

*Ardal  
Dwyrain/  
Area East*

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR AMGYLCHEDD**

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

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

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

**AR 21 MEDI 2017  
ON 21 SEPTEMBER 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.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>21 SEPTEMBER 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA EAST**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>
	<b>There are no applications recommended for Approval.</b>

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>
<b>E/35478</b>	<b>Repair and conversion of Salem Chapel in to 1 residential dwelling at Salem Chapel, Campbell Road, Llandybie, Ammanford, SA18 3UP</b>

**APPLICATIONS RECOMMENDED FOR REFUSAL**

<b>Application No</b>	<b>E/35478</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	REPAIR AND CONVERSION OF SALEM CHAPEL IN TO 1 RESIDENTIAL DWELLING AT SALEM CHAPEL, CAMPBELL ROAD, LLANDYBIE, AMMANFORD, SA18 3UP

<b>Applicant(s)</b>	MS HAFIDA SARACHI, C/O AGENT,
<b>Agent</b>	LES STEPHAN PLANNING LTD, UNIT 9, SWEETLAKE BUSINESS VILLAGE, SHREWSBURY, SY3 9EW
<b>Case Officer</b>	Andrew Francis
<b>Ward</b>	Llandybie
<b>Date of validation</b>	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** - 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 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 not commented to date, County Councillor D Nicholas requests that the application be presented before the Planning Committee.

**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. 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 area 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 47 signature petition of largely local households in support of the proposal.

Based on the advice of the submitted Flood Consequence Assessment (FCA), the ground floor level has 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 in this instance 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.

In terms of the Plan's strategy and Proposals, as the site is located in a C2 Flood Zone, policy SP2 is applicable. This 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 TAN 15, which transcribes national policy in Wales into practical guidance on flooding and land use planning. TAN 15 defines what a 'Less Vulnerable Development' is and what would be a 'Highly Vulnerable Development' as well as defining the flood risk zones in the Development Advice Maps (DAM). Essentially, TAN 15 states that no Highly Vulnerable Development shall 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 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.

TAN 5 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) license 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 the Local Members and Jonathan Edwards MP with a letter having been received from Mr Edwards 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.

County Councillor David Nicholas supports the points conveyed by Jonathan Edwards MP and the applicant and has requested that the application be considered at Planning Committee.

### **CONCLUSION**

The central issue in the determination of the application is the effect of the proposed development on flood risk. This has been the principal concern throughout the planning history of the application site with each of the earlier planning applications in respect of the proposed residential use of the site having been refused or withdrawn due to the flood risk.

With regard to the above points conveyed by the MP and local member, the applicant purchased this building at auction in September 2014 without seeking planning advice regarding potential uses and issues such as the previous refusals of planning permission on the grounds of flood risk. Many other potential purchasers did so and were advised that given the flood risk, there was no policy support to convert the building into a dwelling. An internet search reveals that the auction guide price was £25,000 that would appear to have clearly reflected the unsuccessful planning applications.

While 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, this fails to take into account the policy advice based on scientific study offered through TAN 15 and NRW. Also, the insurance industry has a duty to insure houses that already exist within C2 flood zones such as those in Campbell Road already, whereas the stated national planning policy and guidance seeks to avoid creating new risks in such areas.

While it is acknowledged that the applicant has submitted a supplementary document to the FCA that proposed a number of measures that seek to address the flood risk concern, these have been scrutinised by NRW who in their response state 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.”*

They also advise that although a supplementary advice note has been submitted in addition to a flood consequences assessment, this note only seeks to compare the current application with other decisions across Wales. *“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.”*

In terms of flood risk NRW advise that the site lies within Planning Policy Wales, Technical Advice Note 15 (TAN15) Development Advice Map Zone C2.

Policy SP2 of the Adopted Carmarthenshire Local Development Plan (LDP) (2014) requires that development proposals in areas at risk from flooding are resisted unless they accord with the provisions of TAN 15.

Moreover, TAN 15 in paragraph 6.2 explains that highly vulnerable development should not be permitted in a C2 zone. The proposal would therefore be contrary to LDP Policy SP2 and national policy. In the 2015 appeal, the Inspector was satisfied that the existing use as a chapel was classed correctly as a less vulnerable development and that the residential use is correctly classed as highly vulnerable development, thus making the residential conversion of the building non-compliant with TAN 15.

As mentioned briefly above, as there is a bat roost in the building, an EPS NRW 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.

As the site is clearly contrary to policies SP2 and TAN15 and there is no material evidence submitted to outweigh the policy objection, this application is recommended for refusal.

While the need to safeguard the future of an unlisted heritage asset is a material planning consideration, it is in this instance outweighed by the risk to life highlighted by NRW arising from flood risk, that has formed the basis of each of the previous planning refusals and has been upheld at an appeal against a broadly similar refusal in October 2015. It is concluded, on balance, that planning permission should be 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. Strategic Objective Supported:**

**O1, SO2, SO4, SO5 and SO1**

- 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.