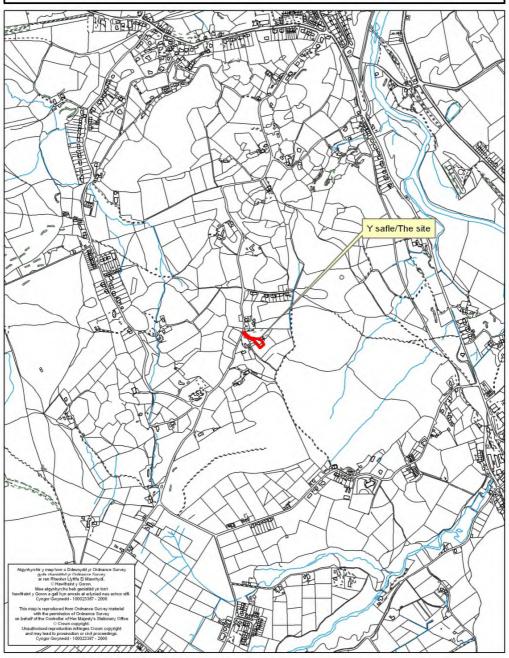
PLANNING COMMITTEE	DATE: 23/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Number: 2



Rhif y Cais / Application Number: C14/0062/16/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa. Location Plan for identification purposes only. Not to scale.



PLANNING COMMITTEE	DATE: 23/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Application Number: C14/0062/16/LL
Date Registered: 29/01/2014
Application Type: Full - Planning
Community: Llandygai

Ward: Tregarth and Mynydd Llandygai

Proposal: Converting an empty building into an affordable house

Location: BRYN LLYWELYN OUTBUILDING, TREGARTH, BANGOR, GWYNEDD, LL574PA

Summary of the Recommendation:TO REFUSE

1. Description:

1.1 At the Planning Committee meeting on 15 December, 2014, the members resolved to postpone a decision on the application in order to arrange a site visit.

- 1.2 Also, and in response to the concerns noted previously in relation to the size of the proposed extension, the applicant submitted an amended plan which omitted the extension that had originally been proposed for the front of the building. A second full consultation was held following this recent amendment.
- 1.3 This is a full application for converting and extending agricultural single-storey buildings into a two bedroom affordable living unit.
- 1.4 The site is located in open countryside between the villages of Tregarth and Mynydd Llandygai. The current pattern and housing distribution in the area is dispersed and ranges in terms of appearances and size.
- 1.5 An existing access with a private track leads to the site off the closest public road with open land to the north, the south and the east of the site. There are residential homes in the south-west direction with the closest part of one premises around 20 metres from the buildings that are the subject of this application.
- 1.6 This proposal aims to combine current 'L' shaped agricultural buildings to create a residential unit. The existing building has a mono-pitch roof made of corrugated steel sheets. The internal layout of the proposal would provide a living room, kitchen/dining room, two bedrooms and a bathroom. The application has been amended from its original submission by removing a window shown to be included on the rear of the building and by removing the extension as mentioned above.
- 1.7 The existing buildings are placed on part of a broader site that includes a separate yard and stables. The buildings themselves are made of natural stone and include temporary mono-pitch roofs made of corrugated steel sheets. The proposal would replace the current roof finishes and would re-construct the roofs as they would have been originally; a pitched roof made of natural slate. These buildings have been assessed by an Engineering Consultant who confirms in a formal structural report that the buildings are suitable to be converted without the need for substantial reconstruction work. It appears that reconstruction and renovation work has been undertaken to parts of the building.
- 1.8 The application is submitted to the planning committee at the local member's request.

PLANNING COMMITTEE	DATE: 23/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY B10 – PROTECT AND ENHANCE LANDSCAPE CONSERVATION AREAS - Protect and enhance Landscape Conservation Areas by ensuring that proposals conform to a series of criteria aimed at avoiding significant harm to recognised features.

POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT - Refuse proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats unless they conform to a series of criteria aimed at safeguarding the recognised features of the site.

POLICY B22 – BUILDING DESIGN - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

POLICY B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY B24 - ALTERATIONS AND BUILDING EXTENSIONS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE - Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

POLICY B25 – BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

POLICY C1 - LOCATING NEW DEVELOPMENT - Land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY C4 – ADAPTING BUILDINGS FOR RE-USE – Proposals to adapt buildings for re-use rather than demolish them will be approved provided they conform to specific criteria relating to the suitability of the building, visual considerations, design and the effect on the vitality of neighbouring towns and villages.

POLICY CH12 – CONVERSION OF BUILDINGS IN RURAL VILLAGES AND IN OPEN COUNTRYSIDE FOR RESIDENTIAL USE Approve the conversion of buildings to residential use within rural villages and the countryside if a suitable economic use cannot be secured for the building, and that criteria relating to local need, affordability, impact on the character of the area and occupancy of the dwelling can be met.

PLANNING COMMITTEE	DATE: 23/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

POLICY CH30 – ACCESS FOR ALL – Refuse proposals for residential/business/industrial units or buildings/facilities for public use unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES - Proposals for new developments, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

In addition to GUDP policies, full consideration is given to the Authority's adopted Supplementary Planning Guidance (SPG), which are material and relevant considerations. The following are considered to be relevant in this case:

- Converting buildings in open countryside and in rural villages
- Affordable housing
- Landscape character

2.3 National Policies:

Planning Policy Wales - edition 7, 2014

Technical Advice Note (TAN) 2: Planning and Affordable Housing

TAN 6: Planning for Sustainable Rural Communities

TAN 12: Design

NCT 18: Transport

3. Relevant Planning History:

3.1 Application C02A/0461/16/LL – the erection of an extension to an agricultural building - approved 07.11.02

4. Consultations:

Community/Town Council: Supportive. Following the second consultation, confirmation was

again received that it supported the application.

Transportation Unit: No objection, the existing entrance is in use and there is sufficient

parking and turning space within the site.

Natural Resources Wales: No objection, it is acknowledged that the bat survey was standard

and that no traces of protected species were discovered, but it will be necessary to contact again if traces are discovered during the work. Following the second consultation, confirmation was received that

the original observations were still valid.

PLANNING COMMITTEE	DATE: 23/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Welsh Water: No observations as it is proposed to use private treatment

facilities.

Public Protection Unit: No observations

Strategic Housing Unit: An assessment was undertaken by Tai Teg of the applicant's need for

an affordable house. It found that they did comply with the definition of local need for an affordable house. On this basis the Housing

Strategic Policy Unit supports the application.

Public Consultation: A notice was posted on the site and nearby residents were notified.

The original advertising period has ended and correspondence was

received objecting on the following grounds:

• A window at the back of the building affecting the privacy of a neighbouring premises

w neigne outing premises

In addition to the above objections, objections were received that were not valid planning objections which included:

Animals making noise

• Misleading name on the plans/information

The above letters also included support for the application based on:

• Supporting local people's rights to have houses

A revised plan was received following the above observations, and a second consultation took place based on these changes, this period has also come to an end and correspondence was received stating:

• The revised plan has removed the main concern but it is requested, if the plan is approved, that conditions are included to protect the privacy of residents of neighbouring properties

As is already noted, a second consultation was held following a further amendment to the application. This period has ended and three letters of support were received noting the following:

- As the closest neighbour, we continue to support the proposal
- No strong observations
- We support opportunities for local Welsh speakers to have affordable housing

PLANNING COMMITTEE	DATE: 23/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

5. Assessment of the material planning considerations:

5.1 The principle of the development

- 5.1.1 Several factors must be considered in relation to this application, but the main considerations are the suitability of the building to be converted and also the principle of converting such a building for residential use. Therefore, in terms of the principle of the proposal, policies C4 and CH12 of the UDP are the main local policies.
- 5.1.2 The site is within open countryside and is outside any recognised development boundary. An application to erect a new dwelling on such a site would not be acceptable and proposals to convert existing buildings are strictly controlled.
- 5.1.3 It is believed that there are two matters, both completely vital matters in relation to an application such as this, that have not been met entirely, which are the policy requirements regarding developing affordable units in the countryside, and whether it can be proven first that a suitable economic use cannot be secured for the building in addition to the suitability of the building for its conversion. In addition to policies C4 and CH12 of the UDP, paragraph 3.2.1 of TAN 6 states: "when assessing planning applications for the re-use or adaptation of a rural building, the primary consideration should be whether the nature and extent of the proposed new use is acceptable for the building in planning terms..."
- 5.1.4 In terms of proving that an economic use cannot be secured for the building, formal assessments have been submitted with the application in the form of a Planning Statement along with a Valuation/Marketing report from a local estate agent. However, it is not believed that a genuine attempt has been made to market the buildings thoroughly for a sufficient period of time, and therefore it is not accepted beyond any doubt that the criteria of policy CH12 have been met.
- 5.1.5 It is acknowledged that the applicant has been identified as someone who needs an affordable house as a result of a formal assessment from Tai Teg and therefore there is no doubt about the need in this case. Also, it can be noted that the size of the proposed house is now considered to be affordable and that it complies with the size of a two bedroom single-storey affordable house (as noted in SPG: Affordable Housing and TAN 2). Despite this confirmation, it does not overcome or outweigh the requirements of policy CH12 which state clearly "that conversions of buildings for residential use will not be permitted unless it is proven first that a suitable economic use cannot be secured for the building". A recent appeal for Tŷ Coch Glasinfryn stated "it is essential in open countryside that converting buildings for residential use is not approved unless the four criteria of policy CH12 can be met". It is considered that this appeal provides a clear stance on interpreting policy CH12.
- 5.1.6 On these grounds, and despite there being proof of the need for affordable local need housing, the officers have not been convinced that strong evidence has been submitted to prove that in the first place a suitable economic use cannot be secured for the building as the policy requires. Therefore, it is not considered that the proposal satisfies policy CH12 or the requirements of national policy which endorse policy CH12.
- 5.1.7 The requirements of policy C4 state that a building that is to be converted in the countryside must be suitable in terms of the ability to convert without having to change much of its form, i.e. it has to be of an acceptable size and condition as it is,

PLANNING COMMITTEE	DATE: 23/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

without having to add too much to it or re-build it to make it habitable. This is supported by national advice in paragraph 3.2.1 of TAN 6 which states: "when assessing planning applications for the re-use or adaptation of a rural building, the primary consideration should be whether the nature and extent of the proposed new use is acceptable for the building in planning terms..."

- 5.1.8 It is acknowledged that the application has been amended by removing the proposed extension to the front of the building that would make its size excessive in terms of the sizes of affordable units noted in the relevant guidance. Nevertheless, there is also doubt regarding the condition of the building and the extent of the proposed changes and extensions including replacing the existing roofs with pitched roofs and whether or not these would comply with policy C4, requirements of SPG: 'Converting Buildings in Open Countryside and in Rural Villages' or the advice provided in TAN 6.
- 5.1.9 It is therefore not believed that the principle of the proposal is acceptable, as it does not satisfy the requirements of policies C1 (Locating New Development), C4 and CH12 of the UDP or the advice in SPG: 'Converting Buildings in Open Countryside and in Rural Villages' or the advice provided in TAN 6.

5.2 Visual amenities

- 5.2.1 These houses are located approximately 120 metres away from the closest public road. An existing private track connects this road to the site. Around the site, dispersed trees and bushes can be seen within surrounding fields and gardens, while tall hedgerows grow adjacent to several parts of the public road. The surrounding land is mostly on a slope, especially when approaching Mynydd Llandygai from the Tregarth direction.
- 5.2.2 Consequently, it is likely that the development would only be partly visible due to the element that would see the current partly flat roof replaced by a traditional pitched roof.
- 5.2.3 It is not considered that the proposal would have an impact on the area's visual amenities to an unacceptable degree based on its form and appearances, and therefore it is not believed that the application is contrary to the requirements of policies B22, B23, B24 and B25.
- 5.2.4 The site is located comparatively close to an area designated as a Conservation Area. It is not believed that the proposal would affect the features and form of the local landscape (which is scattered in terms of its built form) and the appearances within and outside this area based on the current condition of the buildings, design and proposed finishes. It is therefore considered that the proposal satisfies the requirements of policy B10.

5.3 General and residential amenities

- 5.3.1 There are residential houses located comparatively close to the rear of the buildings. There is some open land between these houses and the site of the application, however, if the proposal was approved it would affect the residents of these houses, compared with what is there at present.
- 5.3.2 Observations were originally received from the residents of the closest property, stating concerns about a window that was to be included on the back wall of the

PLANNING COMMITTEE	DATE: 23/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

building. This element was amended by completely removing the window from the proposal. Further observations were received acknowledging that this had satisfied their largest concern, however they have made a request to include conditions that would ensure their privacy and would protect their residential amenities.

5.3.3 The amendments to the plan satisfy the largest concerns of the residents located nearest to the site. They wish to include conditions to protect their amenities for the long term, and it is likely that it would be possible to include an element of this if the application was to be approved. On this basis, it is not believed that the application is contrary to Policy B23.

5.4 Transport and access matters

- 5.4.1 There is already an entrance into this site with a private track leading towards the site itself. The entrance is set back from the public road which means it is possible to turn in without waiting on the road itself. The site includes sufficient space in front of the buildings for parking and turning.
- 5.4.2 As confirmed by the transportation unit, there is no objection to the proposal regarding transport and access matters, it is therefore believed that the proposal conforms to the requirements of policies CH30, CH33 and CH36.

5.5 Biodiversity Matters

5.5.1 A bat survey was submitted with this application and no traces of protected species were discovered within these buildings. Therefore, neither the Council's Biodiversity Unit nor Natural Resources Wales have objections to the proposal in terms of Biodiversity matters; it is therefore believed that the proposal meets the requirements of policy B20.

6. Conclusions:

6.1 Based on the above assessment and having considered all the relevant matters including local and national policies and guidance, it is not believed that this application to convert agricultural buildings to be used as an affordable house is acceptable as it does not conform to the requirements of the policies noted above.

7. Recommendation:

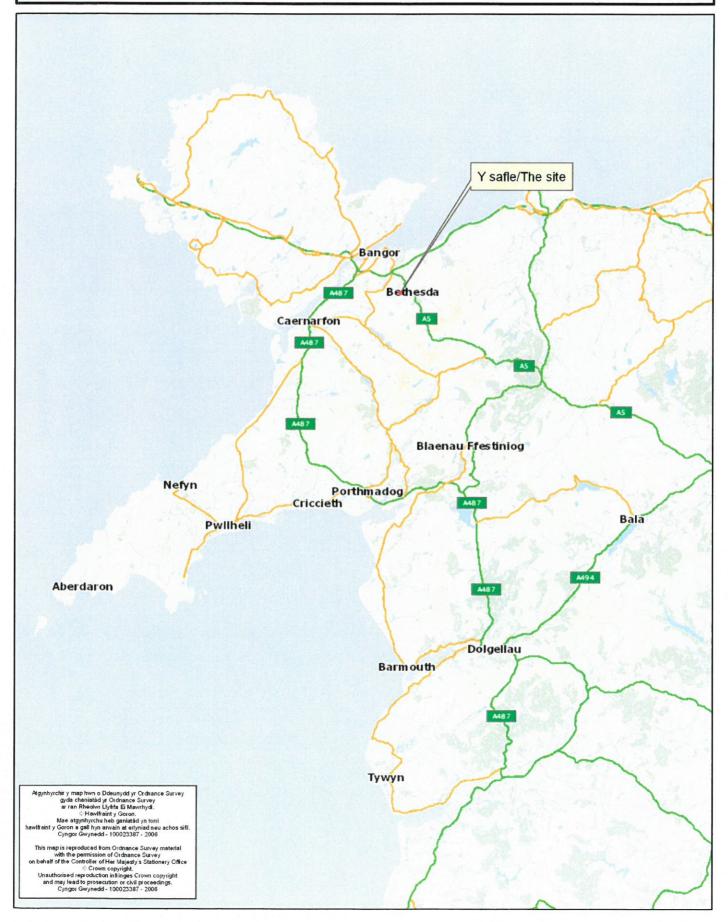
- 7.1 To refuse reasons
- 1. The proposal is contrary to Policy CH12 of the Unitary Development Plan as it is not considered that it has been proven beyond doubt that a genuine attempt has been made to market the property thoroughly enough for a sufficient time in order to secure economic use for the building.
- 2. The proposal is contrary to Policy C4 of the Unitary Development Plan, the advice of Supplementary Planning Guidance 'Converting Buildings in Open Countryside and Rural Villages' and to the advice of Technical Advice Note 6 as it is not considered that the existing building is suitable for its proposed use without the need for substantial changes of construction work.

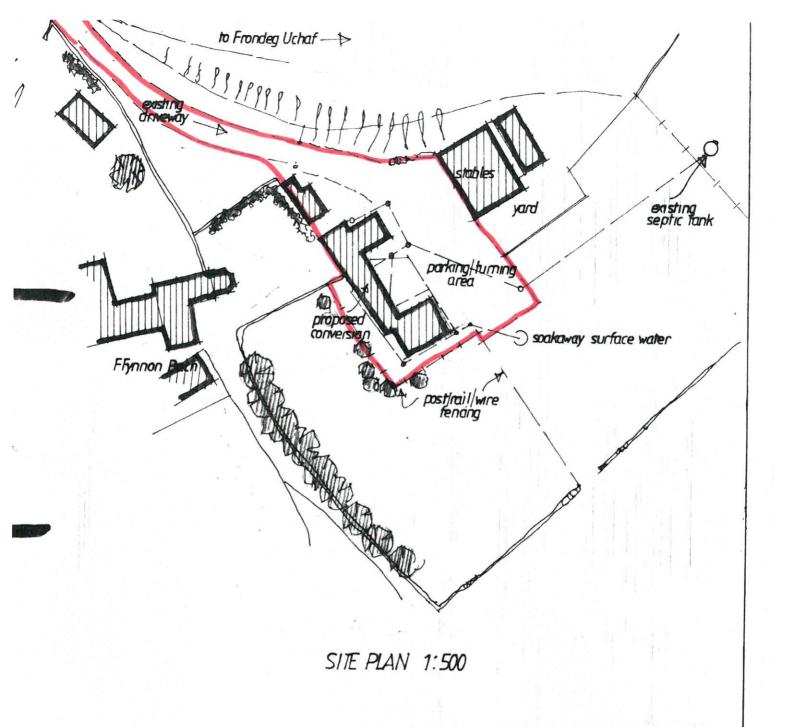
PLANNING COMMITTEE	DATE: 23/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON



Rhif y Cais / Application Number: C14/0062/16/LL

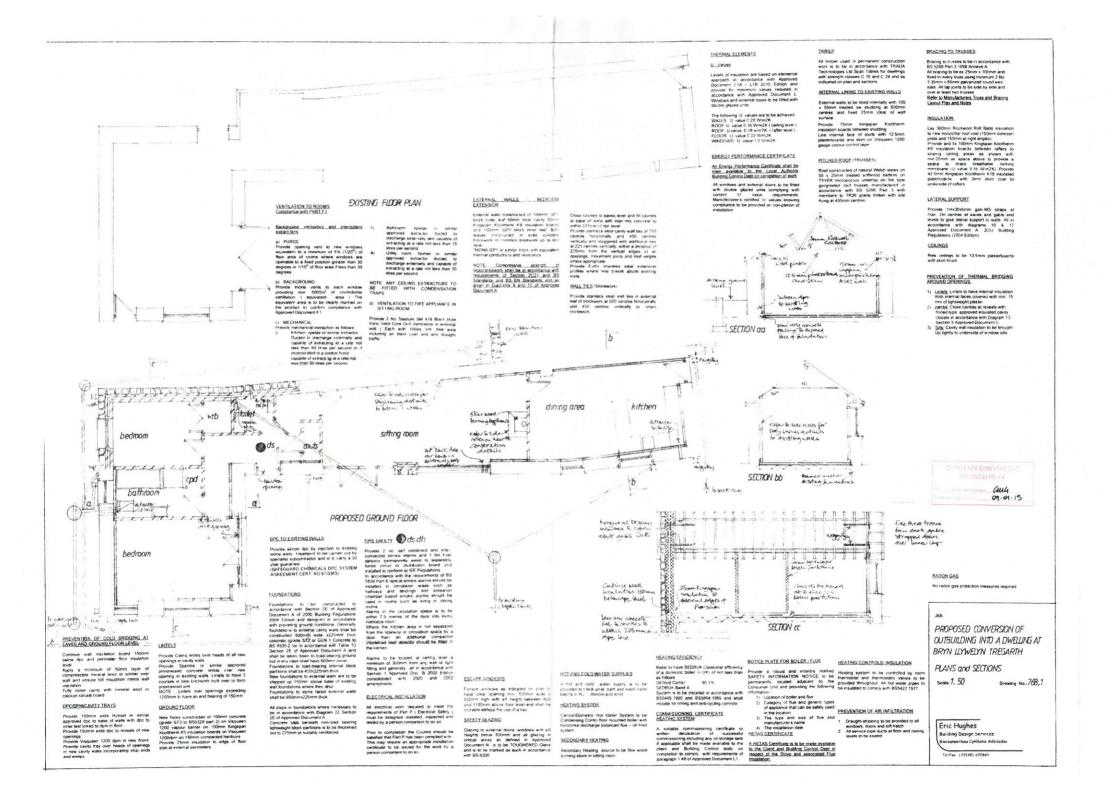
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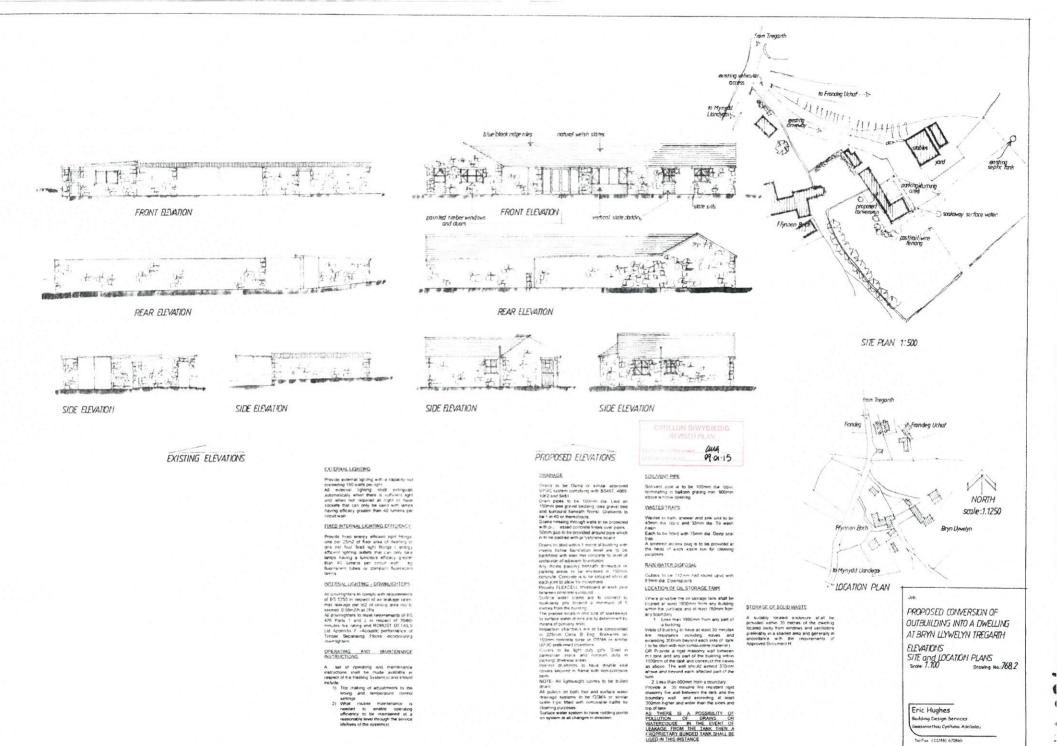




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Eric Hughes **Building Design Services** sanaethau Cynllunio Adeiladau