

*Ardal
Gorllewin/
Area West*

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR AMGYLCHEDD**

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

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

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

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

**I'W BENDERFYNU/
FOR DECISION**



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

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

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

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APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	W/33620
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Application Type	Full Planning
Proposal & Location	DEMOLISH 1920S STONE-BUILT PUBLIC HOUSE (THE RED DRAGON), EMPTY SINCE 2006 IN A POOR STATE OF REPAIR, FRONTING A MAIN ROAD AT RED DRAGON, RHYDCYMERAU, LLANDEILO, SA19 7PS

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

CONSULTATIONS

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

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

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

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

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

RELEVANT PLANNING HISTORY

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

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

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

The applicants indicate in their response letter:

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

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

THE SITE

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

THE PROPOSAL

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

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

PLANNING POLICIES

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

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

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

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

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

THIRD PARTY REPRESENTATIONS

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

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

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

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

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

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

APPRAISAL

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

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

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

CONCLUSION

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

RECOMMENDATION – APPROVAL

CONDITIONS

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

unless amended by any following conditions.

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

REASONS

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

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

REASONS FOR GRANTING PLANNING PERMISSION

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

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

NOTES

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

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

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

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

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

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

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

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

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

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

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

(a) to impair their ability—

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

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

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

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

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

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

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

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

CONSULTATIONS

Eglwyscummin Community Council – No comments received.

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

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

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

Land Drainage – No objections

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

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

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

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

Objections

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

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

Support

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

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

RELEVANT PLANNING HISTORY

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

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

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

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

APPRAISAL

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

THE SITE

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

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

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

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

THE PROPOSAL

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

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

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

PLANNING POLICY

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

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

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

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

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

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

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

Other Welsh Government Guidance of relevance include:

Planning Policy Wales (9th Edition) November 2016

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

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

CONSIDERATIONS

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

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

Principle of development

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

Impact upon character and appearance of the area

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

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

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

Impact on biodiversity

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

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

Impact on flood risk

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

Impact on residential amenity

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

Third party representations

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

CONCLUSION

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

RECOMMENDATION – APPROVAL

CONDITIONS

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

REASONS

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

REASONS FOR GRANTING PLANNING PERMISSION

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

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

NOTES

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

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

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

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

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

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

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

CONSULTATIONS

Head of Transport – Has not responded to date.

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

Public Protection Division – Has not responded to date.

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

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

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

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

RELEVANT PLANNING HISTORY

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

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

APPRAISAL

THE SITE

The application site consists of a detached 2 storey property located on the western side of Lime Grove Avenue, at the northern end of Carmarthen. The property is set back from the road with parking facilities to the front. There is an integral garage and vehicle access at the southern end of the road frontage. The site has residential properties to the rear and both sides as well as opposite with the fire station adjacent to the west. The approval of the reserved matters in 1984 for the house showed a 4 bedroom property with the parking area to the front of the house and integral garage.

The site lies within the development limits of Carmarthen as delineated by the Carmarthenshire UDP.

THE PROPOSAL

The application seeks full planning permission for the conversion of the property in to a 4 bed room house of multiple occupancy (HMO) for up to 4 people. The proposal would alter it from a dwelling house (Class C3) to a House in Multiple Occupation (Class C4).

No external alterations to the property are proposed. The applicant indicates that currently they reside in the property with 2 lodgers. They intend to add a third renter in the other available bedroom, and this necessitates this change of use application.

A total of 4 parking spaces are shown externally to the front of the site and the garage retained.

PLANNING POLICIES

In the context of the current development control policy framework the site is located inside the defined development limits as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014.

Policy H3 relates to Conversion or Subdivision of Existing Dwellings. This states that proposals for the conversion or sub-division of appropriate dwellings into flats or dwellings of multiple occupation, will be permitted provided that it would not result in an over-intensification of use, suitable parking provision is available, or made available, and architectural quality, character and appearance of the building is, where applicable, safeguarded and its setting not unacceptably harmed.

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that "it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community". Reference is also made to highways safety in the policy

Policy TR3 Highways in Developments - Design Considerations also applies and refers to the need for the design and layout of all development proposals to where appropriate include, an integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport, suitable provision for access by public transport, appropriate parking and where applicable, servicing space in accordance with required standards, infrastructure and spaces allowing safe and easy access for those with mobility difficulties, required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced, provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run off from the highway.

It also states that proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted. Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted.

THIRD PARTY REPRESENTATIONS

There have been no objections from members of the public to the application. The local member has requested the application be considered by Planning Committee and that a site visit be carried. He has also commented that he does not object to the proposal at this time.

There have been alterations to the use class order which have introduced the new C4 use class for smaller HMO's. Previously the use class order was as follows:

- Class C3. Dwellinghouses - Use as a dwellinghouse whether or not as a sole or main residence;

- a) by a single person or persons living together as a family;
- b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).
- HMO - Sui generis

This was altered under the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 to the following :

- Class C3 – Use as a dwellinghouse (whether or not as sole or main residence) by :
 - (a) a single person or by people to be regarded as forming a single household
 - (b) not more than 6 residents living together as a single household where care is provided for residents or
 - (c) not more than 6 residents living together as a single household where no care is provided to residents (other than a use within class
- C4 – Use of a dwellinghouse by not more than 6 residents as a house in multiple occupation
- Sui generis - larger HMO still

This proposal would be within the C4 use class as it is proposed to have only up to 4 residents. The existing use of an owner residing with 2 lodgers does not require planning permission. The Local Member has raised the issue of the site possibly expanding to become a larger HMO. The description of development refers to specifically to up to 4 people at the property. It should also be noted that planning permission is needed for change of use from a class C4 HMO to a larger HMO (sui generis) where a material change of use is considered to have taken place.

It should be noted that not all HMO's are licensable. The licence is only required where the property consists of three or more storeys with five or more occupants. This proposal would therefore not require a licence.

Possible future development of further HMO's were referred to by the Local Member however each case is assessed on its own merits. While other streets have been referred to there is no reference to other HMO's within this street. The new C4 use class would also mean that smaller HMO's, previously outside the control of planning, would now require planning permission where a material change of use has taken place.

Other concerns raised related primarily to highways matters. In relation to these the existing situation at the site and lawful use of the property needs to be considered. There has been no loss of parking at the site since the approval of the dwelling in 1984. The property is currently a 4 bedroom residential property and there are no alterations or extensions proposed. There is no restriction for on street parking near the site. The proposal is for the property to be used by up to 4 people. The existing property could be occupied as a dwelling house by more than 4 people without requiring planning permission. It is not felt that the proposed change of use to a HMO would create any significant additional traffic generation or parking requirements over and above the lawful use of the site. A plan showing parking spaces at the site has been provided. While the provision of 4 spaces are shown and are tightly located the requirement for a 4 bedroom house is only 3 spaces. Therefore this plan would represent more than the required parking. The integral garage is also being retained which the applicant has referred to as potentially being utilised for cycle storage.

It is not felt that there would be any significant impacts on amenity of nearby residents based on the number of occupants proposed and the lawful use of the property. There are no alterations to the property and therefore no impacts on the character of the building.

CONCLUSION

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

As such the application is put forward with a recommendation of approval subject to the following conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
 - 1:1250 scale Location Plan
 - 1:500 scale Block Plan
 - 1:50 scale Ground Floor
 - 1:50 scale First Floor

received on 22nd March 2017

- 3 The parking area to the front of the dwelling shall be retained unobstructed in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3 In the interest of highways safety.

REASONS FOR GRANTING PLANNING PERMISSION

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

- The proposed development complies with Policy GP1, TR3 and H3 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that it is not considered that the proposal would have a significant impact on the amenity of adjacent land uses, properties, residents or the community. It is also felt it would not lead to any significant impacts in relation to highway safety or parking. There are no alterations to the building and it is not considered that there are any significant adverse impacts on the character of the area.

NOTES

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

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

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

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

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	W/34736
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Application Type	Full Planning
Proposal & Location	CHANGE OF USE OF FORMER CHAPEL TO CAMERA SHOP. WORKS TO INCLUDE THE REMOVAL OF FIXED PEWS, A LARGE NUMBER OF REPAIRS TO THE EXISTING BUILDING, THE INTRODUCTION OF A NEW MEZZANINE FLOOR AND STAIRCASE, NEW INTERNAL SECURITY SHUTTERS TO THE GROUND FLOOR WINDOWS, AND THE WIDENING OF AN EXTERNAL DOORWAY TO THE REAR OF THE BUILDING AT ZION CHAPEL, MANSEL STREET, CARMARTHEN, SA31 1QX

Applicant(s)	CARMARTHEN CAMERA CENTRE LTD -, MATHEW WHITTAL-WILLIAMS, 1 PARCMAEN STREET, CARMARTHEN, SA31 3DP
Agent	MIKE WATT ARCHITECTS, PARC LODGE, LLANSADWRN, LLANWRDA, SA19 8LW
Case Officer	Stuart Willis
Ward	Carmarthen South
Date of validation	21/11/2016

CONSULTATIONS

Head of Transport – Has recommended a condition with any approval relating to parking and manoeuvring areas.

Carmarthen Town Council – Has not commented to date.

Local Members – Cllr Jeff Thomas has requested that the application be presented to the Planning Committee if concerns were raised in relation to "incompatible or unacceptable use" (or similar). He feels that the Applications should be discussed in the light of recent concern by Full Council about the future use of redundant chapels and churches.

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

Dyfed Archaeological Trust – Has requested a condition regarding a photographic record if any application is approved.

Neighbours/ Public - The application has been publicised by the posting of a site notice and at press with no responses having been received to date.

RELEVANT PLANNING HISTORY

W/34799	2 no. Freestanding Painted Hardwood Timber Signboards with Traditional Goose-Neck Lighting	Advertisement Consent Pending
W/34737	Change of Use of Former Chapel To Camera Shop. Works To Include the Removal Of Fixed Pews, A Large Number Of Repairs To The Existing Building, The Introduction Of A New Mezzanine Floor And Staircase, New Internal Security Shutters To The Ground Floor Windows, And The Widening Of An External Doorway To The Rear Of The Building	Listed Building Consent Pending
W/34092	Change Of Use Of Zion Chapel To A Chapel Of Rest, Including The Demolition Of One Small, Late Addition Outhouse And A Length Of Concrete Block Walling Listed Building Consent	15 August 2016
W/34091	Change Of Use Of Zion Chapel To A Chapel Of Rest, Including The Demolition Of One Small, Late Addition Outhouse And A Length Of Concrete Block Walling Full planning permission	15 August 2016
W/00471	Small Toilet Extension To Rear Of Schoolroom Full planning permission	23 December 1996
W/00470	Small Toilet Extension To Rear Of Schoolroom Listed Building Consent	23 December 1996
D4/04135 -	Parking Area And Access Full planning permission	28 November 1977

THE SITE

The application site is a former chapel located in the centre of Carmarthen known as Zion Chapel. The site is located off the northern western flank of Mansel Street, Carmarthen. There is an access to the eastern side with a parking area adjacent to the building. There is a further car park area located to the rear of the building which is not in the same ownership and not included in the application site. The listed building, curtilage to the front and to the side are located within the boundaries of the Lammas Street Conservation Area as are the properties either side along Mansel Street. The street has a mix of commercial and residential properties. The building is located within the defined Town Centre of Carmarthen as delineated by the Carmarthenshire LDP.

Planning permission and listed building consent were granted last year for the conversion of the property to a Chapel of Rest. This involved limited internal and external alterations. There is an associated listed building consent for the conversion of the building which is also

before the Planning Committee recommended for refusal. Advertisement Consent has also recently been granted for the signage at the site.

Zion English Presbyterian Chapel is a Grade II listed building and was listed as a handsome mid-19th Century Italianate chapel by a noted Welsh architect.

The front elevation is stuccoed with high plinth, paired outer pilasters, carrying full entablature with blocking course and minimal central pediment with small inset semi-circular window. Raised letters in frieze: Zion Chapel 1850. First floor centre window of 3 arched lights, the centre one slightly taller and wider, with pilasters and unmoulded arches, the centre pilasters wider. Moulded sill course with small brackets under each pilaster. On ground floor, central doorway with moulded architrave flanked by thin panelled piers above plinth and under scrolled consoles supporting moulded cornice. Double doors each of one long arched panel. To each side of the door an arched window in thin raised surround. Windows have marginal panes and inner band of narrow panes. Two storey side elevations of 3 bays with pebbledash cladding. Arched windows above and square headed windows below, with similar glazing bars. There is a school room to the rear.

The interior of the building is plain plastered with a later 19th Century end Galley, over lobby entry. Coved cornice with dentils to ceiling in panels around main panel. Painted grained pews with doors, in 3 blocks, 2 sections of outer blocks each side face inward. Pulpit and set fawr are altered when organ installed. Organ in Gothic case, in arched recess with bead mould, framing inner arch itself with head lowered by crescent shaped insert on corbels. End gallery has attractive front with 2 rectangular panels under each long pierced narrow cast iron panel, and each pair of these divided by a panelled pilaster. Four bays overall, with centre clock between pilasters. Deep moulded cornice below with modillions, and consoles under pilasters. Panels have applied late 19th Century and scroll embossed decoration, and cast iron is to a scroll pattern. Entrance lobby has double doors to left and right under over lights with inset hexagonal lantern.

The forecourt railings and gates to Zion Chapel are Grade II listed as a particularly unusual set of hand-made iron railings, of group value with Zion Chapel.

Iron railing and matching gates with unusual wrought iron flat spear headed finial to rails and square stanchions with urn finials each end. Matching double gates with similar urn finials to out stiles.

THE PROPOSAL

The applicant proposes a change of use of the building for commercial use (camera shop). To facilitate this the applicant proposes demolition, alterations and repairs. This includes the introduction of a mezzanine floor of approximately 64sqm at the front end of the building (partly over the entrance lobby and part over the main volume of the chapel) and the removal of all the pews within the chapel. All existing entrances are retained and the small parking area to the side of the chapel will remain. A blockwork wall is to be demolished, and an existing doorway widened in order that deliveries can be brought into the rear of the building direct from the parking area.

A design and access statement has been submitted which refers to justification for the proposed new use.

This states "Zion Chapel is grade II listed as '...a handsome mid C19 Italianate chapel by a noted Welsh Architect'. However its use as a chapel is now obsolete, having closed at the beginning of last year due to dwindling congregation numbers, and a lack of finances for the maintenance of the large listed structure. Therefore a change of use of the building must be considered in order that the building does not stand empty and fall into a further state of disrepair. Any proposals for the change of use of the structure must be sympathetic to its original use and protect and retain its architectural character.

Although an alternative use for the building as a Chapel of Rest has already been established through the approval of a change of use application (planning reference W/34092), this should not set a precedent as the only viable alternative use for the building".

The agent feels that the proposals "look to find a sympathetic, practical and financially viable alternative use for the building and should be supported".

The DAS states that the applicant feels the proposal "is sympathetic to the buildings original use; requires no subdivision of the internal space; requires only a couple of minor external alterations; retains the character of the existing chapel; allows the building to remain open to the public; and provides a financially viable use for the building by an owner/ applicant who is passionate about the building's history, character and building fabric".

PLANNING POLICY

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

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

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

Paragraph 6.2.1 of Welsh Government policy document 'Planning Policy Wales' (November 2016) sets out the Government objective to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved.

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

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

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

EQ1 Protection of Buildings, Landscapes and Features of Historic Importance states that proposals for development affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest which by virtue of their historic importance, character or significance within a group of features make an important contribution to the local character and the interests of the area will only be permitted where it preserves or enhances the built and historic environment.

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

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

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

THIRD PARTY REPRESENTATIONS

There have been no adverse representations received to date. The application is before the Planning Committee at the request of Cllr J Thomas. He felt that recent concerns over the future use of redundant chapels and churches was reason for it to be discussed by Planning Committee. The concerns with the proposal relate to the impacts on the listed building and this is addressed below. These form the reasons for refusal of this full application and the associated listed building consent.

In terms of other matters there are no objections from the Head of Transport and Dyfed Archaeology have requested the imposition of a condition regarding a photographic record if permission were granted. The Planning Ecologist has provided advice and guidance but no further details are requested. The site is located within the Town Centre of Carmarthen and Carmarthen is one of the Growth Centres of the County as defined in the LDP. Therefore the principle of the A1 use within the Town Centre is acceptable. While the principle of the use is acceptable in terms of its location this does not imply it is acceptable in relation to impacts on the Listed Building which are dealt with in more detail below. In relation to any impacts on the surrounding area the level of traffic and possible disturbance from the A1 use would be likely to be less than with the current use.

The re-use of vacant buildings, in particular historically important ones is welcomed providing the proposals are sympathetic to the character of the building. There has been dialogue with the applicant prior to and during the submission where concerns were raised over certain elements of the proposal. It was suggested to the applicant that while there were a number of elements of concerns regarding the proposal that a compromise could be sought. This related to the retention of some of the pews within the chapel. The request was for the flank pews either side of the pulpit to be retained. However the applicant declined this and the proposal remains, amongst other works, to remove all the pews within the chapel. The area requested to be retained was in the region of 20sqm. This would still have

left approximately 160sqm of floor space within the main chapel building as well as space elsewhere in other smaller rooms. The pews could have been retained and utilised in some other way however the applicant has commented that they wish to pursue the application with all pews removed. It has been indicated that the removed pews would be reused *“wherever possible in the conversion of the chapel (fixed shop counter, window shutters etc).”* The plans indicated that the area where the flank pews are to be removed would, as with most of the main chapel room, be used for *“free standing shop units”*.

The agent feels that the *“character of the chapel is not defined merely by the pews. As described above, the character comes from the high, light-filled space. From its simple decoration, large windows and central organ area (all of which are being retained). The pews, although most likely original to the structure, are not particularly architecturally special or of historic significance and it is not unreasonable to suggest that unless the chapel continued life as a chapel, the pews would need to be removed to facilitate an alternative use of the building. Even if the chapel were to be used as a community hall (a use of the building that is perhaps closest to its original use as a chapel), the pews would need to be removed”*. This fails to acknowledge that planning permission and listed building consent exist for a use where the pews were shown as being retained. We would also disagree with the comment by the agent that the retention of some pews to the side of the pulpit would result in *“confused proposals that were half camera shop and half chapel”*.

The agent suggests that *“the proposed alterations have been designed to be reversible, so that in the future if necessary they can be removed without permanent and irreparable damage to the existing chapel structure”*. In the case of the features within the chapel such as removal and reuse of the pews this would not be possible.

The Conservation Officer has therefore proceeded to make his recommendation based on the details submitted and the applicant is aware that this would lead to a recommendation of refusal.

The site history shows that there has been interest and indeed planning permission as well as listed building consent for an alternative use. The use was for a chapel of rest and required minimal alterations to the building meaning the key historic features were retained. Therefore while the issue of redundant or vacant buildings has been raised this is not a building where there has been no prospect of future use or interest.

The Conservation Officer has made the following comments:

“As a consequence of a dwindling congregation Zion Chapel has been made redundant and was put on the market. The Local Planning Authority has received a number of enquiries for the building.

The applicant has been in contact with the Local Planning Authority from an early stage and ‘in principle’ advice has been given on the ‘concept’ of a change of use, listed building requirements etc. In addition, if a change of use is to be supported then any change of use would need to respect the architectural and historic character of the building both inside and out.

The applicant was also informed by the Authority Building Conservation Officer that the Local Planning Authority received and approved applications for a change of use of the building to a Chapel of Rest. The application was seen as the best alternative use given that little alteration proposed.

However, despite another prospective purchaser obtaining Consent the applicant bought Zion Chapel in order to expand their business. Therefore, the applicant proposes a change of use of the chapel and school room and to facilitate this the proposed works would involve demolition, alterations and repairs.

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

With regards to the conservation area Section 72 (2) of the Act states that special attention should be given to the desirability of preserving or enhancing the character or appearance of the area.

Welsh Government Circular 61/96 states that the foremost principle of building conservation is 'conserving as found'. Paragraph 69 of Circular 61/96 expects applicants to justify their proposals and in doing so provide the Local Planning Authority with full information, to enable them to assess the likely impact of their proposals on the special architectural and historic interest of the building and on its setting.

The use of Zion Chapel forms part of its special interest and any change of use would fail to preserve this interest and would have a harmful affect. In terms of justification for the change of use there are a number which include that:

'Carmarthen has issues with redundant large empty and often listed buildings. Zion Chapel, amongst several empty churches, halls and chapels within the town could be one of these buildings'.

However, the Agent does not provide any evidence of such buildings i.e. listed buildings. With regards to Churches the Officer acknowledges that St David's Church, Picton Terrace is unoccupied but has been subject to successful application for and listed building consent for a change of use of the building.

The Officer also acknowledges that other areas of the County have a number of empty chapels but the majority of these have been subject to successful applications for planning permission and listed building consent.

Therefore, the buildings are not 'redundant' but are currently not in use and the Local Planning Authority does not have the powers to make owners use their buildings.

Other justifications for the change of use is that the building is in poor condition. However, the Local Planning Authority's own Buildings at Risk survey concluded that Zion Chapel was not at risk and only Minor Repairs/Maintenance was required.

The justifications in the opinion of the Officer are not considered reasonable to illustrate that the proposed change of use 'camera shop' is the only viable option for the building.

To act as justification the application could have been supplemented with:

- *A comprehensive design statement which fully considered the architectural and historic character and setting of the building and area, the statutory and non-statutory frameworks for the historic built environment. The statement must explain what other uses and works have been considered and why these have been discounted. The statement must explain why the proposals are the most suitable taking into account these contexts.*

The statement provided falls short in some instances e.g. there is no consideration of the Planning (Listed Buildings and Conservation Areas) Act 1990, Welsh Government Circular 61/96, Welsh Government and the Local Planning Authority's own Planning Policies relating to the historic built environment.

In addition -

- *Evidence from the Estate Agent to show how long the building was on the market, for what price, how much interest had been shown in the building and for what purpose could have been provided.*
- *Evidence from local estate agents to illustrate that there is no demand in the Carmarthen area for the existing use or for other uses which may be more compatible could have been provided.*

Notwithstanding the above, the Officer accepts the under present ownership that the use will never get revived. Therefore, to ensure that the building is maintained in good condition and has a viable use to safeguard its future the change of use to a camera shop is to be considered.

However, is the proposed change of use and the works to facilitate the use the key to preservation of the building?

Zion Chapel was listed for its 'National Importance' in 1981 as a handsome mid-19th Century chapel by a noted Welsh Architect. The listing description makes a detailed analysis of the exterior and interior. Therefore, providing reasons to why the building was included in the statutory lists of buildings of special architectural and historic interest.

The approved change of use of Zion Chapel illustrated that a new use could be found which respected the architectural and historic character both inside and out. However, the Officer would like to add that due to the nature of the building 'Chapel' that most change of use/s would have an impact on the internal areas of the building.

The Agent acknowledges that any proposals for the change of use of the structure must be sympathetic to its original use and protect and retain its character. In addition, that Zion chapel is large building.

With regards to the proposed works to the interior of the building the applicant proposes to retain the pulpit and set fawr. However, the applicant proposes to remove all the pews which in 'Conservation' terms amounts to gutting the building. Other internal proposals such as the mezzanine floor would impact on the gallery which is meant to be a focal point of the chapel.

Therefore, the proposed works to the interior of the chapel would not preserve Zion Chapel's architectural or historic interest and would cause significant harm which is not acceptable in light of the statutory duties placed on the Local Planning Authority.

The Authority's Building Conservation contacted the Agent and Applicant and a site meeting was arranged with the latter to discuss issues with the application i.e. lack of detailed information and inappropriate proposals. The Officer even provided advice on suggested revisions in order to progress i.e. retention of flanking along with the pews the set fawr and pulpit. This would give a good cross-section of the Chapel to illustrate its former use. In addition, re-using pews in other areas of the Chapel and School Room. However, these have been rejected by the Applicant and Agent.

The Chapel and School Room have a large floor area and even with these changes the applicant still has a substantial area for the proposed change of use. However, the proposals which disregards the architectural and historic character of Zion Chapel highlights that the building is not suited to applicant's proposed use.

As a consequence of the significant harmful impact of the proposed change of use and work to facilitate the new use the Officer has no option to recommend that the application be refused.

The works to the exterior of the building include the demolition of a small outbuilding and section of concrete wall. These proposals would have no undesirable affect.

Where it is proposed to widening an opening minimal harm would be caused to the buildings character but the reasoning for the proposal is accepted.

Repairs are proposed and examples include windows, stone wall and internal areas these are to be undertaken using matching or sympathetic materials which is acceptable.

The Officer does not object to the proposed new signage.

In conclusion the Building Conservation Officer comments:

"The best use of a building is its intended use which it was purposely designed and constructed for. However, as a consequence of a dwindling congregation the building was made redundant and put on the market.

The Local Planning Authority received a number of enquiries for the building and applications for planning permission and listed building consent were submitted to and approved by the Local Planning Authority for a Chapel of Rest.

The applicant was informed of this but still proceeded to purchase the building for commercial purposes and the proposed works to facilitate the change of use would consists of demolition, alterations and repairs.

In considering the proposals in light of the statutory and non-statutory frameworks for the historic built environment the Building Conservation Officer is of the opinion that the historic use of the building forms part of its special interest. Therefore, any change of use would fail to preserve this interest.

With regards to the change of use the justifications for this are associated with that Carmarthen has a number of redundant listed buildings but no evidence has been provided of these buildings. In addition, that Zion Chapel is in poor condition but the Local Planning Authority's own survey discount this.

The Officer accepts that the intended use of the building has been abandoned and to ensure that building has a viable use the proposals are to be considered. However, are the proposals the key to the preservation of the building?

The Agent acknowledges that a change of use must be sympathetic to its original use and protect and retain its character. In addition, that Zion Chapel and Vestry is a large building.

However, the Officer would like to add that the works to the interior of the chapel are not sympathetic and amount to gutting of the building. In addition, proposals would impact on the gallery which is meant to be a focal point of the chapel. Therefore, not preserving elements of the buildings architectural or historic interest and would have a significant harmful affect.

The Officer provided advice i.e. revisions in order to progress which would still allow the proposed change of use. These proposals were rejected by the Agent and Applicant. This illustrates that the building does not suit the needs of the applicant.

As a consequence of the significant harmful impact of the proposals the Officer has no option to recommend Refusal.”

The Officers have endeavoured to reach a compromise on this proposal which would have only marginally reduced the overall area available for retail space relating to only 20sqm of the overall floorspace and sought additional information a number of times. However the applicant has chosen not to amend the proposal in accordance with the requests and wishes to proceed on the basis of the details submitted in full awareness that this would lead to a recommendation of refusal.

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

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

RECOMMENDATION – REFUSAL

REASONS FOR REFUSAL

1 The proposal is contrary to paragraph 66 (1) of Planning (Listed Buildings and Conservation Areas) Act 1990.

66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In that:

- In having special regard to the desirability of preserving the building or any features of special architectural or historic interest which possesses as required

by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the County Council finds that the proposed change of use and works to facilitate the change of use would not preserve the listed building or features of special architectural or historic interest it possesses. The proposed works amount to 'gutting' of the Chapel and other proposed alterations would have a detrimental effect on its special interest. The justifications are not considered reasonable to override the significant harm caused.

- 2 The proposal is contrary to paragraph 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

72 General duty as respects conservation areas in exercise of planning functions.

- (1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- (2) The provisions referred to in subsection (1) are the planning Acts and Part I of the M1Historic Buildings and Ancient Monuments Act 1953 and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993.

In that:

- In paying special attention to the desirability of preserving or enhancing the character or appearance of a conservation area as required by Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the County Council finds that the proposed change of use and works to facilitate the change of use would not preserve the conservation area. The proposed works amount to 'gutting' of the chapel and other proposed alterations would have a detrimental effect on the special interest of the building. The justifications are not considered reasonable to override the significant harm caused.

- 3 The proposal is contrary to in paragraph 6.2.1 of Planning Policy Wales (November 2016):-

6.2.1 It is important that the historic environment is protected, managed and conserved. The Welsh Government's objectives in this field are to:

- conserve and enhance the historic environment, which is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales;
- recognise its contribution to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life, and its importance as a resource to be maintained for future generations;
- base decisions on an understanding of the significance of Wales' historic assets;
- contribute to the knowledge and understanding of the past by making an appropriate record when parts of a historic asset are affected by a proposed change, and ensuring that this record or the results of any investigation are securely archived and made publicly available;

and specifically to:

- protect the Outstanding Universal Value of the World Heritage Sites in Wales;
- conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;
- safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;
- preserve or enhance the character or appearance of conservation areas, while at the same time helping they remain vibrant and prosperous;
- preserve the special interest of sites on the register of historic parks and gardens in Wales; and
- conserve areas on the register of historic landscapes in Wales.

In that:

- The proposals are not in-keeping with the Welsh Government's object in paragraph 6.2.1 of its policy document 'Planning Policy Wales' (November 2016) to 'safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;' in that the proposed change of use and works to facilitate the change of use would not preserve the building or features of special architectural or historic interest. The proposed works amount to 'gutting' of the chapel and other proposed alterations would have a detrimental effect on the special interest of the building. The justifications are not considered reasonable to override the significant harm caused.

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

SP13 Protection and Enhancement of the Built and Historic Environment

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

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

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

In that:

- The County Council finds that that the proposed change of use and works to facilitate the change of use would not preserve the listed building or features of special architectural or historic interest it possesses. The proposed works

amount to 'gutting' of the chapel and other proposed alterations would have a detrimental effect on its special interest. The justification for it is not considered reasonable to override the significant harm caused.

Application No	W/34737
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Application Type	Listed Building
Proposal & Location	CHANGE OF USE OF FORMER CHAPEL TO CAMERA SHOP. WORKS TO INCLUDE THE REMOVAL OF FIXED PEWS, A LARGE NUMBER OF REPAIRS TO THE EXISTING BUILDING, THE INTRODUCTION OF A NEW MEZZANINE FLOOR AND STAIRCASE, NEW INTERNAL SECURITY SHUTTERS TO THE GROUND FLOOR WINDOWS, AND THE WIDENING OF AN EXTERNAL DOORWAY TO THE REAR OF THE BUILDING AT ZION CHAPEL, MANSEL STREET, CARMARTHEN, SA31 1QX

Applicant(s)	CARMARTHEN CAMERA CENTRE LTD -, MATHEW WHITTAL-WILLIAMS, 1 PARCMAEN STREET, CARMARTHEN, SA31 3DP
Agent	MIKE WATT ARCHITECTS, PARC LODGE, LLANSADWRN, LLANWRDA, SA19 8LW
Case Officer	Stuart Willis
Ward	Carmarthen South
Date of validation	21/11/2016

CONSULTATIONS

Carmarthen Town Council – Has not commented to date.

Local Members – Cllr Jeff Thomas has requested that the application be presented to the Planning Committee if concerns were raised in relation to "incompatible or unacceptable use" (or similar). He feels that the Applications should be discussed in the light of recent concern by Full Council about the future use of redundant chapels and churches.

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

Dyfed Archaeological Trust – Has requested a condition regarding a photographic record if any application is approved.

Neighbours/ Public - The application has been publicised by the posting of a site notice and at press with no responses having been received to date.

RELEVANT PLANNING HISTORY

W/34799	2 no. Freestanding Painted Hardwood Timber Signboards With Traditional Goose-Neck Lighting	Advertisement Consent Pending
W/34736	Change Of Use Of Former Chapel To Camera Shop. Works To Include The Removal Of Fixed Pews, A Large Number Of Repairs To The Existing Building, The Introduction Of A New Mezzanine Floor And Staircase, New Internal Security Shutters To The Ground Floor Windows, And The Widening Of An External Doorway To The Rear Of The Building	Pending
W/34092	Change Of Use Of Zion Chapel To A Chapel Of Rest, Including The Demolition Of One Small, Late Addition Outhouse And A Length Of Concrete Block Walling Listed Building Consent	15 August 2016
W/34091	Change Of Use Of Zion Chapel To A Chapel Of Rest, Including The Demolition Of One Small, Late Addition Outhouse And A Length Of Concrete Block Walling Full planning permission	15 August 2016
W/00471	Small Toilet Extension To Rear Of Schoolroom Full planning permission	23 December 1996
W/00470	Small Toilet Extension To Rear Of Schoolroom Listed Building Consent	23 December 1996
D4/04135 -	Parking Area And Access Full planning permission	28 November 1977

THE SITE

The application site is a former chapel located in the centre of Carmarthen known as Zion Chapel. The site is located off the northern western flank of Mansel Street, Carmarthen. There is an access to the eastern side with a parking area adjacent to the building. There is a further car park area located to the rear of the building which is not in the same ownership and not included in the application site. The listed building, curtilage to the front and to the side are located within the boundaries of the Lammas Street Conservation Area as are the properties either side along Mansel Street. The street has a mix of commercial and residential properties. The building is located within the defined Town Centre of Carmarthen as delineated by the Carmarthenshire LDP.

Planning permission and listed building consent were granted last year for the conversion of the property to a Chapel of Rest. This involved limited internal and external alterations. There is an associated full planning application for the conversion of the building which is also before the Planning Committee recommended for refusal. Advertisement Consent has also recently been granted for the signage at the site.

Zion English Presbyterian Chapel is a Grade II listed building and was listed as a handsome mid-19th Century Italianate chapel by a noted Welsh architect.

The front elevation is stuccoed with high plinth, paired outer pilasters, carrying full entablature with blocking course and minimal central pediment with small inset semi-circular window. Raised letters in frieze: Zion Chapel 1850. First floor centre window of 3 arched lights, the centre one slightly taller and wider, with pilasters and unmoulded arches, the centre pilasters wider. Moulded sill course with small brackets under each pilaster. On ground floor, central doorway with moulded architrave flanked by thin panelled piers above plinth and under scrolled consoles supporting moulded cornice. Double doors each of one long arched panel. To each side of the door an arched window in thin raised surround. Windows have marginal panes and inner band of narrow panes. Two storey side elevations of 3 bays with pebbledash cladding. Arched windows above and square headed windows below, with similar glazing bars. There is a school room to the rear.

The interior of the building is plain plastered with a later 19th Century end Galley, over lobby entry. Coved cornice with dentils to ceiling in panels around main panel. Painted grained pews with doors, in 3 blocks, 2 sections of outer blocks each side face inward. Pulpit and set fawr are altered when organ installed. Organ in Gothic case, in arched recess with bead mould, framing inner arch itself with head lowered by crescent shaped insert on corbels. End gallery has attractive front with 2 rectangular panels under each long pierced narrow cast iron panel, and each pair of these divided by a panelled pilaster. Four bays overall, with centre clock between pilasters. Deep moulded cornice below with modillions, and consoles under pilasters. Panels have applied late 19th Century and scroll embossed decoration, and cast iron is to a scroll pattern. Entrance lobby has double doors to left and right under over lights with inset hexagonal lantern.

The forecourt railings and gates to Zion Chapel are Grade II listed as a particularly unusual set of hand-made iron railings, of group value with Zion Chapel.

Iron railing and matching gates with unusual wrought iron flat spear headed finial to rails and square stanchions with urn finials each end. Matching double gates with similar urn finials to out stiles.

THE PROPOSAL

The applicant proposes a change of use of the building for commercial use (camera shop). To facilitate this the applicant proposes demolition, alterations and repairs. This includes the introduction of a mezzanine floor of approximately 64sqm at the front end of the building (partly over the entrance lobby and part over the main volume of the chapel) and the removal of all the pews within the chapel. All existing entrances are retained and the small parking area to the side of the chapel will remain. A blockwork wall is to be demolished, and an existing doorway widened in order that deliveries can be brought into the rear of the building direct from the parking area.

A design and access statement has been submitted which refers to justification for the proposed new use.

This states "Zion Chapel is grade II listed as '...a handsome mid C19 Italianate chapel by a noted Welsh Architect'. However its use as a chapel is now obsolete, having closed at the beginning of last year due to dwindling congregation numbers, and a lack of finances for the maintenance of the large listed structure. Therefore a change of use of the building must be

considered in order that the building does not stand empty and fall into a further state of disrepair. Any proposals for the change of use of the structure must be sympathetic to its original use and protect and retain its architectural character.

Although an alternative use for the building as a Chapel of Rest has already been established through the approval of a change of use application (planning reference W/34092), this should not set a precedent as the only viable alternative use for the building”.

The agent feels that the proposals “*look to find a sympathetic, practical and financially viable alternative use for the building and should be supported”.*

The DAS states that the applicant feels the proposal “*is sympathetic to the buildings original use; requires no subdivision of the internal space; requires only a couple of minor external alterations; retains the character of the existing chapel; allows the building to remain open to the public; and provides a financially viable use for the building by an owner/ applicant who is passionate about the building’s history, character and building fabric”.*

STATUTORY DUTIES, GOVERNMENT POLICIES & ADVICE, COUNTY COUNCIL POLICIES

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

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

Paragraph 6.2.1 of Welsh Government policy document ‘Planning Policy Wales’ (November 2016) sets out the Government objective to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved.

Paragraph 12 of Welsh Office Circular 61/96 states that new uses may be the key to the preservation of a building.

Paragraph 66 of Welsh Office Circular 61/96 states once a building has been listed under Section 1 of the Act, Section 7 provides that consent is normally required for its demolition, in whole part, and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent.

Paragraph 68 of Welsh Office Circular 61/96 states that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise for the exercise of listed building control is the statutory regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

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

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

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

Paragraph 94 of the Circular states that many listed buildings are already in well-established uses, and any changes need be considered only in this context. But where new uses are proposed, it is important to balance the effect of any changes on the special interest of the listed building against the viability of any proposed use and of alternative, and possibly less damaging, uses. In judging the effect of any alteration or extension it is essential to have assessed the elements that make up its special interest. They may comprise obvious visual features and the technological interest of the surviving structure and surfaces.

Paragraph 95 of the Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration, but that it needs to be borne in mind that minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest.

Paragraph 96 of Welsh Office Circular 61/96 states that listing grade is a material consideration. Many Grade II listed buildings are humble, once common building types which have been listed precisely because they are relatively unaltered example of their sort. They can have their special interest ruined by unsuitable alteration or extension.

Paragraph 97 of Welsh Office Circular 61/96 states that achieving a proper balance between the special interest of a listed building and proposals for alterations or extensions is demanding and should always be based on specialist expertise.

Paragraph 1 of Annex D to Welsh Office Circular 61/96 states that for advice on repairs the attention of local planning authorities is drawn to *The Repair of Historic Buildings: Advice on Principles and Methods*.

Paragraph 2 of Annex D to Welsh Office Circular 61/96 states that the foremost principle which should guide works to historic buildings is conserve as found. Successful conservation lies in the maintenance and like-for-like repair of the existing fabric including the replacement of features and details.

Paragraph 3 of Annex D to Welsh Office Circular 61/96 states each type of historic building has its own characteristics, which are usually related to its former function and these should be respected when proposals for alteration or change of use are put forward. Marks of special interest appropriate to a particular building type are not restricted to external elements, but may include anything from orientation, plan, or arrangement of window openings to small internal fittings. Local Planning Authorities should attempt to retain characteristics of distinct building types of buildings.

Paragraph 6 of Annex D to Welsh Office Circular 61/96 states that alterations should be based on a proper understanding of the structure, and that old work should not be sacrificed merely to accommodate the new.

Appendix to Annex D (a) Paragraph 2 to Welsh Office Circular 61/96 states that door and window should not generally be altered in their proportions or details or details especially when they are conspicuous element of the design.

Appendix to Annex D (a) Paragraph 12 to Welsh Office Circular 61/96 states that the special character of wrought iron fittings is derived from the unique qualities of the material and traditional smithing techniques. It is not possible to copy satisfactorily the character of wrought iron using mild steel. Old cast iron including railings are of important visual and architectural significance. The traditional method of setting each upright of a railing into lead-lined pockets of a stone base should be respected.

Appendix to Annex D (d) Paragraph 1 to Welsh Office Circular 61/96 states that as a rule, original windows in historic buildings should be repaired, or if totally beyond repair should replace exactly like for like.

Appendix to Annex D (f) Paragraph 1 to Welsh Office Circular 61/96 states that listed building consent of whatever grade which affect the character of the building as a listed structure. Internal planning and individual features of interest should be respected and left unaltered as far as possible. Internal spaces, staircases, panelling, window, shutters, doors and door cases, cornices, moulded beams and joists, decorated ceilings, stucco-work, and wall decorations are part of the special interest of a building and may be its most valuable feature.

Appendix to Annex D (g) Paragraph 1 to Welsh Office Circular 61/96 states that floor surfaces are too often disregarded when buildings are refurbished. All such features should normally be repaired and re-used.

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

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

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

THIRD PARTY REPRESENTATIONS

There have been no adverse representations received to date. The application is before the Planning Committee at the request of Cllr J Thomas. He felt that recent concerns over the future use of redundant chapels and churches was reason for it to be discussed by Planning Committee.

The re-use of vacant buildings, in particular historically important ones is welcomed providing the proposals are sympathetic to the character of the building. There has been dialogue with the applicant prior to and during the submission where concerns were raised over certain elements of the proposal. It was suggested to the applicant that while there were a number of elements of concerns regarding the proposal that a compromise could be sought. This related to the retention of some of the pews within the chapel. The request was for the flank pews either side of the pulpit to be retained. However the applicant declined this and the proposal remains, amongst other works, to remove all the pews within the chapel. The area requested to be retained was in the region of 20sqm. This would still have left approximately 160sqm of floor space within the main chapel building as well as space elsewhere in other smaller rooms. The pews could have been retained and utilised in some other way however the applicant has commented that they wish to pursue the application with all pews removed. It has been indicated that the removed pews would be reused *“wherever possible in the conversion of the chapel (fixed shop counter, window shutters etc).”* The plans indicated that the area where the flank pews are to be removed would, as with most of the main chapel room, be used for *“free standing shop units”*.

The agent feels that the *“character of the chapel is not defined merely by the pews. As described above, the character comes from the high, light-filled space. From its simple decoration, large windows and central organ area (all of which are being retained). The pews, although most likely original to the structure, are not particularly architecturally special or of historic significance and it is not unreasonable to suggest that unless the chapel continued life as a chapel, the pews would need to be removed to facilitate an alternative use of the building. Even if the chapel were to be used as a community hall (a use of the building that is perhaps closest to its original use as a chapel), the pews would need to be removed”*. This fails to acknowledge that planning permission and listed building consent exist for a use where the pews were shown as being retained. We would also disagree with the comment by the agent that the retention of some pews to the side of the pulpit would result in *“confused proposals that were half camera shop and half chapel”*.

The agent suggests that *“the proposed alterations have been designed to be reversible, so that in the future if necessary they can be removed without permanent and irreparable damage to the existing chapel structure”*. In the case of the features within the chapel such as removal and reuse of the pews this would not be possible.

The Conservation Officer has therefore proceeded to make his recommendation based on the details submitted and the applicant is aware that this would lead to a recommendation of refusal.

The site history shows that there has been interest and indeed planning permission as well as listed building consent for an alternative use. The use was for a chapel of rest and required minimal alterations to the building meaning the key historic features were retained. Therefore while the issue of redundant or vacant buildings has been raised this is not a building where there has been no prospect of future use or interest.

The Conservation Officer has made the following comments:

“As a consequence of a dwindling congregation Zion Chapel has been made redundant and was put on the market. The Local Planning Authority has received a number of enquiries for the building.

The applicant has been in contact with the Local Planning Authority from an early stage and ‘in principle’ advice has been given on the ‘concept’ of a change of use, listed building requirements etc. In addition, if a change of use is to be supported then any change of use would need to respect the architectural and historic character of the building both inside and out.

The applicant was also informed by the Authority Building Conservation Officer that the Local Planning Authority received and approved applications for a change of use of the building to a Chapel of Rest. The application was seen as the best alternative use given that little alteration proposed.

However, despite another prospective purchaser obtaining Consent the applicant bought Zion Chapel in order to expand their business. Therefore, the applicant proposes a change of use of the chapel and school room and to facilitate this the proposed works would involve demolition, alterations and repairs.

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

With regards to the conservation area Section 72 (2) of the Act states that special attention should be given to the desirability of preserving or enhancing the character or appearance of the area.

Welsh Government Circular 61/96 states that the foremost principle of building conservation is ‘conserving as found’. Paragraph 69 of Circular 61/96 expects applicants to justify their proposals and in doing so provide the Local Planning Authority with full information, to enable them to assess the likely impact of their proposals on the special architectural and historic interest of the building and on its setting.

The use of Zion Chapel forms part of its special interest and any change of use would fail to preserve this interest and would have a harmful affect. In terms of justification for the change of use there are a number which include that:

‘Carmarthen has issues with redundant large empty and often listed buildings. Zion Chapel, amongst several empty churches, halls and chapels within the town could be one of these buildings’.

However, the Agent does not provide any evidence of such buildings i.e. listed buildings. With regards to Churches the Officer acknowledges that St David’s Church, Picton Terrace is unoccupied but has been subject to successful application for and listed building consent for a change of use of the building.

The Officer also acknowledges that other areas of the County have a number of empty chapels but the majority of these have been subject to successful applications for planning permission and listed building consent.

Therefore, the buildings are not 'redundant' but are currently not in use and the Local Planning Authority does not have the powers to make owners use their buildings.

Other justifications for the change of use is that the building is in poor condition. However, the Local Planning Authority's own Buildings at Risk survey concluded that Zion Chapel was not at risk and only Minor Repairs/Maintenance was required.

The justifications in the opinion of the Officer are not considered reasonable to illustrate that the proposed change of use 'camera shop' is the only viable option for the building.

To act as justification the application could have been supplemented with:

- A comprehensive design statement which fully considered the architectural and historic character and setting of the building and area, the statutory and non-statutory frameworks for the historic built environment. The statement must explain what other uses and works have been considered and why these have been discounted. The statement must explain why the proposals are the most suitable taking into account these contexts.*

The statement provided falls short in some instances e.g. there is no consideration of the Planning (Listed Buildings and Conservation Areas) Act 1990, Welsh Government Circular 61/96, Welsh Government and the Local Planning Authority's own Planning Policies relating to the historic built environment.

In addition -

- Evidence from the Estate Agent to show how long the building was on the market, for what price, how much interest had been shown in the building and for what purpose could have been provided.*
- Evidence from local estate agents to illustrate that there is no demand in the Carmarthen area for the existing use or for other uses which may be more compatible could have been provided.*

Notwithstanding the above, the Officer accepts the under present ownership that the use will never get revived. Therefore, to ensure that the building is maintained in good condition and has a viable use to safeguard its future the change of use to a camera shop is to be considered.

However, is the proposed change of use and the works to facilitate the use the key to preservation of the building?

Zion Chapel was listed for its 'National Importance' in 1981 as a handsome mid-19th Century chapel by a noted Welsh Architect. The listing description makes a detailed analysis of the exterior and interior. Therefore, providing reasons to why the building was included in the statutory lists of buildings of special architectural and historic interest.

The approved change of use of Zion Chapel illustrated that a new use could be found which respected the architectural and historic character both inside and out. However, the Officer

would like to add that due to the nature of the building 'Chapel' that most change of use/s would have an impact on the internal areas of the building.

The Agent acknowledges that any proposals for the change of use of the structure must be sympathetic to its original use and protect and retain its character. In addition, that Zion Chapel is a large building.

With regards to the proposed works to the interior of the building the applicant proposes to retain the pulpit and set fawr. However, the applicant proposes to remove all the pews which in 'Conservation' terms amounts to gutting the building. Other internal proposals such as the mezzanine floor would impact on the gallery which is meant to be a focal point of the chapel.

Therefore, the proposed works to the interior of the chapel would not preserve Zion Chapel's architectural or historic interest and would cause significant harm which is not acceptable in light of the statutory duties placed on the Local Planning Authority.

The Authority's Building Conservation contacted the Agent and Applicant and a site meeting was arranged with the latter to discuss issues with the application i.e. lack of detailed information and inappropriate proposals. The Officer even provided advice on suggested revisions in order to progress i.e. retention of flanking along with the pews the set fawr and pulpit. This would give a good cross-section of the Chapel to illustrate its former use. In addition, re-using pews in other areas of the Chapel and School Room. However, these have been rejected by the Applicant and Agent.

The Chapel and School Room have a large floor area and even with these changes the applicant still has a substantial area for the proposed change of use. However, the proposals which disregard the architectural and historic character of Zion Chapel highlights that the building is not suited to applicant's proposed use.

As a consequence of the significant harmful impact of the proposed change of use and work to facilitate the new use the Officer has no option to recommend that the application be refused.

The works to the exterior of the building include the demolition of a small outbuilding and section of concrete wall. These proposals would have no undesirable affect.

Where it is proposed to widening an opening minimal harm would be caused to the buildings character but the reasoning for the proposal is accepted.

Repairs are proposed and examples include windows, stone wall and internal areas these are to be undertaken using matching or sympathetic materials which is acceptable.

The Officer does not object to the proposed new signage.

In conclusion the Building Conservation Officer comments:

"The best use of a building is its intended use which it was purposely designed and constructed for. However, as a consequence of a dwindling congregation the building was made redundant and put on the market.

The Local Planning Authority received a number of enquiries for the building and applications for planning permission and listed building consent were submitted to and approved by the Local Planning Authority for a Chapel of Rest.

The applicant was informed of this but still proceeded to purchase the building for commercial purposes and the proposed works to facilitate the change of use would consist of demolition, alterations and repairs.

In considering the proposals in light of the statutory and non-statutory frameworks for the historic built environment the Building Conservation Officer is of the opinion that the historic use of the building forms part of its special interest. Therefore, any change of use would fail to preserve this interest.

With regards to the change of use the justifications for this are associated with that Carmarthen has a number of redundant listed buildings but no evidence has been provided of these buildings. In addition, that Zion Chapel is in poor condition but the Local Planning Authority's own survey discounts this.

The Officer accepts that the intended use of the building has been abandoned and to ensure that building has a viable use the proposals are to be considered. However, are the proposals the key to the preservation of the building?

The Agent acknowledges that a change of use must be sympathetic to its original use and protect and retain its character. In addition, that Zion Chapel and Vestry is a large building.

However, the Officer would like to add that the works to the interior of the chapel are not sympathetic and amount to gutting of the building. In addition, proposals would impact on the gallery which is meant to be a focal point of the chapel. Therefore, not preserving elements of the buildings architectural or historic interest and would have a significant harmful effect.

The Officer provided advice i.e. revisions in order to progress which would still allow the proposed change of use. These proposals were rejected by the Agent and Applicant. This illustrates that the building does not suit the needs of the applicant.

As a consequence of the significant harmful impact of the proposals the Officer has no option to recommend Refusal."

If Members resolved to approve against recommendation the decision would need to be sent to the Welsh Government for the 28 day statutory call-in period.

The Officers have endeavoured to reach a compromise on this proposal which would have only marginally reduced the overall area available for retail space relating to only 20sqm of the overall floorspace and sought additional information a number of times. However the applicant has chosen not to amend the proposal in accordance with the requests and wishes to proceed on the basis of the details submitted in full awareness that this would lead to a recommendation of refusal.

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

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

RECOMMENDATION – REFUSAL

REASONS FOR REFUSAL

1. In having special regard to the desirability of preserving the building or any features of special architectural or historic interest which possesses as required by Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the County Council finds that the proposed change of use and works to facilitate the change of use would not preserve the listed building or features of special architectural or historic interest it possesses. The proposed works amount to ‘gutting’ of the Chapel and other proposed alterations would have a detrimental effect on its special interest. The justifications are not considered reasonable to override the significant harm caused.
2. In paying special attention to the desirability of preserving or enhancing the character or appearance of a conservation area as required by Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the County Council finds that the proposed change of use and works to facilitate the change of use would not preserve the conservation area. The proposed works amount to ‘gutting’ of the chapel and other proposed alterations would have a detrimental effect on the special interest of the building. The justifications are not considered reasonable to override the significant harm caused.
3. The proposals are not in-keeping with the Welsh Government’s object in paragraph 6.2.1 of its policy document ‘Planning Policy Wales’ (November 2016) to ‘safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;’ in that the proposed change of use and works to facilitate the change of use would not preserve the building or features of special architectural or historic interest. The proposed works amount to ‘gutting’ of the chapel and other proposed alterations would have a detrimental effect on the special interest of the building. The justifications are not considered reasonable to override the significant harm caused.
4. Paragraph 12 of Welsh Office Circular 61/96 states that new uses may be the key to the preservation of the building or area. The proposed ‘gutting’ of the chapel and other proposed alterations would have a detrimental impact on the special interest of the building. This illustrates that the proposed use is not the key to preserving the building.
5. Paragraph 69 of Welsh Office Circular 61/96 states that applicants must be able to justify their proposals and will need to show why the works which affect the character are desirable or necessary. They must provide full information to enable the local planning authority to assess the likely impact of their proposals on the special architectural or historic interest of the building. The Design Statement fails to fully consider the architectural and historic character of the building, the statutory and non-statutory frameworks for the historic built environment. This lack of assessment means that that the proposed change of use has not been justified. In addition, that the proposed works would be detrimental the special interest of the building.
6. Paragraph 94 of Welsh Office Circular 61/96 states that where new uses are proposed, it is important to balance the effect of any changes on the special interest of the listed

building against the viability of any proposed use and of alternative uses, and possibility less damaging uses. In that the proposed change of use would not preserve the building. The proposed works amount to 'gutting' of the chapel and other proposed alterations would have a detrimental effect on its special interest.

7. Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses. The proposed works amount to 'gutting' of the chapel and other proposed alterations are not sensitive but detrimental to the special interest of the building.
8. Paragraph 2 of Annex D of Welsh Office Circular 61/96 states that the foremost principle that guides works to historic buildings is conserve as found. The proposed works are not conserving as found and the change of use and proposed works would be detrimental to the special interest of the building.
9. Paragraph 3 of Annex D of Welsh Office Circular 61/96 states each type of historic building has its own characteristics, which are usually related to its former function and these should be respected when proposals for alteration and change of use are put forward. The proposed works to facilitate the change of use amount to 'gutting' of the chapel and other alterations would have a detrimental effect on the buildings special interest.
10. Paragraph 6 of Annex D of Welsh Office Circular 61/96 states that alterations should be based on a proper understanding of the structure. The detrimental effect of the proposed works on the special interest of the building means that there is no understanding of the building.
11. Paragraph f (1) of Appendix to Annex D of Welsh Office Circular 61/96 states that listed building consent must be obtained for all internal alteration to listed buildings of whatever grade which affect the character of the building as a listed structure. Internal planning and individual planning and individual features should be respected and left unaltered as far as possible. Internal spaces are part of the special interest of a building and may be its most valuable feature. The proposed change of use and proposed works fail to respect the internal characteristics of the building which is part of its special interest. The proposed works amount to 'gutting' of Zion Chapel and other proposed alterations mean that there would be detrimental harm caused to its special interest.
12. SP13 of the Local Development Plan of the Built and Historic Environment states proposals should preserve or enhance the built and historic environment of the County, it's cultural, townscape and landscape assets and where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.
 - Sites and features of recognised Historical and Cultural Importance;
 - Listed Buildings and their setting;
 - Scheduled Ancient Monuments and other sites of recognised archaeological importance

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

The County Council finds that that the proposed change of use and works to facilitate the change of use would not preserve the listed building or features of special architectural or historic interest it possesses. The proposed works amount to 'gutting' of the chapel and other proposed alterations would have a detrimental effect on its special interest. The justification for is not considered reasonable to override the significant harm caused.