

**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 16 TACHWEDD 2017
ON 16 NOVEMBER 2017**

**I'W BENDERFYNU/
FOR DECISION**

*Ardal
Dwyrain/
Area East*



**Cyngor Sir Gâr
Carmarthenshire
County Council**



Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod 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.

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| COMMITTEE: | PLANNING COMMITTEE |
| DATE: | 16 NOVEMBER 2017 |
| REPORT OF: | HEAD OF PLANNING |

INDEX - AREA EAST

| REF. | APPLICATIONS RECOMMENDED FOR APPROVAL | PAGE NO.S |
|----------------|--|------------------|
| E/35318 | Reserved Matters following Outline planning E/29537 dated 25/03/2014 - details of the siting, design, external appearance, landscaping and means of access together with the discharge of condition numbers 5, 6, 9, 10 and 11 at Land Adjacent to No 24, Woodlands Park, Ammanford, SA18 2HF | 9-15 |
| E/36077 | Proposed two storey dwelling house & detached garage at Land Opposite, Brodawel, Llandeilo, SA19 7TA | 16-24 |

| REF. | APPLICATIONS RECOMMENDED FOR REFUSAL | PAGE NO.S |
|----------------|---|------------------|
| E/35478 | Repair and conversion of Salem Chapel into one residential dwelling at Salem Chapel, Campbell Road, Llandybie, Ammanford, SA18 3UP | 26-33 |

APPLICATIONS RECOMMENDED FOR APPROVAL

| | |
|-----------------------|----------------|
| Application No | E/35318 |
|-----------------------|----------------|

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|--------------------------------|---|
| Application Type | Reserved Matters |
| Proposal & Location | RESERVED MATTERS FOLLOWING OUTLINE PLANNING E/29537 DATED 25/03/2014 - DETAILS OF THE SITING, DESIGN, EXTERNAL APPEARANCE, LANDSCAPING AND MEANS OF ACCESS TOGETHER WITH THE DISCHARGE OF CONDITION NUMBERS 5,6,9,10 AND 11 AT LAND ADJACENT TO NO. 24, WOODLANDS PARK, AMMANFORD, SA18 2HF |

| | |
|---------------------------|--|
| Applicant(s) | MR JONATHAN GARLAND, MAES Y FALLEN, WAUN GRON ROAD, BETWS, AMMANFORD, SA18 2HY |
| Agent | |
| Case Officer | Andrew Francis |
| Ward | Betws |
| Date of validation | 28/03/2017 |

CONSULTATIONS

Head of Transport – Offers no objection to the proposal subject to conditions.

Dwr Cymru Welsh Water – No objections to the proposal.

Betws Community Council – Offers no objections to the proposal.

Local Members – Former County Councillor D J R Bartlett had questions relating to the design of the dwellings and whether a third dwelling was proposed. County Councillor B Jones has only recently been consulted. If she wishes to make any comments, they will be presented in the Addendum Report.

Neighbours/Public – The application was advertised by means of a Site Notice. Two letters of objection have been received as a result. The points of objection are summarised as follows:

- The proposal will affect privacy due to topography.
- The site drainage water will potentially run into a ditch outside 26 Woodlands Park which cannot handle the water from the existing site – with heavy rain, the water can flood over the kerb into a neighbour's garage. Other times that water will remain stagnant instead of joining the stream at the rear. Due to this, the gardens get very wet.

- Where does the main drainage go? It appears to into the drains further up the road.
- The access serving the new properties will create a junction adjacent to 26 and opposite 25 which could create a bottleneck for the existing accesses in the area.
- The Woodlands Park site road in this area has no traffic calming or a pathway on it. Vehicles speed down it and turn in this area so extra properties will make the situation worse.
- The estate is prominently older and retired people who have to walk on the road, but is also used by children on bikes too. The extra traffic may cause problems without pavements.

RELEVANT PLANNING HISTORY

| | | |
|-------------|---|------------------|
| E/29537 | Two New Dwellings Outline Permission Granted | 25 March 2014 |
| P6/12856/87 | Residential Development (Phase 4) Full Permission Granted | 2 July 1987 |
| P6/11286/85 | Residential Development Outline Permission Granted - Sec 106 (52) | 30 October 1985 |
| P6/10871/85 | Residential Development Full Refusal | 14 May 1985 |
| P6/3540/77 | Residential Development Withdrawn | 22 December 1974 |

APPRAISAL

THE SITE

The application site consists an area of a sloping area of land measuring 42.15 metres in width with a depth of 32.6 metres to the south and west of 23-25 Woodlands Park, Betws, Ammanford. The existing Woodlands Park site consists mainly of bungalows built in the 1980's and 1990's in a cul-de-sac layout and has mostly been completed, though the application site itself has remained vacant.

The application site is elevated, sloping downwards from the south east to the northwest towards the road level. Existing bungalows are situated to the east and north of the site, whilst the land to the south and west is undeveloped as it is outside of the development limits for the settlement. The application site enjoys the benefit of outline planning permission for two dwellings under reference E/29537.

THE PROPOSAL

This application proposes the development of two detached bungalow dwellings sited on the above described land. Each of the proposed dwellings is identical, offering an inverted 'L' shaped footprint with a gable frontage. Each dwelling has a maximum width of 15 metres and a maximum depth of 11.25 metres, providing three bedrooms (one en-suite) a bathroom, a lounge area, a kitchen/dining area, a hallway and a utility room.

In terms of external finishes, the dwellings are to have brown concrete tiles on the roof, brown facebrick detailing, with white roughcast render to the walls, mahogany coloured uPVC doors, windows, fascias and soffits and brown guttering. The design and finish of the proposed bungalows is in keeping with those established on the existing site.

PLANNING POLICIES

In the context of the current development control policy framework, any proposal of this nature falls to be considered against the general criteria of a number of Carmarthenshire Local Development Plan (LDP) policies. Given that this is a proposal to develop residential dwellings within the residential limits of Betws, policy H2 is particularly relevant. This states that proposals for such developments on unallocated sites will be permitted provided they are in accordance with the principles of the Plan's strategy, policies and proposals.

General policy GP1 in this instance requires that the development should conform with and enhance the character and appearance of the site in terms of siting, appearance, scale, height, massing, elevation treatment and detailing; utilises materials appropriate to the area; it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community; an appropriate access can be provided which does not give rise to any parking or highway safety concerns on the site within the locality and it ensures for or provides for the satisfactory generation, treatment and disposal of both surface and foul water.

Policy GP3 states that the Council, where necessary, will seek developers to enter into Planning Obligations or secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new developments.

In light of the above, policy AH1 seeks a contribution to affordable housing and will be sought on all housing allocations and windfall sites. On this site, a contribution is to be sought through a commuted sum towards the provision of affordable housing based on the sum of £41.98 per sq metre of new living space provided.

THIRD PARTY REPRESENTATIONS

The application was advertised by means of a Site Notice. Two letters of objection have been received as a result. The points of objection are summarised and can be split into three main areas – drainage concerns, highways concerns and privacy/amenity concerns. The issues are discussed as follows:

- The site drainage water will potentially run into a ditch outside 26 Woodlands Park which cannot handle the water from the existing site – with heavy rain, the water can flood over the kerb into a neighbour's garage. Other times that water will remain stagnant instead of joining the stream at the rear. Due to this, the gardens get very wet.
- Where does the main drainage go? It appears to go into the drains further up the road.

Looking first at the issues of drainage, these are split into surface water and foul water. The main concern appears to revolve around the issue of surface water and in particular

the surface water that is generated by the proposed access road that leads down to the proposed soakaway adjacent to 23 Woodlands Park and how well this might be able to accommodate the extra generation of water that will occur from this development. In order to deal with this issue, a condition is to be imposed to ensure that an adequate sustainable drainage system is to be employed on site that will deal with the surface run-off from the site to the satisfaction of the Local Planning Authority.

In terms of foul water, each dwelling is to connect to the mains sewer, as required and accepted by Dwr Cymru Welsh Water who consider there is adequate capacity to deal with the two new dwellings.

- The access serving the new properties will create a junction adjacent to 26 and opposite 25 which could create a bottleneck for the existing accesses in the area.
- The Woodlands Park site road in this area has no traffic calming or a pathway on it. Vehicles speed down it and turn in this area so extra properties will make the situation worse.
- The estate is prominently older and retired people who have to walk on the road, but is also used by children on bikes too. The extra traffic may cause problems without pavements.

Turning to the issues relating to access, the Authority's Head of Transport has been consulted on this application and offers no objection to the proposal. There is acknowledgement that there are no footpaths on this section of Woodlands Park, however, this does not warrant the refusal of this application, given this is a vacant plot that has always been intended to be developed.

As such, subject to the imposition of planning conditions, the Head of Transport is satisfied with the highways proposals contained within this proposal and as such, the highways objections cannot be sustained.

- The proposal will affect privacy due to topography.

With regard to this final point, there is some inevitability that given the topography of the area there will be some potential for overlooking. However, all the houses in question are single storey bungalows which means boundary treatments can be utilised to mitigate against the perceived harm. In addition, the proposed dwellings are to be at minimum some 27 metres from the nearest part of the existing dwellings, a distance that is considered to be more than acceptable in terms of separation distances.

CONCLUSION

Further to the above discussion, the application site is a fairly generous size, and acceptably accommodates the two proposed dwellings and the requisite amenity and utility space. The appearance of the dwellings are acceptable as are the scale in relation to the plot and the other dwellings on the site.

The plot layout is logical and makes effective use of the site whilst not causing any significant detriment to amenity or privacy for the occupiers of the neighbouring dwellings. Furthermore, the landscaping and boundary treatments appear to be visually acceptable and would serve to enhance the site. The access is also acceptable, subject to conditions.

As such, it is considered that, on balance, the development of this site will help to improve the overall amenity and character of the area by formalising and developing a long standing empty plot with bungalows that fit with the design and character of those that existing on the site.

In terms of policy GP1, the proposed residential development is situated within a residential area that would not harm the existing residential or visual amenity of the area.

Taking the above into account, the application is considered to be an acceptable form of development and is recommended for approval.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans unless amended by any of the following conditions:
 - The 1:2500 and 1:500 scale Location & Block Plan received on the 24 March 2017
 - The 1:200 scale Existing and Proposed Site Plans (JG02) received on the 24 March 2017
 - The 1:200 scale Proposed Drainage Plan (JG04) received on the 24 March 2017
 - The 1:200 scale Proposed Landscaping Plan (JG05) received on the 24 March 2017
 - The 1:100 and 1:200 scale Proposed Layouts, Elevations & Site Sections (JG03) received on 24 March 2017
- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the commencement of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variations and thereafter shall be retained in perpetuity.
- 4 Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.
- 5 Prior to its use by vehicular traffic, the new private shared driveway shall be laid out and constructed with at least a 4.1 metre carriageway up to the junction with Woodlands Park.
- 6 Prior to the commencement of development the approved scheme of parking is to be fully implemented prior to any part of the development being brought into beneficial use, and thereafter shall be retained, unobstructed, in perpetuity.

- 7 No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include:-

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2-3 In the interest of visual amenity.
- 4-6 In the interest of highway safety.
- 7 To ensure an acceptable form of surface water drainage.

NOTES

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

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

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

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

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

SUMMARY REASONS FOR APPROVAL

In accordance with Article 3 of the Town and Country Planning (General Development Procedure) (Wales) (Amendment) Order 2004, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan (comprising the Carmarthenshire Unitary Development Plan 2006) and material considerations do not indicate otherwise. The policies, which refer, are as follows:

- The proposed development accords with policy GP1 of the LDP in that the proposed development represents an acceptable form of development which is appropriate to the character and appearance of the surrounding area, is of an acceptable design and will not have an unacceptable impact upon the residential amenity of nearby properties and provides an acceptable access and parking facilities.
- The proposed development accords with policy H2 of the LDP in that the land is situated within the settlement limits for Betws and the proposal does not conflict with other policies within the plan.

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| Application No | E/36077 |
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|--------------------------------|--|
| Application Type | Full Planning |
| Proposal & Location | PROPOSED TWO STOREY DWELLING HOUSE & DETACHED GARAGE AT LAND OPPOSITE, BRODAWEL, LLANDEILO, SA19 7TA |

| | |
|---------------------------|---|
| Applicant(s) | MR & MRS JAMES, 3 CEFN ROAD, GLAIS, SWANSEA, SA7 9EZ |
| Agent | DAVIES RICHARDS DESIGN LTD - GARETH RICHARDS, 42 RHOSMAEN STREET, LLANDEILO, SA19 6HD |
| Case Officer | Kevin Phillips |
| Ward | Manordeilo & Salem |
| Date of validation | 08/09/2017 |

CONSULTATIONS

Manordeilo and Salem Community Council –.the Council had no objection in principle to the outline planning application E/34841 for one residential dwelling but did note at the time that any detailed plans should be in proportion and in keeping with surrounding properties. A number of complaints have been received from local residents and the Council is of the opinion that any development should be single storey only

Local Members - County Councillor J Davies is a member of the Planning Committee and has made no prior comment.

Head of Transport – Any permission shall be subject to the imposition of conditions recommended.

Neighbours/Public – A site notice has been posted and 6 letters of objection have been received as a result. The issues of objection raised are;

- The proposed two storey dwelling will be out of character with the locality.
- The proposal will impact upon the bats in the locality.
- The proposed dwelling will over shadow and result in a loss of privacy.
- The siting of the access to the site is inappropriate.
- The level details submitted with the application only consider Brodawel and do not consider Neuadd Deg and Llys y Grug.
- The application form conveys that it will and will not be connected to the mains sewer.
- The application form conveys that it is not within 20 metres of a watercourse and there is a stream at the bottom of a wooded area.

- The application form conveys that there are no trees or hedgerow on the land adjacent.
- The proposal conflicts with the aims of the Outline permission in terms of the scale/height of the dwelling
- Surface water from the driveway and works will run onto the adjacent property.
- The proposal will result in damage to the trees within the woodland to the east of the site.
- The dwelling is too large for the plot.
- There is not information on the soakaway system proposed.
- There is no information on the application to show that the drainage will flow onto the road or adjacent land.
- The proposal conflicts with policies GP1, TR3 and EP3

RELEVANT PLANNING HISTORY

E/34841 One residential dwelling
Outline Planning Permission

24 January 2017

APPRAISAL

THE SITE

The site is an area of land approximately 18 metres in depth at the southern boundary, 25 metres in depth at the northern boundary and 27 metres road frontage (unclassified 4038) with a 31.5 metre length rear boundary at the eastern side; at the northern end of the village of Penybanc, Llandeilo. There are two bungalows opposite the application site, Brodawel and Llys y Grug and a house, Neuadd Deg, at the southern side of the application site.

An unclassified road runs along the eastern side of the application site which is defined by a mature and low cut hedgerow, the eastern side has a woodland on a sloping bank that drops to the Nant gurry fach stream. Land along the northern boundary is agricultural land with the LDP settlement limits for the village identified by the curtilage boundary delineated on the application location and site plan for the application.

THE PROPOSAL

This is a full planning application for a four bedroom dormer styled house and garage with render and brick elevational finishes and slate or grey flat tile roof covering. The dwelling is to be sited to the northern half of the plot and the garage at the southern half with the proposed access sited off centre to the northern side of the frontage with two parking spaces at the northern boundary of the plot.

The dwelling is 11.65 metres in length and 8.15 metres in depth, with a small porch on the front elevation and a 5.6 metres x 3.7 metres flat roof extension with a balcony style roof attached to the northern gable elevation. The eaves height of the dwelling is 4.6 metres and the ridge height of 7.5 metres with a chimney built on the southern gable elevation. The garage at the southern side of the plot will be 5.8 meters x 5.8 metres with a 4.8 metre ridge height.

PLANNING POLICY

The application falls to be considered against Policies within the Carmarthenshire Local Development Plan (LDP). The relevant policies are:

In the context of the current development control policy framework, the site lies within the settlement limits. As such the proposal is assessed in accordance with Policy H2 of the LDP. This policy allows housing within settlement limits provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

Policy GP1 Sustainability and High Quality Design is also applicable and relates to a number of criteria including character, amenity and access. Developments should conform with and enhance the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing. They should also utilise materials appropriate to the area within which it is located and should not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;

Policy AH1 applies in relation to affordable housing contributions. At this location a sum of £88.782 per sqm is required.

Policy EP1 Water Quality and Resources is applicable for development to ensure it does not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County.

Policy EP2 Pollution is applicable in terms of seeking to minimise the impacts of pollution. New developments will be required to demonstrate that they do not cause a deterioration in water quality

Policy EP3 Sustainable Drainage is applicable and relates to the requirement that development will need to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Drainage Systems (SUDS), has been fully investigated. The details and options resulting from the investigation must show that there are justifiable reasons for not incorporating SUDS into the scheme in accordance with section 8 of TAN 15.

Policy EQ4 Biodiversity is applicable for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, will not be permitted, except where it can be demonstrated that the impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements or there are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.

Policy EQ5 Corridors, Networks and Features of Distinctiveness is applicable for development which would not adversely affect those features which contribute to local distinctiveness/qualities of the County, and to the management and/or development of ecological networks (wildlife corridor networks), accessible green corridors and their continuity and integrity will be permitted. Proposals which include provision for the retention and appropriate management of such features will be supported.

THIRD PARTY REPRESENTATIONS

The issues of objection are addressed herewith;

The proposed dwelling will over shadow and result in a loss of privacy

It is considered that the distance between the proposed dwelling and existing dwellings at Brodawel and Llys y crug (30 metres) and Neuadd Deg (17 metres from house and 9.7 meters from the garage) is sufficient distant to not result in concern in relation to being overbearing/overdominant or result in overshadowing. The bungalows Brodawel and Llys y crug are 30 metres away from the proposed dwelling across a road and Neuadd Deg, although it has its rear elevation facing north towards the south gable elevation of the proposed dwelling, there is one small single window in the elevation for the bathroom and a condition will be applied to ensure the glazing is obscured.

The proposed two storey dwelling will be out of character with the locality.

There are numerous two storey dwellings, bungalows and dormer dwellings in the village of Penybanc and this application is for a split dormer dwelling which is one and a half storeys in height. The two dwellings opposite the site are bungalows and the dwelling south of the application site is a two storey dwelling. There are a mixture of dwellings in the village and therefore it is not considered that the proposal will be out of character in the locality.

The proposal will impact upon the bats in the locality.

The Planning Ecologist has been consulted and there are not objections to the proposal as a result of an impact upon any bats in the locality.

The siting of the access to the site is inappropriate.

The original access was submitted at the south western corner of the plot, however following highways consultation the access has been moved, approximately 16 metres up the road away from the village and this has now received the support of the Head of Transport.

The level details submitted with the application only consider Brodawel and do not consider Neuadd Deg and Llys y Grug.

There is a section plan submitted which compares the bungalow Brodawel opposite and the proposed dwelling (1505-02 Rev C) and a section drawing within plan number 1501-01 Rev A which indicates the proposed dwelling and garage, and Neuadd Deg to the south.

The application form conveys that it will and will not be connected to the mains sewer.

The proposed dwelling will connect to the mains sewer.

The application form conveys that it is not within 20 metres of a watercourse and there is a stream at the bottom of a wooded area.

Although the application form incorrectly conveys that the site is not within 20 metres of the stream (approximately 17 meters away), the application site is approximately 6.5 metres elevated above this minor stream and there would be no concern from any flooding from the stream for this plot.

The application form conveys that there are no trees or hedgerow on the land adjacent and the proposal will result in damage to the trees within the woodland to the east of the site.

The site has a hedgerow fronting the application site and this shall be translocated to the northern boundary of the application site in accordance with a scheme to be approved by the Local Planning Authority.

It is raised by the Planning Ecologist that the woodland to the east of the application site, down to the stream is an important habitat and it is required that a condition of any permission that a pollution prevention method statement is submitted.

The proposal conflicts with the aims of the Outline permission in terms of the scale/height of the dwelling

Whilst the Outline planning permission included a condition that the dwelling shall be a single storey building, this is a full planning application which includes sufficient detail in terms of drawings to determine that it is appropriate at this location and will not result in unacceptable harm to the living conditions of other residents in the locality or the visual amenity of the landscape.

Surface water from the driveway and works will run onto the adjacent property.

This is a matter that will be under the control of the developer in terms of the appropriate management of the scheme ensuring that there will not be any harm to the living conditions of the residents during construction.

The dwelling is too large for the plot.

The layout of the proposed development is such that there is sufficient space for the access, dwelling, garage, vehicular parking and with appropriate amenity space to the rear and northern side of the dwelling. Whilst the dwelling with the decking area at the rear will be approximately 3.5 metres at the south rear and 5.5 metres at the northern rear, from the boundary woodland, and has an larger amenity space to the rear of the proposed sun lounge, it remains that the proposed development has acceptable spatial standards to be able to support a residential unit.

There is no information on the soakaway system proposed and does not show that the drainage will flow onto the road or adjacent land.

The application form conveys that there will be a soakaway system to serve the surface water from the site and with the amenity area as referred to above it is considered that there is acceptable land around the dwelling for a soakaway system to serve the dwelling's requirements.

The scope and detail of the surface water soakaway system will be considered in detail in the Building Regulations application and there are highway regulations that prevent surface water from flowing onto the highway.

The proposal conflicts with policies GP1, TR3 and EP3

The proposed development is considered to adhere to the aforementioned policies, with the matters raised by the policies covered in the aforementioned objection concerns, namely the design, access and drainage.

CONCLUSION

The proposed development of a single residential dwelling at this location within the development limits of Penybanc, Llandeilo is an appropriate use of the site which is supported by policy H2 of the LDP which permits such development providing it does not generate any highway, amenity or utility service objections.

The site is at the edge of the settlement on a slightly sloping plot of land within a residential area. It is deemed that a suitable detailed design has been received following a previous outline permission for a bungalow. It is considered reasonable to permit the proposed development at this location which would not have an adverse effect on the character of the area or the general amenities of neighbouring properties or land at this location. The application includes an Unilateral Undertaking to pay the relevant affordable housing contribution.

The Rural conservation Manager has requested a Method Statement to ensure that the hedgerow fronting the site is appropriately translocated to the northern boundary of the application site, which shall be conditioned. The Planning Ecologist has requested detail in relation to the protection of the woodland to the east and specification detail for the protection of the woodland from pollution and construction at the site. This information has been provided and a response to the re-consultation is awaited.

The proposal is considered to be a sympathetic scheme that adheres to the relevant planning policies. The issues of objection have been addressed above and do not justify the refusal of the proposal. Therefore, the application in principle is considered to adhere to LDP policies and is supported subject to the following conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The above approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below;
 - Proposed Floor Plans and Elevations (1505-01A), received 16 October 2017

- Site, Block, Location and Section 2 Plans (1505-02C), received 16 October 2017
- Proposed Garage Plans & Elevations (1505-03A), received 16 October 2017

- 3 The new vehicular access shall be laid out and constructed in accordance with drawing 1505-02 Rev. C prior to the commencement of any other work or development. Thereafter it shall be retained, unobstructed, in this form in perpetuity.
- 4 Any access gates shall be set back a minimum distance of 5.0 metres from the highway boundary, and shall open inwards into the site only.
- 5 The gradient of the vehicular access serving the development shall not exceed 1 in 10 for the first 5.0 metres from the edge of the carriageway.
- 6 There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole U4038 Road frontage within 2.4 metres of the near edge of the carriageway.
- 7 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 8 The parking spaces and layout shown on the plans herewith approved shall be provided to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 9 The private access shall be hard surfaced for a minimum distance of 5.0 metres behind the nearside edge of carriageway, in materials which shall be subject to the prior written approval of the Local Planning Authority. The hard surfacing shall be fully carried out prior to any part of the development approved herewith being brought into use.
- 10 Any vegetation clearance or construction related works must be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.
- 11 Notwithstanding the details approved in condition 2, the translocation of the hedgerow fronting the application site shall be carried out in accordance with the "Translocation of hedgerow-schedule of works", received 16 October 2017, within the first planting season following commencement of the development on site.

REASONS

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

- 3-9 In the interest of highways safety
- 10 In the interest of protecting wildlife.
- 11 In the interest of visual amenity and protection of habitat and wildlife enhancement.

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposed development complies with Policy H2, AH1, GP1 and GP2 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that the dwelling is not detrimental to the character and appearance of the area and it is not considered there are any significant impacts in relation to amenity. Sufficient amenity space is provided for the proposed dwelling with appropriate parking and access provided.

NOTES

- 1 This application has been determined within the scope of the delegated authority granted to the Head of Planning by the Meeting of Carmarthenshire County Council on 12 October 2011 (Minute No 7 refers).
- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk)
- 3 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.

- 4 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.
- 5 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 6 This Planning Permission is tied to an Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 that an Affordable Housing Contribution (policy AH1 of the Carmarthenshire Local Development Plan) of £88.82 m² shall be payed to Carmarthenshire County Council upon beneficial occupation of the dwelling-house.

APPLICATIONS RECOMMENDED FOR REFUSAL

| | |
|-----------------------|----------------|
| Application No | E/35478 |
|-----------------------|----------------|

| | |
|--------------------------------|---|
| Application Type | Full Planning |
| Proposal & Location | REPAIR AND CONVERSION OF SALEM CHAPEL IN TO 1 RESIDENTIAL DWELLING AT SALEM CHAPEL, CAMPBELL ROAD, LLANDYBIE, AMMANFORD, SA18 3UP |

| | |
|---------------------------|---|
| Applicant(s) | MS HAFIDA SARACHI, C/O AGENT, |
| Agent | LES STEPHAN PLANNING LTD, UNIT 9, SWEETLAKE BUSINESS VILLAGE, SHREWSBURY, SY3 9EW |
| Case Officer | Andrew Francis |
| Ward | Llandybie |
| Date of validation | 04/05/2017 |

CONSULTATIONS

Head of Transport – Offers 'no observations' on the application.

Dwr Cymru Welsh Water – Advises that the site is crossed by a public sewer and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Natural Resources Wales – Having considered both the Flood Consequences Assessment and the supplementary information subsequently submitted, NRW maintain their objection to the proposed development and recommend that planning permission is refused as concerns regarding flood risk to the site cannot be overcome either by modifications to the proposed scheme or by planning conditions.

Dyfed Archaeological Trust – Recommend that a photographic record be taken before any work commences.

Llandybie Community Council – Offers no objections to the proposal.

Local Members - County Councillor W R A Davies has clarified that while the application refers to the chapel grounds having become a hot-spot for anti-social behaviour he has a thorough awareness of this part of the village and is clear that this is not the case and knows of no history whatsoever of any anti-social behaviour within the former chapel grounds. Cllr Davies attended the appeal hearing in 2015 to support the previous decision to refuse planning permission and is of the opinion that there has been no change in circumstance since that appeal was dismissed.

County Councillor D Nicholas supports requests that the application be presented before the Planning Committee as he considers that the applicant has a compelling case and the support of Jonathan Edwards MP

Neighbours/Public – The application was advertised by means of a Site Notice. No comments have been received as a result.

RELEVANT PLANNING HISTORY

| | | |
|---------|--|------------------|
| E/34338 | Conversion of Existing Chapel (D1) Into 1 No Residential Dwelling (C3) Full Planning Refused | 25 October 2016 |
| E/31599 | Change of Use from D1 to Domestic Dwelling Full Planning Refused | 8 April 2015 |
| | Appeal Dismissed | 19 October 2015 |
| E/26332 | One Detached Residential Dwelling with Detached Garage Withdrawn | 21 March 2014 |
| E/14322 | Residential Development - One House (Resubmission of E/11274) Outline Planning Refused | 08 November 2006 |
| E/11274 | Residential Development - One House Outline Planning Refused | 25 October 2005 |

APPRAISAL

THE SITE

The application site consists of the existing but closed Salem Chapel situated on the eastern flank of Campbell Road, Llandybie. The existing building is set within a generous, broadly rectangular plot largely laid to grass, with the chapel set towards the rear. The application site is bounded by Campbell Road to the front, residential properties to either side and the river Marlais to the rear, with the site being approximately midway between the upstream masonry arch bridge on Kings Road and the A483 (Ammanford Road) highway bridge. The road frontage is defined by a low, stone boundary wall topped with ornate iron railings, with a gateway at the left-hand end, aligned with the entrance doorway to the chapel, the two linked by a path.

The chapel is a simple rectangular structure, 11.8 metres in length by 8 metres in width and a height of 7.7 metres, with a small entrance porch on the north end wall. The application indicates that although most of the furniture, fixtures and fittings have been removed, the main chapel has an original parquet floor in pristine condition, with the porch having a decorative tiled floor.

Externally, the walls are rendered with a natural slate roof covering. There are two small red brick outbuildings with slated roofs at right angles to the south-east corner, but not joined to the chapel. These are likely to have been a boiler house and toilets.

The application site is situated within the development limits for Llandybie and is also situated within the C2 Flood Zone as defined in the Development Advice Maps issued by the Welsh Government as part of TAN15.

THE PROPOSAL

This application seeks to convert the existing chapel building (Use Class D1) into a single three bedroom residential dwelling (Use Class C3). Externally, modest changes are proposed, the main change being the addition of a decking area onto the rear elevation and six roof lights/windows, three in each roof plane.

Internally, the ground floor is to remain fairly open plan with space for the kitchen, study, lounge, dining and circulation areas. The new first floor is to provide 3 bedrooms (one en-suite) and a bathroom.

The application is supported by a Design and Access Statement; Bat Survey and Mitigation report; Heritage Impact Statement; Flood Consequences Assessment (FCA) and a 46 signature petition of largely local households in support of the proposal.

The Flood Consequence Assessment (FCA) conveys that as part of the flood mitigation the ground floor level is proposed to be increased by 650mm.

PLANNING POLICIES

In the context of the current development control policy framework, any proposal of this nature falls to be considered against the general criteria of a number of Carmarthenshire Local Development Plan (LDP) policies and national policies.

General Development Policy GP1 requires that the conversion conforms with and enhances the character and appearance of the building; would not significantly impact upon the amenity of the users of adjacent properties or the community, and protects and enhances the townscape and the historic and cultural heritage of the County.

Policy H2 states that housing developments on unallocated sites within development limits will be allowed, provided they are in accordance with the Plan's strategy, policies and proposals.

Policy SP2 relates to climate change and requires, in this instance, to avoid, or where appropriate, minimise the risk of flooding including the incorporation of measures such as SUDS and flood resilient design features. Proposals for development which are located within areas at risk from flooding will be resisted, unless they accord with the provisions of Technical Advice Note (TAN) 15 Development and Flood Risk.

With reference to TAN15, which transcribes national policy in Planning Policy Wales into practical guidance on flooding and land use planning. TAN15 defines both 'Less Vulnerable Development' and what would be a 'Highly Vulnerable Development', as well as defining the flood risk zones in the Development Advice Maps (DAM). Essentially, TAN15 states that no Highly Vulnerable Development, such as residential, should be

located within a C2 flood zone unless, a submitted FCA clearly shows that the application site would not flood in a 1 in 1000 year flood, or that any mitigation measures would detrimentally affect other properties.

As bats have been found in the building, policy EQ4 applies in the context of biodiversity, in particular priority species and states that, in this instance, development which affects these species will not be permitted, except where it can be demonstrated that the impacts can be satisfactorily mitigated, acceptably minimised, or appropriately managed to include net enhancements.

TAN5 is the Welsh Government's guidance that refers specifically to Nature Conservation and Planning. Taking into account the policy guidance, given the bat roost found, an European Protected Species (EPS) licence from NRW will be required to do works to the building. No indication has been provided by NRW whether they would be prepared to issue a licence, given their fundamental objection they make regarding flood risk.

THIRD PARTY REPRESENTATIONS

The application was advertised by means of a Site Notice with no representations having been received in response.

The applicant has spoken at a meeting with Llandybie Community Council who, following the meeting do not object. The applicant has also spoken with Jonathan Edwards MP who has subsequently submitted a letter in which he conveys that the applicant has informed him that since the building has remained empty since 2005, it has fallen into a state of disrepair; the changes will be mainly internal; a Historic Building Consultant has stated that the building is an undesignated heritage asset and converting it into a small home is the only viable option to secure its long term future; the applicant has received an insurance quote from the NFU which she believes demonstrates that the insurance industry does not consider the flood risk to be of serious concern; the chapel grounds are now a hotspot for anti-social behaviour and the applicant has provided a petition from local residents supporting the proposal.

Cllr Dai Nicholas echoes Jonathan Edwards MP's support for the proposal and his view that the application is heard by the Planning Committee.

As noted in the summary of consultation above, Cllr Anthony Davies conveys that there has been no change in circumstance since the applicant's appeal in was dismissed in 2015 and that he knows of no anti-social behaviour in the chapel grounds.

CONCLUSION

The central issue in the determination of the application is whether the proposed residential use is acceptable in a known area of flood risk. This has been the principal consideration throughout the planning history of the application site with each of the five previous planning applications in respect of the proposed residential use of the site, that date back to 2005, having been refused or withdrawn due to the flood risk.

The applicant purchased the building at auction in September 2014, with an internet search revealing an auction guide price of £25,000, which would appear to clearly reflect the unsuccessful planning applications. While the case officer recalls that a number of enquiries were received shortly prior to the auction, there is no recollection of the applicant

having done so. Enquirers were advised of the planning history and informed that given the known flood risk, there was no policy support to convert the building into a dwelling. The application form in the applicant's three planning applications E/31599, E/34338 and this submission is completed on each occasion to confirm that no pre-application advice has been sought.

Having regard to the flood risk, NRW confirm that the application site lies within Zone C2 of the Development Advice Map associated with TAN15 - Development and Flood Risk i.e. "*Areas of the floodplain without significant flood defence Infrastructure*" within which "*...Emergency services and highly vulnerable development should not be considered*".

While TAN15 does not provide a definitive categorisation for all forms of development, the definition provided for 'highly vulnerable development' includes "*all residential premises including hotels and caravan parks...*" The 2015 appeal established that the former chapel use is a less vulnerable use and as such the development proposal falls to be determined with due regard to the considerations of TAN15, including a requirement for a FCA.

The submitted FCA conveys that the Welsh Baptist Union has previously undertaken an FCA for the site in January 2014 that included information on flow estimation and the development of a model to predict water levels, and that there is no reason to query the derivation of these. At the appeal all parties accepted the findings of the FCA (Supplementary Document) (June 2015) as they relate to the appeal site and agreed that a 1:100yr event would result in flooding: in the front garden to a depth of 400mm; in the chapel building to a depth of 600mm; and in the rear garden area to a depth of +1metre. Moreover, NRW indicated that their analysis of the site suggested that in a 1:100 event the area surrounding the appeal site would flood to a depth of up to 600mm with velocities of between 1-2m/s (metres/second) and that flooding of up to 1m deep with velocities of 2m/s would occur at the road junctions on Campbell Road. The current FCA conveys that "*In terms of water velocity this is likely to be quite high perhaps as high as 0.45m/sec for the 100yr + cc event. A higher corresponding figure may be anticipated during the 1000yr event.*"

The FCA advises that the ground floor of the chapel is raised by 650mm, to be above the predicted flood depth and to include freeboard - a contingency allowance to cater for hydrological discrepancies and uncertainties. A supplementary FCA document has also been submitted that largely refers to development in other areas where permission has been granted contrary to NRW advice.

The Design and Access Statement (DAS) proposes the following mitigation measures:

- Raising the floor level of the Chapel by up to 750mm which will take the level of the ground floor rooms above the 100yr level and potentially above the 1000yr level;
- Installation of a floodgate, in place of the existing gate adjoining Campbell Road;
- The occupants should register for the Flood Warnings Direct service from the Environment Agency;
- A Flood Management Plan needs to be prepared upon completion of the building which follows the relevant flood awareness advice provided by the NRW. This needs to cover what to do upon receiving a flood warning, the laying in of supplies in the event that an access route is not available, making sure mobiles are fully charged and that alternative sources of energy are available in the event of a power cut.

Having analysed both the FCA and the supplementary document NRW have responded that the supplementary advice note only seeks to compare the current application with other decisions across Wales, commenting, *“We would advise that each planning application should be discussed and assessed on its own merits and we would not accept a comparison of sites as a reason to recommend a no objection to a proposal. We refer your authority to the appeal decision reached by the Planning Inspectorate on 19 October 2015 in which it was concluded that the appeal should be dismissed due to concerns over flood risk”*

NRW conclude that they *“...maintain our objection to the proposed development and recommend that planning permission is refused as our concerns regarding flood risk to the site cannot be overcome by modifications to the proposed scheme or by planning conditions.”*

The applicant contends that the chapel could be converted to other uses that fall within the same planning use class, such as libraries, public halls or pre-schools that are listed as 'highly vulnerable development' without the need for planning permission. It is said that a controlled end-use is preferable, one which can be mitigated against accordingly and that would seek to reduce the flood risk and impact in the locality. It is also conveyed that the applicant has confirmed that she has an insurance quote from the NFU for the consideration of the building as three bedroom home, which she believes shows the insurance industry does not consider the flood risk is of a serious concern.

While the proposed mitigation would allow for the appeal building to remain dry, the findings of the FCA demonstrate that the site as a whole would flood. TAN15 at paragraph 6.2 explains that highly vulnerable development should not be permitted in a C2 zone and as such the proposal is therefore contrary to LDP Policy SP2 and national policy.

In noting the applicant's references in the supplementary FCA document to three permissions elsewhere in 2015/16, two very recent determinations by Welsh Government Ministers in respect of called-in appeals have placed clear emphasis on the in-principle TAN15 requirement that highly vulnerable development should not be permitted in zone C2 areas, with both having been refused planning permission by ministers. The first decision letter dated 6th October 2017 clearly conveys that there shall be no highly vulnerable development within C2 zones, even where there were significant benefits in terms of employment, tourism and investment at an otherwise derelict site. The second decision, dated 10th October, in respect of a mixed use development at a site of which approximately 13% fell within C2, albeit with the residential element indicated to be within that area, was refused in totality on the principle that highly vulnerable, residential development is not to be permitted within zone C2 areas.

While the potential re-use of one of an ever-increasing number of vacant churches and chapels throughout the county is acknowledged, the proposed residential conversion of Salem chapel is outweighed by the risk to life that is again confirmed in the expert opinion of NRW and which has formed the basis of each of the previous planning refusals; one of which has been examined at appeal with the Inspector's decision in September 2015 concluding, *“In reaching my decision [to dismiss the appeal] I have had regard to all other matters raised in support of the scheme including the deteriorating condition of the appeal building. However, none of these factors are sufficient to alter my overall conclusions. Whilst I consider that the proposal would not have an adverse effect on protected species, this does not outweigh my concerns regarding the effect of the proposed development in respect of flood risk”*.

As mentioned briefly above, as there is a bat roost in the building, an EPS Licence will be required to do the works to disturb the bats. Prior to the granting of planning permission, NRW should state whether they are likely to grant a Licence based on the information submitted within the application. However, they have not done so for this application given the fundamental objection regarding flood risk.

Having due regard to the material planning considerations outlined above, it is concluded, on balance, that the proposed residential use is contrary to both national and local policy in respect of flood risk and it is recommended that planning permission is refused.

RECOMMENDATION – REFUSAL

REASONS

- 1 The proposal is contrary to Policy SP2 of the Carmarthenshire Local Development Plan, which states:

SP2 Climate Change

Development proposals which respond to, are resilient to, adapt to and minimise for the causes and impacts of climate change will be supported. In particular proposals will be supported where they:

- a) Adhere to the waste hierarchy and in particular the minimisation of waste;**
- b) Promote the efficient consumption of resources (including water);**
- c) Reflect sustainable transport principles and minimise the need to travel, particularly by private motor car;**
- d) Avoid, or where appropriate, minimise the risk of flooding including the incorporation of measures such as SUDS and flood resilient design;**
- e) Promote the energy hierarchy by reducing energy demand, promoting energy efficiency and increasing the supply of renewable energy;**
- f) Incorporate appropriate climate responsive design solutions including orientation, layout, density and low carbon solutions (including design and construction methods) and utilise sustainable construction methods where feasible.**

Proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN 15.

In that the proposed conversion of the former chapel building to a dwelling would convert a D1 use (less vulnerable development) to a C3 residential use (highly vulnerable development) within a C2 Flood Zone as defined in the Development Advice Maps (DAM) issued in association with TAN 15. Despite the proposed raising of the internal floor levels of the building 750mm, based upon hydraulic

modelling at this location, the chapel will become surrounded by floodwater with depths up to approximately 600mm and 1m during the 1% plus climate change and 0.1% scenarios respectively. In addition, the velocities across the site exceed 0.45m/s during both scenarios. Whilst the built development may remain flood free, the site as a whole does not comply with Tables A1.14 and A1.15 in TAN 15 given the significant depths of water and velocities shown to occur. The hydraulic model also does not include the potential impact should the bridges upstream and downstream of the site become blocked; therefore, there may be an increase in flood risk to the site as a result. In addition, access to the site is shown not to be compliant with Table A1.15. Depths greater than 600mm are shown at the junctions with Campbell Road and velocities along the length of Campbell Road are greater than 0.45m/s.

As such, the proposal in an area at risk of flooding fails to accord with the provisions of TAN 15.

2 The proposal is contrary to Paragraph 6.2 of the TAN 15, which states:

6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted.

In that the proposed conversion of the former chapel building to a dwelling would convert a D1 use (less vulnerable development) to a C3 residential use (highly vulnerable development) within a C2 Flood Zone as defined in the Development Advice Maps (DAM) issued in association with TAN 15. Despite the proposed raising of the internal floor levels of the building 750mm, based upon hydraulic modelling at this location, the chapel will become surrounded by floodwater with depths up to approximately 600mm and 1m during the 1% plus climate change and 0.1% scenarios respectively. In addition, the velocities across the site exceed 0.45m/s during both scenarios. Whilst the built development may remain flood free, the site as a whole does not comply with Tables A1.14 and A1.15 in TAN 15 given the significant depths of water and velocities shown to occur. The hydraulic model also does not include the potential impact should the bridges upstream and downstream of the site become blocked; therefore, there may be an increase in flood risk to the site as a result. In addition, access to the site is shown not to be compliant with Table A1.15. Depths greater than 600mm are shown at the junctions with Campbell Road and velocities along the length of Campbell Road are greater than 0.45m/s.

As such, the proposal in an area at risk of flooding fails to accord with the provisions of TAN 15.