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Heading:

01/2013/0899/PF

Lleweni Hall

Denbigh

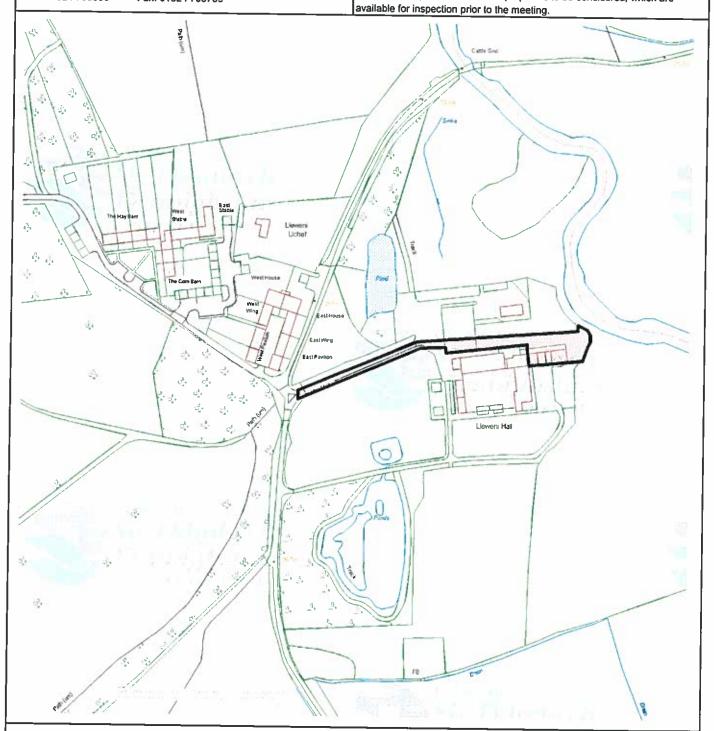
Application Site

Date 6/1/2014

Scale 1/2500

Centre = 308079 E 368522 N

This plan is intended solely to give an indiction of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are

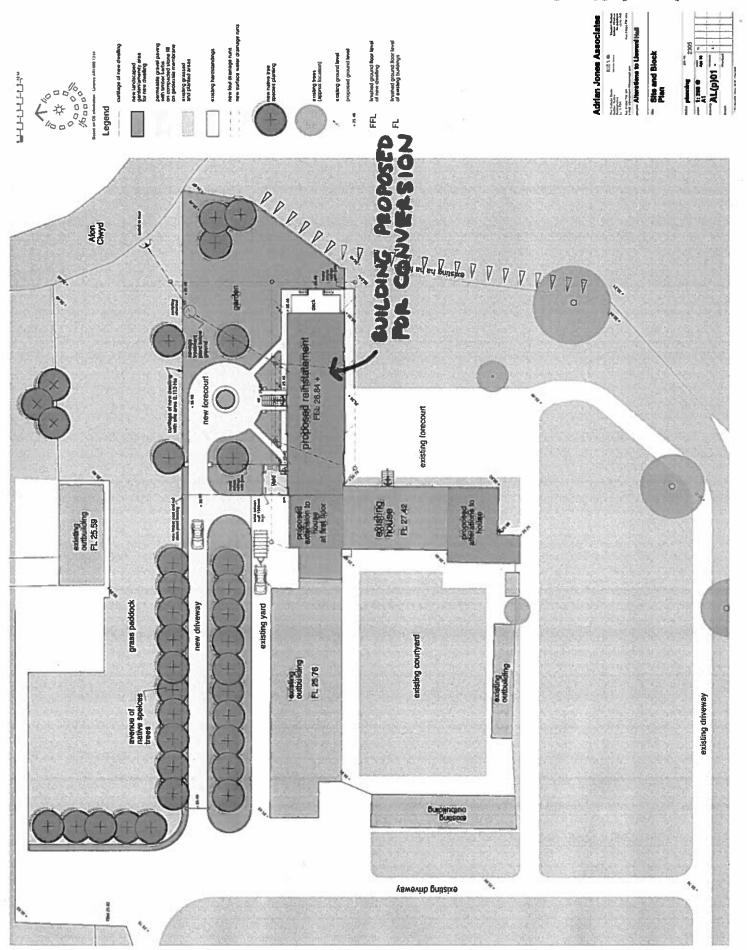


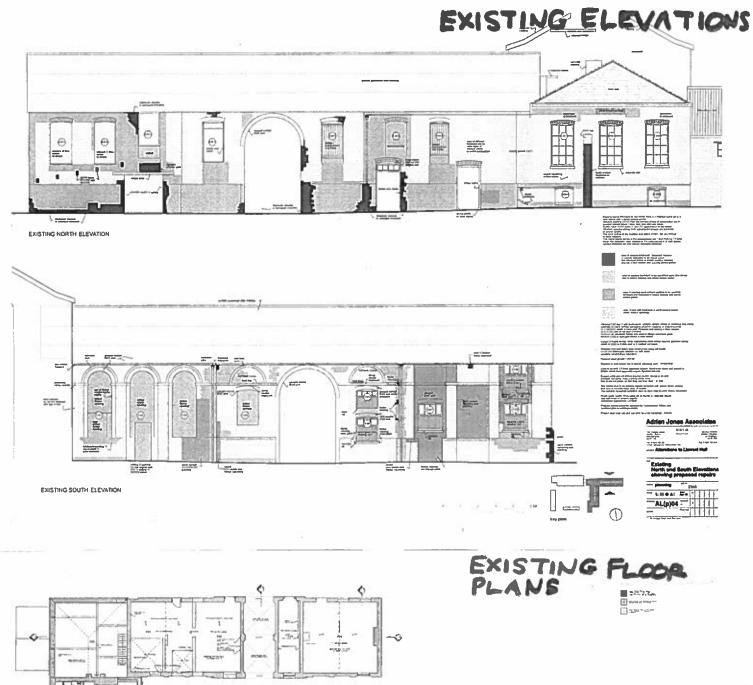
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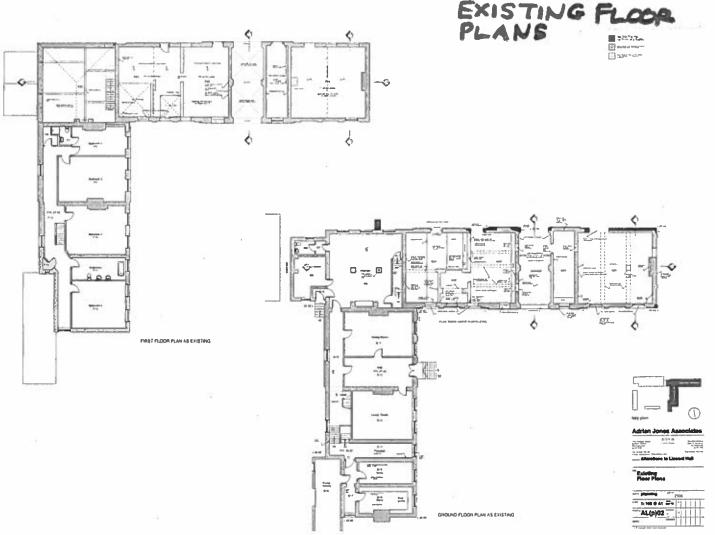
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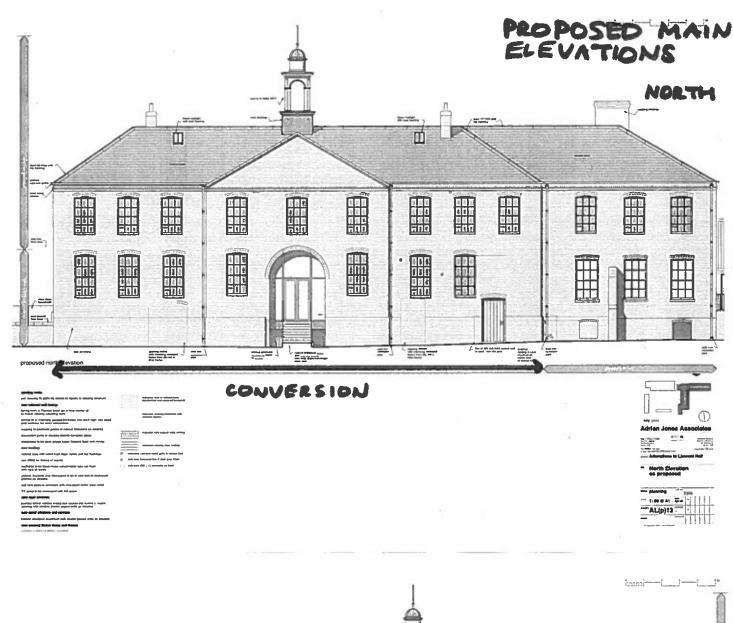
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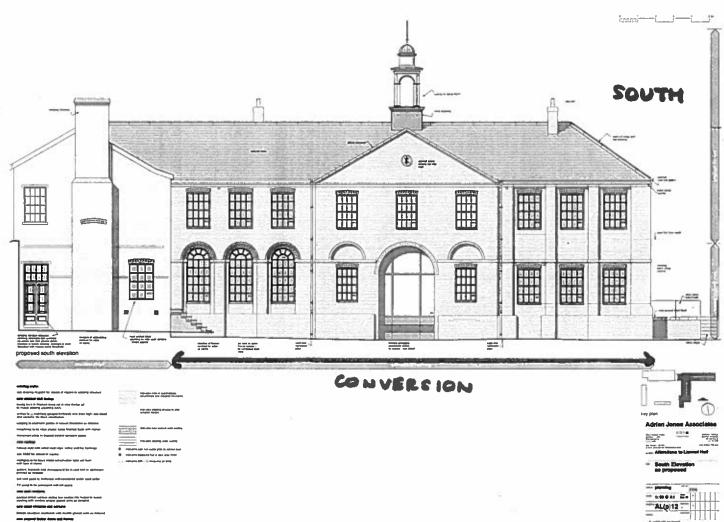
SITE PLAN

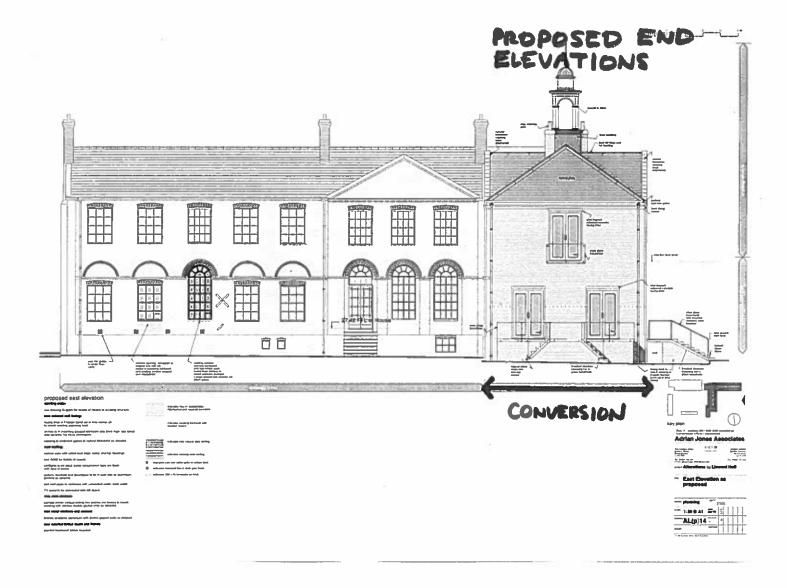


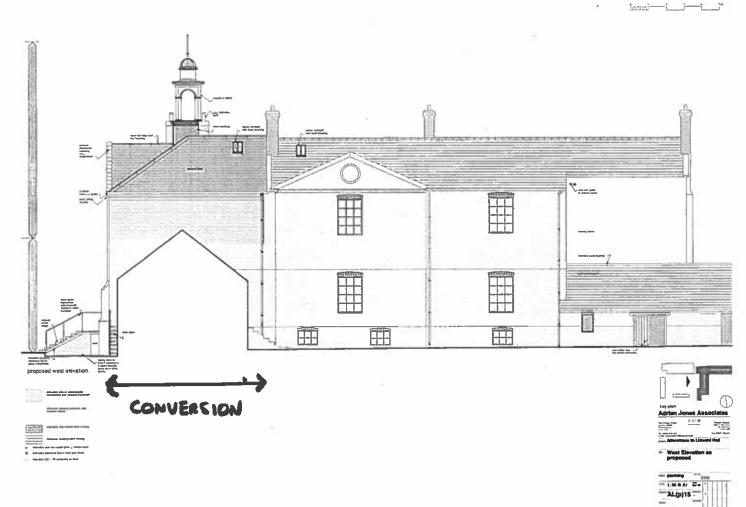


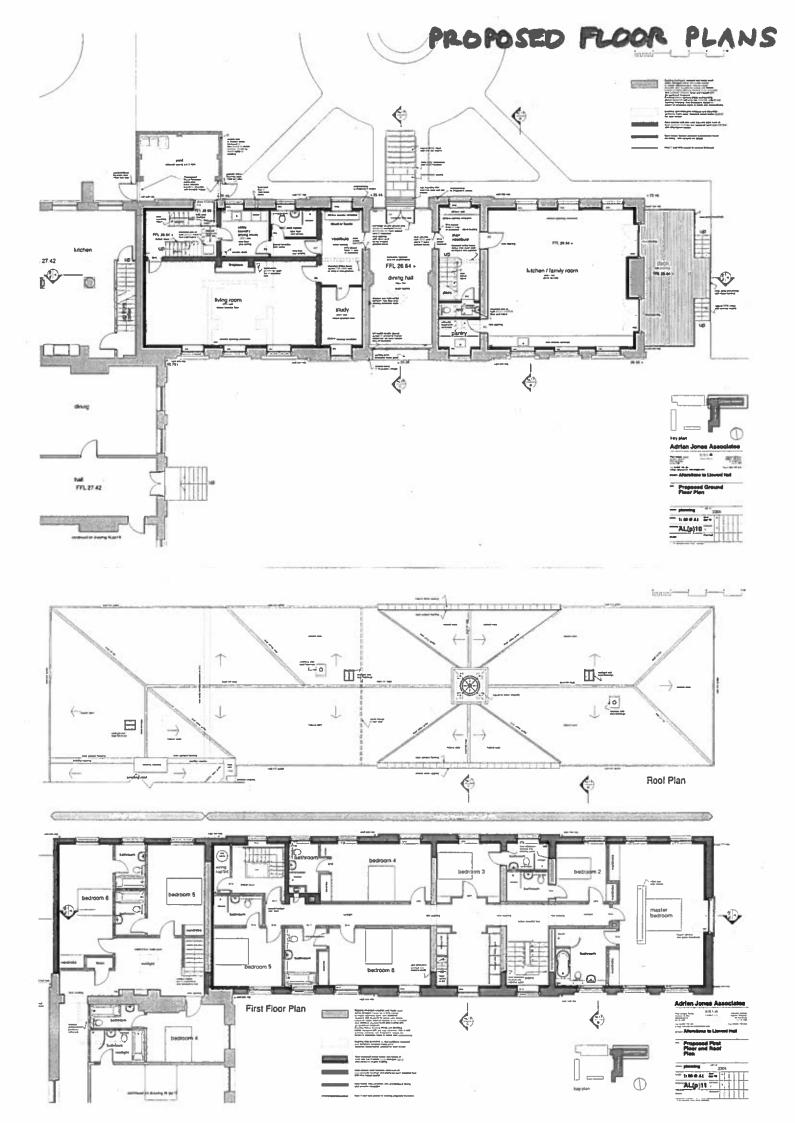












Emer O'Connor

ITEM NO:

WARD NO: **Denbigh Lower**

WARD MEMBER(S): Councillors Ray Bartley & Richard Davies

APPLICATION NO: 01/2013/0899/ PF

PROPOSAL: Conversion and extension of stable wing to form 1 no. dwelling

and installation of a package treatment plant

LOCATION: Lleweni Hall Denbigh

APPLICANT: Mr & MrsJ & C Kissane

CONSTRAINTS: C2 Flood Zone

B Flood Zone

PROW

Listed Building

PUBLICITY Site Notice - NoPress Notice - NoNeighbour letters - Yes **UNDERTAKEN:**

REASON(S) APPLICATION REPORTED TO COMMITTEE: Scheme of Delegation Part 2

DC Manager discretion

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL:

"No objection"

NATURAL RESOURCES WALES

No objection, subject to conditions relating to finished floor levels of the proposed dwelling.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES -

Biodiversity Officer

No objection.

Conservation Officer

In relation to the detailing, believes the proposals are extremely well considered and will allow the Grade II* building to be safeguarded for generations to come.

Head of Highways and Infrastructure

Highways Officer

No objection.

Rights of Way Officer

No objection.

Valuation and Estates Manager

Considers the costings put forward by the Agent to be realistic, and that to convert the building for affordable housing purposes is not economically viable.

RESPONSE TO PUBLICITY:

Representation received:

Mr Witter, Lleweni Airfield

Summary of representations:

Access issues, concerns over right of way conflicts.

EXPIRY DATE OF APPLICATION: 09/09/2013

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations
- additional information required from applicant

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Full planning permission is sought for the conversion of an outbuilding attached to the Grade II* Listed Building at Lleweni Hall, referred to as the 'North Wing'.
- 1.1.2 The conversion involves substantial alterations to reinstate the original form of the wing. The alterations include re-positioning of the first floor, roof, and original fenestration pattern of the building as well as reinstatement of the original cupola. In basic terms what is proposed is the addition of a first floor to the outbuilding to match the overall height of the attached Hall. Members can see the proposed alterations on the plans at the front of the report.
- 1.1.3 The scheme of conversion would create a dwelling with 6 bedrooms, each with ensuite facilities, a kitchen, dining room, living room, utility and study.
- 1.1.4 The gross internal floor space of the proposed dwelling would be approximately 440 sqm. The site area is 0.113 ha.
- 1.1.5 Externally the yard to the north and north east of the building would be used as a forecourt and grassed garden area. Access would be via a driveway from the existing yard to the west of the complex.
- 1.1.6 The supporting documents include a Design, Access and Justification Statement, a Flood Consequence Assessment, Structural Report and Protected Species Survey.

1.2 Description of site and surroundings

- 1.2.1 The site is located in the open countryside to the north east of Denbigh. The site is bounded by agricultural land and the river Clwyd to the east of the site.
- 1.2.2 The Lleweni complex contains a number of historic buildings. Lleweni Hall is a Grade II* listed building comprising of the hall, the attached outbuilding to which this application relates and three farm ranges. To the west of the main hall, is the Carriage Yard, which is Grade II* listed in its own right and was converted into dwellings some 10 years ago.
- 1.2.3 The North Wing is a brick built building with a corrugated roof which the Agent advises is close to collapse, which can be seen by propping and a crash deck that have been erected to mitigate the danger from potential collapse.
- 1.2.4 It is believed that the last use of the building was for storage ancillary to the dwelling in the main hall. The former agricultural or stable use ceased 10 years ago.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located in the open countryside outside any development boundary in the Local Development Plan. It is also located in a C2 flood zone as defined by the

Development Advice Maps of TAN 15.

1.4 Relevant planning history

1.4.1 A corresponding listed building application has been submitted for consideration of the changes to the listed building.

1.5 Developments/changes since the original submission

- 1.5.1 The application was originally submitted in July 2013. However, on the advice of the Conservation Officer, amended plans were sought to address an issue with fenestration detailing on the east elevation.
- 1.5.2 Officers also requested additional information to address planning policy issues in the Design and Access Statement.

1.6 Other relevant background information

In support of the case, the Agent has done a significant amount of research into the history of the North Wing. With photographic evidence, he proves that the reinstatement work would restore the building to its original form which was lost in the 1920's.

2. DETAILS OF PLANNING HISTORY:

2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE 4 - Re-use and adaptation of rural buildings in open countryside

Policy VOE 1 - Key areas of importance

Policy VOE 4 - Enabling Development

Policy BSC 3 – Securing infrastructure contributions from development

Policy BSC 11 - Recreation and open space

3.2 Supplementary Planning Guidance

SPG 4 - Open Space Requirements in New Developments

SPG 7 – Residential Space Standards

SPG 16 - Conversion of Rural Buildings

SPG 18 – Species Protection and Nature Conservation

3.3 Government Policy / Guidance

Planning Policy Wales Edition 5 November 2012

Technical Advice Note 5 – Nature conservation and planning (2009)

Technical Advice Note 12 - Design (2009)

Technical Advice Note 15 - Development and Floodrisk

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

- 4.1 The main land use planning issues in relation to the application are considered to be:
 - 4.1.1 Principle
 - 4.1.2 Visual amenity
 - 4.1.3 Residential amenity
 - 4.1.4 Ecology
 - 4.1.5 Highways (including access and parking)
 - 4.1.6 Employment Use Test
 - 4.1.7 Affordable Housing
 - 4.1.8 Enabling Development
 - 4.1.9 Open Space
 - 4.1.10 Floodrisk
- 4.2 In relation to the main planning considerations:

4.2.1 Principle

The proposal is for the conversion of an outbuilding in the open countryside to a dwelling. Local Development Plan Policy PSE 4 Re-use and adaptation of rural buildings in open countryside allows for such conversions where the scheme of conversion makes a positive contribution to the landscape, any architectural features of merit are retained, it is demonstrated that an employment use is not viable, and the resulting dwelling is affordable for local needs. It is considered that a proposal of this nature would be acceptable in principle subject to assessment of its impacts and compliance with the specific criteria of Policy PSE 4. These are set out in the following paragraphs.

4.2.2 Visual amenity/AONB

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is repeated in Policy PSE 4 which requires conversion schemes to make a positive contribution to the landscape. Policy VOE 1 acknowledges the importance of sites of built heritage and supports development which would maintain and enhance these.

The application proposes substantial alterations to a Grade II* listed building, most notably the reinstatement of the original floors, which would necessitate the increase in overall height of the current building to match that of the existing hall. A number of alterations are proposed to the openings on all elevations. The Conservation Officer considers that the scheme of conversion is sympathetic to the character and historic significance of the building.

With regard to the specific detailing of the scheme of conversion it is considered that the detailing would enhance the appearance of the Grade II* listed building, and the proposal offers opportunities to assimilate and improve what is a building in poor condition into the landscape and complex of historic buildings. The proposal is considered acceptable regarding its impact upon visual amenity and the listed buildings.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. Further guidance on the acceptability of a

proposal in terms of the amenity it would provide for occupants is contained in Supplementary Planning Guidance Note 7, Residential Space Standards.

The nearest dwelling to the site is the attached Hall. Other dwellings in the area are located in the carriage yard conversions to the west of the site. The principal windows of the proposed dwelling would face north, south and east. Internally the rooms would range in size from 9sqm (smallest bedroom) to 60sqm (kitchen family). The living room would be 43sqm. In total the conversion would provide a gross internal floor area of approximately 440sqm and 6 bedrooms. Externally there would be in excess of 700sqm of garden/parking area.

With regard to the requirements of SPG 7 it is considered that the proposal clearly exceeds the minimum space standards and it is considered that the scheme of conversion would provide adequate amenity for future occupants. It is also considered that given the orientation of the building, its siting in relation to the attached and neighbouring dwellings, the use of the building as a dwelling would not result in harm to the residential amenity of occupiers of nearby properties.

4.2.4 Ecology

Policy VOE 1 seeks to ensure that wildlife and bio-diversity are not negatively affected as a result of development.

A Bat and Bird survey has been submitted with the application. The survey found no evidence of bats in the building proposed to be converted although bats were present in the main house. No birds were found to be nesting in the building. NRW and the Biodiversity Officer have asked for the recommendations of the ecological survey to be conditioned if permission is granted.

In the absence of any protected species it is considered that the ecological impacts of the proposal are acceptable. It is considered prudent however to attach a note to applicant to advise that all contractors follow the code of best practice.

4.2.5 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The proposal would utilise an existing access and no alterations are proposed. The submitted site layout shows a large area allocated for parking and turning. The County Council's Highway Engineer has not raised an objection to the proposal. Concerns have been raised by an adjacent landowner over rights of way and the access arrangements.

With respect to the comments raised by the adjacent landowner these are civil issues outside the remit of the planning process. It is considered that the proposal is acceptable in terms of its impact upon highway safety, and sufficient parking and turning space can be accommodated within the site.

4.2.6 Employment Test

Policy PSE 4 permits conversions of rural buildings to dwelling houses where it is demonstrated that there are no viable alternative employment uses.

The application is accompanied by a statement from the Agent which refers to policy PSE 4 and the requirement for a marketing test. Employment uses for the building has been deemed as 'not feasible' because of the costs of stabilising, repairing and converting the building to a standard required for a listed building. The Agent also states that the access arrangements would not be suitable for commercial uses. The County Council's Valuation and Estates Manager has confirmed that there is a low demand for commercial uses in this type of location.

Given the statement of the Agent, and in the absence of any evidence to the contrary, and the fact that this is a Grade II* listed building in disrepair within a group of listed buildings, it is considered that the building is unlikely to be attractive for, or to come forward as a commercial unit. It is therefore not considered the failure to meet the employment use test is a reasonable ground for refusal.

4.2.7 Affordable Housing

Policy PSE 4 states that where it is accepted that there is no commercial use viable for a rural building it may be converted to a dwelling, but that dwelling must be affordable for local needs.

The requirement for the dwelling to be affordable for local needs has been put to the Agent. The Agent has responded with a detailed argument on the basis of the costs of repairing and converting the listed building would make it an unviable project if the dwelling had to be made available for local affordable needs. The Agent has suggested that the total cost of conversion would be in the order of £490,000. An approximate price guide for the purchase of an affordable four bedroom dwelling in this area is £161,000. The Agent's figures have been examined by the County Council's Valuation and Estates Manager who has concluded that they are not unrealistic estimations and reflect a reasonable purchase price of the building.

The application raises difficult issues in relation to LDP Policy PSE 4. It is acknowledged that there is a clear need for affordable housing across the whole of the County, as evidenced in deliberations at the recent Local Development Plan Inquiry. Policy PSE 4 has the intention of addressing the shortfall of affordable housing in rural areas. However, it is inevitable that the application of this policy must be flexible, and based on the merits of each individual application. The financial details submitted in this application clearly show conversion and sale or rent of the listed building for local affordable needs would not be commercially viable. It is therefore considered in this instance that the building is unlikely to come forward as an affordable unit for viability reasons and a high risk that the building would therefore remain empty, and become a problem site within the AONB. In Officers opinion it would be unreasonable in this instance to insist on provision of an affordable unit.

4.2.8 Enabling Development

Policy VOE 4 states that enabling development may be permitted as a way of resolving the status of heritage assets designated at 'at risk' provided a number of criteria are met. The most relevant of these is that the enabling development must not harm the setting of the heritage asset, the proposal avoids detrimental fragmentation of the heritage asset and the proposal will secure the future of the asset.

This policy has been referred to by the Agent in the supporting documentation; the structural report confirms that the building is close to being a dangerous structure and if left it will suffer collapse. The Agent also advises that without intervention the collapse of the North Wing may impact on the main hall. A CADW grant was sought for the work but was turned down, therefore the only viable means of funding the works required for reinstate the building to a sustainably sound condition is by the proposed development. The Conservation Officer has advised that the building is not classified as 'at risk', however as the stable formed part of the Lleweni Listing it may not have been considered on its own right, rather as part of the Hall which would not have been 'at risk'. In her view the proposal is a viable and necessary development for the preservation a building in a precarious state.

Enabling development is classified as development that would be unacceptable in planning terms but for the fact that it would bring heritage and public benefits sufficient to justify it being carried out and which would not be otherwise achieved. Financial viability of a scheme is a key issue where there is a heritage asset at risk. Is it typical to allow new building in order to general funds to repair the heritage asset. Strictly speaking policy VOE 4 would not be of direct relevance to this proposal as the heritage asset is not designated as 'at risk' and there are policies applicable to the reuse of rural buildings in the open countryside. However Officers have to take into account the fact that the building is a heritage asset that would benefit from the proposed development.

4.2.9 Open Space

Local Development Plan Policy BSC 3 seeks to secure, where relevant, infrastructure contributions from development. Policy BSC 11 requires proposals for all new residential development to make a contribution to recreation and open space either on site, or by provision of a commuted sum.

As the current application seeks the creation of an additional unit it is considered appropriate to require the relevant Open Space to be provided. The open space requirement can be subject to the imposition of a suitably worded planning condition to secure the relevant provision.

4.2.10 Floodrisk

Planning Policy Wales Section 13.2 identifies flood risk as a material planning consideration in planning and along with TAN 15 - Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed. The development advice maps of the site show the site located within a C2 flood zone, which is an area of the floodplain without significant flood defence. The TAN advises that the C2 classification should be used to indicate that only less vulnerable development should be considered subject to application of justification tests, including acceptability of the consequences, highly vulnerable such as residential development should not be considered in this zone. However there are exceptions which allow development in the flood zone, if it can be demonstrated that the location is necessary to assist, or be part of, a local authority regeneration initiative or strategy to sustain an existing settlement; or the location is necessary to contribute to key employment objectives supported by the Local Planning Authority to sustain an existing settlement. In order for a development to be considered as an exception, the site must also meet the definition of previously developed land, as per the Planning Policy Wales definition. The most relevant elements of this definition are that previously developed land includes land which is or was occupied by a permanent structure and associated fixed surface infrastructure (excluding agricultural or forestry buildings) and land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings. Finally a Flood Consequence Assessment (FCA) is required to be submitted to support the application for the exception, to explore the potential consequences of a flooding event for the particular type of development proposed.

It is Officers opinion in relation to the exception tests that the development may be 'justified' as it would protect a heritage asset. The application relates to an existing building, used in connection with the attached dwelling. Natural Resources Wales Officers have considered the submitted FCA. They have not objected to the proposal, however they have suggested a condition relating to floor levels be attached and notes to Applicant be included in the decision. Officers must take the advice of the Environment Agency in relation to flooding issues, and in this instance this demonstrates that the proposal complies with TAN 15 in terms of flood risk.

4 SUMMARY AND CONCLUSIONS:

- 5.1 The report attempts to highlight the specific issues arising with regard to Policy PSE 4. It acknowledges the basis of the policy, but that there are other material considerations relating to this application which must be taken into account alongside the need to provide affordable dwellings in the open countryside.
- 5.2 In this case, the arguments of viability cannot be ignored and such arguments strongly indicate that if the Local Planning Authority were to insist on the dwelling being for affordable local needs only, the scheme would not proceed, and the Grade II* building would ultimately be likely to suffer collapse.
- 5.3 There is a need to balance the need to provide affordable housing and the need to preserve the character of Listed Buildings, particularly Grade II* Buildings which make up only 6% of Listed Buildings in Wales. In this instance, with a high possibility of the building not coming forward as an affordable dwelling it is considered reasonable to grant permission in the interest of avoiding future harm to the character of the Listed Building.

RECOMMENDATION: GRANT - subject to the following conditions:-

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- No development shall be permitted to commence until the mechanism for meeting the
 requirements of the Local Planning Authoritys policy for provision of recreational open space in
 conjunction with the development has been agreed in writing by the Local Planning Authority.
- 3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Consequence Assessment (FCA) Brian Killingworth Ltd, 163/13, and the mitigation measures detailed within the FCA. In particular the finished floor levels should be set no lower than 26.84m above Ordnance Datum (AOD), the proposed driveway levels shall be set no lower than 25.60m above Ordnance Datum (AOD), and the mitigation measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

The reason(s) for the condition(s) is(are):-

- To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- In the interest of providing public open space.
- 3. To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site.

NOTES TO APPLICANT:

You are advised that the Local Planning Authority has granted this permission solely on the basis that the proposal involves the conversion of the building to a dwelling, to be carried out strictly in accordance with the approved plans. Any alteration or demolition work deviating from that shown on the approved plans, unless agreed by the Local Planning Authority, involving the rebuilding of part or all of the outbuilding will invalidate the planning permission.

Biodiversity

The Biodiversity Officer had advised your attention should be drawn to the following:

The Biodiversity Officer had advised your attention should be drawn to the recommendations within the ecological report which should be followed. Namely:

1. Maintenance of the basement area to the kitchen as winter hibernation roost and introduction of bat boxes

- 2. The general precautionary recommendations during the conversion phase are followed
- 3. The bat friendly conversion suggestions are considered and introduced where appropriate

Flood Defence Consent

Please be advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of Natural Resources Wales is required for any works or structures located in, under, over or within 7 metres of the bank top of the River Clwyd, designated "main river".

Environment Management

The private treatment plant and reed bed associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from Natural Resources Wales, unless an exemption applies. The applicant is advised to contact Natural Resources Wales for further advice and to discuss the issues likely to be raised. You should be aware that a permit may not be granted. Additional guidance on 'Environmental Permitting' can be accessed: http://www.environment-agency.gov.uk/business/sectors/32320.aspx.

Listed Building Consent

You are hereby reminded that the works to which this permission relates also require Listed Building Consent and that it does not necessarily follow that such Consent will be granted. It is a criminal offence for demolition works or other operations affecting the character of a listed building (including internal alterations) to be carried out until Listed Building Consent has also been granted.