

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/0519/FUL **Grid Ref:** E: 331772
N: 297412
Community Council: Churchstoke Community **Valid Date:** 29.04.2019

Applicant: Miss Bethan Davies

Location: Corndon Manor, White Grit, Minsterley, Shropshire, SY5 0JL

Proposal: Change of use of a dwelling C3 to a care home C2.

Application Type: Full Application

The reason for Committee determination

This application has been called in to committee by the Local Member.

Site Location and Description

The proposed site is located directly off C2056 classified highways within the settlement of Whitegrit. The application site currently forms a C3 residential dwelling, associated outbuildings, residential gardens and residential access, turning and parking areas.

This application seeks consent for the change of use of the existing C3 residential dwelling to a care home (C2).

Consultee Responses

Consultee

Received

Environmental Protection

4th Jun 2019

Re: Change of use of a dwelling C3a to a care home C2.

Foul drainage

The plan does not entail any new bathroom or other facilities which would add to the sewage loading from the property. In addition, I do not consider that the proposed change of use would lead to an intensification of use of the sewage facilities over and above what would be expected from its original use as a dwelling.

Therefore, I have no objection to the application.

Community Council

24th May 2019

*CCC objects to the application on the following grounds

a) Environmental Impact: the business development will be an unacceptable strain on the sewerage, drainage and flooding capacity of the area which is already problematic in these aspects. CCC notes the absence of an environmental impact assessment in the application and would like to see an assessment which demonstrates capacity of infrastructure to cope

b) Traffic Impact: the business development will bring unacceptable client, staff and service traffic to an area accessible only by narrow single-track lanes. CCC notes the absence of a traffic impact assessment in the application and would like to see a traffic impact assessment which demonstrates adequate capacity of infrastructure to cope

c) Emergency Services: the business development is in an isolate rural area at considerable distance and time from emergency services, with insufficient highways capacity to facilitate rapid attendance.

For those reasons CCC is of the view that the location is unsuitable for such a business in a rural location, and therefore objects to such a change of use.

PCC-Building Control

9th May 2019

Please be aware that Building Regulations approval will be required

Wales & West Utilities - Plant Protection
Team

9th May 2019

With regards to your below request, this is not Wales & West Utilities area. This falls within Cadent's area, contact details for them below:

Highway Authority

16th Jul 2019

Please be advised that the Highway Authority do not wish to comment on the above named application.

Hafren Dyfrdwy

13th May 2019

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Natural Resources Wales

14th May 2019

Thank you for consulting Natural Resources Wales on the above application.

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

Representations

A public site notice was erected at the site on the 13th May 2019. At the time of writing this report, 31 letters of objection have been received from third parties. The concerns and comments raised are summarised below:

- Inappropriate location for a care home
- Poor access to properties for emergency services
- Potential increase in traffic in local area
- Insufficient infrastructure/service in the area
- Lack of public transport
- Local security concerns
- Poor access to and from the dwelling
- Potential noise generation from occupants
- Effect on local property prices if grant consent
- Sewerage capacity in the area and for this dwelling
- Potential flooding problems

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN12	Design		National Policy
TAN23	Economic Development		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026

SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Principle of Development

The development relates to C2 use (residential institution) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). There is not a specific policy for C2 uses within the Local Development Plan but the thrust of both local and national planning policy is to locate new development, be it residential, employment or leisure uses, within or adjacent to settlements as this is the most sustainable option for service and infrastructure provision. However, there are occasions where development in the open countryside can be acceptable in principle; and one of those instances is the reuse of previously developed land.

Planning Policy Wales (PPW) defines 'previously developed land' as 'land that is or was occupied by a permanent structure and associated fixed surface infrastructure to include its curtilage, defence buildings and land used for mineral extraction and waste disposal. Paragraph 3.51 of PPW states that previously development land should wherever possible be used in preference to greenfield sites where it is suitable for development.

The proposed development seeks to change the use of an existing residential dwelling including existing outbuildings, associated residential curtilage and access. Officers are satisfied that the proposal would constitute the re-use of previously developed land within open countryside as encouraged by the aforementioned policies.

In considering the principle of the proposed development, regard is also given to TAN6 and TAN 23 which encourage the reuse of existing buildings for commercial, industrial, tourism, sport and recreational uses but also permit residential uses where the Local Authority has not identified the creation of local employment as a priority (which is the case within Powys). TAN23 sets out that an economic land use is an activity which

directly generates wealth, jobs and income, so as well as being a residential use; it could also be argued that this development is an economic or commercial use for the purposes of determining this planning application.

Therefore, based on the policy context, the proposed development is considered to be acceptable in principle, subject to material considerations which are considered in detail below.

Sustainability

Planning Policy Wales (PPW) promotes the location of new development in sustainable locations such as town centres and edge of settlement locations. The sequential test highlighted within PPW however states that some education, healthcare and community uses may have specific requirements which mean they need to be located close to the communities they serve. PPW also actively seeks to reduce the need to travel by private means however also recognises that the opportunities for reducing car use are more limited in rural areas.

Members are advised that concerns have been raised regarding the sustainability of the proposed development given the rural location, nature of the proposed use, age of residents and the associated dependence upon private vehicles.

Although the Care Inspectorate Wales (CIW) does not have any specific locational requirements, supporting information confirms the care providers desire to provide a normal home environment for the children who would occupy the property. The proposed dwelling is located within a large curtilage and is detached from existing properties which is understood to be a desirable quality as it enables the children access to outdoor space whilst under supervision but also limits the potential for distraction from other children.

The siting of the development must take into account that the proposal relates to the reuse of existing buildings, which is encouraged within policy, and that the site in its former use also generated traffic by private means only. On balance, it is considered that the proposed use would not compromise the sustainability objectives of planning policy. Officers consider that any harm caused by the siting of the development in the open countryside and away from public transport is offset by the benefits of the reuse of existing buildings.

Highways Safety and Movement

Policies DM13 and T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

As part of this application process, the Highway Authority has been consulted and offered no objection to the proposed development. The application is accompanied by details of the anticipated traffic movements which indicates that the proposed use would not result in a significant increase in the number of movements to and from the property over and above that of the existing residential use of the dwelling. Based upon the evidence provided and despite the third party concerns expressed, Officers consider that the proposed use of the site would not result in a significant intensification of use or traffic movements to and from the site and therefore are satisfied that the proposed development complies with policies DM13 and T1 of the Powys Local Development Plan, Technical Advice Note 18 and Planning Policy Wales.

Ecology and Biodiversity

LDP policy DM2 indicates that development proposals should demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. Proposals which unacceptably affect protected species or designated sites will not be supported. This is echoed within Technical Advice Note 5 and PPW.

Given the nature of the application being a direct change of use of the building with limited alterations to the internal structures of the existing buildings, no further information in respect of protected species has been requested

Officers consider that the proposed development is in compliance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5 and PPW.

Scale, Design and Appearance

Policy DM13 of the Powys Local Development Plan seeks to ensure that development is designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detail. Developments should not have an unacceptable detrimental impact upon the amenities enjoyed by the occupants or users of nearby properties by means of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

The proposed change of use will not alter the external appearance of the existing building on the site and the appearance of the property will have no different impact upon the character and appearance of the surrounding area. As such, the proposal is considered to be in accordance with policy DM13 of the Powys LDP.

Residential Amenity

Policy DM13 seeks to safeguard the amenities enjoyed by occupants of neighbouring properties by reasons of noise and overlooking.

As part of this application process Environmental Health has been consulted and no objection has been raised in respect of noise.

Notwithstanding the concerns expressed, Officers consider that the proposed development is sited as such that the proposal would not have any unacceptable adverse impact upon the amenities enjoyed by the occupants of the nearest residential neighbouring properties. The proposed development is considered to be of a scale that complements the character and appearance of the existing buildings and of the surrounding area.

In light of the above observations, Officers consider that the proposed development is in accordance with Planning Policy Wales (10th edition, 2018), Technical Advice Note (TAN) 23 and policies, DM2, DM4 and DM13 of the Powys Local Development Plan.

Foul Drainage

Planning policy seeks to utilise the public sewerage system where practical. Mains sewerage is not available at this location and therefore the proposed development seeks to connect to the existing septic. Concerns have been expressed by third parties in relation to the proposed drainage method and its ability to accommodate the additional waste.

Environmental Health has been consulted and raised no objection to the proposed development. The response indicates that as the plans do not include the addition of further bathrooms or other facilities, it is considered that there is sufficient capacity within the existing system to accommodate the proposed development.

In light of the above, it is considered that the proposed development includes sufficient provision for the disposal of foul waste and therefore will not compromise residential amenity or the environment. The proposed development is therefore considered to be compliant with planning policy.

RECOMMENDATION

Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan. The recommendation is therefore one of consent subject to the conditions set out below.

Conditions

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents (Ground floor existing layout, ground floor proposed layout,

first floor existing layout, first floor proposed layout, outbuilding existing layout, outbuilding proposed layout).

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

Case Officer: Bryn Pryce, Planning Officer
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