

**Application Number:** DM/2021/00036

**Proposal:** Proposed office, reception, shop and managers dwelling

**Address:** Land south of Alice Springs, Kemeys Road, Kemeys Commander, Usk, Monmouthshire

**Applicant:** Mr. Morgan

**Plans:** Site Plan 1549(PL)02 - , All Proposed Plans 1549[PL]01 - B, Location Plan 1549[PL]03 - A

## **RECOMMENDATION: REFUSE**

Case Officer: Ms Kate Bingham

Date Valid: 25.01.2021

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application relates to an existing holiday let complex comprising 16 apartments suitable for people with limited mobility on the site of a former golf course and club house.

The site is not within any development boundary or settlement as defined in Policy S1 of the LDP and is therefore considered to be open countryside. The site is also within the Phosphorous Sensitive Catchment Area of the River Usk SAC.

#### 1.2 Proposal Description

This application follows the approval of the demolition of the former Alice Springs Golf Course Clubhouse and its replacement with holiday let apartments under Planning Permission DM/2018/01075 on 12th September 2018. It is now proposed to add a dwelling for an on-site manager's live-work accommodation. The manager will be dedicated solely to the holiday park. Since the business already exists, and the holiday complex is complete, the proposed application is for a new dwelling on an existing rural enterprise.

The proposed dwelling comprises a four-bedroom live/work dwelling with integral shop, office, store rooms, laundry area and three externally accessible WCs, including one with disabled access. The total domestic floor area of the property is 148.9m<sup>2</sup>. The area dedicated to the business use is 61.8m<sup>2</sup> - resulting in a gross floor area of 210.7m<sup>2</sup>. As well as living accommodation for the manager and his/her family, the proposed dwelling will provide a 24/7 reception area where guests can check in and will be the primary source of information and assistance. The proposal also features a shop which will provide all the essentials for guests such as toiletries, bread and milk as well as local products. Also within the proposed dwelling will be a laundry room and an office, which will include CCTV surveillance and centralised security. It will be the point past which all traffic to the site will have to pass and will be the reference point for all staff and customers. The building will act as a gatehouse with the ability to control access of vehicles by means of a barrier system operated by the manager. The commercial parts of the building will be segregated from the residential quarters.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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DM/2018/01075      Conversion of redundant golf club house into holiday let apartments incorporating extant extension (Previous MCC Planning Approval ref: DC/2007/01376 dated: 1 May 2008).      Approved  
12/09/2018

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S10 LDP Rural Enterprise  
S11 LDP Visitor Economy

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP4 LDP Telecommunications  
NE1 LDP Nature Conservation and Development  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character

### **4.0 NATIONAL PLANNING POLICY**

#### **Planning Policy Wales (PPW) Edition 11**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

#### **Technical Advice Note 6 - Planning for Sustainable Rural Communities**

The proposal site is at Alice Springs Lodge and is outside any settlement boundary and accordingly is seen as a dwelling in the open countryside. With regard to the proposed permanent dwelling on the holding, paragraph 3.7 (farm diversification), 4.3 (rural enterprise dwellings), 4.4 (new dwellings on established rural enterprises) and 4.5 (second dwellings on established farms) are considered to be the relevant. The TAN6 tests examined below.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Gwehelog Fawr Community Council** - Members were surprised that the wider site development is being potentially added to.

Concern was raised in relation to:

1. why the application for the construction of a manager dwelling, had not been included in the original request for planning permission?

2. whether the additional site development proposed, meets the guidance in relation to concerns over phosphates and in no way will cause any detriment to other water quality indicators of the watercourses and rivers?

**MCC Sustainable Drainage Approving Body (SAB)** - The proposed scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

**Richard Anstis (Rural Development Consultant to MCC)** - Insufficient evidence to support an additional functional need for a second dwelling:

- TAN6 Paragraphs 3.7 (farm diversification), 4.3 (rural enterprise dwellings), 4.4 (new dwellings on established rural enterprises) and 4.5 (second dwellings on established farms) are considered to be the relevant.
- The assessment is of a proposed secondary dwelling, given that there is already a primary dwelling on the wider holding (i.e. at Trostrey Court).
- Although not strictly dependent on the surrounding land, it will gain primary inputs from the converted clubhouse on that land and those inputs are primarily from tourism, so it may form a qualifying enterprise (under TAN6).
- The proposal is presented as part of an established enterprise and this is accepted.
- The wider holding has been established for more than three years, profitable for at least one and is currently financially sound, with a clear prospect of remaining so.
- It is evident that although the total diversifying element is substantial, the farming element remains significant enough for this to be considered as a diversification proposal and perhaps more importantly, does not threaten that farming enterprise and protects the long term sustainability of the farming element.
- The evidence on functional need, which essentially focuses on client expectations for a manager to live on site, is not compelling.
- The function can be fulfilled by the existing dwelling and the evidence on alternative dwellings is unconvincing. This test is not satisfied.
- There is no presented evidence of an intention for a succession, or a need for an additional 0.5 worker, set out in the further exception tests referred to in TAN6.
- The proposal shows a house and associated areas that together appears to be considerably in excess of the needs of the business.
- Insufficient evidence to support an additional functional need for a second dwelling.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

One representation received. Objects on the following grounds:

There was no mention on the original planning application of the need for a manager's property even though this must have been envisaged. I am concerned about the "drip-feed" nature of these applications.

Is there really a need for such a large property?

## 5.3 Other Representations

None.

## 5.4 Local Member Representations

Former Cllr V Smith - This application is for a substantial residential and administrative new build in the countryside, which I consider is contrary to Mon CC policy. A shop in this location would undermine other retail outlets in our towns.

Cllr A Neill - I write in support of the above planning application at the former Alice Springs Golf Club, now the Alice Springs Lodge. This is a development of 16 holiday let apartments/ 32 bedrooms built and fitted out to a high standard, and the application is additional manager accommodation to be built within the curtilage of the site.

The application for additional accommodation to be built is absolutely central to the business model as it would house a full-time manager who is essential for the maintenance of the site and for the business to be run to a high standard – greeting, registering, supporting guests who arrive at all times of the day, and managing the many services required – for example, the site requires 16 cleaners to be managed for daily requirements.

This business is a strong one for the local economy. The role of manager (and family) would be advertised locally and would appeal to residents of Monmouthshire as well as beyond within UK. It would be a highly professional role, to be delivered with the experience necessary to support accommodation with bedrooms that exceed in number many of hotels within the region.

The application has now taken 23 months to reach the current stage. I understand that planning officers, who have previously indicated support for the development, are now minded to refuse the application. I find this baffling and very counter to the proper establishment of a high quality business in Gobion Fawr with economic benefits for the local economy – which the planning service must properly take into consideration. Guests who stay at Alice Springs Lodge decide to come there because it is in the heart of Monmouthshire. They visit local shops, restaurants, cafes, pubs and other facilities locally – and as these are high-end apartments, they typically have higher disposable income as they are not looking for a budget stay. This would become a very good stimulant for the local economy. It appears that the planning service has indicated they believe that a manager is not required and that this role could be taken by a nightwatchman living locally. This is simply wrong and fails to understand this business and this sector. The role is a full-time one and is required on site. For that to be the case, accommodation is required on site, and therefore the accommodation would need to provide for a whole family, not simply the employee.

It appears that the planning service had also indicated that the existing accommodation could be used for this purpose. This would require the re-working and conversion of two apartments, as the accommodation would need to meet the needs of a whole family. Doing so would reduce the offer of two apartments by the value of £2,000 per week in the peak season.....equivalent to an estimated minimum £40-50,000 per annum in lost income. Such an approach would simply be damaging for the business and bad for the local economy as it would reduce by 1/8th the potential for local expenditure.

This is a substantial local business, with genuine substantial local economic benefits. The proposed additional manager's accommodation would be built to the same high standard as the holiday lets, and would be well within the curtilage of the site.

The owner of the site, having waited 23 months and counting, has lost substantial potential income in this period as the business cannot reach its capacity without on-site management.

I support the development that is proposed for all the above reasons, and request that the application is approved. If the planning service is not minded to support the application, I request that the application is called in by the Planning Committee, and that the owner and his representative is permitted to provide the rationale for this straightforward development directly to the Committee.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

The proposal site is a former golf club, in a rural location outside existing settlements. The former site extended to 80ha, but the applicant only bought the former clubhouse and 12ha of the land.

The site is now presented as part of a wider farm, including 120 hectares of arable land, 60 hectares of grassland, a substantial 220 cow dairy unit, a substantial 130,000 bird broiler unit and an established holiday let unit at Trostrey Court. As such, the proposal is presented as a farm diversification enterprise to the main farming business and as a new part of an established business at Trostrey Court, where 14 holiday let units from converted farm buildings have already been established for 15 years.

The Welsh Government Technical Advice Note 6: Planning for rural Communities applies to this type of development. The document is clear that tourism and leisure enterprises based in the countryside qualify as rural enterprises and therefore any dwelling proposals on such enterprises should be assessed under TAN 6 measures.

TAN6 Paragraph 3.7 states that planning authorities are required to consider the nature and scale of activity of any proposals and the corresponding nature and scale of the farms to which they are presented as being a diversification from. In this case it is evident that although the total diversifying element is substantial, the farming element remains significant enough for this to be considered as a diversification proposal and perhaps more importantly, does not threaten that farming enterprise and protects the long term sustainability of the farming element.

TAN6 Paragraph 4.4 states that new permanent dwellings should only be allowed to support established rural enterprises providing:

- a. there is a clearly established existing functional need;
- b. the need relates to a full-time worker, and does not relate to a part-time requirement;
- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned;
- e. other normal planning requirements, for example siting and access, are satisfied.

The theoretical labour requirement for the business has been calculated by the applicant as 2.7 fulltime workers which would be met by the appointed manager with assistance from a range of part time and seasonal staff. The workload at the existing holiday lets at Trostrey Court necessarily prevents the existing manager of those units from attending to guests at Alice Springs, not only under emergency scenarios, but in any work capacity. This person not only looks after the holiday units at Trostrey Court but is also employed on the farm itself. As such the proposed dwelling would be for a new worker. The Council's Rural Development Consultant has advised that there is insufficient evidence to show that a new worker would need to live at the site of the apartments and that the complex could not be adequately managed by someone living close by (e.g. Trostrey Court) or by more than one person working in shifts.

During discussions with Planning Officers it was suggested that some of the recently constructed holiday-let accommodation could be used to provide manager accommodation. However, the applicant has advised that this is not possible because of the nature of the recently finished individual units of accommodation. The proposed live/work unit performs the function of the 'gatehouse' to the development where all guests check in and are briefed on how the site operates and are conveyed to their accommodation. Use of one of the units for living accommodation would also reduce the income potential for the site. Furthermore the existing apartments have only two bedrooms and no garden area. This would not appeal to any potential managers with a family which would limit the ability of the applicant to attract a suitable candidate for job. These reasons for not utilising an existing unit, however, are not considered to outweigh the conflicts with TAN6 referred to above.

It is noted that the holiday apartment complex that the proposed dwelling is to serve comprises 16 units specifically designed and marketed to the over-50 age bracket and the accommodation has been designed and built to facilitate movement for those who may be less mobile. All of the flats are wheelchair and disabled compliant with stair lifts and wide entrances throughout, including

easy access showers and low-level electrical switches. Although the target demographic for the holiday lets could include a high proportion of guests who would generally be considered to be in the 'vulnerable group' for health-related conditions, there is no mechanism within the gift of this application to control who would be using the accommodation as the units already have unrestricted consent. The type of guests cannot therefore be taken into consideration in determining this application.

Further to the overall concerns regarding the principle of the development, the proposed dwelling includes the shop, reception, office and additional toilets, all within the overall domestic design and the result is a significant four bedroomed dwelling which would cover over 210sqm. Although there is precedent of a secondary worker's dwelling not exceeding 150sqm, each application is to be assessed on its own merits and here the residential element is 148.9sqm, with the commercial area covering 61.8sqm. Should Members be minded to approved the application, a condition ensuring that the commercial area remains as such in perpetuity and is not used as domestic accommodation should be imposed. This has been agreed by the applicant.

In conclusion, it is considered that it has not been demonstrated that the tests of Welsh Government's TAN6 have been met.

### 6.1.2 Good Design/ Place making

The proposed dwelling is traditional in appearance and has been designed to be in keeping with the apartment complex in terms of form and materials. It will be located within the gated site and not prominent in the wider landscape.

In terms of the size of the dwelling, there is precedent of a secondary worker's dwelling not exceeding 150sqm, but each is assessed on its own merits and the residential element proposed in this application is 148.9sqm, with the further area of 61.8sqm presented as commercial, totalling around 210sqm. As such, the need for the commercial activities within the building has resulted in a larger house than would normally be permitted as a rural enterprise dwelling. It was suggested by planning officers that the commercial functions be separated. However, the applicant provides that this would be at odds with the nearby Pont Kemeys Caravan Park which has an on-site shop incorporated within the dwelling and allows the manager to combine office work with the monitoring of the shop. If the shop was to be a separate unit it would be a small building in the centre of a well-designed site with a legible layout. Energy efficiency of the site would also be lost as a separate unit to heat and supply electricity would be required which would also be more expensive. The shop would also need to be manned throughout its opening hours, meaning either another full-time worker or a shop with severely restricted opening hours, meaning it is less convenient for guests.

It is acknowledged that the residential part of the building is generally within the size parameters normally permitted for rural enterprise dwellings and so a condition restricting the use of the commercial part of the building to ensure that it does not become residential accommodation is suggested should Members be minded to approve the application.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

There are no other residential properties except for the holiday apartments within close proximity of the site that could be adversely affected by the proposed dwelling and associated commercial uses.

## **6.2 Active and Social Places**

### 6.2.1 Transport / Housing - sustainable transport issues (Sustainable Transport Hierarchy)

The proposed dwelling is to be used in association with an existing rural enterprise which is not well served by public transport. Having the manager located on site will reduce the need for additional journeys by private vehicles to and from the site. The provision of an on-site shop will also help reduce car movements of those staying within the holiday complex.

## 6.2.2 Access / Highway Safety

There will be no change to the existing access as a result of the development. Four parking spaces are to be provided within the site for the dwelling which exceeds the requirements of the Adopted Monmouthshire Parking Guidelines.

## **6.3 Productive and Enterprising Places**

### 6.3.1 Tourism

Holiday accommodation of the type that is provided at this site is not common within the County and so the provision is welcomed in terms of the benefits that tourism can bring to the local area in terms of economic benefits, especially with the units being suitable for year-round stays. The effective management of the site is part of the attraction of the accommodation to the demographic that it is aimed at, i.e. older people with less mobility that may require emergency care.

## **6.4 Distinctive & Natural Places**

### 6.4.1 Biodiversity

In accordance with PPW11 all development must provide proportionate net gain for biodiversity. This can be in the form of bat/bird boxes or pollinator planting. This has not been shown on the drawings submitted and therefore a condition requiring this would be required should consent be granted.

### 6.4.2 Water (including foul drainage / SuDS), Air, Soundscape & Light

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

Private sewage treatment systems discharging domestic wastewater to ground built to the relevant British Standard where:

- the drainage field is located more than 40m from any surface water feature such as a river, stream, ditch or drain, and
- the drainage field is located more than 50m from a SAC boundary, and
- the maximum daily discharge rate is less than 2 cubic metres (m<sup>3</sup>).
- There is no cumulative impact.

## **6.5 Response to the Representations of Third Parties and/or Community/Town Council**

Gwehelog Fawr Community Council and a neighbour have questioned why the application for the construction of a manager dwelling, had not been included in the original request for planning permission and whether the additional site development proposed. It would not have been appropriate to submit an application for a rural enterprise dwelling prior to the business becoming established in line with the requirements of TAN6.

The proposed shop would sell only basic provisions and is unlikely to take trade away from any other shops, although the closest shops are in Usk. Furthermore, the site can only be accessed via a security barrier and so it is unlikely that persons not staying on the complex will be granted access.

The phosphate matter raised by the Community Council and the size of the dwelling raised by a neighbour have been addressed above.

The comments in support of the application submitted by the Local Member are noted but unfortunately do not outweigh the failure of the proposed development to meet the need requirements set out in TAN6.

## **6.6 Well-Being of Future Generations (Wales) Act 2015**

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.7 Conclusion**

The nearby existing holiday lets have good levels of profitability and have been operating for 14 years with high levels of occupancy. The projected cashflow demonstrates that the additional facilities will generate an income commensurate with expectations of an experienced site manager with healthcare skills and the profits generated will be capable of funding the construction of the proposed live/work unit.

However, there is no compelling evidence that a site manager(s) could not occupy one of the existing units on the site and that the commercial aspects of the proposal could be accommodated in a new separate building. The individual needs of the target demographic for the existing holiday accommodation cannot be considered in the determination of this application as the Local Planning Authority has no control over the type of guests staying, meaning that in the future guests who need little assistance could be encouraged.

The siting of a rural enterprise worker's dwelling is not therefore considered to be compliant with national policy and guidance contained in TAN 6: Functional need for a second dwelling to support an existing rural enterprise.

The design of the dwelling is considered to be in keeping with the existing buildings on the site and will not harm wider visual amenity. The proposal therefore accords with LDP Policies DES1 and LC5. The proposed dwelling will have no impact on any other neighbouring dwellings and Policy EP1 is therefore also complied with.

## **7.0 RECOMMENDATION: REFUSE**

### **Reason for Refusal:**

1. It has not been reasonably demonstrated that the proposed Rural Enterprise Dwelling meets the tests of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010). There is insufficient evidence to show that a new worker would need to live at the site of the apartments and that the complex could not be adequately managed by someone living close by or by more than one person working in shifts.