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18/2015/0327

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Denbighshire Boundary  



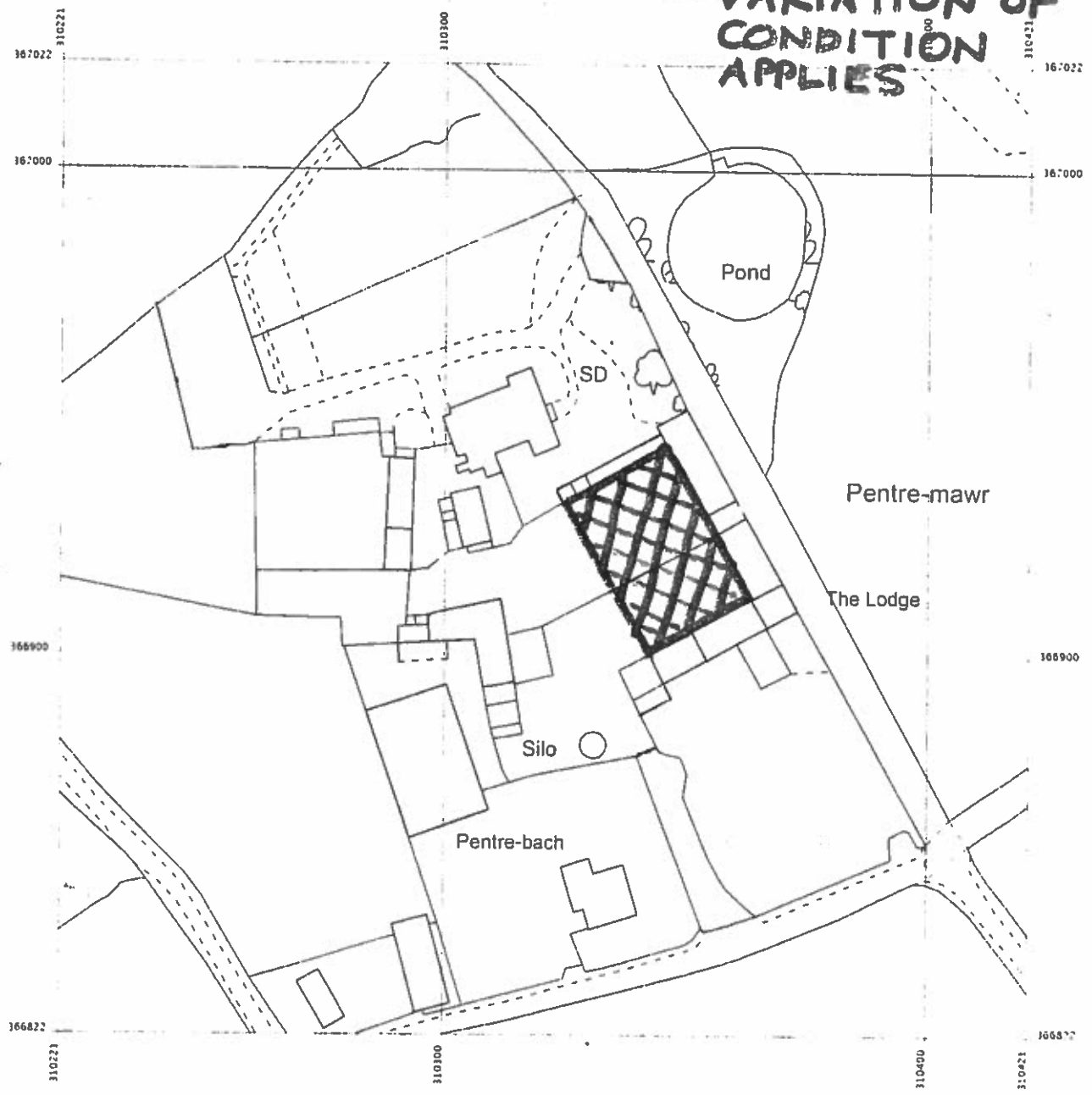

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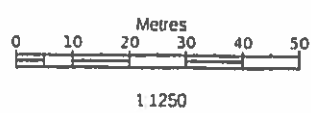
RECEIVED  
30 MAR 2015  
CALEDONIAN



AREA TO WHICH  
VARIATION OF  
CONDITION  
APPLIES



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PENTRE MAWR  
DENBIGH  
LL16 4LA

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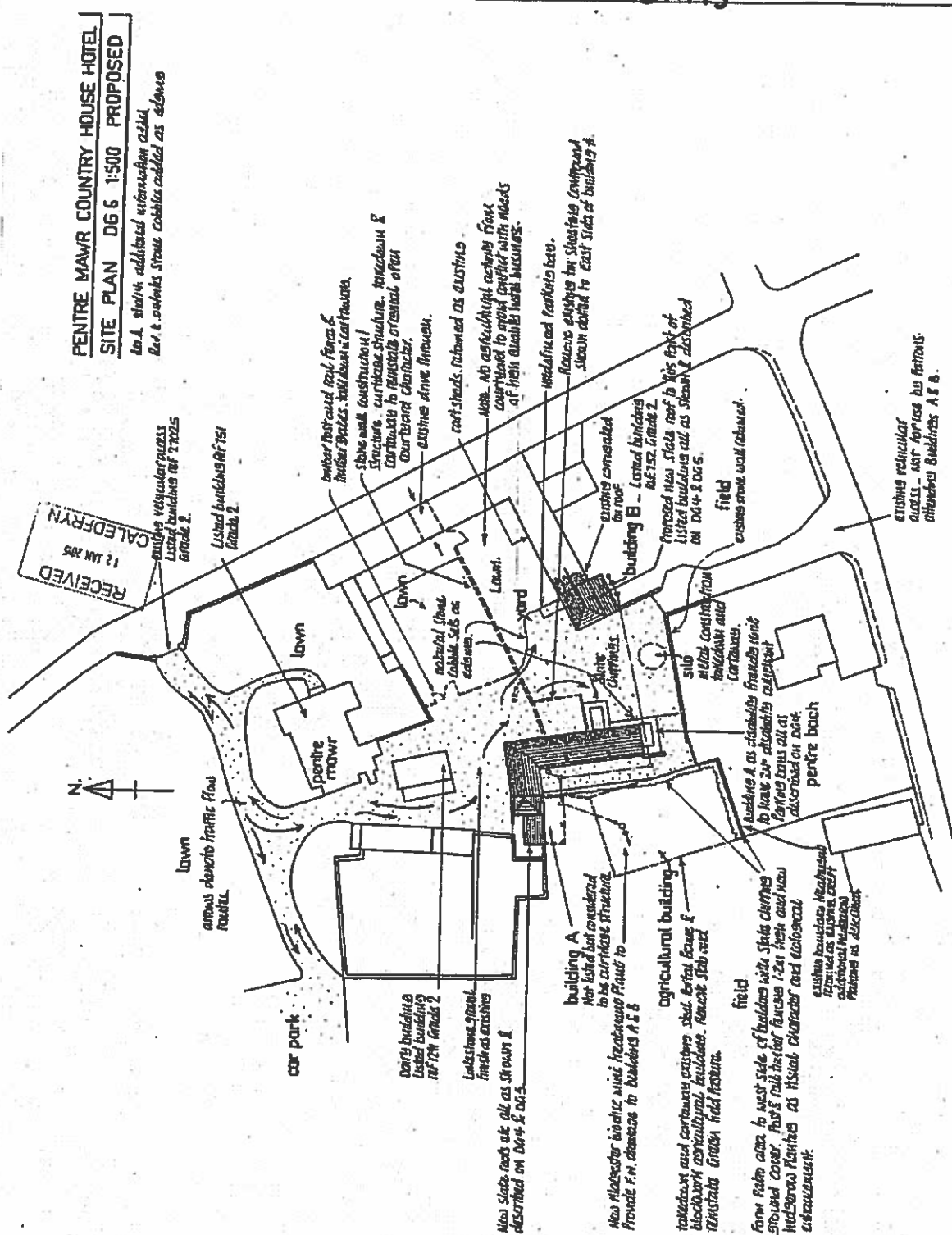


APPROVED LAYOUT  
PLAN FROM  
18/2014/0793

PERMISSION FOR ADDITIONAL  
HOTEL ACCOMMODATION  
UNITS

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

to A.I. show additional information as to  
Listed buildings not shown





**WARD :** Llandyrnog

**WARD MEMBER:** Councillor Merfyn Parry

**APPLICATION NO:** 18/2015/0327/ PS

**PROPOSAL:** Variation of condition no. 12 of planning permission code no. 18/2014/0793 to permit use of part of courtyard for wedding functions

**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**

- Referral by Head of Planning / Development Control Manager

**CONSULTATION RESPONSES:**

LLANDYRNOG COMMUNITY COUNCIL

“Community Council support the application with a condition strictly limiting the timing of the events and conditions to control noise levels to protect amenity of adjoining property”

**RESPONSE TO PUBLICITY:**

Representations received from:

In objection

Representations received from:

Aaron and Partners, Solicitors, on behalf of Mr and Mrs Edwards, Pentre Bach, Llandyrnog  
Mrs S. Edwards, Pentre Bach, Llandyrnog

Summary of planning based representations in objection:

Noise and disturbance

Occupiers of dwelling need peace and quiet to rest, including children during term time / existing use of hotel has caused considerable noise nuisance to occupiers of Pentre Bach, and has been under investigation by environmental health department / sources of noise and disturbance are music from hotel functions, singing and chanting encouraged by DJ's running discos; shouting, singing and swearing from guests leaving in the early morning; cars screeching along the lane late at night and taxi horns alerting guests they have arrived; inappropriate activities in hot tubs / use has been allowed to continue for two summers / submissions recognise noise is an issue but do not provide technical information to support this assertion or inform the local planning authority of the effect that attenuation by the masonry structure may provide, and there is no background noise level against which noise from the development should be assessed, and no acoustic report submitted in support of the application / it is suggested specific measures be considered to reduce noise at the point of generation, to provide sound insulation or other containment measures, to design the layout of the space between the noise source and noise sensitive building, and limiting the operating time of the noise source and setting an acceptable noise limit.

Council should not determine application until a proper noise assessment report is produced by the applicants to allow assessment of the impact of noise generated by the development.

Conflict with planning policies and guidance

Noise is a planning consideration contained in planning policies in the Local Development Plan, Welsh Government's Technical Advice Note 11

Other matters

Land ownership issues

Notification of the planning application has not been served on the agricultural tenant / owner occupier of Pentre Bach farms land at Pentre Mawr and Ty Bracia in partnership with his father and brother and the father is the agricultural tenant of the yard and listed building included in the application / owners of Pentre Mawr have unlawfully fenced off the yard and building the subject of the application/ there is a legal dispute regarding the farming tenancy

Objections to issue of separate licence for functions and concerns over process relating to licence / seem to be getting minimal consideration from neighbours and the Council / concerns over statements made in submissions over neighbours actions

**EXPIRY DATE OF APPLICATION: 25/05/2015**

**REASONS FOR DELAY IN DECISION (where applicable):**

- additional information required from applicant
- protracted negotiations resulting in amended plans for associated developments involving functions use in the courtyard and buildings at Pentre Mawr
- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The application seeks the Council's agreement to the variation of a condition imposed on a planning permission granted at Planning Committee in February 2015, involving the change of use of two outbuildings in the Pentre Mawr complex to self contained suites of hotel letting accommodation. The permission was granted under Code No.18/2014/0793/PF. Work on the implementation of the permission has not commenced at the time of drafting this report.

1.1.2 The condition in question is No 12, which as worded on planning permission 18/2014/0793 is as follows:

*"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 for the condition was :-

*" In the interests of the residential amenities of occupiers of Pentre Bach."*

1.1.3 The variation seeks the addition of the following sentence at the end of the condition as worded above:

***"This condition is applicable to all areas of the courtyard areas etc. except the area hatched green on the attached location plan"***.

The plan submitted with the application is attached at the front of the report, and is annotated to show the area the applicants are now asking the Council to remove from the restrictions imposed by condition 12.

1.1.4 The application is submitted by an agent acting on behalf of the Pentre Mawr business. It contains a short Design and Access Statement which explains the background and the reason for the variation sought:



- "Condition 12 stipulates restrictions for the use of the whole of the courtyard area between outbuildings A, B, and Pentre Mawr as illustrated on the approved application
- The application for variation of condition is to reduce the area protected by condition 12 to allow use of part of the courtyard (at its eastern end away from Pentre Bach) for wedding functions
- The area of courtyard proposed for that purpose is remote from Pentre Bach and so will not be detrimental to the residential amenity of that property."

The Statement goes on to explain that the variation is sought in conjunction with proposals for the erection of a marquee within the courtyard for staging functions at Pentre Mawr. This is now the subject of application 18/2015/0887/PF, which is an earlier item on the agenda for this Committee. The Statement argues that the removal of the area hatched green will not impact on the character of the listed buildings or their setting, or the residential amenity of Pentre Bach.

- 1.1.5 Officers' interpretation of the above is that the applicants are seeking to ensure there is no conflict between the permission for the accommodation units as granted in February 2015, and the permission sought for the functions use which is the subject of application 18/2015/0887 and is one of the preceding items on the agenda. The variation sought would allow the use of the courtyard area as defined on the plan by persons attending / involved in functions at Pentre Mawr. If application 18/2015/0887 is refused permission or consideration is deferred at Committee, Officers will request consideration of this application is deferred as there would effectively be no purpose in proceeding with it as there would be no consented functions use in place to necessitate the variation of the condition.

## 1.2 Description of site and surroundings

- 1.2.1 The Pentre Mawr complex of buildings, containing the two outbuildings which were the subject of application 18/2014/0793 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 the parking area to the west.
- 1.2.3 The building complex consists of an historic Manor House (a Grade II listed building) and a range of outbuildings, most of which are also listed buildings. There are also more modern agricultural buildings including a silo and a portal frame building in the south / south west part of the complex.
- 1.2.4 The main building at Pentre Mawr 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 main parking area for visitors is located 40 metres to the north west of the main house at Pentre Mawr.
- 1.2.5 An area of the courtyard immediately to the south of the main house has been in use in connection with the bed and breakfast business and owners private accommodation. Its extent has been defined by a substantial stone wall which until recently divided the area enclosed by the range of outbuildings. Land and buildings to the south side of the wall has been in use in connection with an agricultural business.
- 1.2.6 There is a dwelling in separate ownership to the south west of the outbuildings at Pentre Bach.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside.
- 1.3.2 Pentre Mawr and its outbuildings are Grade II Listed Buildings.

#### 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 granted for the retention of 6 'tented bedrooms' used in connection with the facilities in the main house, in June 2014.
- 1.4.2 Of specific relevance to the current application is a permission granted in February 2015 for the conversion of two of the agricultural buildings into accommodation units for use in connection with Pentre Mawr. It contained condition 12 quoted in 1.1.2 above, restricting the use of the courtyard area to occupiers of new accommodation units and patrons of Pentre Mawr Country House and those involved in that business. The condition was imposed in order to protect the interests of the occupiers of Pentre Bach to the south west.
- 1.4.3 The Council was made aware during 2014 of the introduction of a marquee in the garden area of the property, used in connection with the staging of functions, including weddings. This was the subject of separate enforcement investigation and led to the submission of separate applications seeking to establish the functions use in a marquee, associated buildings and a courtyard. This process has spanned several months and revisions to plans, ending with the submission of application 18/2015/0887, which is dealt with in an earlier report on the agenda.
- 1.4.4 For information, application 18/2015/0887/PF seeks permission for :
- The siting of a marquee within the courtyard area to the south east of the main Pentre Mawr Country Hotel building. The marquee is indicated on the submitted plans as a white canvas cover on a steel frame.
  - The use of two sections of existing outbuildings forming the courtyard in connection with the functions use :
  - The Gallery Building, for use by wedding guests as a quiet lounge waiting area and WC's
  - A 15m x 7m section of one of the range of outbuildings on the eastern side of the courtyard, for music and dancing
  - The erection of a timber structure running from the gallery building to the marquee, to enclose a lawn area
  - The provision of an overflow parking area in a paddock area immediately to the west of the existing parking area to the west of the Pentre Mawr Country Hotel.
  - Suggested pedestrian circulation patterns for functions.

#### 1.5 Developments/changes since the original submission

- 1.5.1 Officers have assessed the merits of the variation application in parallel with the planning applications for the marquee in the courtyard area, as issues of impact on the residential amenities of occupiers of Pentre Bach are relevant to both. This has involved noise monitoring from Pentre Bach in the course of functions to assess the impact and to assist conclusions on the acceptability of the proposals.
- 1.5.2 As a result of the monitoring exercises, plans for the functions use have been revised to include specific proposals to mitigate noise.

#### 1.6 Other relevant background information

- 1.6.1 Members will note reference in the Response to Publicity Section of the report to matters relating to land ownership. These also arose in the course of progressing the applications relating to the conversion of outbuildings to additional hotel accommodation, submitted in late 2014.
- 1.6.2 The applicant's agent is aware of representations and has confirmed in December 2015 that on the basis of information provided by his clients and solicitors that the correct certificate of ownership was submitted at the time of lodging the application.

1.6.3 Members may appreciate that the Local Planning Authority can not become involved in any civil dispute over claims to ownership and it is considered appropriate to move to determine the application. In the circumstances, it would be normal to include a note to applicant on a Certificate of Decision advising the applicants of the challenge to legal statements on ownership.

## **2. DETAILS OF PLANNING HISTORY:**

2.1 18/2014/0793/PF - 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. GRANTED 18/02/2015  
The permission contains a number of conditions including No.12 which is the subject of this application.

## **3. RELEVANT POLICIES AND GUIDANCE:**

3.1 The main planning policies and guidance are considered to be:

Government Policy / Guidance  
Planning Policy Wales Edition 8, 2016

3.2 Other material considerations:

The overarching advice for Local Planning Authorities on the use of conditions in planning permissions is now contained in Welsh Government Circular 016/2014 – ‘The use of conditions for development management’ . The Circular sets out the six main tests to be applied to the imposition of planning conditions, which are that they are:

- (i) necessary;
- (ii) relevant to planning;
- (iii) relevant to the development;
- (iv) enforcement;
- (v) precise; and
- (vi) reasonable

3.3 In relation to the variation of conditions, Circular 016/2014 states:  
‘Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.’

## **4. MAIN PLANNING CONSIDERATIONS:**

In the context of the above, the following paragraphs in Section 4 of the report therefore refer to matters considered to be of relevance to the application.

4.1 As noted previously, Condition 12 as worded on the planning permission for the two additional units of hotel accommodation states as follows:-

“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 variation sought in the application is to add the sentence :-

“This condition is applicable to all areas of the courtyard areas etc. except the area hatched green on the attached location plan”.

- 4.2 Condition 12 was imposed on the permission for the accommodation units to protect the interests of occupiers of the dwelling Pentre Bach, in particular from noise and disturbance.
- 4.3 There are representations from and on behalf of the occupiers of the nearby dwelling, Pentre Bach, which have been submitted as general objections to the applications relating to developments at Pentre Mawr. These set out concerns primarily over the noise from the functions use and matters relating to land ownership. The Community Council have not objected but suggest restrictions on the timing of events.
- 4.4 In respecting the representations, the merits of the functions use are dealt with in detail in the preceding reports on the agenda. The variation of condition application concerns solely the wording of the condition imposed on the permission for the two hotel accommodation units and the determination should be purely on the reasonableness of the request to limit the restriction in Condition 12 to use of the courtyard area *outside* the land proposed for use for the functions.
- 4.5 If the Committee resolve to grant the planning permission for the functions use – application 18/2015/0887 – then this will have been on the basis that noise and disturbance from that use can be mitigated and controlled to limit the impacts on Pentre Bach to an acceptable level (these being matters of concern to the neighbours and the Community Council). In the event that Committee do grant the functions use, Officers suggest it would be reasonable to support the variation to the condition relating to the additional accommodation units, as this would simply respect the fact the functions use can take place as approved within part of the Pentre Mawr courtyard.

## 5. SUMMARY AND CONCLUSION

- 5.1 Having regard to the details, Officers recommend that it would be reasonable to support a variation to Condition 12, with the suggestion that it be reworded as below to remove any ambiguity from inclusion of the word 'etc.', which is considered imprecise and unenforceable.

**RECOMMENDATION:** APPROVE variation of Condition 12 .

The Condition shall be reworded as follows -

12. With the exception of the area hatched green on the plan submitted with the application, the use of the remainder 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. “

### NOTES TO APPLICANT:

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.