

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 18/0553/FUL

**Grid Ref:** E: 294723  
N: 247624

**Community Council:** Llangammarch

**Valid Date:** 23.08.2018

**Applicant:** Mr Pierre Misfud

**Location:** Lake Hotel, Llangammarch Wells, Powys, LD4 4BS

**Proposal:** Proposed managers dwelling for use in conjunction with the hotel (part retrospective).

**Application Type:** Full Application

### The reason for Committee determination

The Local Member for Llanwrtyd Wells & District has requested that the application is determined by Members of the Planning, Taxi Licensing and Rights of Way Committee.

### Consultee Responses

Consultee	Received
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<u>Community Council</u>	8th Oct 2018
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This property has been built in an unapproved position and the layout plan has been changed. The banking and hedgerow have been removed without permission and has not been repaired and will take some to recover if at all.

There seems to have been little or no control from Planning, Building Control and Highways departments on this application.

I know Councillor Tim van Rees has asked for this planning proposal to go to full committee and I support this request.

There appears to have been little contact or correspondence with LCC or local residents on the concerns raised.

PCC-Building Control

No comments received at the time of writing this report.

Wales & West Utilities - Plant Protection  
Team

18th Sep 2018

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.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Any information you provide as part of this application process for our services will only be used in accordance with our privacy notice statement which can be found on our website [www.wwutilities.co.uk](http://www.wwutilities.co.uk). Alternatively a paper copy can be provided to you on your request by contacting our Data protection Officer at [DataProtection@wwutilities.co.uk](mailto:DataProtection@wwutilities.co.uk)

Ward Councillor

25th Sep 2018

I wish to call in this application before the planning committee but I think sofar both the retrospective and new application are concerned I am credibly informed that the building which has now been largely erected is not only incorrectly built and is not in accordance with the original plans, it is now close to the road impinging on the position of already erected properties and a wholly unauthorised entrance has been created off the Llangammarch to Maesymy Road.

PCC-(S) Highways

26th Sep 2018

From a highway perspective, this application is effectively a variation of the previously consented scheme P/2014/0953. Accordingly, the Highway Authority does not raise any objection, but would seek assurances that access to the site is via the existing hotel entrance only, as stated within the application.

Welsh Water

19th Sep 2018

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

We can confirm we have no objections to the proposed development.

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@dwrwymru.com](mailto:developer.services@dwrwymru.com)

Please quote our reference number in all communications and correspondence.

### **Representations**

The application was advertised through the erection of a site notice, a total of 2 objections have been received in respect of the proposed development and are summarised below;

- Dwelling will become a dominant feature of the rural landscape.
- High roofline dominates the immediate landscape.
- Section of hedgerow removed creating a dangerous new access.

### **Planning History**

P/2014/0953 Full: Erection of a manager's dwelling for use in connection with the hotel – Conditional Consent.

P/2010/0155 Full: Erection of an orangery – Conditional Consent.

B/0002/0092: Additional hotel accommodation and associated car parking for 20 cars – Approved.

B/0094/7079: Change of use of outbuildings into managers accommodation – Approved.

B/0093/6795: Replacement of existing outbuildings – Approved.

B/0090/5914: Single Storey Lodge – Approved.

### **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 9, November 2016)		National Policy
TAN1	Joint Housing Land Availability Studies		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN4	Retail and Commercial Development		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP2	Employment Growth		Local Development Plan 2011-2026
SP3	Affordable Housing Target		Local Development Plan 2011-2026

SP4	Retail Growth	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

### **Officer Appraisal**

## Site Location and Description

The proposed development is not located within a settlement development boundary and therefore for the purposes of this application is considered as development within the open countryside as defined by the Powys Local Development Plan (2018). To the north and east of the site lies the golf course in connection with the Lake Hotel, to the west lies the Lake Hotel and to the south lies the County Class III Highway (C0028).

This retrospective application seeks consent in full for the erection of a managers dwelling for use in conjunction with the hotel. The dwelling will measure approximately 16.8 metres in length by 11.3 metres in width, with a height to the eaves of approximately 2.8 metres and a height to the ridge of approximately 7.6 metres. The dwelling is to be finished using render walls under a slate roof, with timber uPVC windows / doors.

## Principle of Development

Policy SP6 of the Powys Local Development Plan states that residential development proposals in the open countryside will only be acceptable where they comply with PPW and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010). TAN 6 states that one of the few circumstances where residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. This includes tourism and leisure enterprises such as the Lake Hotel. The proposal must satisfy both a functional test, to prove that the enterprise requires a worker to be readily available at most times, and a financial test, to establish the enterprise is economically viable. The Council must also be satisfied that there is no other existing building suitable for conversion on the enterprise or a dwelling within the locality that could meet the identified functional need. It has been noted that the principle of development has previously been established for a managers dwelling under ref. P/2014/0953 with this retrospective applications seeking to amend the location of the dwelling.

The functional need for the additional managers dwelling is made within the application. The accommodation is required to ensure 24hr availability of a senior staff member in the event of an emergency within the existing hotel grounds. The running of a hotel at this scale and popularity would require more than one manager to be permanently resident on site. The financial test has previously been established under ref. P/2014/0953 and through supporting records within the current application. It is considered given the financial records of the business, and the expected growth of the enterprise over the next 5 years where the Lake Hotel is expected to employ a further 20-25 members of staff, the business could support the construction of a new managers dwelling and salary. With regard to the other dwelling test it is considered there are no existing buildings within the grounds of the Lake Hotel that could reasonably accommodate the proposed development.

In light of the above, it is considered that the principle of development for a managers dwelling at this location fundamentally complies with relevant planning policy.

### Appearance, Layout and Style

The Powys Local Development Plan policy H3 and DM13, TAN 2 and Planning Policy Wales (PPW) all refer to good design and how development proposals should be of a good design and have consideration to its surroundings. PPW refers to good design as having a relationship between all elements of the natural and built environment. Policy H3 states that housing development proposals must be of an appropriate scale and shall provide a suitable mix of housing types to meet the range of identified local housing needs and is supported by Policy DM13 of the Powys Local development Plan which states that proposals must demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area.

In this instance the proposed development seeks consent for a detached rural workers dwelling which will measure approximately 16.8 metres in length by 11.3 metres in width, with a height to the eaves of approximately 2.8 metres and a height to the ridge of approximately 7.6 metres. The proposal is of the same scale and height to the dwelling that was previously approved under application ref. P/2014/0953, therefore the only change has been in the location of the dwelling as oppose to any increase in scale. The dwelling is located approximately 6 metres from the (C0028) Highway and is 45 metres from the nearest neighbouring properties. Therefore in response to concerns raised regarding the impact of the dwelling on the landscape, it is not considered that the relocation of the dwelling has made the scale unacceptable and is considered to be suitable at this location, and will not cause a detrimental impact upon the character or appearance of the surrounding area. The dwelling uses a design and materials that are in keeping with the rural nature of the area and it is considered that the dwelling has been sensitively designed to complement the character of the surrounding area.

A visual and sensory evaluation of the site using LANDMAP classifies the area of the application site as being of moderate value. LANDMAP describes the area as being gentle undulating pastoral landscape cut through by the Rivers of Irfon with areas of wetland and woodland being prominent. Given that the classification of the land is given as moderate and the application site is located within the grounds of an existing tourism asset it is not considered the proposed development will cause an unacceptable detrimental impact upon the character and appearance of the Powys landscape.

In light of the above it is therefore considered that the proposed development fundamentally complies with policy DM13 of the Powys Local Development Plan (2018).

### Highways

LDP Policy DM13 part 10 states that development proposals should meet all highway access requirements (for transport users) and parking standards.

Powys County Council's Highway Authority has been consulted on the proposed development. They have stated that, from a highway perspective, given the application is effectively a variation of the previously consented scheme P/2014/0953 they do not raise any objection to the application, provided that access to the site is via the existing hotel entrance only.

It is noted that a new access has been created to the south of the application site on to the County Class III Highway (C0028) without consent. Following discussion with the Highway department it has been requested that the hedge and bank be reinstated to match the adjacent profiles, therefore a condition will be attached to the granting of consent requesting that the hedge and bank be reinstated.

In light of the above and subject to the attachment of an appropriately worded condition it is considered that the proposed development would not have a detrimental impact upon highway safety. The proposed development therefore complies with policy DM13 of the Powys LDP.

#### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004) & LDP: DM13 (Part 11).

The nearest neighbouring residential property to the proposed development is approximately 45 metres to the south east, with intervening trees, hedgerow and highway. Given the fact there are no neighbouring properties present within the surrounding area of the site it is not considered that the erection of a dwelling at this location will cause any unacceptable impact on the amenities of any neighbouring properties in terms of loss of daylight and loss of privacy.

In light of the above, it is considered that the proposed development fundamentally complies with relevant planning policy.

#### **RECOMMENDATION – CONDITIONAL CONSENT**

Having carefully considered the proposed development, officers consider that the proposal fundamentally complies with relevant planning policy. The recommendation is therefore conditional approval subject to the conditions below. However given that the dwelling has been relocated to an extent where the previous consent ref. (P/2014/0953) could be implemented, a Section 106 legal agreement will be attached to any consent granted ensuring that only the development proposed under this application (18/0553/FUL) can be implemented.

#### **Conditions**

1. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from XXX.
2. The development shall be carried out strictly in accordance with the amended plan stamped as received on 01/10/2018 (drawing no: 1: 2464/A) and amended plan stamped as received on 11/10/2018 (drawing no: 0: 2464/A).
3. The occupancy of the dwelling shall be restricted to:
  - a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or if it can be demonstrated that there are no such eligible occupiers,
  - b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.
4. Within 28 days of the date of this permission the new access which has been created on to the County Class III Highway (C0028) shall be stopped up and shall no longer be used for vehicular movements.
5. Within 28 days of the date of this permission a scheme for the permanent stopping up of the access as referred to in Condition 4 above shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include an implementation scheme and shall thereafter remain as approved in perpetuity.
6. Within 28 days of the date of this permission a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.
7. The landscaping scheme as approved in Condition 6 shall be carried out in accordance with the approved details during the first planting season immediately following completion / occupation of the dwelling (whichever is the sooner). The completed scheme shall thereafter be managed and maintained in accordance with the approved scheme and any trees or plants which within a period of 5 years from the completion 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

## Reasons

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. The dwelling is proposed for a site which would not normally be permitted other than for the running of the defined rural enterprise in accordance with the requirements of Technical Advice Note (TAN) 6 and Planning Policy Wales (Edition 9, November 2016).
4. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
5. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
6. To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
7. To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
8. In order to control further development this has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 of the Powys Local Development Plan and Technical Advice Note 6.