

DC/2015/01112

CHANGE OF USE OF EXISTING PUBLIC HOUSE TO TWO RESIDENTIAL DWELLINGS INCLUDING AN EXTENSION

MOON AND SIXPENCE, MAIN ROAD TINTERN

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 03/02/2016

1.0 APPLICATION DETAILS

1.1 This historic stone building has been run as a public house intermittently until 2015. It has over the years had some rather unsympathetic extensions to the front and side. Now the current owners seek to convert the building, which is within the Tintern Conservation Area, into two residential properties. The proposal involves a small first floor extension. The external appearance of the building would remain largely unchanged. There is dedicated off-street parking provision for approximately eight cars on the opposite side of the road. The Moon and Sixpence is located within a flood zone and within the Wye Valley Area of Outstanding Natural Beauty (AONB). A Flood Consequences Assessment, Design and Access Statement and a Marketing Strategy have been submitted as part of the application.

2.0 RELEVANT PLANNING HISTORY

None found

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 Community and Recreational Facilities
S4 Affordable Housing Provision
S1 Spatial Distribution of New Housing Provision
S12 Efficient Resource Use and Flood Risk
S13 Landscape Green Infrastructure and Natural Environment
S16 Transport
S17 Place Making and Design

Development Management Policies

H3 Residential Development in Minor villages
CRF1 Retention of Existing Community Facilities
SD3 Flood Risk
LC4 Wye Valley Area of Outstanding Natural Beauty
NE1 Nature Conservation and Development
EP1 Amenity and Environmental Protection
MV1 Proposed Development and Highway Considerations
DES1 General Design Considerations
HE1 Development in Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultations Replies

Tintern Community Council – subdivision of the garden needs clarification;
A spring comes through the back wall that used to fill an internal pond.
No strong commercial reason to close the pub, the village has already lost two licenced premises recently.
Lack of privacy as people have to pass in front of the first property to gain access to the second.
Have the formal channels for change been fulfilled?
Needs a rear access.
Building Control need to check the position of the spring.
Would like this application to be presented to Planning Committee.

Natural Resources Wales - we have reviewed the submitted FCA and remove our objection to the proposed development. The FCA has stated that the current finished floor level within the building is 11.8 metres Above Ordnance Datum (AOD). The FCA has used the extreme event sea level figures within the Severn Estuary to demonstrate that the proposal is likely to remain flood free in the predicted 0.5% and 0.1% (plus climate change) annual probability flood event. This is a precautionary approach. Therefore we advise that the proposal is in line with TAN15 guidance. We note that the proposal includes private parking for the dwellings on the existing public house car park. This area is at risk of flooding. The FCA has not assessed the risk to the car park and therefore we cannot advise you on the consequences of flooding to this element of the proposal.

MCC Planning Policy - The Moon and Sixpence is located in Tintern, identified as a Minor Village in Policy S1 where small scale residential development will be allowed in the circumstances set out in Policy H3. Policy H3 relates to planning permission being granted for minor infill of a small gap between existing dwellings, residential redevelopment, conversion to residential or sub-division of large dwellings subject to detailed planning considerations; including policies that seek to protect existing retail, employment and community uses.

Strategic Policy S4 relates to affordable housing provision. It would have to be considered whether the conversion to two dwellings equates to the full potential of residential redevelopment in this location. If this is determined to be the case, the sixth bullet point of S4 relating to financial contributions for the provision of affordable housing in the local planning authority for proposals below the thresholds set out in S4 would be applicable. Such contributions will be requested if the application is approved and determined once there is relevant adopted SPG in place.

Strategic Policy S5 relates to community and recreation facilities noting development proposals that result in the unjustified loss of community and recreation facilities will not be permitted. Policy CRF1 specifically relates to the retention of existing community facilities. It would have to be considered whether the proposal satisfies the criteria listed, particularly criteria (b) and (c). While it is noted that the facility has been vacant for some time and has been marketed and auctioned, the details of the marketing exercise/timescales are not known. It would be helpful if evidence was provided to demonstrate why the business use was not previously viable and/or why it could not become viable in the future.

Just over half of the Moon and Sixpence and associated car parking area is located within Zone C2 floodplain, Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk therefore apply. Whilst it is recognised that the property was once a single residential unit and contains an element of living

accommodation on the first floor at present, the ground floor area is not currently considered as a form of highly vulnerable development whereas a full residential use would be. It is noted a Flood Consequences Assessment has been submitted. Nevertheless, it is considered that as the proposed development in its totality relates to a form of 'highly vulnerable development' it would appear to be contrary to Policy SD3 and Welsh Government Guidance set out in TAN 15.

The application is located in both the Wye Valley Area of Outstanding Natural Beauty and the Tintern Conservation Area, policies LC4 and HE1 respectively apply.

Finally, policies DES1 and EP1 should be considered relating to general development considerations.

MCC Heritage - thank you for forwarding the revised elevations for the elevations at the Moon and Sixpence. In principle I am now happy with the design of the proposed new elevation for two 'three-over-six' sash windows, these should be in timber traditional sash windows and the roof should be of natural slate to improve on the current visual contribution of the Moon and Sixpence to the Tintern Conservation Area. There may be archaeological issues relating to the reduction in floor levels internally. Welsh Water - outlines conditions relating to surface water.

There are not problems envisaged with waste water treatment works or water supply.

MCC Highways - historically the site has served as a public house which has an existing car park on the opposite side of the A466. The car park itself is not ideal as it typically involves vehicles manoeuvring in and out of the car park directly onto the adjacent A466. However, it is accepted that this type of arrangement is historical and unique to Tintern as there are numerous car parking areas of this type on both sides of the A466.

It is proposed to utilise the existing car park to provide four car parking spaces for each dwelling. The Monmouthshire Car Parking Standards 2012 specifies one car parking space to be provided per bedroom per dwelling with a maximum of three car parking spaces per dwelling. The proposed car parking provision exceeds this requirement and therefore is acceptable. As part of the proposal the car park will be improved to create a single point of access onto the A466 by creating a dwarf boundary wall. This will therefore reduce the number of conflict points along that section of the A466 which will improve the existing situation.

In light of the aforementioned comments there are no highway grounds to sustain an objection to the application subject to conditions being applied.

MCC Biodiversity -

Protected Species: A bat survey has been undertaken at the property above and is of a high standard and is sufficient to inform the scheme. This has been undertaken by a suitably qualified ecologist, and is of an appropriate age with surveys undertaken within the past year. The Moon and Sixpence, Main Road, Tintern – Bat Roost Inspection (Visual) and Activity Survey. Avalon Ecology, September 2012, ref AE160.1 A scoping survey, two dusk surveys, and one dawn survey were undertaken between July and August 2015. No evidence of bat roosts were found, although the building was considered to have a high potential to support bats. Precautionary measures have been suggested in the report and condition recommended. Multiple light-shy species were observed flying along the woodland interface to the rear (north) of the property, and the development must therefore maintain dark corridors as suggest in the report. A condition is recommended.

Protected Sites: The development is immediately adjacent to the River Wye SAC. Therefore, the LPA has undertaken a Habitats Regulations Assessment (Test of Likely Significant Effect). This assessment is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent

Authority' under the Regulations can grant permission for the project. It was concluded that due to the scale and type of project, there will not be a 'Significant Effect' on any of the Interest Features of the River Wye SAC, provided that no additional external lighting is installed.

Wye Valley AONB Officer: Thanks for the opportunity to comment on this report. I do not believe the proposed application will have any significant detrimental impacts on the AONB. I note the report states that "The extension now represents a visual improvement to the appearance of the building and enhances the appearance of the Conservation Area. The Council's Heritage Officer is now satisfied with the design of the proposal." These are the important considerations that will help conserve and enhance the AONB. Therefore I have no further comments.

4.2 Neighbour Notification

Letters of objection received from three addresses:

Commercial properties are far too rare along Main Road
Local people and tourists need businesses, shops, hostelrys and employment
Do not want to lose this community asset
The building is superbly situated to be a village shop, tea room or restaurant.
Inappropriate use of the site
Dangerous parking
Owners have removed the water feature of the spring coming through the back wall
Closure of the pub is a severe loss to the village
Works have already started
No gardens and no privacy.
It has been a pub for a very long time
Over ambitious parking
Dangerous parking
Loss of a tourist facility

Letters of support received from 22 addresses:

Fabulous to see someone taking care of the building
Building is falling into decay and disrepair.
Currently an eyesore for the village
Over the past five years four businesses have started up and failed on the site
Tintern does not need five public houses/ inns.
The building was offered to the village as a community pub but the village was not prepared to take it on as they did not think it was a viable concern
The derelict building attracts rats that affect the neighbouring buildings
It has not been run as a successful business since the 1970's
The building needs to be repaired and updated
Better for the image of Tintern to have a cared for building than a derelict one

A petition with 73 signatures was received supporting the application.

4.3 Local Member Representations

Requests that this application is considered at Committee

5.0 **EVALUATION**

5.1 Principle of Residential Development

5.1.1 Tintern has been identified as a Minor Village in the LDP where small scale residential development will be allowed in the circumstances set out in Policy H3. Policy H3 says that planning permission will be granted for conversion to residential use subject to detailed planning considerations including the impact on the village form and character and the impact on the surrounding landscape and other policies of the LDP that seek to protect existing retail, employment and community uses. The proposed external physical alterations are relatively small and actually improve the visual appearance of the building, and therefore the change of use has no impact on the village form and character. Similarly the alterations do not impact on the wider landscape which is within the Wye Valley AONB and the Tintern Conservation Area. The change to residential use complies with the initial objectives of Policy H3 but the impact on employment and loss of a community facility are considered in detail below.

5.2 Loss of a Community Facility

5.2.1 Policies H3, S5 and CRF1 of the LDP all relate to the unjustified loss of community facilities. Policy CRF1 states that the change of use or conversion to other uses of, inter alia, public houses will only be permitted where:

- a) **the local community would continue to be adequately served by facilities to which there is easy and convenient access by means other than the private car,**
- b) **or in respect of commercially-operated facilities,**
- b) **there is evidence that the facility is not, and could not reasonably be expected to become, financially viable or the facility, if non-operational, has been vacant for a substantial period of time, and**
- c) **genuine attempts at marketing the facility, whether in use or vacant, have been unsuccessful.**

Within Tintern there are ample community facilities including several pubs, cafes, tourist shops, hotels and a doctor's surgery. The community of Tintern would therefore continue to be adequately served by similar facilities. As criterion a) of Policy CRF1 is complied with, there is no need to then have regard to criteria b) and c), the terms of the policy having been met by the proposal. In this case, the applicants have provided some supporting information as background relating to the recent businesses run from the premises and the marketing of the property. It appears that Mr and Mrs Booth brought the property in the early 1990's and leased the building to a successive number of traders who ran it as a public house. It was also on the market for sale or rent with an asking price of £360,000. In 2013 Mr Booth came out of retirement to run the pub with the idea of selling it as a going concern; at that time the asking price had fallen to £269,950. The property was marketed by Sidney Phillips, Daltons, Rightmove, Novaloca, Moon and Co. and others. After several months of running at a loss the business closed down. The property was then put up for auction with Cotton Auctioneers in summer 2015 with a guide price of £200,000 and was sold for £180,000. The history of the building and the long term marketing at a realistic price would indicate that the facility could not reasonably become financially viable especially given the high level of competition offering similar facilities elsewhere in the village. Over the last 20 years this property has spent a considerable amount of time vacant. There have been genuine attempts to market the property and at a realistic price and with a variety of estate agents. The proposed change of use to residential does comply with the objectives of Policy CRF1 by meeting criterion a), and in addition, the background information is useful in understanding that the public house has become unviable in economic terms. There are other facilities within the village which provide a variety of food and drink facilities and it has been demonstrated that the Moon and Sixpence

cannot become financially viable. Local residents have said that the Moon and Sixpence was offered to the local community to operate as a public house but that the community declined to take up the offer.

5.3 Visual impact on the Conservation Area and AONB

5.3.1 It is thought that parts of the property date back to the 13th Century. The building, which fronts onto the river has many period features but has had some rather unsympathetic extensions over the years including a lean-to at the side with a shallow roof pitch. The proposal involves replacing this lean-to with a more conventional roof, set at a slightly lower level to give a subservient appearance. During the course of the application amendments have been made to this extension and it is now of an acceptable design. The extension now represents a visual improvement to the appearance of the building and enhances the appearance of the Conservation Area. The Council's Heritage Officer is now satisfied with the design of the proposal and the application complies with the objectives of Policy HE1 of the LDP which seeks to preserve or enhance the character and appearance of Conservation Areas. The finishing materials of the extension will match those of the existing building and there is proposed to be a planning condition applied to ensure that the new windows are of timber and the new roof of natural slate.

5.4 Flooding

5.4.1 The application site lies partially within a C2 Flood Area. The application was submitted with an FCA and NRW initially objected to the proposal as it resulted in vulnerable development within a C2 Flood Zone. However a second, more comprehensive FCA was then submitted which identified that the current finished floor levels of the building are 11.8 metres above Ordnance Datum. The FCA has used the extreme event sea level figures within the Severn Estuary to demonstrate that the proposal is likely to remain flood free in the predicted 0.5% and 0.1% (plus climate change) annual probability flood event. On receipt of this, NRW withdrew their objection to the application. They do however point out that although the property is well above the flood level, the car park is still liable to flooding.

5.5 Residential Amenity

5.5.1 There are residential properties on either side of the Moon and Sixpence. Homeleigh to the north-east would be able to see the proposed extension but would not be adversely affected by it. There would be no windows on the side elevation facing towards Homeleigh. In addition there is a parking area separating the two dwellings. To the south-west of the Moon and Sixpence is a property known as Prospect Cottage, and between the two properties is a covered access way. The ground floor accommodation of the Moon and Sixpence extends to the rear of Prospect Cottage. The internal accommodation will remain the same but the existing plastic flat roof over the access will be removed. This will not affect the adjoining property. No residential properties will be adversely affected by the proposed alterations and so that the objectives of Policy DES1 are met.

5.6 Highway Safety

5.6.1 On the opposite side of the road, adjacent to the river is a large area of hardstanding that was used as a carpark and beer garden for users of the public house. The car park itself is not ideal as it typically involves vehicles manoeuvring in and out of the car park directly onto the adjacent A466. However, it is accepted that this type of arrangement is historical and unique to Tintern and there are numerous car parking

areas of this type on both sides of the A466. It is proposed to utilise the existing car park to provide four car parking spaces for each dwelling. The Monmouthshire Car Parking Standards 2012 specifies one car parking space to be provided per bedroom per dwelling with a maximum of three car parking spaces per dwelling. The proposed car parking provision exceeds this standard and therefore is acceptable. As part of the proposal the car park will be improved to create a single point of access onto the A466 by creating a dwarf boundary wall. This will therefore reduce the number of points of conflict along that section of the A466 which will improve the existing situation. MCC Highway Engineers have no objection to the proposed car parking arrangements.

5.6.2 The car parking area is in a C2 Zone liable to flooding, but this is not reason to substantiate an objection. However, the applicants should be made aware of the situation so that cars could be moved if flood warnings are given.

5.7 Affordable Housing Contribution

Policy S4 of the LDP refers to Affordable Housing Provision. It states that development sites with a capacity below the stated thresholds (in this case less than 3 units) will be required to make a financial contribution towards the provision of affordable housing in the county. The supplementary planning guidance (SPG) giving details of this has now been adopted (April 2016) but any applications registered before it came in to effect (such as this application) would not be required to make a financial contribution.

5.8 Biodiversity

A bat survey has been undertaken, which found that there was no evidence of bat roosts, although the building was considered to have a high potential to support bats. Precautionary measures have been suggested and can be implemented by condition. Multiple light-shy species were observed flying along the woodland interface to the rear (north) of the property, and the development must therefore maintain dark corridors as suggested in the report. The applicant has confirmed that there is no intention to install additional external lighting and this can be controlled by condition. The Council's Biodiversity Officer is satisfied with this approach and has completed a Habitats Regulations Assessment for the proposal.

5.9 Response to Community Council Representations

Tintern Community Council suggests that the rear gardens of the property should be subdivided. To the rear of the property is a steep cliff with no proposed access. The land in the applicant's ownership but marked blue on the site plan does include approximately half an acre of woodland. If subsequent owners wanted to use this as residential curtilage it would need to be the subject of a separate planning application for a change of use. The Moon & Sixpence is not a listed building and therefore changes to the internal features including the loss of the water feature are not material planning considerations. The fact that the access for the second dwelling passes the front of the first dwelling is a matter for the occupiers of those dwellings, but it is not thought that this would be unacceptable on amenity grounds and potential purchasers would be aware of the arrangement. There is no formal requirement for a rear access. A separate application will need to be submitted to address the Building Regulations and this is usually made after planning permission has been granted.

6.0 RECOMMENDATION: APPROVE

Conditions

1. 5 Years in which to commence development.

2. Compliance with listed approved plans
3. Samples of finishing materials to be submitted and agreed.
4. The dwarf boundary wall shall not exceed 1m in height so as to not obstruct visibility from the car parking area.
5. The car parking area shall be retained for the use of car parking for the individual dwellings in perpetuity.
6. Bat mitigation: the works shall take place in accordance with the recommendations in sections 6.1 and 6.2 of the document "The Moon and Sixpence – Bat Roost Inspection (Visual) and Activity Survey", by Avalon Ecology, dated September 2012, reference AE160.1
7. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the west, north, or east elevations of the properties.

Informative

1. Make applicant aware that the car parking area is liable to flooding.
2. It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.
3. Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and the retained ecologist or Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).
4. Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.
5. The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.