

**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 07 CHWEFROR 2019  
ON 07 FEBRUARY 2019**

**I'W BENDERFYNU/  
FOR DECISION**

*Ardal Del/  
Area South*



**Cyngor Sir Gâr  
Carmarthenshire**  
County Council



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

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

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>07 FEBRUARY 2019</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/36837</b>
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<b>Application Type</b>	Variation of Planning Condition(s)
<b>Proposal &amp; Location</b>	VARIATION OF CONDITIONS 2, 7 & 9 OF PLANNING PERMISSION S/32708 AT FORMER GWENLLIAN COURT HOTEL, MYNYDDYGARREG, KIDWELLY, SA17 4LW

<b>Applicant(s)</b>	MR M BLEWETT, C/O AGENTS, ,
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
<b>Case Officer</b>	Gary Glenister
<b>Ward</b>	Kidwelly
<b>Date of validation</b>	19/02/2018

## CONSULTATION

**Head of Highways and Transport** – Had initial queries, however after discussion and amendments has no objection subject to the imposition of appropriate conditions.

**Kidwelly Town Council** – Has not commented to date.

**Local Member** - County Councillor J Gilasby is a member of Planning Committee and has not commented to date.

**Neighbours/Public** – 2no. Site Notices have been posted with replies from 2no. properties having been received as a result raising the following issues:-

- Highway safety;
  - Effects on pedestrian movement is not clear;
  - New access needed with closure of existing;
  - Further traffic calming is required;
- Change is financially driven;
- No justification for amendments;
- The construction site is unsightly;
- Consultation by site notice is not adequate.

## RELEVANT PLANNING HISTORY

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

S/32708	Demolition of former hotel to form a plot layout for 3no. detached dwelling houses, together with formation of an access road to facilitate a change of use of former rear hotel wing to 3no. linked dwelling houses Full planning permission S106 signed – affordable housing	12 September 2016
S/27723	Proposed renovation and extension of existing hotel Full planning permission	31 May 2013
S/02259	Proposed new bedrooms (11no.) and staff accommodation wing Full planning permission	19 January 2000
S/00929	Front extension to hotel Full planning permission	2 November 1997
D5/12808	10 bed annexe Full planning permission	25 June 1990
D5/2508	Hotel extension Full planning permission	21 July 1977
D5/1869	Swimming pool Refused	10 January 1977
D5/1343	Additional dining and seating areas Full planning permission	17 May 1976

## APPRAISAL

### THE SITE

The application site is a former country residence of a local tinsplate works owner which was converted to a Hotel in the 1970s and has extended incrementally since then with a dining room approved in 1976 and extensions approved in 1977, 1990, 1997 and 2000. The hotel stopped trading in approximately 2011 as there were structural issues with the roof which had led to water penetration into the bedrooms and the cost of refurbishment was unviable to the owners at that time. The site was sold and a further extension and refurbishment was approved in 2013. The hotel was stripped out however the cost of renovation proved prohibitive so the project was abandoned and the site sold on.

Planning permission was granted in September 2016 for the demolition of part of the hotel and redevelopment of the site as follows. The relatively modern wing was to be subdivided to form 3 small units of accommodation plus the retention of the former manager's house as a dwelling. The older part of the hotel was proposed to be demolished and replaced with 3 residential development plots and a new access road to serve two of the plots and the

converted retained units. The remaining plot was proposed to be served by the original access point.

The applicant has demolished the older part of the hotel and has proceeded to convert the newer wing to residential although it is understood that it is not yet occupied. The application is therefore partly retrospective as work has commenced on the extant permission.

## **THE PROPOSAL**

The application seeks a variation of condition on a hybrid permission for the change of use of part of the hotel to residential and three plots of land in place of the remaining part of the hotel. The plot layout and access road to serve the plots is proposed, however the detailed design of each house is not submitted for consideration and would therefore be subject to a separate full application.

The proposal is for Plot 1 to be served directly from Llangadog Road using an existing service entrance, with the remnant of the hotel (Units 4-6) plus the existing manager's house and two of the plots served via the existing hotel access on the southern corner of the site. The existing access is proposed to be improved with the lowering of the perimeter wall to not exceed 900mm so visibility would be ensured and improved.

A pedestrian access from the site is proposed along part of the frontage to serve the three plots and a path through the internal layout so that Units 4-6 and the manager's house can access the pavement. Pedestrians would then be able to cross the road and use the existing pedestrian pavement network.

## **PLANNING POLICY**

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

Policy SP1 Sustainable Places and Spaces states that proposals for development will be supported where they reflect sustainable development and design principles.

Policy SP2 Climate Change states that development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change will be supported. This includes minimisation of waste, displays efficient use of resources, minimises the need to travel, minimises flood risk and is energy efficient.

Policy GP1 Sustainability and High Quality Design provides a list of criteria which demonstrates principles of good design to ensure that development is appropriate to the character of the area and would not have a significant impact on third parties.

Policy AH1 Affordable Housing requires developments of more than 5 houses to provide affordable housing on site at a percentage which depends on where the proposal is situated within the County.

Policy TR3 Highways in Developments - Design Considerations, sets out the requirements for development to be situated in a suitable location and incorporate appropriate parking, access and sustainable transport features.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 10 – December 2018 and TAN12 provides design guidance.

### **THIRD PARTY REPRESENTATIONS**

Highway and pedestrian safety matters have been carefully considered by the Head of Highways and Transport. As a result there have been several amendments to the scheme to ensure that highway and pedestrian safety is adequate. The Head of Highways and Transport therefore has no objection subject to the imposition of appropriate conditions.

The motivation for the change is not material to the consideration of the proposal.

The construction site is said to be unsightly given the fact that the work is currently underway. It is noted that the fencing is required for health and safety reasons.

Consultation by site notice is in accordance with the statutory consultation requirements.

### **CONCLUSION**

After careful consideration of the proposal in the context of the site and surrounding environs, the proposed amendment to the access arrangements is considered to be acceptable as the main means of access and egress is now using the main entrance to the former hotel which would have had more traffic generated in its former use. The remaining plot is proposed to use the former service access so again this is a traditional arrangement. The Head of Highways and Transport has no objection to the changes subject to revised conditions.

It is therefore recommended that the conditions be amended as set out below. The application is therefore recommended for approval subject to the renewal of the S106 legal agreement so that it refers to the new proposal as amended.

### **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 19 February 2018.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - 1:1250 scale Location Plan dated 8 February 2018;
  - 1:500 scale Block plan/Site layout dated 14 December 2018;
  - 1:100 scale Proposed Floor Plans and Elevations. Drawing No. GA003.
- 3 This application is for full permission for the change of use of part of the hotel and for the laying out of three plots. Full planning permission will be required for the details of development on the three plots hereby approved.

## **Plot 1**

- 4 Prior to the occupation of Plot No.1, its new vehicular access shall be laid out and constructed strictly in accordance with Carmarthenshire County Council's Typical Layout No. 1 specification. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 5 Any access gates shall be set back a minimum distance of 5 metres from the highway boundary, and shall open inwards into the site only.
- 6 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x 25 metres shall be formed and thereafter retained in perpetuity, to the south side of the centre line of the access road in relation to the nearer edge of carriageway.
- 7 Prior to any use of the access by vehicular traffic, a visibility splay of 2.4 metres x site extremity shall be formed and thereafter retained in perpetuity, north side of the centre line of the access road in relation to the nearer edge of carriageway.
- 8 Prior to the beneficial occupation of Plot 1, the access, visibility splays and turning area required, shall be wholly provided, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

## **Plots 2 - 6 and Existing Manager's Dwelling**

- 9 Prior to its use by vehicular traffic, the access road shall be laid out and constructed with 5.0 metre carriageway and a 1.8 metre wide footway on the developed frontage (eastern side).
- 10 The proposed vehicular access shall at all times be left open, unimpeded by gates or any other barrier.
- 11 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole Llangadog Road (U2229) frontage within 2.4 metres of the near edge of the carriageway, as shown on proposed Block Plan, Drawing No: MB0022, dated: 26<sup>th</sup> November 2018.
- 12 There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole estate road frontage within 2.0 metres of the near edge of the carriageway.
- 13 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 14 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

- 15 Prior to the beneficial occupation of any of the dwellings herewith approved the pedestrian footpath routes and refuge within the site providing access to Llangadog Road shall be provided in accordance with Drawing No: MB0022, Dated: 26/11/2018, together with a tactile crossing point. This work shall be completed to the written approval of the local planning authority.
- 16 There shall be no built development including solid fencing within the part of the site defined as within Zone C2 of the development advice maps which accompany TAN15.
- 17 Notwithstanding Condition 16 above, any full application shall include full details of new boundary treatment which shall be of a design and construction which would not prevent the free flow of water in the event of a flood.
- 18 The development as approved by this permission shall be carried out strictly in accordance with the approved Construction Environment Management Plan & Pollution Prevention Method Statement dated 16 December 2015 under application S/32841.
- 19 Development shall not begin until an appropriate building and photographic survey of the existing buildings 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, The Shire Hall, Carmarthen Street, Llandeilo, Carmarthenshire, SA19 6AF, (Tel 01558-823121).
- 20 The trees/hedgerow around the application site's boundary shall be protected for the duration of the construction period following guidelines in BS5837 2005 (trees in relation to construction) as follows and shall thereafter be retained in perpetuity:
  - An exclusion zone is to be identified by the authority and agreed in writing prior to start of works.
  - Any arboricultural works that are required in pursuance of given planning permission e.g. to form access way etc. - to be undertaken by suitably qualified professionals before the erection of protective barriers.
  - Following any necessary arboricultural works all trees to be retained to be protected by permanent non moveable barriers. In light of previous experience with Chestnut paling the barriers should consist of 2.9 m scaffolding poles sunk 0.6 metres into the ground. Steel mesh should then be secured to the scaffold frame to adequately shield the trees from machinery.
  - The protective barrier is to remain until written permission is given by this authority for its removal.
  - Absolutely no materials are to be stored at any time within the agreed exclusion zone.

- Arboricultural works and erection of protective barriers is to be supervised/inspected prior to start of any development.

21 No development approved by this permission shall be commenced until an Ecological Management and Maintenance Plan detailing all necessary ecological retentions, enhancements, creation, mitigation and ongoing management measures, delivering the ecological recommendations listed within the Ecological Survey Report by Fiona Elfick, dated 4 October, is submitted to and approved in writing by the local planning authority. The plan shall then be implemented as approved.

## **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 For the avoidance of doubt.
- 4-15 In the interests of highway safety.
- 16+17 To minimise the risk of flooding.
- 18 To protect ground waters.
- 19 To record and historic features within the former hotel.
- 20 To protect features of landscape and biodiversity value.
- 21 In the interests of ecology.

## **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 & H2 of the LDP in that it is sensitive infilling 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.

## **NOTES**

- 1 Please note that this permission is specific to the plans and particulars approved as art 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 if 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](http://www.carmarthenshire.gov.uk)).
- 3 The applicant/developer's attention is drawn to the requirement to comply with a legal agreement pursuant to Section 106 of the Town and Country Planning Act in respect of the provision of one affordable dwelling on the site.

<b>Application No</b>	<b>S/37798</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CONSTRUCTION OF TWO DETACHED DWELLINGHOUSES AT LAND AT DOLAU FAN, BURRY PORT, SA16 0RG

<b>Applicant(s)</b>	MR M. WALTERS, 4 OAKLANDS CLOSE, BURRY PORT, SA16 0RX
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNITS 1-3 BUSINESS WORKSHOPS, HEOL PARC MAWR, CROSS HANDS, SA14 6RE
<b>Case Officer</b>	Robert Davies
<b>Ward</b>	Burry Port
<b>Date of validation</b>	14/09/2018

## CONSULTATIONS

**Pembrey and Burry Port Town Council** – No objection, recommends approval.

**Local Members** – County Councillor Amanda Fox has not responded to date. County Councillor John James, who is a Member of the Planning Committee has also not responded to date.

**Dwr Cymru/Welsh Water** – No objection subject to the imposition of conditions and advisory notes on any planning permission granted.

**Land Drainage Officer** – No objection.

**Neighbours/Public** – The application was advertised by the posting of two site notices. Two letters of representation have been received to date raising the following concerns and objections:-

- The height of the proposed dwellings is not in keeping with the existing development. They should be split level bungalows. The design is also not in keeping.
- The side windows will cause privacy issues to neighbouring properties.
- After 10 years the existing occupants are still waiting for a road surface. Will the development of these plots trigger enforcement to ensure that the road is finished?

## **RELEVANT PLANNING HISTORY**

The following previous application has been received on the application site:-

D5/14245	Construction of 12 private dwelling Full planning permission	31 March 1994
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## **APPRAISAL**

### **THE SITE**

The application site consists of a rectangular parcel of land located off the northern flank of Dolau Fan in Burry Port. The plot consists of two rectangular plots, the dimensions of which are some 38 metres in depth by 15 metres in width. The site steeply slopes downwards in a westerly direction and forms part of a larger housing development of 12no. dwellings which were granted planning permission originally in 1992. Eight dwellings have been constructed to date on a plot by plot basis, with some designs amended from that originally approved in 1992.

### **THE PROPOSAL**

The application seeks full planning permission to construct two, four bedroom split level dwellings with integral garages. The design of the proposed dwellings is similar to those recently constructed to the immediate south west of the site, having two storeys on the plot frontage extending to three storeys at the rear as the ground level descends below the road level. The proposal incorporates surfaced off street car parking to the front driveway which is to remain open in nature, whilst rear boundaries will be defined by close boarded fencing. Due to the split level nature of the proposal retaining wall structures are required.

The proposed dwellings are approximately 11.1m in depth, 10.5m in width, whilst their maximum heights varies from 8m when viewed from the front elevation to 10.5m when viewed from the rear. The proposed external finishes consist of facing brick to the walls and grey profiled tiles to the roof.

### **PLANNING POLICY**

The area is covered by the Carmarthenshire Local Development Plan that was formally adopted in December 2014. The application site is located within the defined settlement limits of Burry Port as delineated within the Adopted Local Development Plan (LDP) and in fact forms part of a housing allocation. The key relevant policies are as follows:-

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

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 Burry Port is identified as a Service Centre.

Policy SP6 of the LDP ensures the delivery of affordable housing that in turn will contribute to the creation of sustainable communities within the Plan area.

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

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

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

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

Policy H2 of the LDP states that proposals for housing developments on unallocated sites within development limits of a settlement will be permitted provided they are in accordance with the principles of the plan's strategy and its policies and proposals.

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites.

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 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.

### **THIRD PARTY REPRESENTATIONS**

As aforementioned in this report, two letters of representation have been received which raise objections and concerns in relation to the proposed development. The issues raised are considered to be material planning considerations and will therefore be addressed as part of this appraisal.

In terms of scale and design, as aforementioned the proposed dwellings are similar to those recently constructed to the south west of the site, being split level in nature due to the sloping nature of the site. The most recently constructing dwelling to the immediate south west has a two storey appearance when viewed from the front elevation and not a bungalow as suggested. The proposed dwellings are therefore considered acceptable in terms of scale and design.

With regard to the overlooking concerns from side windows, it is recommended that a condition is imposed on any planning permission granted to ensure that the first floor en suite windows are glazed in obscure glass and thereafter retained as such in perpetuity. Whilst there are further side windows on the lower ground floor it is not considered that these will result in significant overlooking issues. Due to the sloping nature of the site there will be a degree of overlooking down towards the property to the south west, albeit this will be at a distance and future boundary treatment will assist in reducing this impact.

The final issue of concern raised relates to the surfacing of the road that serves this development. This is a long standing concern of residents and is something which has been investigated from a planning enforcement perspective. This investigation concluded that the local planning authority could not take formal enforcement action to insist that this road is brought up to adoptable standard. The current applicant does not own or have any control over this road in order to undertake any further improvement works to it.

### **CONCLUSION**

The application site is located within the defined settlement limits of Burry Port as delineated within the Adopted LDP and forms part of a housing allocation. Therefore there is no in-principle objection to developing the site for residential use.

The proposed split level nature of the dwellings proposed are considered to be in-keeping with recent dwellings built, whilst the external finishes proposed match that of existing dwellings. Moreover, both new dwellings will be served by an adequate level of off road parking provision.

Cross section drawings submitted with the application, indicating existing and proposed levels, indicate that the proposed dwellings will set well in the context of the immediate streetscene, and will not appear overly dominant.

It is considered that there are no loss of amenity issues associated with the proposed development whilst it is considered that the reasons for concern and objection raised have adequately been addressed as part of the above appraisal.

The applicant has agreed to pay a financial contribution of £36,680.20 towards affordable housing, and a Unilateral Undertaking to this effect has been submitted during the course of the planning application process.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted LDP. As such the application is put forward with a recommendation for 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 hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - Block plan (A114) 1:100 @ A1 received 6th September, 2018;
  - Site location plan (A115) 1:500 @ A1 received 6th September, 2018;
  - Plot 8 – Elevations A-B (A111) 1:100 @ A1 received 6th September, 2018;
  - Plot 8 – Front elevation and streetscene (A110) 1:50; 1:100 @ A1 received 6th September, 2018;
  - Plot 8 – Lower ground and roof plan (A113) 1:50 @ A1 received 6th September, 2018;
  - Plot 9 – Elevations A-B (A106) 1:100 @ A1 received 6th September, 2018;
  - Plot 9 – Front elevations (A105) 1:50 @ A1 received 6th September, 2018;
  - Plot 9 – Ground and first floor plan (A104) 1:50 @ A1 received 6th September, 2018;
  - Plot 9 – Rear elevation (A107) 1:50 @ A1 received 6th September, 2018;
  - Plot 9 – Elevations and section 1:100 @ A1 (A106) received 12th December, 2018;
  - Elevations and sections A-A, B-B Plot 8 1:100 @ A1 (A111) received 12<sup>th</sup> December, 2018.

- 3 The first floor en suite windows should be glazed in obscure glass and thereafter retained as such in perpetuity
- 4 Prior to the occupation of the dwellings hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the dwellings are occupied.
- 5 Prior to the construction of the dwellings hereby approved details and samples of the materials to be used in the construction of the external surfaces of the dwellings should have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6 Prior to the occupation of the dwellings hereby approved a plan indicating the positions, height, design, materials and type of privacy screen either side of the proposed balconies including scaled drawings 1:20 of the proposed privacy screens shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the dwellings are occupied.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2+5 In the interest of visual amenity.
- 3+6 To preserve residential amenity.
- 4 In the interest of visual amenity and to preserve residential amenity.

## **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 proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP6 of the LDP in that the applicant has agreed to provide a financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.

- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the site is located within the defined settlement limits of Burry Port and accords with all other policies of the plan.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy H2 of the LDP in that the proposed housing development is located within defined settlement limits and accords with the principles of the plan's strategy and its policies.
- It is considered that the proposal complies with Policy AH1 of the LDP in that the applicant has agreed to provide a financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.

## NOTES

- 1 This planning permission is granted subject to the covenants contained in the Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 dated ..... in connection with the payment of a commuted payment of £36,680.20 towards affordable housing provision.
- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.
- 3 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

<b>Application No</b>	<b>S/38052</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CHANGE OF USE OF EXISTING FORMER ZION CHAPEL (D1) TO PROVIDE GROUND FLOOR OFFICES (B1) AND CREATE TWO ADDITIONAL LEVELS OF ACCOMMODATION (C3) 2NO 2 BEDROOM FLATS PER FLOOR (TOTAL 4 X 2 BED) AT ZION CHAPEL, PARCYMINOS STREET, BURRY PORT

<b>Applicant(s)</b>	LAD PROPERTY DEVELOPMENTS LTD, 3 OAKLANDS CLOSE, BURRY PORT, SA16 0RX
<b>Agent</b>	LEWIS PARTNERSHIP LTD - GERAINT PHILLIPS, 13 PARK CRESCENT, LLANELLI, SA15 3AE
<b>Case Officer</b>	Robert Davies
<b>Ward</b>	Burry Port
<b>Date of validation</b>	16/11/2018

## CONSULTATIONS

**Head of Highways and Transport** – No objection.

**Head of Public Protection** – No objection subject to noise related conditions.

**Pembrey and Burry Port Town Council** – Recommend refusal as the site has no parking provision and the existing road is narrow with the only exit being through the back lane.

Reference is also made to past issues with the retaining wall separating the rear of the chapel with commercial premises to the rear. However it is understood that remedial works have taken place.

**Local Members** – County Councillor John James, who is a Member of the Planning Committee has responded on behalf of himself and Cllr Amanda Fox. The main concern of local residents is over car parking. Parcyminos Street is already full of cars, and vehicles traveling through have to mount the pavement, which is a dangerous practice in a street where the front doors are directly in line with the pavements, but this has not stopped damage to parked cars. There is a business already working out from this site.

There are also concerns over the drainage system and a build-up of water on the road is a regular occurrence during rainfall.

In light of these concerns both local County Councillors request that the Planning Committee visits the site prior to making a decision on this application.

**Dwr Cymru/Welsh Water** – No objection subject to the imposition of conditions and advisory notes on any planning permission granted.

**Natural Resources Wales** – No objection.

**Dyfed Archaeological Trust** – No objection subject to a condition requiring a photographic survey.

**Neighbours/Public** – The application was advertised by the posting of two site notices. One letter has been received supporting the proposal.

## **RELEVANT PLANNING HISTORY**

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

S/37143	Change of use from disused chapel vestry to commercial offices Full planning permission	08 June 2018
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## **APPRAISAL**

### **THE SITE**

The application site consists of Zion Chapel, which occupies a corner position on the junction of Parcyminos Street and Bridge Street in the centre of Burry Port. The main commercial uses of the town are located at Station Road to the immediate south of the site, with the main railway station beyond.

Parc Y Minos and Bridge Street are narrow roads, and whilst Parc Y Minos Street is residential in character, Bridge Street has a number of commercial uses including a repair garage and public house/bed and breakfast. The applicant has recently converted the former vestry into an office associated with his plumbing business.

### **THE PROPOSAL**

The current application relates to the main chapel building and seeks full planning permission to change the use from a chapel (D1 use) into additional office space at ground floor (B1 use) and to create two additional floors of residential accommodation in the form of 4no. two bedroom flats (C3 use). Externally, the appearance of the main front elevation is to largely remain in the same, however the windows on both side elevations are to be increased in height to serve the second floor flats, whilst new window openings are proposed on the rear elevation. An additional access point is also proposed on the rear elevation.

The planning application has been accompanied by the following supporting reports:-

- CSS Wales 2008 Parking Standards ‘Sustainability Assessment’ as no parking provision can be made within the scheme;
- Noise Report;
- Bat Survey Report which did not find any Bats;

- Design and Access Statement.

## **PLANNING POLICY**

The area is covered by the Carmarthenshire Local Development Plan that was formally adopted in December 2014. The application site is located within the defined settlement limits of Burry Port as delineated within the Adopted Local Development Plan (LDP). The key relevant policies are as follows:-

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

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 Burry Port is identified as a Service Centre.

Policy SP6 of the LDP ensures the delivery of affordable housing that in turn will contribute to the creation of sustainable communities within the Plan area.

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

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

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

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

Policy H2 of the LDP states that proposals for housing developments on unallocated sites within development limits of a settlement will be permitted provided they are in accordance with the principles of the plan's strategy and its policies and proposals.

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites.

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 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.

### **THIRD PARTY REPRESENTATIONS**

As aforementioned in this report, Pembrey and Burry Port Town Council has recommended that the application be refused, whilst both local County Councillors have objected on behalf of concerned local residents. The issues raised are considered to be material planning considerations and will therefore be addressed in this report. In addition one letter of support has been received.

The main issue of concern and objection raised relates to access and parking. As aforementioned the application itself was accompanied by a Sustainability Assessment which highlighted the fact that the application site is in a sustainable town centre location, close to facilities and public transport links. Whilst the road network surrounding the site is relatively narrow with a high degree of on street parking, the building subject of this application does have an established D1 use. This use class relates to non-residential institutions, and in addition to places of worship includes such uses as health centres, day

nurseries and libraries etc. Members will have noted that the authority's Head of Highways and Transport has not objected to the application, and this recommendation is reflective of the established use of the site and the fact that the proposed development is considered a least intensive use of the site.

The second issue of concern raised relates to surface water drainage problems during periods of heavy rainfall. In this respect no additional buildings or hardstandings are proposed. The proposal only relates to the conversion of an existing building and therefore it is not considered that the proposal will exacerbate any existing issues in this respect.

With regards to the reference to past issues with the retaining wall that separates the former chapel with commercial properties along Station Road to the south, again reference is drawn to the fact that no significant construction works are proposed.

## **CONCLUSION**

The application site is located within the defined settlement limits of Burry Port as delineated within the Adopted LDP and relates to the conversion of an existing building which could otherwise lay empty and fall into a state of neglect. Therefore there is no in-principle objection to developing the site for residential use.

The proposed scheme of conversion is considered to be acceptable in design terms, whilst no objections have been received from statutory consultees.

It is considered that there are no loss of amenity issues associated with the proposed development whilst it is considered that the reasons for concern and objection raised have adequately been addressed as part of the above appraisal.

The applicant has agreed to pay a financial contribution of £16,178 towards affordable housing, and a Unilateral Undertaking to this effect has been submitted during the course of the planning application process.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted LDP. As such the application is put forward with a recommendation for 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 hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
  - Existing site and location plan (01) 1:500; 1:1250 @ A3 received 15th October, 2018;
  - Existing floor plans (02) 1:50 @ A1 received 15th October, 2018;

- Existing elevations and sections (03) 1:50; 1:100 @ A1 received 15th October, 2018;
- Existing site plan (05a) @ A1 received 15th October, 2018;
- Proposed floor plans (06b) 1:50 @ A1 received 15th October, 2018;
- Proposed elevations and sections (07c) 1:50; 1:100 @ A1 received 15th January, 2019;
- Proposed site plan (08b) @ A1 received 15th January, 2019;
- Proposed site sections and site plan (10a) 1:200 @ A1 received 15th January, 2019.

- 3 The development hereby approved is for the use of the premises as Offices only at ground floor and for no other purpose including any other purpose in Class B1 of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without variation.
- 4 The development should be undertaken in strict accordance with Sections 4.2, 5.1.1 and Appendix 7 of the Bat Survey Report received by the local planning authority on the 29th October, 2018.
- 5 No items of mechanical plant (including ventilation, refrigeration, air conditioning and air handling units) should be installed without specific planning permission.
- 6 During the demolition and construction phases, no works or demolition or construction shall take place other than within the hours of 07:00 – 19:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays.
- 7 Noise during the construction phase of the proposed development should not exceed 65 dB LAeq (12 hour) at any noise sensitive receptors in the vicinity.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3 In the interest of preserving residential amenity and so as to remain within the Use Class specified in the General Development Order.
- 4 In the interests of biodiversity.
- 5 In order to avoid the need for an Operational Noise Assessment and in order to preserve residential amenity.
- 6+7 In order to preserve residential amenity.

## 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 proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP6 of the LDP in that the applicant has agreed to provide a financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
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## NOTES

- 1 This planning permission is granted subject to the covenants contained in the Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 dated ..... in connection with the payment of a commuted payment of £16,178 towards affordable housing provision.
- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the authority's website.
- 3 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.

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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.