

Heading:

REFERENCE NO. 18/2014/0794/LB
& 18/2014/0793/PF
PENTRE MAWR, LLANDYRNOG

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Denbighshire County Council
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Denbigh
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 Application Site

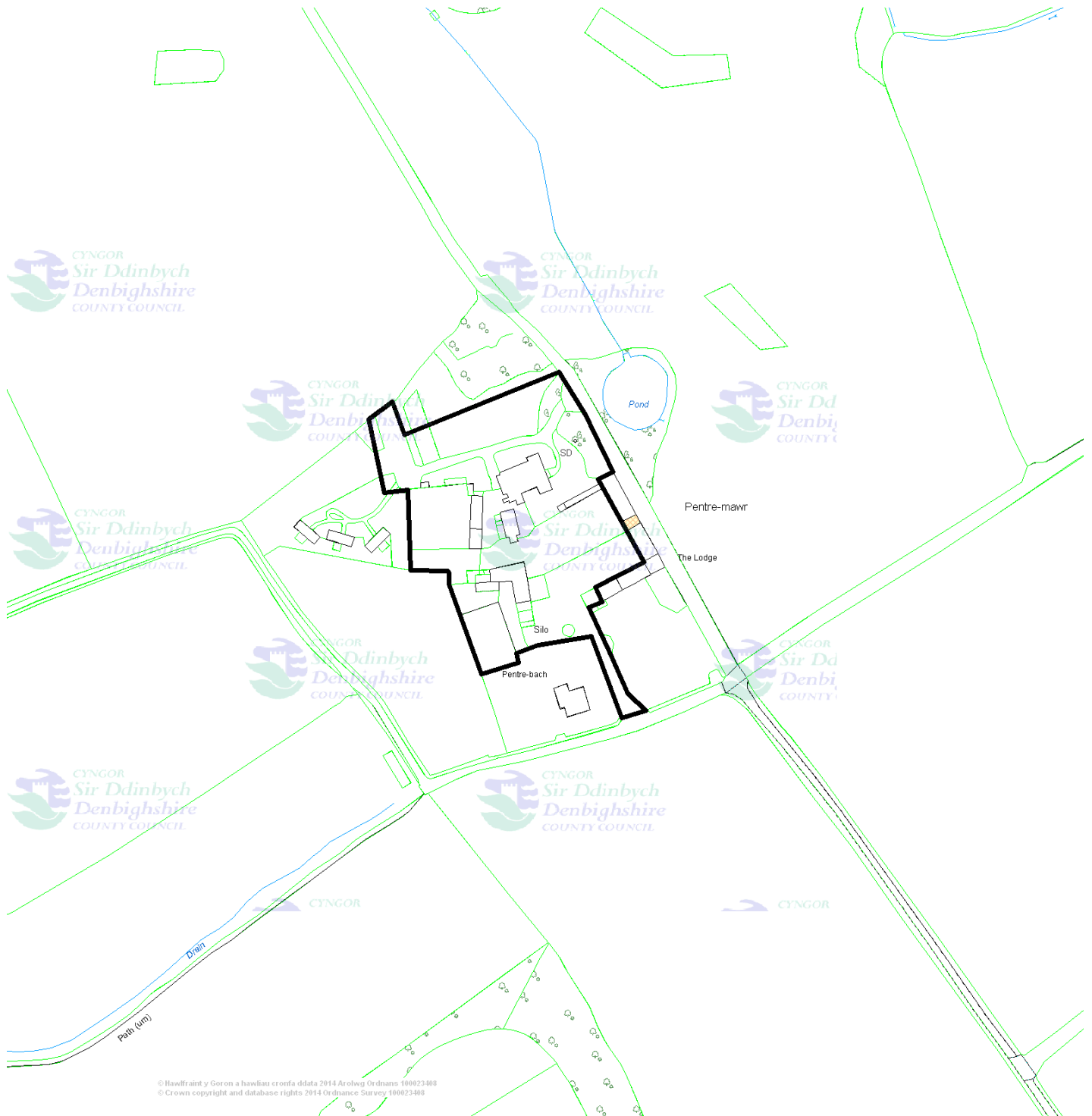


Date 3/2/2015

Scale 1/2500

Centre = 310321 E 366911 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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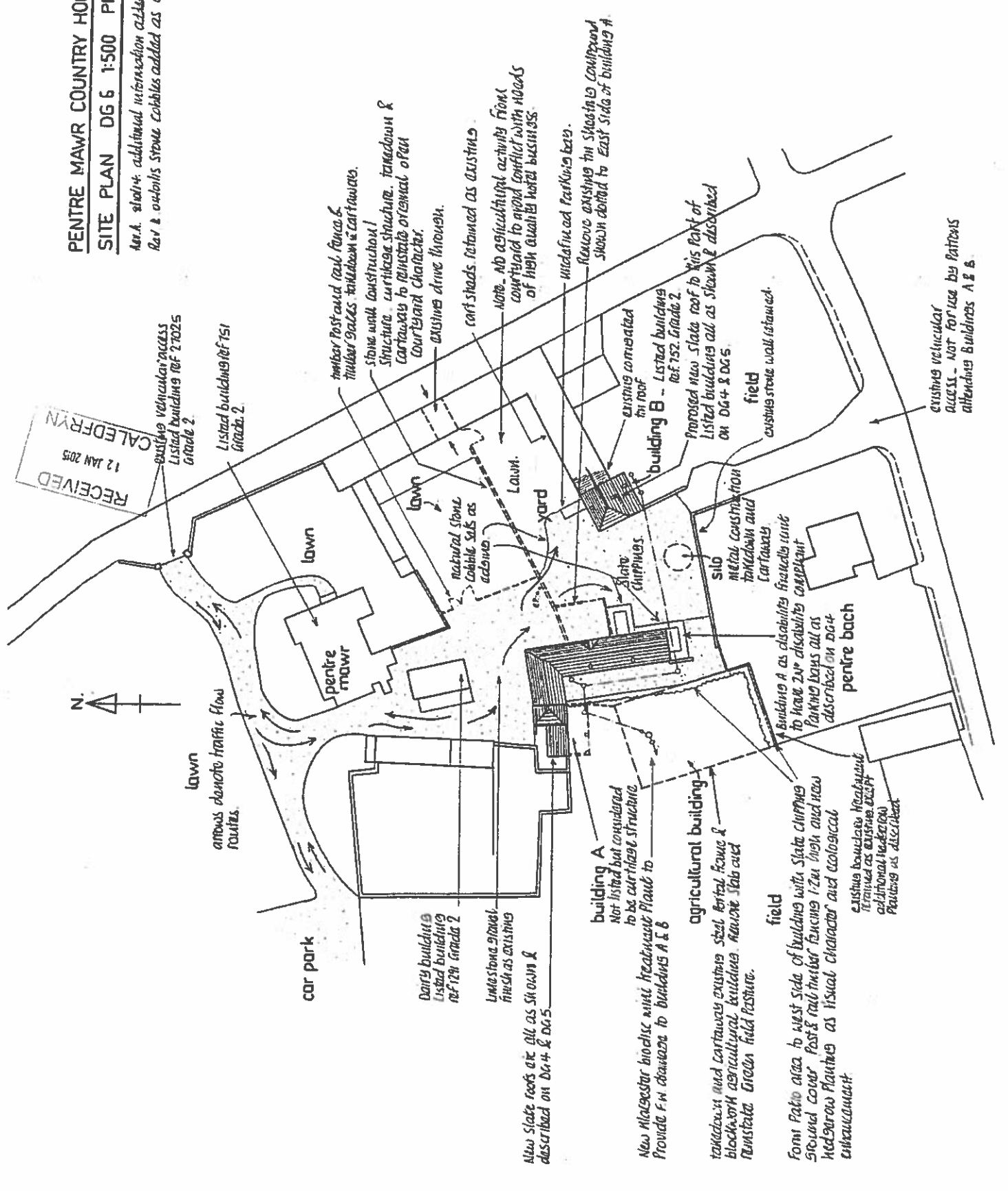
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PROPOSED SITE PLAN

PENTRE MAWR COUNTRY HOUSE HOTEL
 SITE PLAN DG 6 1:500 PROPOSED

*Mr A. shows additional information added
 Ref & outline stone cobble added as details*



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 12 JAN 2015
 CALEDFRYN



lawn
 arrows denote traffic flow routes

car park

pentre mawr

lawn

lawn

lawn

lawn

lawn

lawn

lawn

carriage
 natural stone
 cobble sets as
 a base

timber posts and rail fence &
 timber gates. timbers & carriage
 stone wall construction
 structure. carriage structure, timbers &
 carriage to reinstate original open
 courtyard character.
 existing drive through.

car sheds, retained as existing.
 Note: no agricultural activity from
 courtyard to avoid conflict with needs
 of high quality hotel business.

undesignated parking bay.
 Remove existing tin shed to compound
 shown dotted to east side of building A.

existing concrete
 in roof
 building B - Listed building
 ref 752 Grade 2

Proposed new slate roof to this part of
 Listed building all as shown & described
 on DG 4 & DG 5.

field
 existing stone wall retained.

existing vehicular
 access - not for use by patrons
 attending buildings A & B.

dairy building
 Listed building
 ref 124 Grade 2

limestone ground
 finish as existing

New slate roofs etc all as shown &
 described on DG 4 & DG 5.

building A
 Not listed but considered
 to be a heritage structure
 Provide F.W drainage to buildings A & B

agricultural building

field

From patio area to west side of building with slate clippings
 ground cover post & rail timber fencing 1.2m high and new
 hedgerow planting as visual character and ecological
 enhancement
 existing boundary wall retained
 retained as existing depth
 planting as described.

Building A as described
 to have 24" disability compliant
 parking bays all as
 described on DG 4

pentre mawr

pentre mawr

pentre mawr

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pentre mawr

carriage

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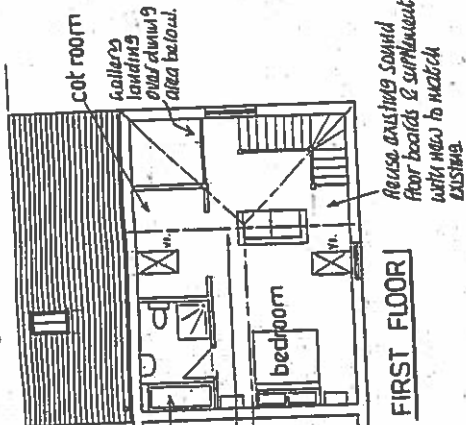
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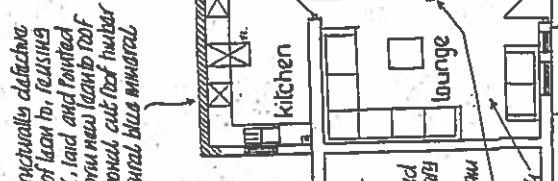
carriage

PROPOSED FLOOR PLANS

18 2014/0794/L.B.

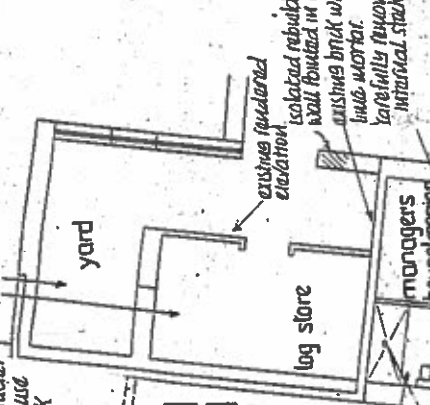


BUILDING B



BUILDING A

log store and yard etc retained as existing. Rebuild all brick and stone walls in lime mortar provide new traditional roof over log store with natural blue mineral slate.



BUILDING A



VI. Where shown to buildings A & B. to be relax low profile black conservation style rooflights

14 OCT 2014

PENTRE MAWR COUNTRY HOUSE HOTEL PROPOSED DG 4, 1:100

Ref. A. 11/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100

Take down and cart away existing steel portal frame and brickwork external buildings shown dotted and make good. Remove floor slab and reinstate profile of field to reinstate original characteristic of ground landscape around outbuildings etc.

New four water drainage installation of Kloraster min. Habitat Plant - Biocise 60 - installed in strict accordance with manufacturing specifications and to building control approval, outfall to irrigation system discussed by specialists following feasibility tests etc.

Form new patio area with post and rail timber fencing as shown. Height of top rail 1200mm and field walls mixed as shown to enhance landscape appearance and to provide ecological enhancement also.

Patio area finished with natural slate chiprings.

Remove existing internal walls approx 1.0m high shown dotted and make good. Truss T3 over is sound and to be retained. T2 is structurally defective and to be reinstated to same condition as T3.

Remove existing brick wall and fit new glazed unit to original opening as shown on elevation.

Roof support truss T1 over is sound & to be retained. Fit new truss T6 to support T1. To provide additional roof support & prevent roof spread etc.

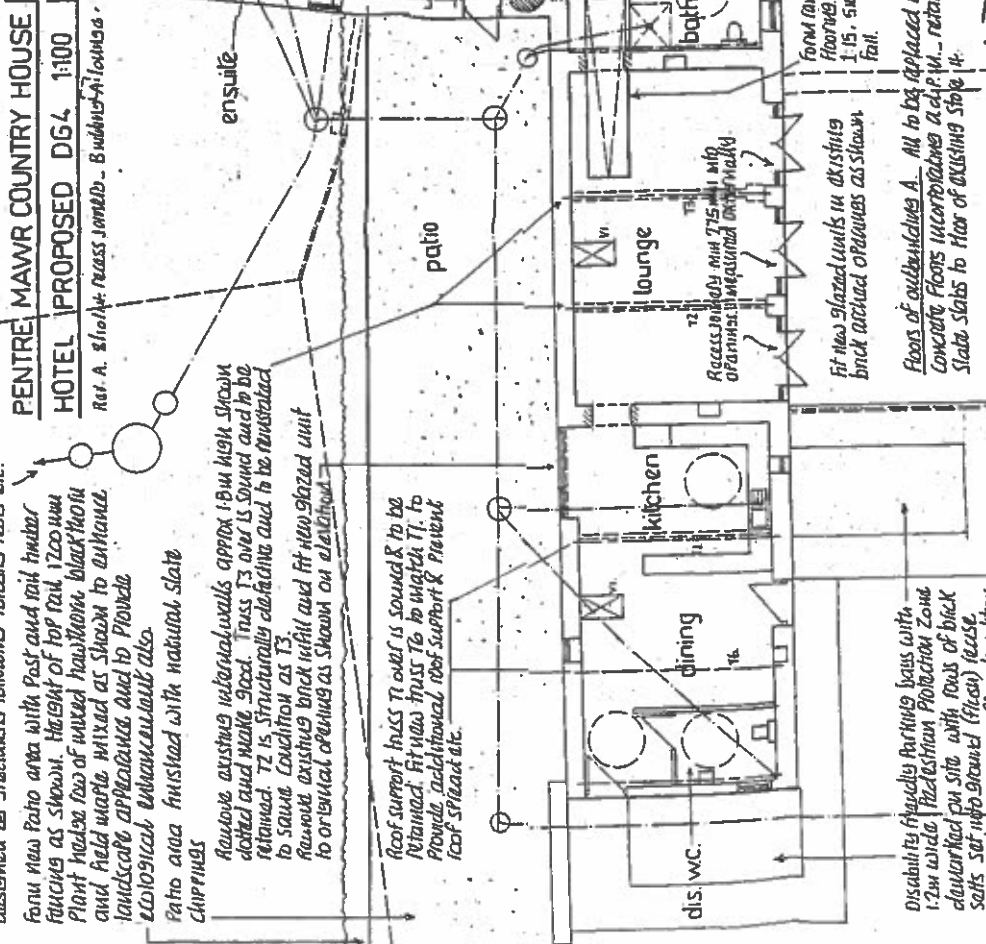
Reinforce existing walls with steel reinforcement. Replace roof with new traditional timber trussed roof and natural blue mineral slate finish.

Walls to be repaired in lime mortar inside & out.

5 coats white limewash intertable only.

Reuse existing solid floor boards & support with new to match existing.

FIRST FLOOR

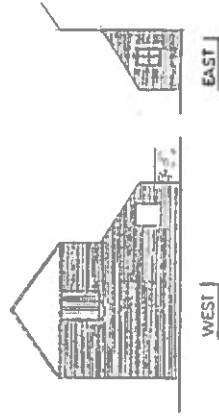
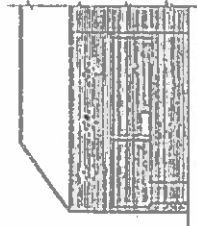
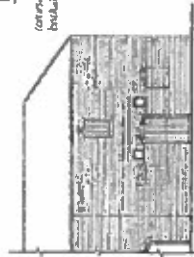


Disability friendly parking bays with 1.2m wide traditional Provision Zone defined on site with rows of brick seats set into ground (flexa) seats. Existing bricks arising from elevation of lean to to south of lee site.

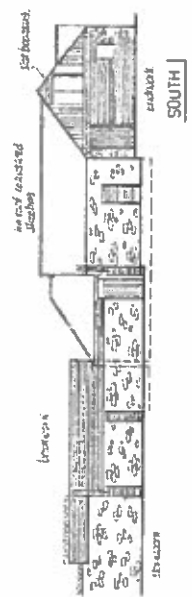
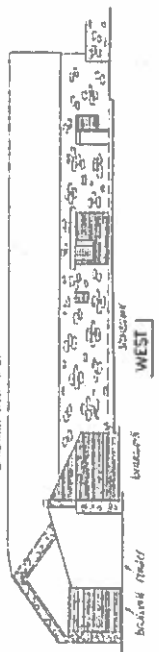
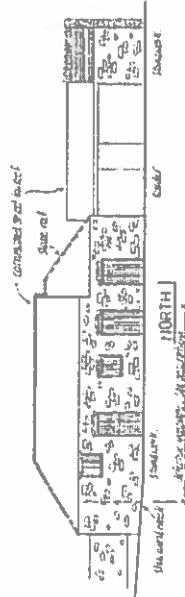
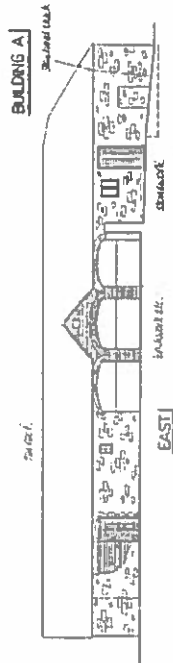
Roof of outbuilding A. with the exception of part of roof over stone 14, all have been replaced with composite sheeting following collapse. Form new traditional timber structures with natural blue mineral slate finish. Reusing original timbers where possible and to avoid as often required roof structures to retain original character.

EXISTING ELEVATIONS

18 2011/27831FF
BUILDING B
 18 2011/27831FF
 (containing) just the rest
 building elevations



RECEIVED
 -17 JUL 2011
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VIRE MAWR COUNTRY HOUSE HOTEL - DG2 - 1100 - EXISTING

WARD NO: Llandyrnog

WARD MEMBER: Cllr Mervyn Parry

APPLICATION NO: 18/2014/0793/ PF

PROPOSAL: Change of use of outbuildings to form 2 no. self-contained suites of hotel letting accommodation, demolition of steel silo, steel framed agricultural building and stone wall; installation of a package treatment plant and associated works

LOCATION: Pentre Mawr Country House Hotel Llandyrnog Denbigh

APPLICANT: Mrs Bre Carrington-Sykes

CONSTRAINTS: Listed Building

PUBLICITY UNDERTAKEN: Site Notice – No
Press Notice – No
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2**

- Recommendation to grant / approve – Town / Community Council objection
- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANDYRNOG COMMUNITY COUNCIL

“Whilst the Community Council have no particular objection to the application as it stands there are concerns about the cumulative impact of the recent developments in Pentre Mawr - in terms of additional traffic generated and the impact thereof on the residents and regular users of this narrow and dangerous single track lane.

We are led to believe that the venue now has a licence to hold weddings and other functions - however couple this with the tented units and now possibly another two units and the increase in traffic along this narrow and dangerous lane has had a severe impact on the residents and regular users of this road - this is the message that has been relayed to community councillors and therefore must be relayed to DCC as the planning authority.

Whether this is a material consideration or not is a matter for DCC however the applicants have it within their powers improve the visibility and provide passing places along that stretch of lane and maybe DCC could encourage this to happen.”

NATURAL RESOURCES WALES

No objections to the proposal. Do not consider it will affect the features, ecological integrity or functionality or any statutory sites of ecological, geological, and / or geomorphologic interest; or the character or integrity of any statutory protected or nationally important landscapes. Consider the ecological survey and assessment in

respect of statutory species to be satisfactory for the purposes of informing the decision making process, and that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any populations of protected species which may be present.

DWR CYMRU / WELSH WATER

No comments, as the proposals involve a private treatment works, which should be considered by Natural Resources Wales.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection. Proposals will not cause any significant highway related problems.

Future development will require full assessment of impact on the highway network

Conservation Officer

Has been in dialogue with the agent over the detailing of the scheme, including the treatment of the buildings and the layout of the courtyard.

Supports the principle of new uses for buildings, albeit that the proposals are for part of the buildings. No objections to the removal of the wall or proposals in general, as these will prolong the life of the buildings. Suggests conditions be imposed to control details of boundary treatment, internal repairs, reconstructed sections of building, means of escape and insulation. Wishes to see the weather vane and cupola on the main range repaired or protected as part of the works.

Biodiversity Officer.

No objection, but requested additional information regarding mitigation for nesting birds. Suggests conditions be attached to address bat and nesting birds issues.

RESPONSE TO PUBLICITY:

Susan Edwards, Pentre Bach, Llandyrnog

G Edwards & Son, c/o M E Roberts (NFU), 28 Well St, Ruthin

Philip Meade - Consultants - 103 Baeatrice Street, Oswestry (on behalf of G Edwards)

Summary of planning based representations in objection:

Residential amenity

Overlooking of private garden and loss of privacy from one of the proposed units / noise and disturbance from occupiers of units/ fears over safety and security / ambiguity of the proposed use of the extended garden and yard area between the units and Pentre Mawr house

Drainage

Developments may require redesign of land drainage systems disturbed by development / proposals will put extra pressure on existing foul drainage systems at Pentre Mawr which is already failing

Conflict with policy and guidance

Assessment of the impact on the value in planning terms of the existing agricultural use is a requirement in TAN 6/ conflict with SPG16 in relation to conversions – unacceptable amenity impacts / buildings not suitable for the uses proposed and there

does not seem to be a good business case to support the use; and the loss of the buildings will result in the need for replacements elsewhere as the objector's business will be unviable otherwise.

Other matters

Relevant Notice served on the tenant is incomplete and invalid.

Impact on existing agricultural use

Proposals would have adverse effect on operation, efficiency and upkeep of tenanted farm at Pentre Mawr and on farming practice at Plas Ashpool / grant of planning permission would enable the applicant to serve a notice to quit on the agricultural tenant and if this can not be defended, the farming of 190 acres will become untenable / buildings are used for handling and accommodating livestock, storage of agricultural materials, tools and machinery which form an important part of the farming business and remainder of the holding and other land farmed / responsibilities need to be resolved for costs, compensation, relocation of farmyard and livestock handling facilities and accommodation / question over legality of removing property owned by the tenant / questions over the safety and viability of using land owned by tenant farmer to accommodate the handling and loading of stock onto lorries/ potential impact of movement of animals along new routes, including past Pentre Mawr and neighbours to Plas Ashpool land / who meets compensation claims for loss or depletion of business or income

Concerns over impact of wedding party use / marquee in garden area (noise and disturbance, provision for parking)

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the conversion of a detached single storey outbuilding and a section of a larger range of outbuildings at Pentre Mawr, to two self contained units of visitor accommodation in connection with the enterprise at Pentre Mawr Country House Hotel. It involves the removal of existing agricultural buildings and land which forms part of an agricultural tenancy .

- 1.1.2 The plans at the front of the report show the location of the proposed units relative to the building complex at Pentre Mawr and to the nearest dwelling at Pentre Bach, to the south.
- 1.1.3 The supporting documents refer to the 5 star hotel and the quality dining facilities run from the main building at Pentre Mawr and recent authorisation to hold weddings at the venue. They indicate the bedroom facilities available for guests wishing to stay overnight are limited and that there are no facilities available for disabled visitors. The proposals have been developed to expand the facilities, and in part to cater for the needs of disabled guests.
- 1.1.4 The main elements of the development are:
- The conversion of a detached single storey stone walled building to provide a two bedroom accommodation unit, with a small patio area. This unit is indicated as a 'disability friendly unit', with two disability compliant parking spaces adjacent. The building has been in use for housing livestock, as a barn and for storage purposes in connection with an agricultural enterprise run on a tenancy separate to the business at Pentre Mawr..
 - The conversion of the end section of the brick walled range of buildings to a one bedroom accommodation unit, with a single parking space shown on the courtyard side of the building. The building would be re-roofed with slate as part of the scheme. The building has been in use as a barn and hayloft in connection with the aforementioned agricultural enterprise.
 - The removal of a portal frame agricultural building immediately to the south west of the single storey building, also used in connection with the agricultural enterprise.
 - The removal of a metal silo close to the boundary with Pentre Bach
 - The demolition of an existing stone wall which runs east-west across the courtyard at the rear of Pentre Mawr, and currently separates the lawned area serving Pentre Mawr and a yard area used in connection with the agricultural enterprise.
 - The use of all the land within the courtyard formed by the outbuildings in connection with Pentre Mawr, as an additional lawned area, and as an area which is proposed to be surfaced in slate chippings around the new accommodation units
 - The use of the existing main entrance to Pentre Mawr as the vehicular access to serve the two accommodation units
- 1.1.5 The application is accompanied by a Design and Access Statement, incorporating a Listed Building Justification Statement, a Structural Condition Report, a Protected Species Survey, and a Site History Assessment.
- 1.1.6 As part of the application process, notice has been served on Mr Gordon Edwards of Y Fferm, Llanfwrog, as an agricultural tenant. The issues relating

to the agricultural use of land and buildings involved in the application are covered later in the report.

- 1.1.7 In relation to the existing agricultural use of the area around the proposed accommodation units and the remainder of the two storey outbuildings, a site plan note states 'No agricultural activity from courtyard to avoid conflict with needs of high quality hotel business', and 'Cart sheds retained as existing'. The site plan is reproduced at the front of the report.
- 1.1.8 Pentre Mawr and its main outbuildings are Grade II Listed Buildings, and the single storey building proposed for conversion is a curtilage structure and therefore deemed listed for the purposes of planning legislation. The proposals are therefore the subject of a separate listed building consent application, being dealt with under Code no. 18/2014/0794/LB

1.2 Description of site and surroundings

- 1.2.1 The Pentre Mawr complex of buildings is located approximately 2km north of Llandyrnog village.
- 1.2.2 It is accessed off minor roads from the B5429. The vehicular access serving the Country House is a driveway off the minor road which runs past the front of the main house to a parking area to the west.
- 1.2.3 The building complex consists of an historic Manor House (as noted, a Grade II listed building) and a range of outbuildings, most of which are also listed buildings. There are also more modern, but long established agricultural buildings near to the single storey building proposed for conversion, in the form of a portal frame building and a silo.
- 1.2.4 The main building is in use as a bed and breakfast business with dining facilities and there are a number of 'tented bedrooms' on land immediately to the west of the main house. The parking area for visitors is located 40 metres to the north west of the main house at Pentre Mawr.
- 1.2.5 A lawn area to the south of the main house is in use in connection with the bed and breakfast business and owners private accommodation. Its extent is defined by a substantial stone wall which divides the courtyard enclosed by the range of outbuildings. The area to the south side of the wall, including the buildings and land has been in use in connection with an agricultural business.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside.

1.4 Relevant planning history

- 1.4.1 The bed and breakfast use at Pentre Mawr has developed gradually over time from an incidental use to the dwelling. The owners obtained planning consent to use the 'Manor' house as a bed and breakfast facility / Country House Hotel in October 2013, involving use of 3 out of 5 bedrooms as guest accommodation. Planning permission was eventually granted for the retention of 6 'tented bedrooms' used in connection with the facilities in the main house, in June 2014.
- 1.4.2 The Council has been made aware during 2014 of the introduction of a marquee in the garden area of the property, used in connection with the

staging of weddings. This has been the subject of separate enforcement investigation and is not a consideration in relation to the current application.

1.5 Developments/changes since the original submission

1.5.1 The applicant and agent have provided additional background information in response to representations on the impact on the agricultural use, and have revised the plans to clarify points of detail in relation to the layout and works on the outbuildings.

1.6 Other relevant background information

1.6.1 The application involves land and buildings which it is understood are used in connection with a farm business run on an agricultural tenancy, which has raised a volume of correspondence. The following paragraphs provide an outline of the main issues raised by and on behalf of the affected party and the owners of Pentre Mawr.

1.6.2 The basic points raised on behalf of the objectors is:

- The Edwards family have farmed at Pentre Mawr since 1969 with a tenancy agreement.
- Robert Edwards, who is the owner / occupier of Pentre Bach, is a partner in the business
- The proposals would have a detrimental effect on farming practice at Pentre Mawr, as the buildings involved are of fundamental importance to the running of the business and safe handling of livestock.
- Without the facilities, the alternative would be to reduce the farm business and the production / profitability would likewise reduce. This may result in the loss of the farming business altogether
- If planning permission is granted, under the terms of the tenancy agreement, the applicants can serve a notice to quit the buildings which the tenant would be forced to defend. If this fails, the farming of the 190 acres will become untenable
- Reference is made to a High Court case in 2000 where it was determined that the impact of a planning application on the personal circumstances of a tenant, where the landlord was making the application, was a material consideration in the planning process.
- Supplementary Guidance and Technical Advice Notes require consideration to be given to the impacts on neighbouring occupiers and in respect of tenanted agricultural buildings, the value in planning terms of the existing use

1.6.3 The applicants and their representatives have responded to issues raised in the following fashion:

- A Certificate B has been re-issued to reflect the date of service of the notice (this is the formal process of notification to the Council that there is an agricultural tenant with an interest in land involved in the application).
- The tenancy has limited longevity and will expire in time, and the tenants will then have to make alternative arrangements. The hotel business has permanence, provides support to the local economy and sustains local employment
- The use of the land and buildings in the manner experienced is damaging to the hotel business with unsightly stored plant and machinery, slurry causing smells and an environmental hazard

- In respecting concerns from Pentre Bach at residential amenity impacts, separation distances are more than adequate. The proposals will reduce noise and disturbance and enhance security and crime prevention
- The proposals to remove existing agricultural buildings will enhance the built environment
- Under the terms of the tenancy agreement, the landlord has the ability to serve a notice to quit on any part of the holding not being more than 25% the holding for a non agricultural use. This is not considered to be a planning matter.
- The buildings and yard are not crucial to the operation of the rest of the tenant's agricultural business and their current use is infrequent (part of the cattle shed is used for cattle in winter months, the stone building is used for occasional loading and sorting of stock which can be transferred to any part of the holding)
- The application seeks to ensure the future sustainability of Pentre Mawr, providing additional income to ensure it is successful and to provide employment to the local community

1.6.4 As referred to in paragraph 1.4.2, there has been separate investigation into the siting of a marquee in the garden area of Pentre Mawr, which has been used in connection with wedding events, following complaints over associated noise, disturbance, and traffic issues. This is not a matter for consideration as part of the current application as it seeks only a permission to convert the two buildings and to carry out related access, parking, hard and soft landscaping works.

2. DETAILS OF PLANNING HISTORY:

2.1 18/2008/0289 Construction of 6 no. chalets, landscaping and pedestrian access routes. GRANTED - Decision issued 18/06/2014

2.2 18/2013/0981 Mixed use of premises as dwelling and bed and breakfast facility (retrospective application). Granted 16/10/2013

3. RELEVANT POLICIES AND GUIDANCE:

3.1 The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

Policy VOE1 - Key areas of importance **Policy ASA3** – Parking standards

3.2 Supplementary Planning Guidance
Re-use and adaptation of Rural Buildings

3.3 Government Policy / Guidance
Planning Policy Wales Edition 7 July 2014

Technical Advice Notes – TAN 6 Planning for sustainable rural communities July 2010

3.4 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate

otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Landscape
- 4.1.5 Ecology
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)
- 4.1.8 Inclusive design
- 4.1.9 Impact on Listed Building
- 4.1.10 Other matters
- 4.1.11 Impact on Agricultural Holding

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the Local Development Plan which is relevant to tourism related development is PSE5, which offers general support for proposals which make a contribution to sustainable development. The policy contains four tests relating to employment proposals for conversions and new build which require that the proposal is appropriate in scale and nature to its location; that any suitable buildings are converted or reused in preference to new build; proposals for new build are supported by a business case ; and full account is taken of impacts where proposals are in the AONB, AOB or World Heritage site.

PSE5 reflects the general support in the Local Development Plan to develop the local economy and businesses. Section 11 of Planning Policy Wales 7 emphasises the importance of tourism to economic prosperity and job creation, supporting the objectives to encourage community well-being, whilst protecting and giving value to natural heritage and culture, all in the context of minimising environmental impact.

In terms of detail, the last two tests of PSE5 are not relevant to the application. The proposals meet the second test, as this expresses a preference for conversion in preference to new build development. In Officers' opinion, the use of two existing buildings within a larger complex of buildings is appropriate in scale and nature to the location. It is suggested therefore that the general principle of the conversions to units of accommodation is acceptable in relation to the policy. The key issues are considered to be the localised impact of the proposals, which are reviewed in the following sections

of the report.

4.2.2 Visual amenity / design

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the visual amenity implications of a proposal as a material consideration.

There are no adverse representations raised in relation to the visual impact of the proposals. The Conservation Officer has no objections to the removal of the stone wall which subdivides the courtyard, and has sought improvements to detailed design elements of the scheme. She is suggesting the imposition of conditions if permission is granted, to ensure controls over specific features.

In Officers' opinion, in terms purely of design detailing, the plans submitted to show the works on the buildings proposed for conversion demonstrate a sensitive approach to the task of adaptation to a new use. The plans do need additional detailing, in particular in relation to the proposed reconstructed sections and in respect of fenestration, the hard and soft landscaping, including boundary fencing / walls, but they are considered acceptable as a way forward here. It is suggested that any permission would need to oblige the submission of further plans with the aforementioned details to ensure these respect the quality of the environment and the listed status of the building complex. The removal of the portal framed agricultural building and the steel silo are considered to be recognisable visual improvements associated with the development.

4.2.3 Landscape impact

Policy VOE 1 relating to key areas of importance seeks to protect areas designated of natural landscape value and Historic Landscapes from development which may adversely affect them. Due consideration has therefore to be given to the impact of proposals on the Vale of Clwyd Historic Landscape, which the site lies within. The requirement to take account of landscape impact is reflected in general advice in Planning Policy Wales 7 and Technical Advice Note 12: Design.

There are no representations raising issues relating to the landscape impact of the proposals, including from Natural Resources Wales.

Officers' view is that the development would not have unacceptable impacts on the Vale of Clwyd Historic Landscape Area. The physical effects of the conversion of existing buildings would be negligible in wider landscape terms, and the removal of the steel framed agricultural building and the silo would if anything have a beneficial impact on the landscape, these being relatively nondescript modern features.

4.2.4 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the residential amenity implications of a development as a material consideration.

Objections have been received from the owner / occupiers of Pentre Bach expressing concerns at the potential impact of the proposals in respect of overlooking of the private garden and loss of privacy from one of the proposed units, from noise and disturbance, at the ambiguity of the proposed use of the area between the units and Pentre Mawr, and over issues of safety and security. The applicant's agent has suggested separation distances are more than adequate and that the proposals will reduce noise and disturbance and enhance security and crime prevention. It is also noted that there is already an agricultural use of the area to the north of Pentre Bach which gives rise to levels of noise and disturbance.

In offering comment first on the issues of overlooking and loss of privacy, factually, the dwellinghouse at Pentre Bach itself is some 30 metres from the walls of the proposed accommodation units, and its rear garden boundary is some 10 metres from the two units. This relationship is best appreciated by referring to the plans at the front of the report. The detailing of the proposed single storey unit shows an entrance door and window serving a WC on the gable end facing towards Pentre Bach at a distance of 10 metres from the property boundary. With additional boundary screening in this location, Officers would conclude there are no overlooking or privacy issues likely to arise in relation to Pentre Bach from this unit. The plans of the two storey unit show a ground floor WC window and a window at first floor level providing light for a stairwell in the gable end facing west, and there would be a ground floor door and rooflight window on the reconstructed single storey section facing south. Having due regard to the detailing, Officers would not consider there would be any unacceptable overlooking or loss of privacy for the occupiers of Pentre Bach from this unit.

Given the relative distances between the properties, Officers would not consider the level of noise and disturbance from activity associated with the two units of accommodation used in connection with Pentre Mawr would be likely to be such that there would be unreasonable impacts on the occupiers of Pentre Bach, sufficient to merit a recommendation of refusal. However, the Conservation Officer has requested in connection with the Listed Building Consent application that a condition be imposed requiring approval of internal details relating to mitigation of noise, fire, and insulation, which would introduce measures for limiting transfer of noise. There is also scope here to oblige the provision of a more substantial boundary wall along the southern boundary between the site and Pentre Bach, which could act as a visual and noise barrier to mitigate impacts of activity associated with the accommodation units.

It is not considered with due respect to the concerns of the objectors, that

safety and security fears from the use of buildings as accommodation units can be accorded significant weight in the consideration of the application.

Officers acknowledge the concerns over the future use of the extended lawn/yard area between the proposed accommodation units and Pentre Mawr. It is suggested that consideration should be given to restricting the use to occupiers of the new accommodation units, guest accommodation at Pentre Mawr Country House, and the owner/occupiers of Pentre Mawr and staff involved in the running of the business.

4.2.5 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

There are no objections to the proposals in respect of ecological impacts from Natural Resources Wales or the Council's Biodiversity Officer. The latter has sought provision for swallow mitigation and suggests conditions be attached to cover bat and nesting birds issues.

Officers' conclusion on ecological matters is that adequate mitigation for impacts can be secured through planning conditions if a permission were to be granted.

4.2.6 Drainage (including flooding)

Drainage issues are a normal consideration on planning applications. Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed, where this is relevant to a development.

Comments from / on behalf of the neighbours raise concerns over potential impact on land drainage systems disturbed by development, and that proposals will put extra pressure on existing foul drainage systems at Pentre Mawr which is already failing. Natural Resources Wales and Dwr Cymru Welsh Water have raised no objections on drainage grounds. The proposals are to introduce a new mini treatment plant to serve both units, separate from any system serving Pentre Mawr. The site is not in a flood zone.

In respecting the comments on drainage impacts, there are no grounds of concern expressed in the responses of the key statutory consultees. The foul drainage system proposed to serve the accommodation units would be entirely separate from the system serving Pentre Mawr. Appropriate details of the reinstatement of land in the area of the buildings to be removed would need to be submitted for further approval, to include indications of land

drainage proposals. Surface water drainage associated with the accommodation units is indicated by way of soakaways, which is likely to be the current means of disposal. There are no flood risk issues to consider here.

4.2.7 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Llandyrnog Community Council have raised the matter of cumulative impact of recent developments in Pentre Mawr, including the licence to hold weddings - in terms of additional traffic generated and the impact on the residents and regular users of the narrow lane. The Highway Officer has no objection, as it is considered the proposals will not cause any significant highway related problems.

It is not considered in the context of the Highway Officer's comments, and with respect to the comments of the Community Council that there are strong highway grounds to refuse permission here, given all that is under consideration in the application is the potential impact of traffic generated by the two accommodation units. The wedding function use is not a matter for deliberation here. Officers view is that the highway implications of the proposals before the Council would be limited, having regard to the likely traffic movements which would be generated, and the fact that the implementation of the permission would displace the agricultural use of the courtyard at Pentre Mawr, which in itself is capable of generating a volume of traffic when in active use.

4.2.8 Impact on listed buildings and the historic environment

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them, which requires assessment, where relevant, of impacts on archaeological, landscape and listed building interests. The context for assessment of applications involving alterations, extensions, and demolition of listed buildings which require planning permission is set by Welsh Office Circular 61/ 96 and Planning Policy Wales (Section 6), which also stress the importance of protecting the historic environment. PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.5.9 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses. These are matters dealt with in detail in the following report on the agenda, in respect of the listed building consent application.

There are no representations on the application which express specific comment on the impact of the proposals on the listed buildings. The Conservation Officer is a key consultee on this aspect of the application and has no objections to the proposals subject to imposition of conditions to control the detailing of the development.

Officers would suggest the proposals to renovate and to introduce a positive new use into listed buildings showing clear signs of deteriorating physical condition is worthy of support in principle, as a means of securing their future. In terms of the detailing of the scheme, it is considered that subject to controls over work on the buildings and the treatment of the courtyard and boundary fencing / walls, there would be no adverse impact on the character or appearance of the listed buildings or their setting.

4.2.9 Inclusive design

The requirement to address issues of safe and convenient access for disabled persons is set out in TAN 12 Design, TAN 18 Transport, and Policy RD1 test (vii), which sets out the need for mandatory Access Statements with planning applications.

The details with the submission indicate the single storey building would be fully accessible for persons with disability.

4.2.10 Other matters

Impact on agricultural business / agricultural tenancy

Members will appreciate from the summaries of representations on the application and the contents of Section 1.6.2 of the report that there are specific comments made on the impact of the proposed conversions of the buildings and the expansion of the lawn area of Pentre Mawr into the remainder of the courtyard, on the operation of a farm business operated from the premises on an agricultural tenancy. The substance of responses from and on behalf of the applicants are included in Section 1.6.3, and are available for inspection on the application files.

In respecting the position of the landlord and tenant and the obviously difficult issues the submission has given rise to, Members will understand that there are limits on the role of the Council as a Planning Authority in its consideration of matters relevant to the determination of a planning application. Simply, the Council cannot act as an arbitrator in disputes between parties in relation to civil law issues associated with tenancy agreements, including a landlord's decision to seek termination of a tenancy, which involves legislation such as the Agricultural Holdings Act, and separate arbitration processes.

The land use planning considerations which have been drawn to the Council's attention, which are relevant to proposals for the re-use and adaptation of rural buildings are in Welsh Government's Technical Advice Note 6, and include the following-

Paragraph 3.2.1 suggests the primary consideration should be whether the nature and extent of the new use proposed is acceptable in planning terms, and that it should not normally be necessary to consider whether a building is no longer needed for its present agricultural purposes ; however it states "...although in the case of a tenanted agricultural building, the value in planning terms of the existing use should be taken into consideration".

There is further advice in Paras 6.2.5 – 6.2.9:

The relevant sections are –

6.2.5 – farms with development close to them tend to suffer from trespass and other forms of disturbance which may affect the efficiency and upkeep of holdings.

6.2.6 – farms vary in size, type of business and layout, the loss of part of a holding can have important impacts for the remainder; the effect of severance and fragmentation on the farm and its structure may be relevant.

6.2.7 – efficiency of farms can be affected by the condition and extent of buildings and other fixed equipment; the full use of these assets could be impaired by the loss of specific sites to development.

6.2.9 – developments may have further consequences for agriculture; for example it may be necessary to redesign land drainage systems disturbed by development.

In order to inform this section of the report, Officers have sought advice from colleagues involved in the Agricultural and Estates Section.

In terms of the value in planning terms of the existing use, it is only possible to offer basic comment from the information in front of the Council.

It is understood that factually the agricultural business involves dealing in cattle and that stock are moved on and off the land at Pentre Mawr ; the large shed being used to house stock during the winter and to store machinery; the single storey building being used to sort stock (including sheep) prior to loading and transportation; and along with the section of the brick building, is used for general storage.

From observation, and photographs submitted by the applicants, there is evidence that the buildings and yard area are in use in connection with the agricultural business and have a value for that business, but it is difficult to conclude whether they are so critical to its operation that their loss would necessarily lead to the loss of the business. The older buildings are clearly dated and in poor repair, and like the yard area are being used for the storage of a range of material.

Given the nature of the use and the extent of the holding, it does not seem unreasonable to suggest that there is scope to reorganise the arrangements for moving stock and associated machinery / materials to allow the business to continue.

In respect of the other issues referred to in TAN6, it is not considered likely that the nature of the uses proposed would lead to unacceptable risks from trespass and disturbance to the efficiency and upkeep of the holding. There is no issue of severance or fragmentation here as the proposals involve the loss of a small yard area and buildings associated with it. The impact of loss of buildings and the yard area are addressed above. Land drainage issues are addressed in section 4.2.6 of the report.

In concluding on this matter, Officers acknowledge that the potential impact on the agricultural business requires consideration, but having regard to the above, it is not concluded that the effects would be so significant to merit a recommendation for refusal of permission, when put into the balance against other matters relevant to the merits of the proposals.

The issues of responsibilities for costs / compensation , relocation of farmyard and livestock handling facilities and accommodation for livestock, machinery, tools, materials, the legality of removing roofing materials on the brick building which were put there by the tenant, the safety and viability of using land to move livestock and access for livestock vehicles, and the onus for submitting a planning application for a new farmyard and livestock handling facilities are respectfully not ones for consideration by the County Council in the determination of the planning application.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The application proposes the conversion of two agricultural buildings within the complex at Pentre Mawr for use as accommodation units in connection with the existing Country House Hotel. It involves the removal of a portal frame agricultural building and a silo, and the extension of the garden into an area used in connection with the operation of an agricultural business which is run on a tenancy agreement.
- 5.2 The applicant's case is that the proposals are an essential development of an existing business and are in accord with local and national policy encouraging suitable tourist related schemes. They argue the existing agricultural uses of the buildings and land is detrimental to the business aims of the hotel and to the setting of the listed buildings. They consider the proposals are sympathetic to the character and appearance of the buildings and the setting of the listed buildings at Pentre Mawr, and are a first step in the regeneration of the remainder of the historic buildings in the complex.
- 5.3 The Community Council have raised comments over the highway implications of additional development at the property, and there are concerns expressed over the impact of use of the buildings and land on the adjacent dwelling and on the operation of the farm business on an agricultural tenancy. Consultation responses are supportive of the proposals subject to suitable conditions being imposed to control detailed elements of the scheme.
- 5.4 Officers' conclusions are that the principle of developing an existing business is encouraged in current planning policy and guidance. There are good conservation grounds for supporting proposals which secure the long term future of listed buildings. Elements of detailing are capable of control through conditions if permission is granted. The highway implications of an additional two accommodation units are not considered to be significant. Amenity impacts on Pentre Bach can be mitigated by suitable screening, and through internal detailing which can be controlled through conditions on the planning and listed building consents.
- 5.5 There are difficult issues relating to the impact on the agricultural tenant. The report notes that the Council cannot act as arbiter in any dispute between a landlord and tenant and should deal with the proposals solely in terms of land use planning impacts. Regard has to be given to the value of the facilities to the agricultural business, but it is concluded that this is not a matter which would merit a recommendation for refusal of permission, considered alongside the factors weighing in support of the proposals. Responsibility for resolving claims for compensation for impacts on the business, provision of alternative facilities, etc is a matter between landlord and tenant.

5.6 Having regard to the above, Officers suggest the proposals are acceptable subject to conditions, and justify support as they are a relatively small scale development of an existing tourist enterprise and present an opportunity to secure the long term future of the buildings. Physically the development would have a positive impact on the character and appearance of the buildings involved, and on the setting of the Pentre Mawr complex.

RECOMMENDATION: GRANT- subject to the following conditions:-

RECOMMENDATION: GRANT- for the following reasons:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. Notwithstanding the details shown on the submitted plans, no works on the conversion of the outbuildings shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of all of all hard and soft landscaping details, including boundary walls and fencing, the surfacing of access ways and the treatment of the courtyard area, proposed planting including species and numbers; and the maintenance thereof. The development shall be carried out strictly in accordance with the approved details.
3. Notwithstanding the details shown on the submitted plans of the area around the proposed accommodation units and the boundary with Pentre Bach, no works shall be permitted to be carried out on the buildings or the layout of that area until the written approval of the Local Planning Authority has been obtained to the detailing of the boundary treatment and means of preventing vehicular access by visitors to the accommodation units and Pentre Mawr via the track running along the eastern boundary with Pentre Bach. The accommodation units shall not be occupied until the development has been completed in accordance with the approved details, and the arrangements shall be retained at all times thereafter.
4. All planting, seeding, turfing, fencing, walling or other treatment approved under the conditions of this permission shall be carried out prior to the bringing into use of the accommodation units, and any trees or plants which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. Before the accommodation unit in Building A is first brought into use, all measures to secure its accessibility as a disabled friendly unit shall be completed. The measures shall be retained at all times thereafter.
6. None of the accommodation units shall be brought into use until the foul drainage system and associated soakaway system has been completed.
7. The portal framed agricultural building shall not be demolished until the written approval of the Local Planning Authority has been obtained to details of the reinstatement of the land exposed by the removal of the slab and frame, including the proposed land drainage system, the proposed levels, materials to be used in reinstatement, and the planting of the surface layer.
8. In relation to the carrying out of the development, no site works shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to a Construction Stage Plan indicating demolition methodology, site compound locations, construction traffic routes within the site, and hours and days of operation. The works shall be carried out strictly in accordance with the approved details.
9. None of the accommodation units hereby approved shall be occupied until the respective access and parking arrangements have been completed in accordance with the plans approved in accordance with this permission and conditions. The access and parking arrangements shall be maintained as approved at all times.
10. Vehicular access to the accommodation units shall be obtained solely from the existing main access serving Pentre Mawr off the public highway, and there shall be no vehicular access from the track running alongside the eastern boundary with Pentre Bach at any time.
11. The development shall be carried out strictly in accordance with the recommendations in the Section 9 of the submitted Protected Species Survey.
12. The use of the courtyard area between the accommodation units and Pentre Mawr indicated on the approved site plan as a lawn, yard and slate chippings, shall be limited to occupiers of the new accommodation units, guest accommodation at Pentre Mawr Country House , and the

owner/occupiers of Pentre Mawr, their family and friends, and staff involved in the running of the business.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity and to protect the character and appearance of the listed buildings.
3. In the interests of visual and residential amenity.
4. In the interests of visual amenity.
5. To ensure adequate provision for accessibility for persons with disability.
6. To ensure the development is served by a suitable drainage system.
7. In the interests of visual amenity and to ensure the area is properly drained.
8. In the interests of the amenities of occupiers of nearby residential property.
9. To ensure there is no long term vehicular use of the unsurfaced track running to the south of the courtyard, in the interest of the highway safety and the residential amenities of occupiers of Pentre Bach.
10. To ensure there is no long term vehicular use of the unsurfaced track running to the south of the courtyard, in the interest of the highway safety and the residential amenities of occupiers of Pentre Bach.
11. To ensure that adequate mitigation is undertaken in relation to protected species.
12. In the interests of the residential amenities of occupiers of Pentre Bach.

NOTES TO APPLICANT:

You are hereby reminded that the works to which this permission relates also require Listed Building Consent and that it does not necessarily follow that such Consent will be granted. It is a criminal offence to carry out works affecting a listed building without listed building Consent, and you are therefore strongly recommended to ensure that no such works are carried out until the appropriate Consent has also been granted.

The Council's attention has been drawn to the use of land and buildings affected by the application, by an agricultural tenant. You should be aware that the grant of planning permission does not override any civil law restrictions which may prevent the implementation of the planning consent.

You are advised to contact the Development Management Section Case Officer to discuss the requirements of the conditions of this permission in advance of the submission of the relevant details. In respect of condition 3 Officers consider it necessary to erect a more substantial screen wall along the boundary with Pentre Bach in order to provide an effective visual and noise barrier to mitigate impacts of the use of the courtyard.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.
Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980.