

**ITEM NO:** 4

**WARD NO:** Llangollen

**APPLICATION NO:** 27/2012/0211/ PF

**PROPOSAL:** Adaptations to and conversion of existing barn and derelict house to form new dwelling and annex and installation of new septic tank

**LOCATION:** Hen Pandy Barn Tan y Fron Farm Tan Y Fron Lane Eglwyseg Llangollen

**APPLICANT:** Mr Rhys Hughes

**CONSTRAINTS:** C2 Flood Zone  
PROW  
AONB

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

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

- Application submitted on behalf of County Councillor

**CONSULTATION RESPONSES:**

LLANTYSILIO COMMUNITY COUNCIL-  
"No objection".

COUNTRYSIDE COUNCIL FOR WALES (CCW)-  
No objection.

CLWYD POWYS ARCHAEOLOGICAL TRUST-  
No objection, subject to the submission of a photo survey for archaeological records.

ENVIRONMENT AGENCY WALES-  
No objection, subject to conditions relating to finished floor levels.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES-**  
BIODIVERSITY OFFICER-  
No objection.

BUILDING CONTROL OFFICER-  
Reply awaited at time of drafting report.

HEAD OF HIGHWAYS AND INFRASTRUCTURE-  
No objection.

**RESPONSE TO PUBLICITY: None**

**EXPIRY DATE OF APPLICATION: 06/05/2012**

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

- None

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The proposal is for the conversion of an outbuilding and a derelict dwelling at Hen Pandy, Tan Y Fron Lane, Eglwyseg.
- 1.1.2 The application proposes the conversion of the outbuilding to a two bedroom dwelling and the conversion of the derelict dwelling 20 metres to the north to a one room annex, with an accessible bathroom.
- 1.1.3 Alterations proposed to facilitate the conversions would be the re-roofing of both buildings, creation of some new openings, and internal remodelling. A small single storey lean-to extension is proposed to be added to the north elevation of the outbuilding to accommodate a porch and wc.
- 1.1.4 It is proposed that the area to the north of the outbuilding would provide amenity space, and parking for the unit would be to the west. Vehicular access is as existing off Tan Y Fron Lane. (See site plan at the front of the report).
- 1.1.5 The application is accompanied by a detailed structural report and design and access statement (DAS), which comments on the adequacy and suitability of the outbuilding for the scheme of conversion. An ecological survey has also been submitted in support of the application.

#### 1.2 Description of site and surroundings

- 1.2.1 Sited on a small former agricultural complex located to the south of Pentredwr, the former outbuilding abuts the road and the derelict house is located to the north of the site.
- 1.2.2 Vehicular access to the site is off a minor road Tan Y Fron Lane which runs east of the A542 south of the Horseshoe Pass. The site is approximately 400 metres off the A road. A public footpath runs through the site.
- 1.2.3 The site is located in a valley, and is bounded to the west by a stream.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, outside of any defined development boundary. The area is within the recently extended Area of Outstanding Natural Beauty.

#### 1.4 Relevant planning history

- 1.4.1 The proposal was originally submitted in late 2011 as two separate planning applications, but was withdrawn to allow for resolution of flood risk issues and resubmitted as one proposal.

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

- 1.5.1 Additional ecological information has been sought on the request of Countryside Council for Wales following the initial submission.
- 1.5.2 Additional flood risk information has been sought on the request of the Environment Agency Wales following the initial consultation.

#### 1.6 Other relevant background information

- 1.6.1 The application is being considered by Planning Committee as the applicant is a County Councillor.

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

2.1 27/2011/0489 Conversion of existing barn into single dwelling with associated external works, formation of vehicular access and installation of new septic tank. Withdrawn 28/07/2011

2.2 27/2011/0490 Change of use, extension to and conversion of barn to form holiday-let unit, construction of new vehicular access and installation of new sewage treatment plant. Withdrawn 28/07/2011.

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

The main planning policies and guidance are considered to be:

#### **3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

Policy GEN 3 – Development outside development boundaries

Policy GEN 6 – Development Control Requirements

Policy HSG 9 – Residential conversion of rural buildings to dwellings

Policy ENP 6 - Flooding

Policy ENV 2 – Development affecting the AONB/ AOB

Policy ENV 6 – Species Protection

#### **3.2 Supplementary Planning Guidance**

Supplementary Planning Guidance Note No. 16 – Conversion of Rural Buildings

#### **3.3 GOVERNMENT GUIDANCE**

Planning Policy Wales Edition 4

TAN 15 Development and Floodrisk

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

4.1 The main land use planning issues are considered to be:

4.1.1 Principle

4.1.2 Visual and landscape impact

4.1.3 Residential Amenity

4.1.4 Highways Safety

4.1.5 Ecological Impact

4.1.6 Floodrisk

4.2 In relation to the main planning considerations:

#### **4.2.1 Principle**

Policy GEN 3 relates to development outside development boundaries and states that residential development will not be permitted apart from some exceptions, the most relevant being the conversion and reuse of vacant rural buildings. Policy HSG 9 of the adopted Unitary Development Plan, relates specifically to the residential conversion of rural buildings to dwellings. This policy allows for the conversion of rural buildings where the building is structurally sound and capable of conversion without major or complete reconstruction. SPG 16 provides further advice on these requirements and states amongst other things that buildings should not be so derelict that they could only be brought into use by substantial rebuilding.

In terms of Policy HSG 9 the Design and Access Statement submitted with the application refers to the business use test, (which the Council has resolved not to apply) but it is suggested in any event that the buildings are unsuitable for employment uses. The buildings are considered to be structurally sound and capable of conversion. The conversions will not have an unacceptable impact on the character of the buildings and the character and appearance of the countryside. The site is well contained and has an adequate curtilage with suitable boundary treatment.

#### **4.2.2 Impact on visual amenity**

The main policy that refers to scale, landscape and visual impact is GEN 6.

Policy HSG 9 also refers to the character of the buildings and area. As the site is located in the AONB policy ENV 2 is also relevant, and seeks to ensure development does not have an unacceptable impact on the character of the area.

The most notable alteration is the removal of the roofs and their replacement with slate. A small lean-to extension is also proposed to be added to the north elevation of the barn, and an open porch would be added to the annex.

In terms of visual appearance, the proposals will retain the scale and form of the buildings with minimal alterations to facilitate the conversions, which is in line with the general thrust of policy HSG 9. The cumulative impacts of the alterations are not considered excessive; the resulting dwelling would be in keeping with surrounding buildings and not appear out of character in the AONB. It is considered that the sympathetic conversion would preserve the building from further degradation, and that complies with Policy HSG 9.

#### 4.2.3 Residential Amenity

Policy GEN 6 sets specific tests to be applied to amenity of impacts of development. Policy HSG 9 also refers to amenity impacts.

There are no immediate neighbours to the site. Amenity space is proposed for the conversion and the annex is located within this curtilage.

It is considered the proposal would not raise any conflicts with policy in terms of the amenity of existing or proposed occupiers.

#### 4.2.4 Highways

Policy GEN 6 criteria (vii) permits development where it does not have an unacceptable effect on the local highway network.

No alterations are proposed to the existing access points and parking will be provided on site. The public footpath will not be affected and a note can be attached to ensure it is not obstructed when works commence.

Considering the scale of the existing movements connected with the agricultural use, and potential as a result of the conversions, it is considered the proposal would not raise any conflicts with policy.

#### 4.2.5 Ecological impact

Policy ENV 6 seeks to ensure that wildlife and bio-diversity are not negatively affected as a result of development.

A Bat and Bird survey has been submitted with the application. The survey found no evidence of bats or barn owls currently using the outbuildings although the building was considered to have good potential to support bats. Swallows were found to have nested in the building in the past.

In the absence of any protected species it is considered that the ecological impacts of the proposal are acceptable. It is considered prudent however to attach a condition to ensure works are carried out in accordance with the recommendations of the Bat and Bird Survey and a note to applicant to advise that all contractors follow a code of best practice.

#### 4.2.6 Floodrisk

Policy ENP 6 requires that development does not result in an unacceptable risk from flooding. TAN 15 Development and Floodrisk also provides guidance to the Local Planning Authority when dealing with development in flood risk areas.

The site is located in a zone C2 as defined by the development advice maps of TAN 15 Development and Floodrisk. An FCA has been submitted to justify the development and the Environment Agency have considered this and raised no objection subject to the applicant being advised to install flood proofing measures.

Provided that the applicant is advised to install flood proofing measures it is considered the proposals are acceptable in relation to flood risk.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 The proposal is considered acceptable under the terms of the relevant policies therefore recommended for grant.

### **RECOMMENDATION: - GRANT - subject to the following conditions:-**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the proposed new sections of walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used. The stone used shall be to match that on the existing building and the roof material shall be blue/ grey slate.
3. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
  - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
  - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
  - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
  - (e) Proposed positions, design, materials and type of boundary treatment.
4. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years 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.
5. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
6. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Tel. 01938 553670.
7. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted

by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.

8. The development shall be carried out in accordance with the details submitted in the Bat and Bird mitigation reports and drawings.

9. Facilities shall be provided and retained within the site for the parking of vehicles in accordance with the approved plans, and shall be completed prior to the development being brought into use.

10. The annex accommodation shall be used in connection with the converted dwelling only. The annex shall not be used for any trade of business and shall not be used as an independent unit of residential accommodation.

11. Finished floor levels shall be set to a minimum of 143.05m above Ordinance Datum.

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.
3. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
4. To ensure a satisfactory standard of development, in the interests of visual amenity.
5. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
6. In the interests of investigation and recording of historic/listed buildings.
7. In the interests of residential and/or visual amenity.
8. In the interest of safeguarding the conservation of protected species.
9. To provide for the parking of vehicles clear of the highway.
10. In the interests of residential amenity.
11. To reduce the risk of flooding to the proposed development.

#### **NOTES TO APPLICANT:**

Condition No. 6 of this permission requires the carrying out of a photographic survey. The applicant is expected to pay for and complete the photographic survey. Professional photographers may be used where access to a camera or technical difficulties are encountered but the applicant should be aware that this will significantly increase the cost of the survey.

Photographs should be taken using a digital camera with a minimum resolution of 4 megapixels and preferably 8 megapixels or more.

Photographs should be taken at the highest jpeg resolution setting available on the camera (usually Fine or Super Fine). The saved photographs must be copied onto a good quality branded CD or DVD disk in the jpeg/jpg file format.

Note: Digital photographs presented on normal paper or photographic paper will not be accepted as they are not archivally stable in the long term.

The use of a standard flashgun is recommended indoors to light the interior views.

If available a measured scale should be placed within each but this is not essential.

Photographs should be taken of all exterior and interior wall elevations which are affected by the development together with photographs of interior roof detail where this is altered. Features of particular interest (e.g. obvious differences in wall makeup, windows and doors whether blocked up or not, fireplaces, timber framing, stairwells, cellars) should also be fully photographed.

The applicant should indicate where the views taken are positioned on an architect's floor

plan of the building. Location reference numbers on the plan/s should utilise the digital photo numbers from the camera for cross reference purposes.

The applicant must check the photos at the application site to ensure there are no blurred or poorly lit images. If some images are blurred, please increase the speed at which the exposures are taken (1/125 is a good minimum) and re-take the images. If images are poorly lit please check your flash is working and/or increase the aperture. Setting the camera ISO at 200 or 400 will also allow higher shutter speeds to be used in dimly lit locations.

The photographs should then be sent to: Mark Walters, Development Control Section, Clwyd-Powys Archaeological Trust, 7A Church Street, Welshpool, Powys, SY21 7DL (Tel: 01938 553670). CPAT will confirm receipt of your photographs and inform the planning authority that the condition has been satisfied.

Your attention is drawn to the attached notes:- 'Suggestions for bat friendly features to be incorporated into buildings'.