

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO COUNCIL**

**18 SEPTEMBER 2013**

**REPORT OF INTERIM CORPORATE DIRECTOR - COMMUNITIES**

**REPORT OF A DEPARTURE PLANNING APPLICATION P/13/436/FUL**

**1. Purpose of Report**

- 1.1 On 22 August 2013 the Development Control Committee considered planning application P/13/436/FUL as a departure from the Development Plan. The Development Control Committee resolved not to refuse permission so the application has been referred to Council which is requested grant planning permission subject to conditions.

**2. Connection to Corporate Improvement Plan/Other Corporate Priority.**

- 2.1 The delivery of the County Borough Council's planning functions has links to most of the Council's corporate priorities as outlined in the Corporate Improvement Plan. The objective of *A Diverse and Sustainable Economy* are the most pertinent.

**3. Background**

- 3.1 Planning application P/13/436/FUL for an amendment to planning permission P/04/258/FUL for the rebuilding of a barn for conversion to 2 residential dwellings has been submitted to the Local Planning Authority. The Development Control Committee has resolved not to refuse this application.

**4. Current Situation/Proposal**

- 4.1 The application is made by Design and Planning, on behalf of Mr. Les Parslow and seeks permission for an amendment to planning permission P/04/258/FUL for the rebuilding of a barn for conversion to 2 residential dwellings at Llangewydd Farm.
- 4.2 The barn was not structurally capable of conversion and several uncontrolled and controlled collapses occurred, leading to the demolition of the barn. The applicant has commenced work in rebuilding the barn, however work has ceased since the applicant was advised by the Local Planning Authority that planning permission was required.

4.3 There is a cowshed on the site which has also had consent for conversion (P/04/258/FUL refers) and amendments to the original consent (P10/611/FUL & P/11/806/FUL refer).

#### 4.4 RELEVANT HISTORY

P/11/806/FUL - AMEND DESIGN TO P/04/258/FUL & P/10/611/FUL  
CONVERSION OF EXISTING COWSHED - APPROVED 03-01-2013

P/10/611/FUL - RETENTION OF EXISTING EASTERN SECTION OF  
BUILDING AND SMALL AMENDMENT TO SITE LAYOUT -  
APPROVED 28-09-2010

P/04/258/FUL -CONVERSION OF BARN AND COWSHED INTO  
RESIDENTIAL USE - APPROVED 20-07-2004

P/03/943/FUL - CONVERSION OF BARN, COWSHED & GARAGE  
INTO 4 RESIDENTIAL UNITS - REFUSED 18-09-2003

#### 4.5 PUBLICITY

The period allowed for response to consultations and publicity expired on 7 August 2013.

#### 4.6 NEGOTIATIONS

The applicant was advised that the design of the barn should be amended to replicate that of the previously approved scheme. The applicant provided amended plans on 30 July 2013 and advised that the wooden cladding was omitted as it is not in keeping with the style of barns in the local vicinity, as the barn was formally a livestock barn rather than a storage/hay barn. The applicant has provided photographs of nearby barns of a similar design.

#### 4.7 CONSULTATION RESPONSES

Head of Street Scene (Highways) has no objection to the proposal

Group Manager - Public Protection has no observations to make on the proposal

Head of Street Scene (Drainage) has no objections to the proposal subject to conditions.

#### 4.8 REPRESENTATIONS RECEIVED

None

#### 4.9 APPRAISAL

The application seeks part retrospective consent to make amendments to planning approval P/04/258/FUL for the conversion of the large barn into 2 residential units.

The application essentially involves the re-construction of the barn, as during construction works a large part of the structure collapsed and the remains were removed due to the severe structural stability issues and lack of sufficient foundation.

Planning permission was granted in 2004 for the conversion of the building into 2 residential units. In addition, the consent included the conversion of the cowshed to a single dwelling and a garage into a studio/workshop. Work did not commence on the cowshed on site until 2009 but ceased shortly afterwards when the then owner of the site went bankrupt.

The current owner purchased the site in 2010. Planning permission was granted for amendments to the cowshed conversion in order to ensure it complied with building regulations (P/10/611/FUL & P/11/806/FUL refer).

The applicant has advised that following the cladding of the cowshed with stone, that he was in a position to commence work on the barn. Prior to the commencement of work on the barn there had been several collapses including the roof and walls. A dangerous structures notice was served by the Council in 2009 in relation to the eastern gable end, its height had to be reduced to eaves level and the roof trusses removed. During the demolition works, as per the requirements of the dangerous structure notice, part of the wall collapsed on to the neighbouring property. It was later found that the wall had been built on inadequate foundations.

As part of the 2004 application a structural survey was submitted, which identified the barn walls as being out of plumb, the foundations to be inadequate, wide cracks in the interface of the cross wall and gable end walls with the front and rear walls and also advised that the extent of movement is such that tying or stitching would be impractical. The survey recommended that the front and rear walls be taken down and re-built and the roof be removed and replaced.

A bulge was identified on the western gable wall in the original survey that formed part of the 2004 planning approval. The applicant advises that investigations of the footing found unsuitable use of large boulders as footings. Stress testing of the wall revealed that the whole wall was moving on the footing and the footing would not be suitable for underpinning as the cracks, as identified in the original survey, meant that the wall would not underpin.

The original survey also identified 150mm wide cracks in the centre wall. The condition of this wall continued to deteriorate and began to fall when work commenced on the barn.

Additionally, at an earlier date the roof collapsed and during the controlled demolition of the full length opening at the rear and there was an uncontrolled collapse of much of the front and rear elevations.

The condition of the barn and its unsuitability for conversion was acknowledged in the Committee report of the 2004 planning approval.

The committee report states:-

'Policy EV6 of the Local Plan is the most relevant policy in respect of the conversion of the buildings. The structural survey submitted by the applicant identifies that the large barn would require repairs to correct vertical alignments of the main walls, together with new work to infill the existing large openings in the building. It could be considered that this amount of work constitutes a level of reconstruction beyond that which is envisaged by Policy EV6.

In comparison, the work proposed to the single storey buildings is closer to the policy, although the addition of a porch to the brick cowshed is unfortunate.

Although it is considered that the level of work required to the large barn may not accord with Policy EV6, consideration has to be given to the overall benefits which could be achieved by removing all of the existing industrial / storage uses to the west of the site.

Currently, the whole of the application site has an untidy appearance when viewed from Rogers Lane. The site is divided up in small plots, which are occupied by a range of uses from bus storage, car repairs and storage of containers. The boundary of the site is composed of unsightly wood panelling fences, which is in a poor state of repair while the gates at the access to the site are rusting and untidy. The existing large barn is also used for car repairs. These uses are well established and have been in existence for many years. The applicant has agreed in principle to remove all these uses from the site and restore the land back into a more rural land use. It is considered that this would make a significant visual improvement to the area. In addition, the buildings to be converted are set back from the highway, adjacent to Llangewydd Farm, and would form a group of dwellings only visible from a distance of between 75m and 100m from Rogers Lane.

In conclusion, despite the concern about the level of repair work needed, especially to the large barn, it is considered that the overall improvements that can be achieved outweighs the Policy conflicts.'

In determining whether the conversion of the barn was acceptable, the proposal was considered in the context of Policy EV6 of the UDP. Policy EV6 criterion 1 states:

PROPOSALS FOR THE CONVERSION, EXTENSION OR REHABILITATION OF BUILDINGS IN THE COUNTRYSIDE WILL BE PERMITTED ONLY WHERE ALL OF THE FOLLOWING CRITERIA ARE MET:-

1. THE EXISTING BUILDING IS STRUCTURALLY SOUND, OR CAPABLE OF BEING MADE SO, WITHOUT SIGNIFICANT EXTERNAL ALTERATION, RECONSTRUCTION, OR EXTENSION;

As the structural survey which accompanied the 2004 application recommended that the front and rear walls should be removed entirely and raised issues regarding the structural integrity of the remainder of the structure, the proposal would not normally have been considered as acceptable in the context of criterion 1 of Policy EV6.

However, at the time of determining the application, the building formed part of a group of buildings which were occupied by a range of uses from bus storage, car repairs and storage of containers and scrap vehicles. The boundary of the site was composed of unsightly wood panelling fences which were in a poor state of repair and the gates at the access were rusting and untidy. The barn was used for car repairs. In general the site was considered to be unsightly, having a detrimental impact on the character of its rural setting and was the subject of enforcement action. In determining the 2004 application, it was concluded at that time that the benefits to be gained from the site clearance works and improvements to the aesthetics of the site which were secured by way of a condition, outweighed the policy conflict.

Therefore, it is considered that, although the building has now been substantially demolished, the principle for the development has not fundamentally changed in general terms since the earlier determination albeit that the overall appearance of the site has been considerably improved.

The application site is located in the countryside and in general terms any development proposals should be considered under Policy EV1 of the adopted Bridgend Unitary Development Plan (UDP). This Policy strictly controls development in the countryside except for specific identified purposes i.e. those necessary in the interests of agriculture, forestry, countryside recreation or the winning or working of minerals. Policy EV1 does expand on the above exceptions with the inclusion of suitable conversion, extension or rehabilitation of existing rural buildings. The barn to which this application relates was granted consent for conversion to residential use in 2004 and has now been demolished. As such, the application relates to a new dwelling in the countryside which is not an appropriate exception to EV1 and therefore

out-of-accord with the adopted UDP and the emerging Local Development Plan (LDP) and would normally be recommended for refusal. However, the planning history on this site is unique and complex and is considered to be a relevant material consideration.

Notwithstanding the above, the applicant is seeking permission for a marginally larger property than previously consented, with a different design. The applicant has altered the scheme to amend the door and windows on the rear and side elevations and to include materials more suitable to the countryside location. The increase in size is partly linked to the cladding of the block work with reclaimed stone from the original barn. The height of the barn is not increasing from that of the consented.

Whilst, the barn is not a strict replica of the original barn the amendments are considered to be minimal, in keeping with the spirit of the original proposal and are not considered to have an adverse impact on its wider rural location.

Additionally it is noted that, following the acquisition of the site, the applicant has submitted planning applications to regularise some unauthorised works carried out by the original applicant on the cowshed element of the development and enhance the character of the development even though the planning authority had already stated that the regularisation was not necessary and some of the works could have been carried out under permitted development rights once the dwelling was complete. This would suggest that the applicant has demonstrated an approach to achieving a high standard of design which will also be applied in this element of the proposal and enhance the character of the rural setting within which it is located.

In visual terms, the proposed development would be very similar to that of the barn conversion consented in 2004. The developer is re-using the stone from the barn to clad the block work walls and is using traditional building materials and methods, i.e. lime mortar to ensure that the barn is in keeping with the surrounding buildings and countryside setting.

The applicant has indicated that historically 10000-12000 tonnes of soil had been dumped on the site; the applicant has advised that he has since removed approximately 1000 tonnes of soil. It is noted that some of the soil will be required to landscape the site; however a substantial amount of the soil will have to be removed. In order to ensure that the development is acceptable in visual terms a condition shall be attached to any consent granted requiring a landscaping scheme to be submitted to and agreed in writing by the Local Planning Authority.

Given, the nature of the site the proposed development is not considered to give rise to any residential amenity concerns.

The proposed development is considered to be acceptable in terms of highway safety.

Whilst considering this application Policies EV1, EV6, EV45 & T2 of the Bridgend Unitary Development Plan Design Guide 4 - Farm Building Conversions were considered.

#### 4.10 CONCLUSION

Whilst, the proposal is not in accord with the Policies of the Unitary Development Plan the exception circumstances in this instance are considered to be a material consideration and the impact of the proposed development on the countryside would not differ from that of the 2004 consented barn conversion. Consequently, the proposed scheme is considered to be acceptable in this instance.

### 5.0 Effect upon Policy Framework & Procedure Rules

5.1 Whilst the proposal is deemed to be out of accord with the adopted Bridgend Unitary Development Plan, this application is recommended for approval as the principle of the development has not fundamentally changed since the original consent, visually the building is in keeping with the spirit of the original proposal and the historical circumstances of the site are unlikely to be replicated. The development would not be so detrimental to the countryside protection policies of the Unitary Development Plan, visual amenity, highway safety or residential amenity so as to warrant refusal.

### 6. Equality Impact Implications

6.1 A screening for Equality Impact has been undertaken and no negative issues have been identified.

### 7. Financial Implications.

7.1 None.

### 8. Recommendation

That the Council resolve to approve planning application P/13/436/FUL subject to the following conditions:-

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers LF PL001 & LF PL002 received on 31 July 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. No further development shall take place on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard water and details of the foul drainage volume and associated drainage fall out, has been submitted to and agreed in writing by the Local Planning Authority. The scheme must be implemented in accordance with the agreed details and prior to beneficial use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk and risk of pollution is not increased.

(Policy EV15 - Bridgend Unitary Development Plan)

3. No further development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme, showing details of the removal of the mounds of soil on site. The work shall be implemented in accordance with the agreed scheme and shall be carried out prior to any beneficial use unless otherwise agreed in writing by the Local Planning Authority.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

(Policy EV1 & EV45 - Bridgend Unitary Development Plan)

4. No further development shall take place until a schedule of landscape maintenance for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

(Policies EV20 and EV45 Bridgend Unitary Development Plan).

5. Notwithstanding the details indicated on the approved plans and condition 1 above no further development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason : To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

(Policy EV45 Bridgend Unitary Development Plan).



6. No further development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason : To ensure that the general amenities of the area are protected.

(Policy EV45 of Bridgend Unitary Development Plan).

#### THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) Whilst, the proposal is not in accord with the Policies of the Unitary Development Plan the exception circumstances in this instance are considered to be a material consideration and the impact of the proposed development on the countryside would not differ from that of the 2004 consented barn conversion. Consequently, the proposed scheme is considered to be acceptable in this instance.

b) No surface water is allowed to discharge to the public highway

c) No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

d) The application should be advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

e) Rainwater run off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under the Highways Act 1980.

#### **MARK SHEPPARD CORPORATE DIRECTOR COMMUNITIES**

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#### **Background documents**

Planning Application file P/13/436/FUL

## Bridgend Unitary Development Plan