

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

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

CONSULTATIONS

Head of Transport – has not commented to date.

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

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

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

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

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

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

- Shame to have yet another chain store in town.

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

The Carmarthen Civic Society have also responded:

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

RELEVANT PLANNING HISTORY

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

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

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

APPRAISAL

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

THE SITE

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

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

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

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

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

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

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

THE PROPOSAL

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

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

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

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

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

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

The proposals include the following works:

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

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

The HIS provides justification for the proposed works.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The additional information included the following:

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

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

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

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

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

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

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

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

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

Several other possible uses have been addressed.

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

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

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

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

PLANNING POLICY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character

and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

Policy RT1 Retail Hierarchy states that proposals will be considered in accordance with the retail hierarchy. Regard will be had to a settlement's position within the hierarchy when considering retail proposals (including new, change of use, or redevelopment).

SP8 Retail states that proposals will be permitted where they maintain and enhance the existing retail provision within the County, and protect and promote the viability and vitality of the defined retail centres. Proposals for small local convenience shopping facilities in rural and urban areas where they accord with the settlement framework will be supported.

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

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority and covers a wide range of topics. These include requiring development to conform with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing, incorporate existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges, utilise materials appropriate to the area within which it is located, not having a significant impact on the amenity of adjacent land uses, properties, residents or the community, include an integrated mixture of uses appropriate to the scale of the development; retain, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity; achieve and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement); an appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality; protect and enhance the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment; ensure or provides for, the satisfactory generation, treatment and disposal of both surface and foul water, have regard to the generation, treatment and disposal of waste, have regard for the safe, effective and efficient use of the transportation network; provide an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all; include where applicable, provision for the appropriate management and eradication of invasive species.

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles. This relates to a number of factors including by distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements; promoting, where appropriate, the efficient use of land including previously developed sites; integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations; respecting, reflecting and, wherever possible, enhancing local character and distinctiveness; creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice; promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling; utilising sustainable

construction methods where feasible; improving social and economic wellbeing; and protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.

Policy RT4 Principal Centres (Growth Areas): Town Centre Zone states that proposals for the change of use and/or re-development for non-retail uses within a Town Centre Zone (excluding areas identified as within the Primary Retail Frontage and Secondary Retail Frontage) as defined in respect of a designated Principal Centre (Growth Areas) will be permitted where it achieves a diversity of uses appropriate to a town centre location and does not have an adverse impact on its function, visual character and quality.

Policy RT1 sets out the Retail Hierarchy of the County and identifies Carmarthen as one of the Growth Centres.

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

THIRD PARTY REPRESENTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents
 - 1:200 and 1:20 scale Proposed Alterations – Structural Details (J5594/01)
 - 1:200 scale Existing Building Fabric Removed – Floor Plans (D-01-P/2)
 - Photographic Survey March 2018 (Rev A)
 - Heritage Impact Statement Report – March 2018

received on 23rd March 2018

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

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

received on 9th February 2018

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

received on 21st December 2017

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

REASONS

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

REASONS FOR DECISION

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

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

NOTE(S)

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

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

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

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

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

