPLE OCCUPANCY (C4) FOR UP TO 4 PEOPLE AT 37 LIME GROVE AVENUE, CARMARTHEN, SA31 1SW |

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| Applicant(s) | SION FRANCIS, 37 LIME GROVE AVENUE, CARMARTHEN, SA31 1SW |
| Case Officer | Stuart Willis |
| Ward | Carmarthen West |
| Date of validation | 23/03/2017 |

CONSULTATIONS

Head of Transport – Has not responded to date.

Carmarthen Town Council – Has raised no objection to the proposal.

Public Protection Division – Has not responded to date.

Local Members - County Councillor T Defis has not commented to date. County Councillor A Speake has commented that he does not object to the application at this moment in time however he has asked for the application to be presented to the Planning Committee and that members make a site visit. The reasons given are as follows:

- Parking - the cars parking at the front of the house are at severe angles to each other and would require substantial driving skills, also patience I would believe, for individual drivers, (tenants) to move their cars over the average width footway onto a quite busy highway.
- If a change of use of this property is considered and possibly approved this will possibly start a precedent for the whole length of Lime Grove Avenue and on both sides of Lime Grove Avenue and similar locations adjoining Lime Grove Avenue and we will witness an increase in rented properties. We may then also witness other owners applying for a change of use that will possibly impact on the character and quality of this residential area and also have an impact on the character of this fairly newish constructed property, street and area.
- Later, the four tenants may be increased to nine possibly with alterations to the property which we local councillors have witnessed in e.g. Parcmaen Street and St David's Street etc; which has had a severe impact on the street character etc.

- At present a high volume of vehicles are driven along this busy route. However, despite this many vehicles after residents arrive home from work park up along some stretches of the footway sometimes half on half off - although that isn't the situation for all households due to the fact that the footway isn't the same outside every house and along specific lengths narrows quite substantially. There has been, over the latter two years or so, also an increase in the number of vehicles that are parked up over the footway and on the road and this road is used as a main route into the Town from the north.
- Alternative Speed (repeater) Signs were installed at the end of 2016 to remind drivers of the speed that they are travelling at along the Lime Grove Avenue. Concerns were expressed by many local people re: traffic speed.

Neighbours/Public – site notices were erected near the site and to date no representations have been received.

RELEVANT PLANNING HISTORY

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

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| TMT/01816 | Sun Lounge Extension Full planning permission | 29 August 2002 |
| D4/11610 | Construction Of Dwelling Reserved Matter Granted | 31 May 1984 |
| D4/8610 | Siting Of One Dwelling Approved With Conditions | 10 September 1982 |

APPRAISAL

THE SITE

The application site consists of a detached 2 storey property located on the western side of Lime Grove Avenue, at the northern end of Carmarthen. The property is set back from the road with parking facilities to the front. There is an integral garage and vehicle access at the southern end of the road frontage. The site has residential properties to the rear and both sides as well as opposite with the fire station adjacent to the west. The approval of the reserved matters in 1984 for the house showed a 4 bedroom property with the parking area to the front of the house and integral garage.

The site lies within the development limits of Carmarthen as delineated by the Carmarthenshire UDP.

THE PROPOSAL

The application seeks full planning permission for the conversion of the property in to a 4 bed room house of multiple occupancy (HMO) for up to 4 people. The proposal would alter it from a dwelling house (Class C3) to a House in Multiple Occupation (Class C4).

No external alterations to the property are proposed. The applicant indicates that currently they reside in the property with 2 lodgers. They intend to add a third renter in the other available bedroom, and this necessitates this change of use application.

A total of 4 parking spaces are shown externally to the front of the site and the garage retained.

PLANNING POLICIES

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

Policy H3 relates to Conversion or Subdivision of Existing Dwellings. This states that proposals for the conversion or sub-division of appropriate dwellings into flats or dwellings of multiple occupation, will be permitted provided that it would not result in an over-intensification of use, suitable parking provision is available, or made available, and architectural quality, character and appearance of the building is, where applicable, safeguarded and its setting not unacceptably harmed.

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that "it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community". Reference is also made to highways safety in the policy

Policy TR3 Highways in Developments - Design Considerations also applies and refers to the need for the design and layout of all development proposals to where appropriate include, an integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport, suitable provision for access by public transport, appropriate parking and where applicable, servicing space in accordance with required standards, infrastructure and spaces allowing safe and easy access for those with mobility difficulties, required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced, provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run off from the highway.

It also 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. Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted.

THIRD PARTY REPRESENTATIONS

There have been no objections from members of the public to the application. The local member has requested the application be considered by Planning Committee and that a site visit be carried. He has also commented that he does not object to the proposal at this time.

There have been alterations to the use class order which have introduced the new C4 use class for smaller HMO's. Previously the use class order was as follows:

- Class C3. Dwellinghouses - Use as a dwellinghouse whether or not as a sole or main residence;

- a) by a single person or persons living together as a family;
- b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).
- HMO - Sui generis

This was altered under the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 to the following :

- Class C3 – Use as a dwellinghouse (whether or not as sole or main residence) by :
 - (a) a single person or by people to be regarded as forming a single household
 - (b) not more than 6 residents living together as a single household where care is provided for residents or
 - (c) not more than 6 residents living together as a single household where no care is provided to residents (other than a use within class
- C4 – Use of a dwellinghouse by not more than 6 residents as a house in multiple occupation
- Sui generis - larger HMO still

This proposal would be within the C4 use class as it is proposed to have only up to 4 residents. The existing use of an owner residing with 2 lodgers does not require planning permission. The Local Member has raised the issue of the site possibly expanding to become a larger HMO. The description of development refers to specifically to up to 4 people at the property. It should also be noted that planning permission is needed for change of use from a class C4 HMO to a larger HMO (sui generis) where a material change of use is considered to have taken place.

It should be noted that not all HMO's are licensable. The licence is only required where the property consists of three or more storeys with five or more occupants. This proposal would therefore not require a licence.

Possible future development of further HMO's were referred to by the Local Member however each case is assessed on its own merits. While other streets have been referred to there is no reference to other HMO's within this street. The new C4 use class would also mean that smaller HMO's, previously outside the control of planning, would now require planning permission where a material change of use has taken place.

Other concerns raised related primarily to highways matters. In relation to these the existing situation at the site and lawful use of the property needs to be considered. There has been no loss of parking at the site since the approval of the dwelling in 1984. The property is currently a 4 bedroom residential property and there are no alterations or extensions proposed. There is no restriction for on street parking near the site. The proposal is for the property to be used by up to 4 people. The existing property could be occupied as a dwelling house by more than 4 people without requiring planning permission. It is not felt that the proposed change of use to a HMO would create any significant additional traffic generation or parking requirements over and above the lawful use of the site. A plan showing parking spaces at the site has been provided. While the provision of 4 spaces are shown and are tightly located the requirement for a 4 bedroom house is only 3 spaces. Therefore this plan would represent more than the required parking. The integral garage is also being retained which the applicant has referred to as potentially being utilised for cycle storage.

It is not felt that there would be any significant impacts on amenity of nearby residents based on the number of occupants proposed and the lawful use of the property. There are no alterations to the property and therefore no impacts on the character of the building.

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

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

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
 - 1:1250 scale Location Plan
 - 1:500 scale Block Plan
 - 1:50 scale Ground Floor
 - 1:50 scale First Floor

received on 22nd March 2017

- 3 The parking area to the front of the dwelling shall be retained unobstructed in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3 In the interest of highways safety.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposed development complies with Policy GP1, TR3 and H3 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that it is not considered that the proposal would have a significant impact on the amenity of adjacent land uses, properties, residents or the community. It is also felt it would not lead to any significant impacts in relation to highway safety or parking. There are no alterations to the building and it is not considered that there are any significant adverse impacts on the character of the area.

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.

APPLICATIONS RECOMMENDED FOR REFUSAL

| | |
|-----------------------|----------------|
| Application No | W/34736 |
|-----------------------|----------------|

| | |
|--------------------------------|---|
| Application Type | Full Planning |
| Proposal & Location | CHANGE OF USE OF FORMER CHAPEL TO CAMERA SHOP. WORKS TO INCLUDE THE REMOVAL OF FIXED PEWS, A LARGE NUMBER OF REPAIRS TO THE EXISTING BUILDING, THE INTRODUCTION OF A NEW MEZZANINE FLOOR AND STAIRCASE, NEW INTERNAL SECURITY SHUTTERS TO THE GROUND FLOOR WINDOWS, AND THE WIDENING OF AN EXTERNAL DOORWAY TO THE REAR OF THE BUILDING AT ZION CHAPEL, MANSEL STREET, CARMARTHEN, SA31 1QX |

| | |
|---------------------------|--|
| Applicant(s) | CARMARTHEN CAMERA CENTRE LTD -, MATHEW WHITTAL-WILLIAMS, 1 PARCMAEN STREET, CARMARTHEN, SA31 3DP |
| Agent | MIKE WATT ARCHITECTS, PARC LODGE, LLANSADWRN, LLANWRDA, SA19 8LW |
| Case Officer | Stuart Willis |
| Ward | Carmarthen South |
| Date of validation | 21/11/2016 |

CONSULTATIONS

Head of Transport – Has recommended a condition with any approval relating to parking and manoeuvring areas.

Carmarthen Town Council – Has not commented to date.

Local Members – Cllr Jeff Thomas has requested that the application be presented to the Planning Committee if concerns were raised in relation to "incompatible or unacceptable use" (or similar). He feels that the Applications should be discussed in the light of recent concern by Full Council about the future use of redundant chapels and churches.

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

Dyfed Archaeological Trust – Has requested a condition regarding a photographic record if any application is approved.

Neighbours/ Public - The application has been publicised by the posting of a site notice and at press with no responses having been received to date.

RELEVANT PLANNING HISTORY

| | | |
|------------|---|---------------------------------|
| W/34799 | 2 no. Freestanding Painted Hardwood Timber Signboards with Traditional Goose-Neck Lighting | Advertisement Consent Pending |
| W/34737 | Change of Use of Former Chapel To Camera Shop. Works To Include the Removal Of Fixed Pews, A Large Number Of Repairs To The Existing Building, The Introduction Of A New Mezzanine Floor And Staircase, New Internal Security Shutters To The Ground Floor Windows, And The Widening Of An External Doorway To The Rear Of The Building | Listed Building Consent Pending |
| W/34092 | Change Of Use Of Zion Chapel To A Chapel Of Rest, Including The Demolition Of One Small, Late Addition Outhouse And A Length Of Concrete Block Walling Listed Building Consent | 15 August 2016 |
| W/34091 | Change Of Use Of Zion Chapel To A Chapel Of Rest, Including The Demolition Of One Small, Late Addition Outhouse And A Length Of Concrete Block Walling Full planning permission | 15 August 2016 |
| W/00471 | Small Toilet Extension To Rear Of Schoolroom Full planning permission | 23 December 1996 |
| W/00470 | Small Toilet Extension To Rear Of Schoolroom Listed Building Consent | 23 December 1996 |
| D4/04135 - | Parking Area And Access Full planning permission | 28 November 1977 |

THE SITE

The application site is a former chapel located in the centre of Carmarthen known as Zion Chapel. The site is located off the northern western flank of Mansel Street, Carmarthen. There is an access to the eastern side with a parking area adjacent to the building. There is a further car park area located to the rear of the building which is not in the same ownership and not included in the application site. The listed building, curtilage to the front and to the side are located within the boundaries of the Lammas Street Conservation Area as are the properties either side along Mansel Street. The street has a mix of commercial and residential properties. The building is located within the defined Town Centre of Carmarthen as delineated by the Carmarthenshire LDP.

Planning permission and listed building consent were granted last year for the conversion of the property to a Chapel of Rest. This involved limited internal and external alterations. There is an associated listed building consent for the conversion of the building which is also

before the Planning Committee recommended for refusal. Advertisement Consent has also recently been granted for the signage at the site.

Zion English Presbyterian Chapel is a Grade II listed building and was listed as a handsome mid-19th Century Italianate chapel by a noted Welsh architect.

The front elevation is stuccoed with high plinth, paired outer pilasters, carrying full entablature with blocking course and minimal central pediment with small inset semi-circular window. Raised letters in frieze: Zion Chapel 1850. First floor centre window of 3 arched lights, the centre one slightly taller and wider, with pilasters and unmoulded arches, the centre pilasters wider. Moulded sill course with small brackets under each pilaster. On ground floor, central doorway with moulded architrave flanked by thin panelled piers above plinth and under scrolled consoles supporting moulded cornice. Double doors each of one long arched panel. To each side of the door an arched window in thin raised surround. Windows have marginal panes and inner band of narrow panes. Two storey side elevations of 3 bays with pebbledash cladding. Arched windows above and square headed windows below, with similar glazing bars. There is a school room to the rear.

The interior of the building is plain plastered with a later 19th Century end Galley, over lobby entry. Coved cornice with dentils to ceiling in panels around main panel. Painted grained pews with doors, in 3 blocks, 2 sections of outer blocks each side face inward. Pulpit and set fawr are altered when organ installed. Organ in Gothic case, in arched recess with bead mould, framing inner arch itself with head lowered by crescent shaped insert on corbels. End gallery has attractive front with 2 rectangular panels under each long pierced narrow cast iron panel, and each pair of these divided by a panelled pilaster. Four bays overall, with centre clock between pilasters. Deep moulded cornice below with modillions, and consoles under pilasters. Panels have applied late 19th Century and scroll embossed decoration, and cast iron is to a scroll pattern. Entrance lobby has double doors to left and right under over lights with inset hexagonal lantern.

The forecourt railings and gates to Zion Chapel are Grade II listed as a particularly unusual set of hand-made iron railings, of group value with Zion Chapel.

Iron railing and matching gates with unusual wrought iron flat spear headed finial to rails and square stanchions with urn finials each end. Matching double gates with similar urn finials to out stiles.

THE PROPOSAL

The applicant proposes a change of use of the building for commercial use (camera shop). To facilitate this the applicant proposes demolition, alterations and repairs. This includes the introduction of a mezzanine floor of approximately 64sqm at the front end of the building (partly over the entrance lobby and part over the main volume of the chapel) and the removal of all the pews within the chapel. All existing entrances are retained and the small parking area to the side of the chapel will remain. A blockwork wall is to be demolished, and an existing doorway widened in order that deliveries can be brought into the rear of the building direct from the parking area.

A design and access statement has been submitted which refers to justification for the proposed new use.

This states "Zion Chapel is grade II listed as '...a handsome mid C19 Italianate chapel by a noted Welsh Architect'. However its use as a chapel is now obsolete, having closed at the beginning of last year due to dwindling congregation numbers, and a lack of finances for the maintenance of the large listed structure. Therefore a change of use of the building must be considered in order that the building does not stand empty and fall into a further state of disrepair. Any proposals for the change of use of the structure must be sympathetic to its original use and protect and retain its architectural character.

Although an alternative use for the building as a Chapel of Rest has already been established through the approval of a change of use application (planning reference W/34092), this should not set a precedent as the only viable alternative use for the building".

The agent feels that the proposals "look to find a sympathetic, practical and financially viable alternative use for the building and should be supported".

The DAS states that the applicant feels the proposal "is sympathetic to the buildings original use; requires no subdivision of the internal space; requires only a couple of minor external alterations; retains the character of the existing chapel; allows the building to remain open to the public; and provides a financially viable use for the building by an owner/ applicant who is passionate about the building's history, character and building fabric".

PLANNING POLICY

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

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

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

Paragraph 6.2.1 of Welsh Government policy document 'Planning Policy Wales' (November 2016) sets out the Government objective to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved.

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

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

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

EQ1 Protection of Buildings, Landscapes and Features of Historic Importance states that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

Policy RT1 Retail Hierarchy states that proposals will be considered in accordance with the retail hierarchy. Regard will be had to a settlement's position within the hierarchy when considering retail proposals (including new, change of use, or redevelopment).

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

SP8 Retail states that proposals will be permitted where they maintain and enhance the existing retail provision within the County, and protect and promote the viability and vitality of the defined retail centres. Proposals for small local convenience shopping facilities in rural and urban areas where they accord with the settlement framework will be supported.

THIRD PARTY REPRESENTATIONS

There have been no adverse representations received to date. The application is before the Planning Committee at the request of Cllr J Thomas. He felt that recent concerns over the future use of redundant chapels and churches was reason for it to be discussed by Planning Committee. The concerns with the proposal relate to the impacts on the listed building and this is addressed below. These form the reasons for refusal of this full application and the associated listed building consent.

In terms of other matters there are no objections from the Head of Transport and Dyfed Archaeology have requested the imposition of a condition regarding a photographic record if permission were granted. The Planning Ecologist has provided advice and guidance but no further details are requested. The site is located within the Town Centre of Carmarthen and Carmarthen is one of the Growth Centres of the County as defined in the LDP. Therefore the principle of the A1 use within the Town Centre is acceptable. While the principle of the use is acceptable in terms of its location this does not imply it is acceptable in relation to impacts on the Listed Building which are dealt with in more detail below. In relation to any impacts on the surrounding area the level of traffic and possible disturbance from the A1 use would be likely to be less than with the current use.

The re-use of vacant buildings, in particular historically important ones is welcomed providing the proposals are sympathetic to the character of the building. There has been dialogue with the applicant prior to and during the submission where concerns were raised over certain elements of the proposal. It was suggested to the applicant that while there were a number of elements of concerns regarding the proposal that a compromise could be sought. This related to the retention of some of the pews within the chapel. The request was for the flank pews either side of the pulpit to be retained. However the applicant declined this and the proposal remains, amongst other works, to remove all the pews within the chapel. The area requested to be retained was in the region of 20sqm. This would still have

left approximately 160sqm of floor space within the main chapel building as well as space elsewhere in other smaller rooms. The pews could have been retained and utilised in some other way however the applicant has commented that they wish to pursue the application with all pews removed. It has been indicated that the removed pews would be reused *“wherever possible in the conversion of the chapel (fixed shop counter, window shutters etc).”* The plans indicated that the area where the flank pews are to be removed would, as with most of the main chapel room, be used for *“free standing shop units”*.

The agent feels that the *“character of the chapel is not defined merely by the pews. As described above, the character comes from the high, light-filled space. From its simple decoration, large windows and central organ area (all of which are being retained). The pews, although most likely original to the structure, are not particularly architecturally special or of historic significance and it is not unreasonable to suggest that unless the chapel continued life as a chapel, the pews would need to be removed to facilitate an alternative use of the building. Even if the chapel were to be used as a community hall (a use of the building that is perhaps closest to its original use as a chapel), the pews would need to be removed”*. This fails to acknowledge that planning permission and listed building consent exist for a use where the pews were shown as being retained. We would also disagree with the comment by the agent that the retention of some pews to the side of the pulpit would result in *“confused proposals that were half camera shop and half chapel”*.

The agent suggests that *“the proposed alterations have been designed to be reversible, so that in the future if necessary they can be removed without permanent and irreparable damage to the existing chapel structure”*. In the case of the features within the chapel such as removal and reuse of the pews this would not be possible.

The Conservation Officer has therefore proceeded to make his recommendation based on the details submitted and the applicant is aware that this would lead to a recommendation of refusal.

The site history shows that there has been interest and indeed planning permission as well as listed building consent for an alternative use. The use was for a chapel of rest and required minimal alterations to the building meaning the key historic features were retained. Therefore while the issue of redundant or vacant buildings has been raised this is not a building where there has been no prospect of future use or interest.

The Conservation Officer has made the following comments:

“As a consequence of a dwindling congregation Zion Chapel has been made redundant and was put on the market. The Local Planning Authority has received a number of enquiries for the building.

The applicant has been in contact with the Local Planning Authority from an early stage and ‘in principle’ advice has been given on the ‘concept’ of a change of use, listed building requirements etc. In addition, if a change of use is to be supported then any change of use would need to respect the architectural and historic character of the building both inside and out.

The applicant was also informed by the Authority Building Conservation Officer that the Local Planning Authority received and approved applications for a change of use of the building to a Chapel of Rest. The application was seen as the best alternative use given that little alteration proposed.

However, despite another prospective purchaser obtaining Consent the applicant bought Zion Chapel in order to expand their business. Therefore, the applicant proposes a change of use of the chapel and school room and to facilitate this the proposed works would involve demolition, alterations and repairs.

In addition considering the application proposals Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Welsh Government Circular 61/96, Welsh Government and the Local Planning Authority's own planning policies relating to the historic built environment would apply.

With regards to the conservation area Section 72 (2) of the Act states that special attention should be given to the desirability of preserving or enhancing the character or appearance of the area.

Welsh Government Circular 61/96 states that the foremost principle of building conservation is 'conserving as found'. Paragraph 69 of Circular 61/96 expects applicants to justify their proposals and in doing so provide the Local Planning Authority with full information, to enable them to assess the likely impact of their proposals on the special architectural and historic interest of the building and on its setting.

The use of Zion Chapel forms part of its special interest and any change of use would fail to preserve this interest and would have a harmful affect. In terms of justification for the change of use there are a number which include that:

'Carmarthen has issues with redundant large empty and often listed buildings. Zion Chapel, amongst several empty churches, halls and chapels within the town could be one of these buildings'.

However, the Agent does not provide any evidence of such buildings i.e. listed buildings. With regards to Churches the Officer acknowledges that St David's Church, Picton Terrace is unoccupied but has been subject to successful application for and listed building consent for a change of use of the building.

The Officer also acknowledges that other areas of the County have a number of empty chapels but the majority of these have been subject to successful applications for planning permission and listed building consent.

Therefore, the buildings are not 'redundant' but are currently not in use and the Local Planning Authority does not have the powers to make owners use their buildings.

Other justifications for the change of use is that the building is in poor condition. However, the Local Planning Authority's own Buildings at Risk survey concluded that Zion Chapel was not at risk and only Minor Repairs/Maintenance was required.

The justifications in the opinion of the Officer are not considered reasonable to illustrate that the proposed change of use 'camera shop' is the only viable option for the building.

To act as justification the application could have been supplemented with:

- *A comprehensive design statement which fully considered the architectural and historic character and setting of the building and area, the statutory and non-statutory frameworks for the historic built environment. The statement must explain what other uses and works have been considered and why these have been discounted. The statement must explain why the proposals are the most suitable taking into account these contexts.*

The statement provided falls short in some instances e.g. there is no consideration of the Planning (Listed Buildings and Conservation Areas) Act 1990, Welsh Government Circular 61/96, Welsh Government and the Local Planning Authority's own Planning Policies relating to the historic built environment.

In addition -

- *Evidence from the Estate Agent to show how long the building was on the market, for what price, how much interest had been shown in the building and for what purpose could have been provided.*
- *Evidence from local estate agents to illustrate that there is no demand in the Carmarthen area for the existing use or for other uses which may be more compatible could have been provided.*

Notwithstanding the above, the Officer accepts the under present ownership that the use will never get revived. Therefore, to ensure that the building is maintained in good condition and has a viable use to safeguard its future the change of use to a camera shop is to be considered.

However, is the proposed change of use and the works to facilitate the use the key to preservation of the building?

Zion Chapel was listed for its 'National Importance' in 1981 as a handsome mid-19th Century chapel by a noted Welsh Architect. The listing description makes a detailed analysis of the exterior and interior. Therefore, providing reasons to why the building was included in the statutory lists of buildings of special architectural and historic interest.

The approved change of use of Zion Chapel illustrated that a new use could be found which respected the architectural and historic character both inside and out. However, the Officer would like to add that due to the nature of the building 'Chapel' that most change of use/s would have an impact on the internal areas of the building.

The Agent acknowledges that any proposals for the change of use of the structure must be sympathetic to its original use and protect and retain its character. In addition, that Zion chapel is large building.

With regards to the proposed works to the interior of the building the applicant proposes to retain the pulpit and set fawr. However, the applicant proposes to remove all the pews which in 'Conservation' terms amounts to gutting the building. Other internal proposals such as the mezzanine floor would impact on the gallery which is meant to be a focal point of the chapel.

Therefore, the proposed works to the interior of the chapel would not preserve Zion Chapel's architectural or historic interest and would cause significant harm which is not acceptable in light of the statutory duties placed on the Local Planning Authority.

The Authority's Building Conservation contacted the Agent and Applicant and a site meeting was arranged with the latter to discuss issues with the application i.e. lack of detailed information and inappropriate proposals. The Officer even provided advice on suggested revisions in order to progress i.e. retention of flanking along with the pews the set fawr and pulpit. This would give a good cross-section of the Chapel to illustrate its former use. In addition, re-using pews in other areas of the Chapel and School Room. However, these have been rejected by the Applicant and Agent.

The Chapel and School Room have a large floor area and even with these changes the applicant still has a substantial area for the proposed change of use. However, the proposals which disregards the architectural and historic character of Zion Chapel highlights that the building is not suited to applicant's proposed use.

As a consequence of the significant harmful impact of the proposed change of use and work to facilitate the new use the Officer has no option to recommend that the application be refused.

The works to the exterior of the building include the demolition of a small outbuilding and section of concrete wall. These proposals would have no undesirable affect.

Where it is proposed to widening an opening minimal harm would be caused to the buildings character but the reasoning for the proposal is accepted.

Repairs are proposed and examples include windows, stone wall and internal areas these are to be undertaken using matching or sympathetic materials which is acceptable.

The Officer does not object to the proposed new signage.

In conclusion the Building Conservation Officer comments:

"The best use of a building is its intended use which it was purposely designed and constructed for. However, as a consequence of a dwindling congregation the building was made redundant and put on the market.

The Local Planning Authority received a number of enquiries for the building and applications for planning permission and listed building consent were submitted to and approved by the Local Planning Authority for a Chapel of Rest.

The applicant was informed of this but still proceeded to purchase the building for commercial purposes and the proposed works to facilitate the change of use would consists of demolition, alterations and repairs.

In considering the proposals in light of the statutory and non-statutory frameworks for the historic built environment the Building Conservation Officer is of the opinion that the historic use of the building forms part of its special interest. Therefore, any change of use would fail to preserve this interest.

With regards to the change of use the justifications for this are associated with that Carmarthen has a number of redundant listed buildings but no evidence has been provided of these buildings. In addition, that Zion Chapel is in poor condition but the Local Planning Authority's own survey discount this.

The Officer accepts that the intended use of the building has been abandoned and to ensure that building has a viable use the proposals are to be considered. However, are the proposals the key to the preservation of the building?

The Agent acknowledges that a change of use must be sympathetic to its original use and protect and retain its character. In addition, that Zion Chapel and Vestry is a large building.

However, the Officer would like to add that the works to the interior of the chapel are not sympathetic and amount to gutting of the building. In addition, proposals would impact on the gallery which is meant to be a focal point of the chapel. Therefore, not preserving elements of the buildings architectural or historic interest and would have a significant harmful affect.

The Officer provided advice i.e. revisions in order to progress which would still allow the proposed change of use. These proposals were rejected by the Agent and Applicant. This illustrates that the building does not suit the needs of the applicant.

As a consequence of the significant harmful impact of the proposals the Officer has no option to recommend Refusal.”

The Officers have endeavoured to reach a compromise on this proposal which would have only marginally reduced the overall area available for retail space relating to only 20sqm of the overall floorspace and sought additional information a number of times. However the applicant has chosen not to amend the proposal in accordance with the requests and wishes to proceed on the basis of the details submitted in full awareness that this would lead to a recommendation of refusal.

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is not acceptable.

As such the application is put forward with a recommendation of refusal.

RECOMMENDATION – REFUSAL

REASONS FOR REFUSAL

1 The proposal is contrary to paragraph 66 (1) of Planning (Listed Buildings and Conservation Areas) Act 1990.

66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In that:

- In having special regard to the desirability of preserving the building or any features of special architectural or historic interest which possesses as required

by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the County Council finds that the proposed change of use and works to facilitate the change of use would not preserve the listed building or features of special architectural or historic interest it possesses. The proposed works amount to 'gutting' of the Chapel and other proposed alterations would have a detrimental effect on its special interest. The justifications are not considered reasonable to override the significant harm caused.

- 2 The proposal is contrary to paragraph 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

72 General duty as respects conservation areas in exercise of planning functions.

- (1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- (2) The provisions referred to in subsection (1) are the planning Acts and Part I of the M1Historic Buildings and Ancient Monuments Act 1953 and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993.

In that:

- In paying special attention to the desirability of preserving or enhancing the character or appearance of a conservation area as required by Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the County Council finds that the proposed change of use and works to facilitate the change of use would not preserve the conservation area. The proposed works amount to 'gutting' of the chapel and other proposed alterations would have a detrimental effect on the special interest of the building. The justifications are not considered reasonable to override the significant harm caused.

- 3 The proposal is contrary to in paragraph 6.2.1 of Planning Policy Wales (November 2016):-

6.2.1 It is important that the historic environment is protected, managed and conserved. The Welsh Government's objectives in this field are to:

- conserve and enhance the historic environment, which is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales;
- recognise its contribution to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life, and its importance as a resource to be maintained for future generations;
- base decisions on an understanding of the significance of Wales' historic assets;
- contribute to the knowledge and understanding of the past by making an appropriate record when parts of a historic asset are affected by a proposed change, and ensuring that this record or the results of any investigation are securely archived and made publicly available;

and specifically to:

- protect the Outstanding Universal Value of the World Heritage Sites in Wales;
- conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;
- safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;
- preserve or enhance the character or appearance of conservation areas, while at the same time helping they remain vibrant and prosperous;
- preserve the special interest of sites on the register of historic parks and gardens in Wales; and
- conserve areas on the register of historic landscapes in Wales.

In that:

- The proposals are not in-keeping with the Welsh Government's object in paragraph 6.2.1 of its policy document 'Planning Policy Wales' (November 2016) to 'safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;' in that the proposed change of use and works to facilitate the change of use would not preserve the building or features of special architectural or historic interest. The proposed works amount to 'gutting' of the chapel and other proposed alterations would have a detrimental effect on the special interest of the building. The justifications are not considered reasonable to override the significant harm caused.

- 4 The proposal is contrary to Policy SP13 Protection and Enhancement of the Built and Historic Environment of the Carmarthenshire Local Development Plan:-

SP13 Protection and Enhancement of the Built and Historic Environment

Development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets (outlined below), and, where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- a. Sites and features of recognised Historical and Cultural Importance;
- b. Listed buildings and their setting;
- c. Conservation Areas and their setting;
- d. Scheduled Ancient Monuments and other sites of recognised archaeological importance.

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

In that:

- The County Council finds that that the proposed change of use and works to facilitate the change of use would not preserve the listed building or features of special architectural or historic interest it possesses. The proposed works

amount to 'gutting' of the chapel and other proposed alterations would have a detrimental effect on its special interest. The justification for it is not considered reasonable to override the significant harm caused.

| | |
|-----------------------|----------------|
| Application No | W/34737 |
|-----------------------|----------------|

| | |
|--------------------------------|---|
| Application Type | Listed Building |
| Proposal & Location | CHANGE OF USE OF FORMER CHAPEL TO CAMERA SHOP. WORKS TO INCLUDE THE REMOVAL OF FIXED PEWS, A LARGE NUMBER OF REPAIRS TO THE EXISTING BUILDING, THE INTRODUCTION OF A NEW MEZZANINE FLOOR AND STAIRCASE, NEW INTERNAL SECURITY SHUTTERS TO THE GROUND FLOOR WINDOWS, AND THE WIDENING OF AN EXTERNAL DOORWAY TO THE REAR OF THE BUILDING AT ZION CHAPEL, MANSEL STREET, CARMARTHEN, SA31 1QX |

| | |
|---------------------------|--|
| Applicant(s) | CARMARTHEN CAMERA CENTRE LTD -, MATHEW WHITTAL-WILLIAMS, 1 PARCMAEN STREET, CARMARTHEN, SA31 3DP |
| Agent | MIKE WATT ARCHITECTS, PARC LODGE, LLANSADWRN, LLANWRDA, SA19 8LW |
| Case Officer | Stuart Willis |
| Ward | Carmarthen South |
| Date of validation | 21/11/2016 |

CONSULTATIONS

Carmarthen Town Council – Has not commented to date.

Local Members – Cllr Jeff Thomas has requested that the application be presented to the Planning Committee if concerns were raised in relation to "incompatible or unacceptable use" (or similar). He feels that the Applications should be discussed in the light of recent concern by Full Council about the future use of redundant chapels and churches.

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

Dyfed Archaeological Trust – Has requested a condition regarding a photographic record if any application is approved.

Neighbours/ Public - The application has been publicised by the posting of a site notice and at press with no responses having been received to date.

RELEVANT PLANNING HISTORY

| | | |
|------------|---|-------------------------------|
| W/34799 | 2 no. Freestanding Painted Hardwood Timber Signboards With Traditional Goose-Neck Lighting | Advertisement Consent Pending |
| W/34736 | Change Of Use Of Former Chapel To Camera Shop. Works To Include The Removal Of Fixed Pews, A Large Number Of Repairs To The Existing Building, The Introduction Of A New Mezzanine Floor And Staircase, New Internal Security Shutters To The Ground Floor Windows, And The Widening Of An External Doorway To The Rear Of The Building | Pending |
| W/34092 | Change Of Use Of Zion Chapel To A Chapel Of Rest, Including The Demolition Of One Small, Late Addition Outhouse And A Length Of Concrete Block Walling Listed Building Consent | 15 August 2016 |
| W/34091 | Change Of Use Of Zion Chapel To A Chapel Of Rest, Including The Demolition Of One Small, Late Addition Outhouse And A Length Of Concrete Block Walling Full planning permission | 15 August 2016 |
| W/00471 | Small Toilet Extension To Rear Of Schoolroom Full planning permission | 23 December 1996 |
| W/00470 | Small Toilet Extension To Rear Of Schoolroom Listed Building Consent | 23 December 1996 |
| D4/04135 - | Parking Area And Access Full planning permission | 28 November 1977 |

THE SITE

The application site is a former chapel located in the centre of Carmarthen known as Zion Chapel. The site is located off the northern western flank of Mansel Street, Carmarthen. There is an access to the eastern side with a parking area adjacent to the building. There is a further car park area located to the rear of the building which is not in the same ownership and not included in the application site. The listed building, curtilage to the front and to the side are located within the boundaries of the Lammas Street Conservation Area as are the properties either side along Mansel Street. The street has a mix of commercial and residential properties. The building is located within the defined Town Centre of Carmarthen as delineated by the Carmarthenshire LDP.

Planning permission and listed building consent were granted last year for the conversion of the property to a Chapel of Rest. This involved limited internal and external alterations. There is an associated full planning application for the conversion of the building which is also before the Planning Committee recommended for refusal. Advertisement Consent has also recently been granted for the signage at the site.

Zion English Presbyterian Chapel is a Grade II listed building and was listed as a handsome mid-19th Century Italianate chapel by a noted Welsh architect.

The front elevation is stuccoed with high plinth, paired outer pilasters, carrying full entablature with blocking course and minimal central pediment with small inset semi-circular window. Raised letters in frieze: Zion Chapel 1850. First floor centre window of 3 arched lights, the centre one slightly taller and wider, with pilasters and unmoulded arches, the centre pilasters wider. Moulded sill course with small brackets under each pilaster. On ground floor, central doorway with moulded architrave flanked by thin panelled piers above plinth and under scrolled consoles supporting moulded cornice. Double doors each of one long arched panel. To each side of the door an arched window in thin raised surround. Windows have marginal panes and inner band of narrow panes. Two storey side elevations of 3 bays with pebbledash cladding. Arched windows above and square headed windows below, with similar glazing bars. There is a school room to the rear.

The interior of the building is plain plastered with a later 19th Century end Galley, over lobby entry. Coved cornice with dentils to ceiling in panels around main panel. Painted grained pews with doors, in 3 blocks, 2 sections of outer blocks each side face inward. Pulpit and set fawr are altered when organ installed. Organ in Gothic case, in arched recess with bead mould, framing inner arch itself with head lowered by crescent shaped insert on corbels. End gallery has attractive front with 2 rectangular panels under each long pierced narrow cast iron panel, and each pair of these divided by a panelled pilaster. Four bays overall, with centre clock between pilasters. Deep moulded cornice below with modillions, and consoles under pilasters. Panels have applied late 19th Century and scroll embossed decoration, and cast iron is to a scroll pattern. Entrance lobby has double doors to left and right under over lights with inset hexagonal lantern.

The forecourt railings and gates to Zion Chapel are Grade II listed as a particularly unusual set of hand-made iron railings, of group value with Zion Chapel.

Iron railing and matching gates with unusual wrought iron flat spear headed finial to rails and square stanchions with urn finials each end. Matching double gates with similar urn finials to out stiles.

THE PROPOSAL

The applicant proposes a change of use of the building for commercial use (camera shop). To facilitate this the applicant proposes demolition, alterations and repairs. This includes the introduction of a mezzanine floor of approximately 64sqm at the front end of the building (partly over the entrance lobby and part over the main volume of the chapel) and the removal of all the pews within the chapel. All existing entrances are retained and the small parking area to the side of the chapel will remain. A blockwork wall is to be demolished, and an existing doorway widened in order that deliveries can be brought into the rear of the building direct from the parking area.

A design and access statement has been submitted which refers to justification for the proposed new use.

This states "Zion Chapel is grade II listed as '...a handsome mid C19 Italianate chapel by a noted Welsh Architect'. However its use as a chapel is now obsolete, having closed at the beginning of last year due to dwindling congregation numbers, and a lack of finances for the maintenance of the large listed structure. Therefore a change of use of the building must be

considered in order that the building does not stand empty and fall into a further state of disrepair. Any proposals for the change of use of the structure must be sympathetic to its original use and protect and retain its architectural character.

Although an alternative use for the building as a Chapel of Rest has already been established through the approval of a change of use application (planning reference W/34092), this should not set a precedent as the only viable alternative use for the building”.

The agent feels that the proposals “*look to find a sympathetic, practical and financially viable alternative use for the building and should be supported”.*

The DAS states that the applicant feels the proposal “*is sympathetic to the buildings original use; requires no subdivision of the internal space; requires only a couple of minor external alterations; retains the character of the existing chapel; allows the building to remain open to the public; and provides a financially viable use for the building by an owner/ applicant who is passionate about the building’s history, character and building fabric”.*

STATUTORY DUTIES, GOVERNMENT POLICIES & ADVICE, COUNTY COUNCIL POLICIES

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

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

Paragraph 6.2.1 of Welsh Government policy document ‘Planning Policy Wales’ (November 2016) sets out the Government objective to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved.

Paragraph 12 of Welsh Office Circular 61/96 states that new uses may be the key to the preservation of a building.

Paragraph 66 of Welsh Office Circular 61/96 states once a building has been listed under Section 1 of the Act, Section 7 provides that consent is normally required for its demolition, in whole part, and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent.

Paragraph 68 of Welsh Office Circular 61/96 states that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise for the exercise of listed building control is the statutory regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

Paragraph 69 of Welsh Office Circular 61/96 states that applicants will need to show why works which affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 71 of Welsh Office Circular 61/96 states the grading of a building in the statutory lists is clearly a material consideration for the exercise of listed building control. But it must be emphasised that the statutory controls apply equally to all listed buildings irrespective of what grade; and since Grade II includes some 90% of all listed buildings, representing a major element in the historic quality of towns, villages, and country side, failure to give careful scrutiny to proposals for alteration or demolition could lead widespread damage to the historic environment.

Paragraph 80 of the Circular states that owners of listed buildings should be encouraged to seek expert advice on the best way to carry out works to their listed buildings.

Paragraph 94 of the Circular states that many listed buildings are already in well-established uses, and any changes need be considered only in this context. But where new uses are proposed, it is important to balance the effect of any changes on the special interest of the listed building against the viability of any proposed use and of alternative, and possibly less damaging, uses. In judging the effect of any alteration or extension it is essential to have assessed the elements that make up its special interest. They may comprise obvious visual features and the technological interest of the surviving structure and surfaces.

Paragraph 95 of the Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration, but that it needs to be borne in mind that minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest.

Paragraph 96 of Welsh Office Circular 61/96 states that listing grade is a material consideration. Many Grade II listed buildings are humble, once common building types which have been listed precisely because they are relatively unaltered example of their sort. They can have their special interest ruined by unsuitable alteration or extension.

Paragraph 97 of Welsh Office Circular 61/96 states that achieving a proper balance between the special interest of a listed building and proposals for alterations or extensions is demanding and should always be based on specialist expertise.

Paragraph 1 of Annex D to Welsh Office Circular 61/96 states that for advice on repairs the attention of local planning authorities is drawn to *The Repair of Historic Buildings: Advice on Principles and Methods*.

Paragraph 2 of Annex D to Welsh Office Circular 61/96 states that the foremost principle which should guide works to historic buildings is conserve as found. Successful conservation lies in the maintenance and like-for-like repair of the existing fabric including the replacement of features and details.

Paragraph 3 of Annex D to Welsh Office Circular 61/96 states each type of historic building has its own characteristics, which are usually related to its former function and these should be respected when proposals for alteration or change of use are put forward. Marks of special interest appropriate to a particular building type are not restricted to external elements, but may include anything from orientation, plan, or arrangement of window openings to small internal fittings. Local Planning Authorities should attempt to retain characteristics of distinct building types of buildings.

Paragraph 6 of Annex D to Welsh Office Circular 61/96 states that alterations should be based on a proper understanding of the structure, and that old work should not be sacrificed merely to accommodate the new.

Appendix to Annex D (a) Paragraph 2 to Welsh Office Circular 61/96 states that door and window should not generally be altered in their proportions or details or details especially when they are conspicuous element of the design.

Appendix to Annex D (a) Paragraph 12 to Welsh Office Circular 61/96 states that the special character of wrought iron fittings is derived from the unique qualities of the material and traditional smithing techniques. It is not possible to copy satisfactorily the character of wrought iron using mild steel. Old cast iron including railings are of important visual and architectural significance. The traditional method of setting each upright of a railing into lead-lined pockets of a stone base should be respected.

Appendix to Annex D (d) Paragraph 1 to Welsh Office Circular 61/96 states that as a rule, original windows in historic buildings should be repaired, or if totally beyond repair should replace exactly like for like.

Appendix to Annex D (f) Paragraph 1 to Welsh Office Circular 61/96 states that listed building consent of whatever grade which affect the character of the building as a listed structure. Internal planning and individual features of interest should be respected and left unaltered as far as possible. Internal spaces, staircases, panelling, window, shutters, doors and door cases, cornices, moulded beams and joists, decorated ceilings, stucco-work, and wall decorations are part of the special interest of a building and may be its most valuable feature.

Appendix to Annex D (g) Paragraph 1 to Welsh Office Circular 61/96 states that floor surfaces are too often disregarded when buildings are refurbished. All such features should normally be repaired and re-used.

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

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

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

THIRD PARTY REPRESENTATIONS

There have been no adverse representations received to date. The application is before the Planning Committee at the request of Cllr J Thomas. He felt that recent concerns over the future use of redundant chapels and churches was reason for it to be discussed by Planning Committee.

The re-use of vacant buildings, in particular historically important ones is welcomed providing the proposals are sympathetic to the character of the building. There has been dialogue with the applicant prior to and during the submission where concerns were raised over certain elements of the proposal. It was suggested to the applicant that while there were a number of elements of concerns regarding the proposal that a compromise could be sought. This related to the retention of some of the pews within the chapel. The request was for the flank pews either side of the pulpit to be retained. However the applicant declined this and the proposal remains, amongst other works, to remove all the pews within the chapel. The area requested to be retained was in the region of 20sqm. This would still have left approximately 160sqm of floor space within the main chapel building as well as space elsewhere in other smaller rooms. The pews could have been retained and utilised in some other way however the applicant has commented that they wish to pursue the application with all pews removed. It has been indicated that the removed pews would be reused *“wherever possible in the conversion of the chapel (fixed shop counter, window shutters etc).”* The plans indicated that the area where the flank pews are to be removed would, as with most of the main chapel room, be used for *“free standing shop units”*.

The agent feels that the *“character of the chapel is not defined merely by the pews. As described above, the character comes from the high, light-filled space. From its simple decoration, large windows and central organ area (all of which are being retained). The pews, although most likely original to the structure, are not particularly architecturally special or of historic significance and it is not unreasonable to suggest that unless the chapel continued life as a chapel, the pews would need to be removed to facilitate an alternative use of the building. Even if the chapel were to be used as a community hall (a use of the building that is perhaps closest to its original use as a chapel), the pews would need to be removed”*. This fails to acknowledge that planning permission and listed building consent exist for a use where the pews were shown as being retained. We would also disagree with the comment by the agent that the retention of some pews to the side of the pulpit would result in *“confused proposals that were half camera shop and half chapel”*.

The agent suggests that *“the proposed alterations have been designed to be reversible, so that in the future if necessary they can be removed without permanent and irreparable damage to the existing chapel structure”*. In the case of the features within the chapel such as removal and reuse of the pews this would not be possible.

The Conservation Officer has therefore proceeded to make his recommendation based on the details submitted and the applicant is aware that this would lead to a recommendation of refusal.

The site history shows that there has been interest and indeed planning permission as well as listed building consent for an alternative use. The use was for a chapel of rest and required minimal alterations to the building meaning the key historic features were retained. Therefore while the issue of redundant or vacant buildings has been raised this is not a building where there has been no prospect of future use or interest.

The Conservation Officer has made the following comments:

“As a consequence of a dwindling congregation Zion Chapel has been made redundant and was put on the market. The Local Planning Authority has received a number of enquiries for the building.

The applicant has been in contact with the Local Planning Authority from an early stage and ‘in principle’ advice has been given on the ‘concept’ of a change of use, listed building requirements etc. In addition, if a change of use is to be supported then any change of use would need to respect the architectural and historic character of the building both inside and out.

The applicant was also informed by the Authority Building Conservation Officer that the Local Planning Authority received and approved applications for a change of use of the building to a Chapel of Rest. The application was seen as the best alternative use given that little alteration proposed.

However, despite another prospective purchaser obtaining Consent the applicant bought Zion Chapel in order to expand their business. Therefore, the applicant proposes a change of use of the chapel and school room and to facilitate this the proposed works would involve demolition, alterations and repairs.

In addition considering the application proposals Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Welsh Government Circular 61/96, Welsh Government and the Local Planning Authority’s own planning policies relating to the historic built environment would apply.

With regards to the conservation area Section 72 (2) of the Act states that special attention should be given to the desirability of preserving or enhancing the character or appearance of the area.

Welsh Government Circular 61/96 states that the foremost principle of building conservation is ‘conserving as found’. Paragraph 69 of Circular 61/96 expects applicants to justify their proposals and in doing so provide the Local Planning Authority with full information, to enable them to assess the likely impact of their proposals on the special architectural and historic interest of the building and on its setting.

The use of Zion Chapel forms part of its special interest and any change of use would fail to preserve this interest and would have a harmful affect. In terms of justification for the change of use there are a number which include that:

‘Carmarthen has issues with redundant large empty and often listed buildings. Zion Chapel, amongst several empty churches, halls and chapels within the town could be one of these buildings’.

However, the Agent does not provide any evidence of such buildings i.e. listed buildings. With regards to Churches the Officer acknowledges that St David’s Church, Picton Terrace is unoccupied but has been subject to successful application for and listed building consent for a change of use of the building.

The Officer also acknowledges that other areas of the County have a number of empty chapels but the majority of these have been subject to successful applications for planning permission and listed building consent.

Therefore, the buildings are not 'redundant' but are currently not in use and the Local Planning Authority does not have the powers to make owners use their buildings.

Other justifications for the change of use is that the building is in poor condition. However, the Local Planning Authority's own Buildings at Risk survey concluded that Zion Chapel was not at risk and only Minor Repairs/Maintenance was required.

The justifications in the opinion of the Officer are not considered reasonable to illustrate that the proposed change of use 'camera shop' is the only viable option for the building.

To act as justification the application could have been supplemented with:

- A comprehensive design statement which fully considered the architectural and historic character and setting of the building and area, the statutory and non-statutory frameworks for the historic built environment. The statement must explain what other uses and works have been considered and why these have been discounted. The statement must explain why the proposals are the most suitable taking into account these contexts.*

The statement provided falls short in some instances e.g. there is no consideration of the Planning (Listed Buildings and Conservation Areas) Act 1990, Welsh Government Circular 61/96, Welsh Government and the Local Planning Authority's own Planning Policies relating to the historic built environment.

In addition -

- Evidence from the Estate Agent to show how long the building was on the market, for what price, how much interest had been shown in the building and for what purpose could have been provided.*
- Evidence from local estate agents to illustrate that there is no demand in the Carmarthen area for the existing use or for other uses which may be more compatible could have been provided.*

Notwithstanding the above, the Officer accepts the under present ownership that the use will never get revived. Therefore, to ensure that the building is maintained in good condition and has a viable use to safeguard its future the change of use to a camera shop is to be considered.

However, is the proposed change of use and the works to facilitate the use the key to preservation of the building?

Zion Chapel was listed for its 'National Importance' in 1981 as a handsome mid-19th Century chapel by a noted Welsh Architect. The listing description makes a detailed analysis of the exterior and interior. Therefore, providing reasons to why the building was included in the statutory lists of buildings of special architectural and historic interest.

The approved change of use of Zion Chapel illustrated that a new use could be found which respected the architectural and historic character both inside and out. However, the Officer

would like to add that due to the nature of the building 'Chapel' that most change of use/s would have an impact on the internal areas of the building.

The Agent acknowledges that any proposals for the change of use of the structure must be sympathetic to its original use and protect and retain its character. In addition, that Zion Chapel is a large building.

With regards to the proposed works to the interior of the building the applicant proposes to retain the pulpit and set fawr. However, the applicant proposes to remove all the pews which in 'Conservation' terms amounts to gutting the building. Other internal proposals such as the mezzanine floor would impact on the gallery which is meant to be a focal point of the chapel.

Therefore, the proposed works to the interior of the chapel would not preserve Zion Chapel's architectural or historic interest and would cause significant harm which is not acceptable in light of the statutory duties placed on the Local Planning Authority.

The Authority's Building Conservation contacted the Agent and Applicant and a site meeting was arranged with the latter to discuss issues with the application i.e. lack of detailed information and inappropriate proposals. The Officer even provided advice on suggested revisions in order to progress i.e. retention of flanking along with the pews the set fawr and pulpit. This would give a good cross-section of the Chapel to illustrate its former use. In addition, re-using pews in other areas of the Chapel and School Room. However, these have been rejected by the Applicant and Agent.

The Chapel and School Room have a large floor area and even with these changes the applicant still has a substantial area for the proposed change of use. However, the proposals which disregard the architectural and historic character of Zion Chapel highlights that the building is not suited to applicant's proposed use.

As a consequence of the significant harmful impact of the proposed change of use and work to facilitate the new use the Officer has no option to recommend that the application be refused.

The works to the exterior of the building include the demolition of a small outbuilding and section of concrete wall. These proposals would have no undesirable affect.

Where it is proposed to widening an opening minimal harm would be caused to the buildings character but the reasoning for the proposal is accepted.

Repairs are proposed and examples include windows, stone wall and internal areas these are to be undertaken using matching or sympathetic materials which is acceptable.

The Officer does not object to the proposed new signage.

In conclusion the Building Conservation Officer comments:

"The best use of a building is its intended use which it was purposely designed and constructed for. However, as a consequence of a dwindling congregation the building was made redundant and put on the market.

The Local Planning Authority received a number of enquiries for the building and applications for planning permission and listed building consent were submitted to and approved by the Local Planning Authority for a Chapel of Rest.

The applicant was informed of this but still proceeded to purchase the building for commercial purposes and the proposed works to facilitate the change of use would consist of demolition, alterations and repairs.

In considering the proposals in light of the statutory and non-statutory frameworks for the historic built environment the Building Conservation Officer is of the opinion that the historic use of the building forms part of its special interest. Therefore, any change of use would fail to preserve this interest.

With regards to the change of use the justifications for this are associated with that Carmarthen has a number of redundant listed buildings but no evidence has been provided of these buildings. In addition, that Zion Chapel is in poor condition but the Local Planning Authority's own survey discounts this.

The Officer accepts that the intended use of the building has been abandoned and to ensure that building has a viable use the proposals are to be considered. However, are the proposals the key to the preservation of the building?

The Agent acknowledges that a change of use must be sympathetic to its original use and protect and retain its character. In addition, that Zion Chapel and Vestry is a large building.

However, the Officer would like to add that the works to the interior of the chapel are not sympathetic and amount to gutting of the building. In addition, proposals would impact on the gallery which is meant to be a focal point of the chapel. Therefore, not preserving elements of the buildings architectural or historic interest and would have a significant harmful effect.

The Officer provided advice i.e. revisions in order to progress which would still allow the proposed change of use. These proposals were rejected by the Agent and Applicant. This illustrates that the building does not suit the needs of the applicant.

As a consequence of the significant harmful impact of the proposals the Officer has no option to recommend Refusal."

If Members resolved to approve against recommendation the decision would need to be sent to the Welsh Government for the 28 day statutory call-in period.

The Officers have endeavoured to reach a compromise on this proposal which would have only marginally reduced the overall area available for retail space relating to only 20sqm of the overall floorspace and sought additional information a number of times. However the applicant has chosen not to amend the proposal in accordance with the requests and wishes to proceed on the basis of the details submitted in full awareness that this would lead to a recommendation of refusal.

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is not acceptable.

As such the application is put forward with a recommendation of refusal.

RECOMMENDATION – REFUSAL

REASONS FOR REFUSAL

1. In having special regard to the desirability of preserving the building or any features of special architectural or historic interest which possesses as required by Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the County Council finds that the proposed change of use and works to facilitate the change of use would not preserve the listed building or features of special architectural or historic interest it possesses. The proposed works amount to ‘gutting’ of the Chapel and other proposed alterations would have a detrimental effect on its special interest. The justifications are not considered reasonable to override the significant harm caused.
2. In paying special attention to the desirability of preserving or enhancing the character or appearance of a conservation area as required by Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the County Council finds that the proposed change of use and works to facilitate the change of use would not preserve the conservation area. The proposed works amount to ‘gutting’ of the chapel and other proposed alterations would have a detrimental effect on the special interest of the building. The justifications are not considered reasonable to override the significant harm caused.
3. The proposals are not in-keeping with the Welsh Government’s object in paragraph 6.2.1 of its policy document ‘Planning Policy Wales’ (November 2016) to ‘safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;’ in that the proposed change of use and works to facilitate the change of use would not preserve the building or features of special architectural or historic interest. The proposed works amount to ‘gutting’ of the chapel and other proposed alterations would have a detrimental effect on the special interest of the building. The justifications are not considered reasonable to override the significant harm caused.
4. Paragraph 12 of Welsh Office Circular 61/96 states that new uses may be the key to the preservation of the building or area. The proposed ‘gutting’ of the chapel and other proposed alterations would have a detrimental impact on the special interest of the building. This illustrates that the proposed use is not the key to preserving the building.
5. Paragraph 69 of Welsh Office Circular 61/96 states that applicants must be able to justify their proposals and will need to show why the works which affect the character are desirable or necessary. They must provide full information to enable the local planning authority to assess the likely impact of their proposals on the special architectural or historic interest of the building. The Design Statement fails to fully consider the architectural and historic character of the building, the statutory and non-statutory frameworks for the historic built environment. This lack of assessment means that that the proposed change of use has not been justified. In addition, that the proposed works would be detrimental the special interest of the building.
6. Paragraph 94 of Welsh Office Circular 61/96 states that where new uses are proposed, it is important to balance the effect of any changes on the special interest of the listed

building against the viability of any proposed use and of alternative uses, and possibility less damaging uses. In that the proposed change of use would not preserve the building. The proposed works amount to 'gutting' of the chapel and other proposed alterations would have a detrimental effect on its special interest.

7. Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses. The proposed works amount to 'gutting' of the chapel and other proposed alterations are not sensitive but detrimental to the special interest of the building.
8. Paragraph 2 of Annex D of Welsh Office Circular 61/96 states that the foremost principle that guides works to historic buildings is conserve as found. The proposed works are not conserving as found and the change of use and proposed works would be detrimental to the special interest of the building.
9. Paragraph 3 of Annex D of Welsh Office Circular 61/96 states each type of historic building has its own characteristics, which are usually related to its former function and these should be respected when proposals for alteration and change of use are put forward. The proposed works to facilitate the change of use amount to 'gutting' of the chapel and other alterations would have a detrimental effect on the buildings special interest.
10. Paragraph 6 of Annex D of Welsh Office Circular 61/96 states that alterations should be based on a proper understanding of the structure. The detrimental effect of the proposed works on the special interest of the building means that there is no understanding of the building.
11. Paragraph f (1) of Appendix to Annex D of Welsh Office Circular 61/96 states that listed building consent must be obtained for all internal alteration to listed buildings of whatever grade which affect the character of the building as a listed structure. Internal planning and individual planning and individual features should be respected and left unaltered as far as possible. Internal spaces are part of the special interest of a building and may be its most valuable feature. The proposed change of use and proposed works fail to respect the internal characteristics of the building which is part of its special interest. The proposed works amount to 'gutting' of Zion Chapel and other proposed alterations mean that there would be detrimental harm caused to its special interest.
12. SP13 of the Local Development Plan of the Built and Historic Environment states proposals should preserve or enhance the built and historic environment of the County, it's cultural, townscape and landscape assets and where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.
 - Sites and features of recognised Historical and Cultural Importance;
 - Listed Buildings and their setting;
 - Scheduled Ancient Monuments and other sites of recognised archaeological importance

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

The County Council finds that that the proposed change of use and works to facilitate the change of use would not preserve the listed building or features of special architectural or historic interest it possesses. The proposed works amount to 'gutting' of the chapel and other proposed alterations would have a detrimental effect on its special interest. The justification for is not considered reasonable to override the significant harm caused.