

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0219

Grid Ref: 310392.68 235106.66

Community Council: Felin-Fach

Valid Date: Officer:
03/03/2017 Thomas Goodman

Applicant: Mr & Mrs Freer Spreckley, Castle Barn, Snodhill, Hereford, HR3 6BH

Location: The Stables, Llandefalle, Felinfach, Brecon, Powys, LD3 0UN

Proposal: Full: Change of use of stables to residential dwelling to include removal of lean to, installation of solar panels and ground source heat pump

Application Type: Application for Full Planning Permission

The reason for Committee determination

Cllr Tony Thomas called the application in to be determined at Committee.

Site Location and Description

The proposed development is located within the open countryside as defined by the Powys Unitary Development Plan (2010). The application site is bound by agricultural land located to the north and east. To the south is a neighbouring residential property whilst running to the west is the County Class III highway, C0067.

Consent is sought for the change of use of a stable block to a residential dwelling to include the removal of a lean to and the installation of solar panels. The existing stable block measures approximately 24.2 metres in length and 12.9 metres in width. The unit measures approximately 8.4 metres to the ridge height and 5.2 metres to the eaves. The walls are finished in painted render under a slate roof.

The conversion will include the following alterations:

- Removal of veranda to the south east elevation;
- Creation of a porch to the south west elevation;
- Inclusion of solar panels;
- Timber cladding to the entire south east elevation and parts of the north west elevation;
- Alterations to existing openings throughout.

Consultee Response

Felinfach Community Council

If the planning department is satisfied with the policy GP6 conditions being met, we do not wish to comment, however we would like to be kept informed of developments/changes to the application.

PCC-Highways (South)

The County Council as Highway Authority for the County Class III Highway, C0067

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority recommends that the following conditions be attached to any consent granted.

HC1 Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC4 Within 5 days from the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Within 5 days from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC21 Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

HC30 Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

PCC- Building Control

This scheme will require the benefit of a building regulation application to be submitted.

Wales & West Utilities

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage

As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

PCC - Environmental Health

Consultation response received 17/03/2017:

The following matters are recommended:

1 - The construction period working hours and delivery times to be restricted as follows:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

2 - It is Government policy that, where practical, foul drainage should be discharged to the mains sewer. If this is not possible and the applicant proposes to install a sewage treatment plant then consent must be obtained from the NRW for the sewage discharge to a watercourse.

However if the sewage treatment plant is to discharge to a drainage field, or should a septic tank be utilised, then prior to any planning permission being granted the applicant/agent should submit percolation test results (including calculations) in order to demonstrate that the ground conditions are suitable for the foul drainage soakaway. This should be carried out in accordance with document H2 of the Building Regulations.

Environmental Protection to be advised, via the Planning Authority, when the testing is carried out so a site visit can be made to examine the exposed ground and percolation test holes which must be left undisturbed until inspected.

In addition Welsh Government has advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered with Natural Resources Wales. More information, including a step by step guide to registering can be found at the following link: <http://www.naturalresources.wales/media/2879/septic-tank-registration-guidance.pdf?lang=en>.

Consultation response received 24/03/2017:

The application is for the conversion of a stables which according to the supporting statement has no amenities and although the block plan shows an existing septic tank there is no indication that the stables or the proposed 4 bedroom house is, or will be, connected.

Therefore my request for further information regarding the suitability and sufficiency of the foul drainage system and its soakaway (or connection to a watercourse) remain.

Consultation response received 02/06/2017:

The agent has stated that the building is connected to an existing septic tank but no further information regarding the tank and its soakaway has been provided. Therefore I am unable to comment further regarding the suitability of the sewerage arrangements although the agent has commented that the building was subject to Building Regulation approval.

Consultation response received 08/06/2017:

Having regard to the information below, as provided by the agent, I do not require any further information.

PCC - Ecologist

The proposals involve refurbishment of an existing building and therefore do not constitute a Schedule 1 or Schedule 2 development according to the criteria provided in The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.

No ecological information has been submitted with this application. These observations are based on an interpretation of available aerial and street imagery, the submitted plans and planning statement and historical biodiversity records provided by the Powys Biodiversity Information Service.

The application site appears to involve refurbishment of a redundant barn building involving removal of a lean-to roof along the south-east elevation. The proposals also involve installation of solar panels on the roof of the building and installation ground source heat system, the pipes for which would be placed in a field which is adjacent to the property to the west and currently appears to be used for grazing. A hedgerow currently appears to form part of the boundary between the property and the adjacent highway, however it's not expected that the hedge would be altered to accommodate the access to the property. No other vegetation removal is expected as part of the proposals.

There is a historical record of various bat species and dormice within 2km of the application site, but none within the vicinity of the proposed development itself.

Bat roosts are often associated with roofs, both internally using the loft void and externally, particularly utilising suitable roosting opportunities associated with the ridge and edges of the roofs. Areas of the existing building which are likely to be disturbed by the proposed works.

No ecological information has been submitted with the application. Even though the fabric of the existing building is of recent construction it is considered that there is a reasonable likelihood of bat roosts being present given the proximity of surrounding trees and hedgerows including the tree-lined watercourse to the south, and the fact that the property has not been in use during recent years. Therefore, it is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application.

In order to assess the potential impacts to roosting bats, a preliminary assessment of the building for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat access or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the Powys Bat Survey Guidance and the standard survey methodology published by Bat Conservation Trust.

As discussed above no vegetation removal is required as part of the proposals and therefore no effects upon commuting and/or foraging bats or dormice are expected as a result of the proposals.

There are historic records of reptiles from within 2km of the site and several historic records of nesting bird species, although none from within the vicinity of the site.

Considering the nature of the proposals and the lack of disturbance to surrounding semi-natural habitats it is considered that there is a low likelihood of effecting reptiles or nesting birds. The developer should be mindful of encountering bird nests beneath the eaves of the building which could potentially be disturbed during refurbishment works.

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

As discussed above the limited effects upon surrounding vegetation is minimal and it is not expected that priority habitats or species could be adversely affected by the proposals.

As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should therefore be provided for approval prior to commencement of development. Other possible enhancements could be achieved by the installation of bat and bird boxes and sowing of wildflower seeds within the grassed areas, all of which would be welcomed.

The River Wye SAC is located approximately 1.2km north of the proposed development. No effects upon the integrity of this site or its features would be expected to occur as a result of the proposals.

Pont-y-Bat Wood SINC is located approximately 350m to the south of the proposed site. No effects upon this site would be expected to occur as a result of the proposals.

It is considered that there is insufficient information with regard to potential impacts to bats, a European protected species, to determine this application. In order to assess the potential impacts to roosting bats, a preliminary assessment of the building for its bat roost potential and the potential for any impacts is required. This assessment needs to be undertaken by an appropriately experienced and licensed bat consultant. If this preliminary bat roost assessment identifies potential bat roosting opportunities and/or actual bat roosts that will be affected by the proposals then further bat survey work will be required. If bat access or roosts are found that will not be affected by the proposals a method statement must be submitted to demonstrate how the proposed works will avoid any impacts to bats.

The preliminary bat roost assessment shall include a full internal and external inspection of the building and an assessment of how the proposed development works may affect any potential or actual bat roost features, as well as incorporating opportunities for bats within the completed development. The preliminary bat roost inspection must be undertaken by an appropriately experienced and licensed ecologist and must adhere to the Powys Bat Survey Guidance and the standard survey methodology published by Bat Conservation Trust.

Should you be minded to approve this application, and subject to receipt of the additional information requested above, I recommend the inclusion of the following conditions:

Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informatives

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Consultation response received 08/05/2017:

We provided ecological observations on this application on 23/03/17. Additional information provided subsequent to these comments include a Preliminary Bat Assessment undertaken by Laurence Brooks (02/05/17)

Comments made following receipt of this information are included in bold text below. Otherwise the original observations remain valid.

The proposals involve refurbishment of an existing building and therefore do not constitute a Schedule 1 or Schedule 2 development according to the criteria provided in The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.

These observations are based on an interpretation of available aerial and street imagery, the submitted plans and planning statement, historical biodiversity records provided by the Powys Biodiversity Information Service and the Preliminary Bat Assessment supplied as additional information to the original application.

The application site appears to involve refurbishment of a redundant barn building involving removal of a lean-to roof along the south-east elevation. The proposals also involve installation of solar panels on the roof of the building and installation ground source heat system, the pipes for which would be placed in a field which is adjacent to the property to the west and currently appears to be used for grazing. New wooden cladding across the whole of the south east elevation is also proposed under the current plans. A hedgerow currently appears to form part of the boundary between the property and the adjacent highway, however it's not expected that the hedge would be altered to accommodate the access to the property. No other vegetation removal is expected as part of the proposals.

There are historical records of various bat species and dormice within 2km of the application site, but none within the vicinity of the proposed development itself.

A preliminary bat assessment report has been supplied as additional information to the original application. The report confirms that there is evidence of use of the building by bats, which is likely to result from a small number of brown long-eared bats using the building in 2016 but probably not prior to this. Evidence points towards regular use by one or two bats rather than a breeding colony. The majority of evidence was found in the loft space with some evidence also encountered on the first and ground floor levels which are accessible from the loft. The report identifies the most likely access point into the current loft space as being beneath the end ridge tiles of the existing roof.

The assessment concludes that there is unlikely to be significant post-construction impacts from use of the building as a residence, and precautionary mitigation measures are recommended to allow continued access into the current loft space and cavity wall, as well as enhancement measures which would provide additional roosting opportunities behind proposed cladding boards.

No vegetation removal is required as part of the proposals and therefore no effects upon commuting and/or foraging bats or dormice are expected as a result of the proposals.

A preliminary bat assessment report has been supplied as additional information to the original application. The report confirms that six barn swallow nests were discovered beneath the long rear porch which is to be removed as part of the proposals.

I recommend that removal of the existing porch is timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.

The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

As discussed above the limited effects upon surrounding vegetation is minimal and it is not expected that priority habitats or species could be adversely affected by the proposals.

As a biodiversity enhancement to the site I recommend that native, locally-occurring plant species are included in any landscaping associated with this application and a species list for the landscaping should therefore be provided for approval prior to commencement of development. Other possible enhancements could be achieved by the installation of bat and bird boxes and sowing of wildflower seeds within the grassed areas, all of which would be welcomed.

The River Wye SAC is located approximately 1.2km north of the proposed development. No effects upon the integrity of this site or its features would be expected to occur as a result of the proposals.

Pont-y-Bat Wood SINC is located approximately 350m to the south of the proposed site. No effects upon this site would be expected to occur as a result of the proposals.

Should you be minded to approve this application I recommend the inclusion of the following conditions:

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development, a Species List for the Landscape Planting shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

The recommendations regarding bats identified in sections 40-48 of the Preliminary Bat Assessment Report by Laurence Brooks dated 02/05/17 shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

A lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Informatives

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Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email enquiries@bats.org.uk

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- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

PCC Valuer

I would make the following observations:-

Marketing Price is stated at £198,000. The marketing report suggests that this is a guide with a view of inviting offers but none of the marketing material outlines that the quoted price is open to offers or indeed a degree of flexibility on sale price exists. It is reasonable to expect given the minimal interest received over the marketing process that consideration be given to a price reduction- this has not happened in this case.

Whilst the marketing strategy would seem appropriate for the particular type of property I would conclude that it has been marketed at a figure above its existing use market value and this could be why limited interest was shown. It is considered that a more appropriate figure is £160,000 (some 20% less than the asking price) based on its existing use. The Marketing Report does not provide any information as to how the £198,000 has been arrived at.

Cllr Tony Thomas

Wishes the application to be called in to be determined by Committee, as the application previously went to Committee.

Representations

Following the display of a site notice, public representations have been received, which in summary raise the following matters:

- Consideration should be given to the stable being sold and used as a stable for a more realistic price.
- Building is out of character with the surrounding properties.
- Original permission was for a stable block with accommodation for one person.
- Concerns that the building was not initially built in construction with the approved plans.
- Should the change of use be permitted concern is raised that it will have an impact on the value of surrounding properties.

Planning History

B/05/0297 – Proposed new stables – Conditional Consent – 10/11/2005

B/04/0290 – Erection of stables – Conditional Consent – 28/09/2004

P/2015/0966 – Change of use of stables to include residential conversion as part of a scheme for economic re-use at The Stables, Llandelalle, Brecon. Refused – 27/04/2016

Principal Planning Constraints

Open Countryside

Principal Planning Policies

National planning policy

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note (TAN) 1 – Joint Housing Land Availability Study (2015)

TAN 2: Planning and Affordable Housing (2006)

TAN 5: Nature Conservation and Planning (2009)

TAN 12: Design (2016)

TAN 18: Transport (2007)

TAN 23: Economic Development (2014)

Local planning policies

Powys Unitary Development Plan (2010)

SP5 – Housing Developments

GP1 – Development Control

GP3 – Design and Energy Conservation

GP4 – Highway and Parking Requirements
GP6 – Conversion of Buildings in the Countryside
ENV2 – Safeguarding the Landscape
ENV3 – Safeguarding Biodiversity and Natural Habitats
ENV7 – Protected Species
HP4 – Settlement Development Boundaries and Capacities
DC11 – Non-mains Sewage Treatment

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

In encouraging the re-use of buildings in the countryside, the Council recognises that there are sustainable arguments both for and against such developments. On the positive side, conversions can breathe new economic and social life into rural communities. They re-use existing buildings and building materials which reduces the need to construct on greenfield sites and for processing new construction materials. However, on the down-side, conversions can create a dispersed pattern of settlement that is likely to generate new and longer trips, as existing buildings are typically remote from shops and other services.

Policy GP6 of the Powys Unitary Development Plan states that proposals for the conversion or re-use of existing buildings in the countryside will be assessed against a hierarchy of potential after-uses. Unless convincing evidence is submitted to show that a conversion for such uses would be impractical, applicants should demonstrate that they have first made attempts to secure a re-use for purposes within classes i-iii of the hierarchy. Where these have been unsuccessful for a period of at least six months and a conversion to a use under class iv in the hierarchy is proposed, the application should be supported by a supporting statement.

The hierarchy of policy GP6 states the following:

- i. A conversion for an employment use providing industrial, office or research and development premises for uses within class B1 of the use classes order 1987, unless the Proposal would be for a large scale industrial use more suited to a business park or industrial estate; or
- ii. A residential conversion as a subordinate part of a scheme for economic re-use or as a rural workers dwelling in accordance with policy HP6; or
- iii. A residential development to meet a proven local need for affordable housing and where the applicant complies with affordability criteria in UDP policy HP10. Satisfactory

arrangements must be in place to ensure the dwelling remains affordable in perpetuity and future occupancy will be limited to persons complying with UDP policy HP10.

iv. A conversion to permanent residential use, holiday accommodation or other tourism, leisure and recreation uses.

The application includes a marketing report of the property. The property has been marketed in excess of 6 months by Clee Tompkinson Francis and the application is accompanied by a marketing report highlighting the marketing efforts made. Marketing of the property commenced on the 18th July 2016 (Rightmove and Clee Tompkinson Francis) and was advertised in the local paper 'The Brecon & Radnor Express' on the 28th July 2016 and withdrawn from the market on the 21/04/2017. The marketing resulted in three enquires all seeking to convert the premises, however, no parties pursued their enquiry. It is considered that the property has been marketed for a period in excess of 6 months. However, following consultation with Powys County Council's Valuer the following observations have been received:-

"Marketing Price is stated at £198,000. The marketing report suggests that this is a guide with a view of inviting offers but none of the marketing material outlines that the quoted price is open to offers or indeed a degree of flexibility on sale price exists. It is reasonable to expect given the minimal interest received over the marketing process that consideration be given to a price reduction- this has not happened in this case.

Whilst the marketing strategy would seem appropriate for the particular type of property I would conclude that it has been marketed at a figure above its existing use market value and this could be why limited interest was shown. It is considered that a more appropriate figure is £160,000 (some 20% less than the asking price) based on its existing use. The Marketing Report does not provide any information as to how the £198,000 has been arrived at."

Given the response received from Powys County Council's Valuer it is considered that the property has not been appropriately marketed and therefore in this instance is considered that attempts to secure a re-use for purposes within classes' i-iii have not been appropriately made.

As well as the marketing report submitted with the application a supporting statement has also been submitted to demonstrate that a conversion to a use within classes i-iii is not practical.

The statement states that a conversion for an employment use providing industrial, office or research would not be acceptable for the following reason:

- The building has been refused twice before and the Highway Authority had indicated that a use as light industry or as office use would not be supported due to the additional traffic movements on narrow lanes. Therefore causing an unacceptable detrimental impact upon highway safety.

The statement also demonstrates that a conversion as a residential conversion as a subordinate part of a scheme for economic re-use or as a rural workers dwelling would not be acceptable due to:

- No interest has come forward in relation to the re-use as a rural workers dwelling or for economic re-use following the marketing of the property. Two previous applications have also been refused as it would result in additional traffic movements. Furthermore the application site is relatively small and would not be viable for a re-use as a rural workers dwelling.

Lastly the statement includes information relating to reasons as to why a conversion to an affordable dwelling would not be acceptable, the reasons include:

- Due to the isolated location and having no access to public transport or social amenities, the building is unsuitable for affordable housing as well as the size and cost of the property.

In light of the above it is therefore considered that whilst justification has provided information in relation to the buildings suitability for re-use the fact that the property has been marketed and a marketing report submitted with this application demonstrates that a reuse as something other than a dwelling hasn't been undertaken appropriately. Therefore given the comments from Powys County Council's Valuer, it is considered that there is not sound justification in their argument that the property has been appropriately considered for re-use.

Should it be considered that classes i-iii of the hierarchy of policy GP6 cannot be achieved and therefore a conversion to a permanent residential use or holiday accommodation would be the most approximate re-use of the building the following should be considered:

The development must also comply with Part B of Policy GP6, which takes into consideration the following:

It is considered that the building has previously been used as a stable block and this was established under the application P/2015/0966 which was subsequently refused due to issues surrounding highway matters and the unit being proposed for a live/work unit.

Permitted development rights will be removed via the inclusion of a condition to ensure that the building is not altered by addition of extension etc without planning permission.

It is considered that the building is of a suitable size and would not require significant rebuilding which would be tantamount to the erection of a new building.

In light of the above it is considered that the proposed development fundamentally complies with Part B Policy GP6 subject to the following considerations:

Character and Appearance

UDP policy GP1 indicates that the development proposals will only be permitted where the scheme complements and wherever possible enhances the character and appearance of existing buildings and the surrounding area.

The character and appearance of the existing building is not of a typical stable block development and comprises of two storey painted render under a slate roof with UPVC windows in all elevations. Policy GP6 of the Powys UDP also states that conversions should be designed and use materials which retain and enhance the character and appearance of the existing building. The proposed alterations include the following:

- Removal of veranda to the south east elevation;
- Creation of a porch to the south west elevation;
- Inclusion of solar panels;
- Timber cladding to the entire south east elevation and parts of the north west elevation;
- Alterations to existing openings throughout.

By introducing timber cladding to large parts of the existing building, it gives the building a more agricultural aesthetic appearance. Therefore complementing existing agricultural buildings within the surrounding area to a greater effect than what is currently present. Minor alterations are proposed to the existing openings, however, given that the existing opening are finished in UPVC and are standard windows, it is considered that these alterations would not have a detrimental impact upon the character and appearance of the existing building.

It is considered that the proposed conversion scheme enhances the rural aesthetic appearance of the building and thus assimilates greater with surrounding buildings and the surrounding landscape. In light of the above observations, Development Management are satisfied that the proposed development is in accordance with relevant planning policies particularly policies GP1, GP6 and ENV2.

Highway Safety

Policy GP4 of the Powys Unitary Development Plan (2010) requires a safe access, parking and visibility splays which are a fundamental requirement of any development.

Powys County Council's Highway Authority has been consulted on the proposed development. The Highway Officer has stated that the proposed development is considered to be acceptable subject to the attachment of appropriately worded conditions. The conditions will ensure that an appropriate access, parking and visibility splays are all constructed to an acceptable standard.

In light of the above and subject to the attachment of appropriately worded conditions it is considered that in this instance the proposed development fundamentally complies with policy GP4 of the Powys UDP.

Environmental Health

Powys County Council's Environmental Health Officer has been consulted on the proposed development. The Officer has noted that the proposed development seeks to use a non-mains sewage disposal system. The Environmental Health Officer initially required additional information in relation to the method of foul drainage and the capacity of that unit. The applicant is seeking to utilise an existing septic tank. Following the submission of additional information including the capacity of the septic tank (3366 litres – 6-8 people use), the Environmental Health Officer confirmed that they required no further information and that the developments method of foul drainage was acceptable.

The Environmental Health Officer has also requested that a condition be secured restricting the operating hours at the site during the construction process in order to minimise noise impacts to the surrounding residential dwellings.

In light of the above and subject to the attachment of an appropriately worded condition it is considered that the proposed development fundamentally complies with relevant planning policy.

Biodiversity

Policies ENV3 and ENV7 of the Powys UDP seek to safeguard and enhance wherever possible protected species and their habitats through development. This is further emphasised within Technical Advice Note 5 and Planning Policy Wales.

Powys County Council's Ecologist has been consulted on the proposed development and initially stated that there was insufficient information submitted with the application to determine whether or not the proposal would have a detrimental impact upon protected species. Additional information was provided in the form of a preliminary bat survey. Powys County Council's Ecologist was re-consulted and noted that the preliminary bat assessment report supplied as additional information confirms that six barn swallow nests were discovered beneath the long rear porch which is to be removed as part of the proposals.

The Ecologist has therefore recommended that the removal of the existing porch is timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing. It is noted that ground works are proposed with the development (ground heat source pump) and it is noted that no protected species would be affected by these operations. Additional conditions have been recommended to be secured by the ecologist to ensure that protected species and their habitats are not detrimentally impacted upon.

In light of the above and subject to the inclusion of appropriately worded conditions it is considered that the proposed development fundamentally complies with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010).

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Having carefully considered the proposed development, Development Management is not satisfied that the proposal is in accordance with planning policy GP6 (Part A) of the Powys Unitary Development Plan (2010) and therefore the recommendation is one of refusal. Whilst the justification has provided information in relation to its suitability for reuse the fact that the marketing of the property was undertaken at an inappropriate level, Officers cannot consider that an alternative use other than a dwelling can be ruled out. The reasons for refusal are as follows:

Reasons:

1. Whilst marketing of the property has been undertaken, it is considered that the property has not been valued at an appropriate level during the marketing period and therefore does not confirm compliance with policy GP6 of the Powys Unitary Development Plan (2010).