

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

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

CONSULTATIONS

Head of Highways and Transport – No objection.

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

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

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

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

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

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

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

Natural Resources Wales – No objection.

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

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

RELEVANT PLANNING HISTORY

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

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

THE SITE

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

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

THE PROPOSAL

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

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

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

- Design and Access Statement.

PLANNING POLICY

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

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

Policy SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LDP's settlement framework. In this respect Burry Port is identified as a Service Centre.

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

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

Policy SP14 of the LDP states that development should reflect the need to protect, and wherever possible enhance the County's natural environment in accordance with national guidance and legislation.

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

Policy GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

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

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

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

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

Policy TR2 of the LDP states that developments which have the potential for significant trip generation, should be located in a manner consistent with the plan's objectives and in locations which are well served by public transport and are accessible by cycling and walking.

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

Policy EQ1 of the LDP states that proposals affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ4 of the LDP relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EP1 of the LDP states that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

Policy EP2 of the LDP states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

Policy EP3 of the LDP requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

THIRD PARTY REPRESENTATIONS

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

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

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

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

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

CONCLUSION

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

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

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

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

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted LDP. As such the application is put forward with a recommendation for approval subject to the following conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Existing site and location plan (01) 1:500; 1:1250 @ A3 received 15th October, 2018;
 - Existing floor plans (02) 1:50 @ A1 received 15th October, 2018;

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

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

REASONS

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

REASONS FOR GRANTING PLANNING PERMISSION

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

- It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP6 of the LDP in that the applicant has agreed to provide a financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the site is located within the defined settlement limits of Burry Port and accords with all other policies of the plan.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy H2 of the LDP in that the proposed housing development is located within defined settlement limits and accords with the principles of the plan's strategy and its policies.
- It is considered that the proposal complies with Policy AH1 of the LDP in that the applicant has agreed to provide a financial contribution towards affordable housing.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.

- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.

NOTES

- 1 This planning permission is granted subject to the covenants contained in the Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 dated in connection with the payment of a commuted payment of £16,178 towards affordable housing provision.
- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the authority's website.
- 3 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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.