

Heading:

REFERENCE NO. 16/2014/1020/PF

LLANBEDR HALL

LLANBEDR DC

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
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Smithfield Road
Denbigh
Denbighshire LL16 3RJ

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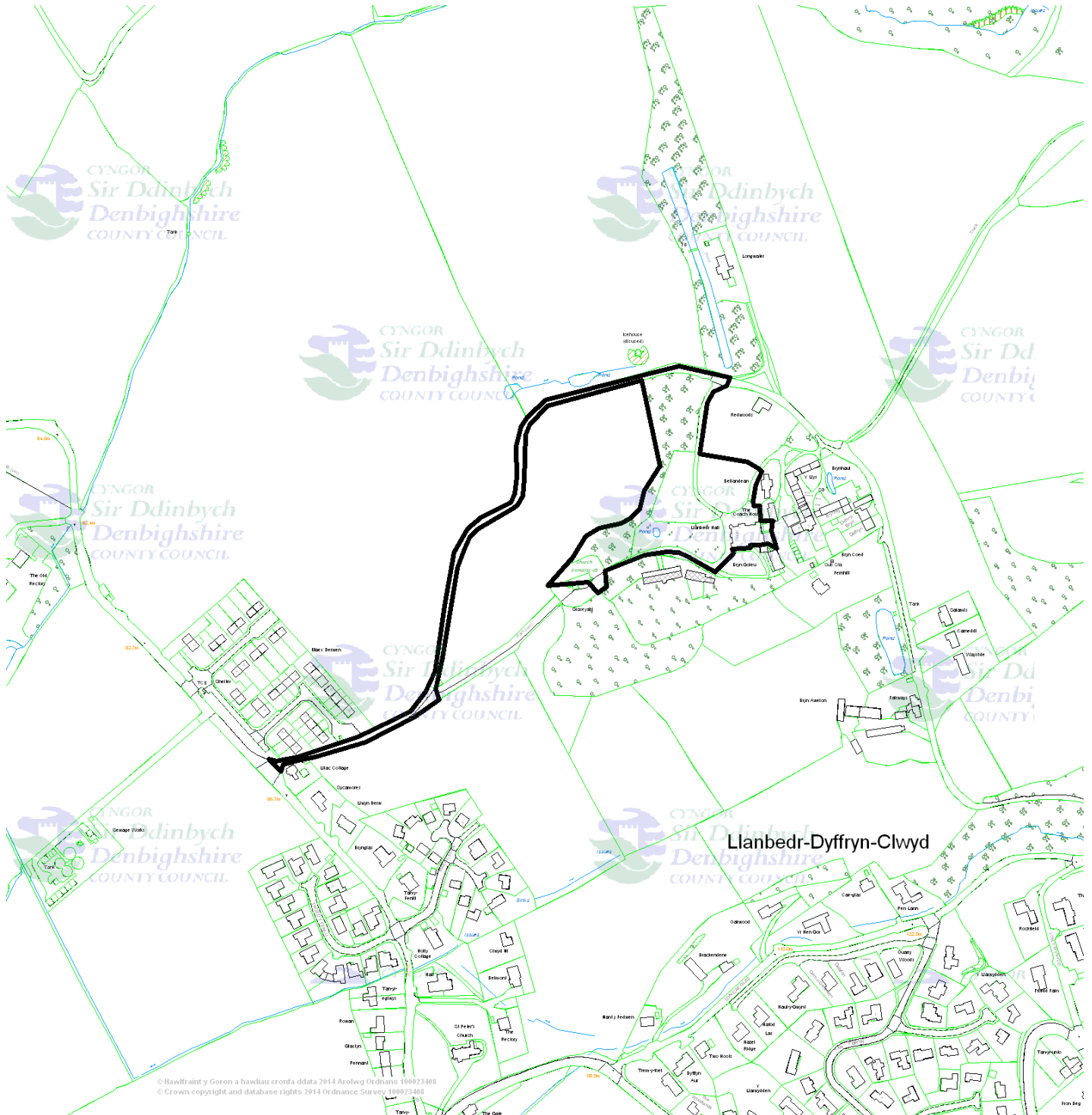


Date 7/1/2015

Scale 1/5000

Centre = 314505 E 359832 N

This plan is intended solely to give an indication 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 available for inspection prior to the meeting.



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PROPOSED SITE PLAN

NOTES:

1. All work shall be in accordance with and in compliance with the provisions of the Building Regulations and the Building Control Act 2003.
2. All work shall be in accordance with and in compliance with the provisions of the Building Regulations and the Building Control Act 2003.
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REVISIONS:

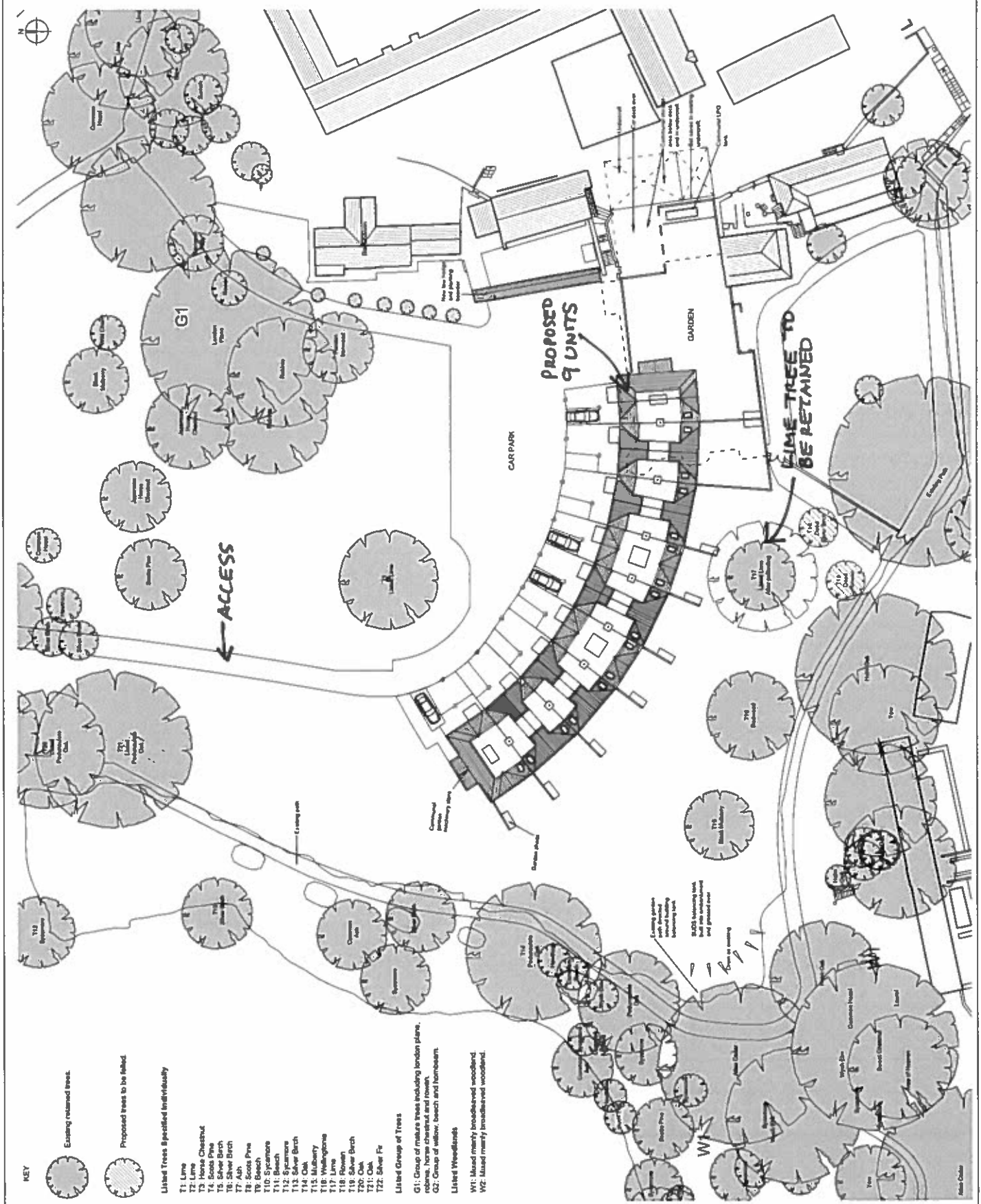
No.	Date	Description
1	10/10/14	Issue for approval
2	10/10/14	Issue for approval
3	10/10/14	Issue for approval
4	10/10/14	Issue for approval
5	10/10/14	Issue for approval

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LLANBEDR HALL
 SITE PLAN AS PROPOSED

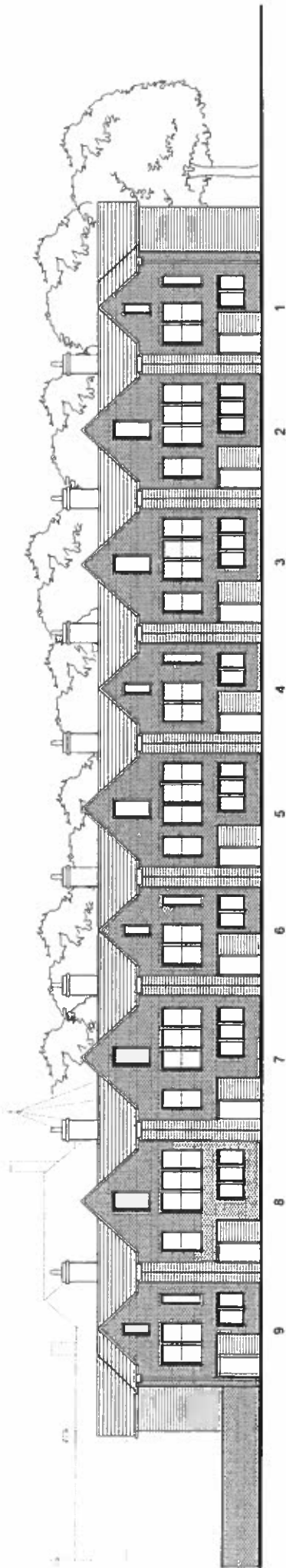
Project: LHR.09 F4/002
 Status: F
 Scale: 1:1250
 Date: 10/10/14

W Working Drawing
 F Feasibility
 M Measurement
 S Survey
 C Contract
 R Review



- KEY**
- Existing retained trees.
 - Proposed trees to be added.
- Listed Trees Specified Individually**
- T1: Lime
 - T2: Lime
 - T3: Horse Chestnut
 - T4: Ash
 - T5: Silver Birch
 - T6: Silver Birch
 - T7: Ash
 - T8: Scots Pine
 - T9: Birch
 - T10: Sycamore
 - T11: Birch
 - T12: Spruce
 - T13: Silver Birch
 - T14: Oak
 - T15: Mulberry
 - T16: Wyalongone
 - T17: Lime
 - T18: Silver Birch
 - T19: Silver Birch
 - T20: Oak
 - T21: Oak
 - T22: Silver Fir

- Listed Group of Trees**
- G1: Group of mature trees including London plane, robinia, horse chestnut and rowan.
 - G2: Group of willow, birch and hornbeam.
- Listed Woodlands**
- W1: Mixed mainly broadleaved woodland.
 - W2: Mixed mainly broadleaved woodland.



NORTHERN ELEVATION - INNER CURVE

MATERIALS

Chimney - Dark red brown brick.

Roof - Slate.

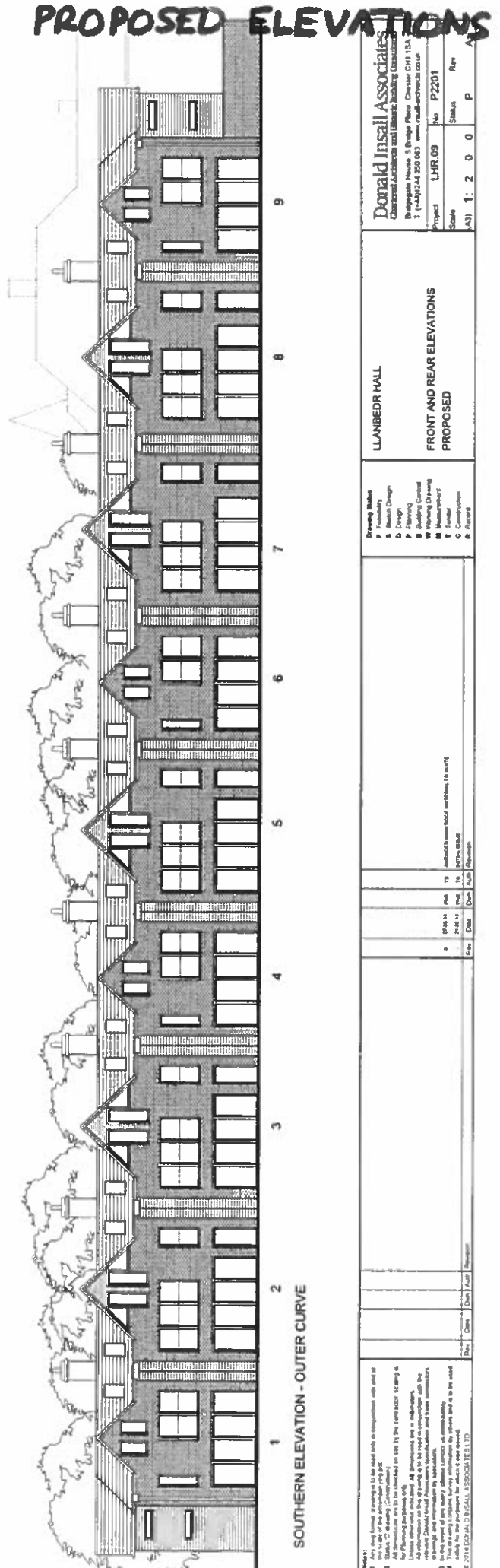
Porch and garden shed roofs - Matt grey metal.

Walls - Dark red brown brick.
- Natural stained timber boards.

Windows - Grey metal frames clear glass.

Doors - Grey metal frames clear glass.

Ridge height Llanbedr Hall - 11 m
Ridge height Houses - 8.5 m



SOUTHERN ELEVATION - OUTER CURVE

Notes:
 1 Any steel framing is to be used only in conjunction with and as specified in the relevant specification.
 2 Unless otherwise stated, all dimensions are to be in millimeters.
 3 All dimensions are to be finished on site by the contractor unless otherwise stated.
 4 The contractor is to be responsible for the correct installation of the materials and components.
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 9 The contractor is to be responsible for the correct installation of the materials and components.

Rev: Date: Drawn: Checked: Approved:

Rev	Date	Drawn	Checked	Approved
1	27/04/14	PH	TS	Approved with minor alterations to a/r/t
2	27/04/14	PH	TS	Approved with minor alterations to a/r/t
3	27/04/14	PH	TS	Approved with minor alterations to a/r/t
4	27/04/14	PH	TS	Approved with minor alterations to a/r/t
5	27/04/14	PH	TS	Approved with minor alterations to a/r/t
6	27/04/14	PH	TS	Approved with minor alterations to a/r/t
7	27/04/14	PH	TS	Approved with minor alterations to a/r/t
8	27/04/14	PH	TS	Approved with minor alterations to a/r/t
9	27/04/14	PH	TS	Approved with minor alterations to a/r/t

Design Status
 P Preliminary
 S Section Design
 D Design
 P Planning
 B Building Control
 M Main Contractor
 T Tender
 C Construction
 R Rework

LLANBEDR HALL
FRONT AND REAR ELEVATIONS
PROPOSED

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 Bridge House, 5 Bridge Place, Chester CH1 1SA
 T (+44)1244 250 083 www.donaldinshall.co.uk
 Project: LHR.09 No: P2201
 Scale: A3) 1: 2 0 0 P
 Status: Rev

PROPOSED ELEVATIONS

GROUND FLOOR PLANS

1. Any element of this plan to be used only in conjunction with and in accordance with the conditions of the contract and shall not be used for any other purpose.
 2. This plan is a preliminary design and is not intended to be used for any other purpose.
 3. The client is responsible for ensuring that the plan is used only for the purposes intended and for any other use.
 4. The client is responsible for ensuring that the plan is used only for the purposes intended and for any other use.
 5. The client is responsible for ensuring that the plan is used only for the purposes intended and for any other use.
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21/04/14
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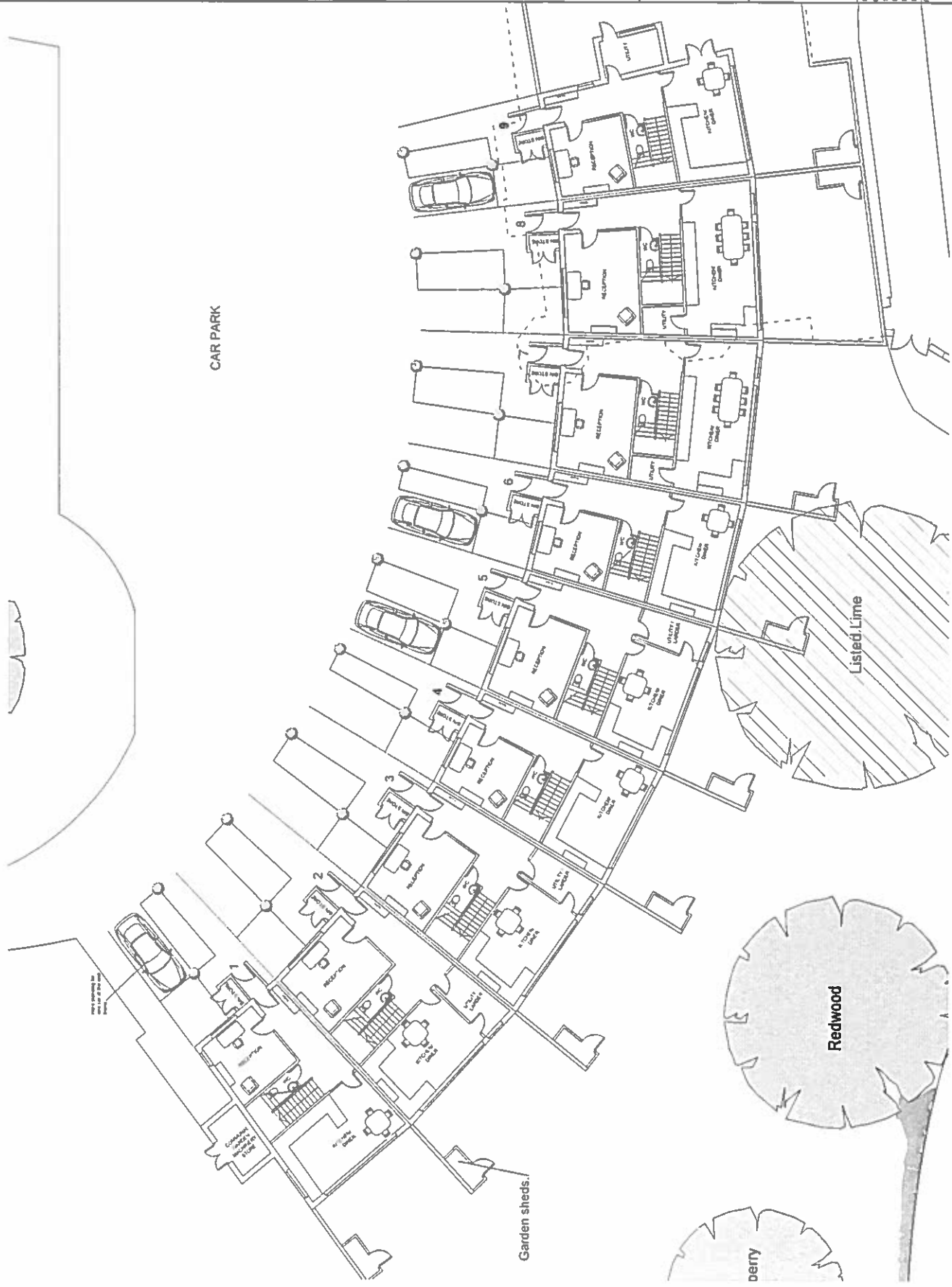
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Project	LHR.09	Ref	P2001
Scale	1:200	Status	P
Author	LHR.09	Per	
Check		Rev	
Drawn			
Checked			
Approved			
Project			

LLANBEDR HALL

GROUND FLOOR PLAN
 PROPOSED



CAR PARK

Listed Lime

Redwood

Berry

Garden sheds

WARD : Llanbedr Dyffryn Clwyd / Llangynhafal

WARD MEMBER(S): Cllr Huw Williams

APPLICATION NO: 16/2014/1020/PF

PROPOSAL: Demolition of Llanbedr Hall and erection of 9 no. three-storey dwellings, and associated works

LOCATION: Llanbedr Hall Llanbedr DC Ruthin

APPLICANT: Mr Rod Cox

CONSTRAINTS: AONB

PUBLICITY UNDERTAKEN: Site Notice – No
Press Notice – No
Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection
- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANBEDR DC COMMUNITY COUNCIL - The chair of the committee has responded as follows:

"We have discussed the application and comments to be made are that we have concerns over construction traffic as the local road infrastructure will be put under significant pressure during construction. Following construction there will also be increased traffic using Lon Y Mynydd and Lon Cae Glas which are already hazardous single track roads; increased pressure on these roadways will cause increased risks to road users, pedestrians and local residents. We also have concerns over the drains and whether the current and planned drain infrastructure will be sufficient. We would ask that consideration is given carefully to these points and conditions are imposed to manage them as necessary. In addition, we have previously stated that no new roadways/drives should be constructed to the front of the hall near to Old St Peter's Church."

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE**

"The JAC would have preferred the hall to be conserved and sensitively adapted for residential use, but accepts that this is no longer a realistic or viable option.

This new scheme for redevelopment of the site is a considerable improvement over previously refused applications. The design approach reflects the sensitive rural setting and the need to minimise visual impact on the wider landscape by retaining and managing the existing woodlands and tree cover which helps screen the site, and limiting the height of the proposed building to below that of the existing hall. The proposed landscape management plan is also welcomed. The principle of a single, curvilinear replacement building as an extension of the footprint of the hall is also accepted, and respects the amenity of nearby properties. The JAC would however suggest that the siting should be modified slightly to enable the TPO protected Lime tree (T3) to be retained.

The specification on natural blue/grey slate for the roof is welcomed, and the JAC would recommend that the colour of the central flat roof section should match the slate to minimise visual impact when viewed from the higher ground of the AONB to the north and east. The JAC has some concerns about the extensive use of red/brown brick for the elevations, which is not a commonly used traditional wall facing material in this part of the AONB. An appropriate render and/or traditionally finished natural local stone finish would be the preferred option, but the JAC notes that the final selection of materials can be conditioned.

The JAC also notes that the provision of affordable housing for local people does not appear to have been considered as part of the scheme, but the committee would suggest that the planning authority negotiate an appropriate financial contribution from the developer to invest in new affordable housing elsewhere in the AONB." (AONB Management Plan Policies: PCP1 and PCP3)."

NATURAL RESOURCES WALES – Have made extensive comments relating to surface water, foul drainage, demolition/water, protected sites, protected species and biosecurity. No objection is raised subject to conditions being included to deal with the following issues:

- The submission and agreement of a drainage scheme for the site;
- The submission and agreement of a detailed bat roost retention report and/or compensation proposals along with reasonable avoidance measures (RAMS), an appropriate external lighting scheme, and a long-term ecological site security and site management proposal with post-project monitoring;
- The submission and implementation of a Biodiversity Risk Assessment.

CLWYD POWYS ARCHAEOLOGICAL TRUST – Comments awaited at the time of this report.

DENBIGHSHIRE COUNTY COUNCIL CONSULTTEES –

Highways Officer – Has advised that having regard to the existing use rights and planning history, there are no objections to the proposals in respect of the adequacy of the highway network. Parking provision for the units and construction stage arrangements need to be the subject of conditions.

Biodiversity Officer –

"The current application and permission 16/2013/0189 (Garages at Llanbedr Hall) are inextricably linked, since the mitigation for bats in the current proposal is provided under the existing garage permission. I am satisfied with bat mitigation, but details of a compliance audit scheme, long-term monitoring and long-term site security still need to be agreed, either predetermination or as a pre-commencement condition. A method statement for the demolition of Llanbedr Hall needs to be submitted and agreed, specifically referencing measures to avoid any harm to bats, including timing of works.

Some trees on site are proposed for removal. A bat survey should be undertaken by a licensed ecologist, consisting initially of a thorough inspection during daylight hours followed by an emergence/re-entry survey if necessary. The results and mitigation proposed should be submitted for approval.

Badgers are present on the site; the Review of Ecological Survey Work (Eco-Scope, August 2014) recommends an update survey to be undertaken prior to the commencement of works. A pre-commencement badger survey should be conditioned.

As a condition of any permission granted:

No removal of hedgerows, trees or shrubs, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately beforehand and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

I also advise that the proposal would only be able to proceed under a derogation licence from NRW in respect of the bat species."

RESPONSE TO PUBLICITY:

Mrs M.C. Lowe - Rhiwisg, Llanbedr DC
P D Anderson Esq, Ladycot, The Bwlch, Llanbedr DC
P. J. Lowe, Rhiwisg, Llanbedr D.C
Mr. G. Alford, 17, Tan y Bryn, Llanbedr D.C. x 2
C. Atwill, 2 Y Lllys, Llanbedr Hall, Ruthin
A and A M Warburton, Longwater, Llanbedr Hall
Mr L Gooderham, 2 Bryn Adar
S. Jones, Plas Tan y Bwlch, Llanbedr D.C.
D Hughes, Carneddi, Llanbedr D C .
P. Meaden, 2, Y Lllys, Llanbedr Hall, Llanbedr
Rev'd A V & Mrs R M Shufflebotham, 5 Tan y Bryn, Llanbedr DC
R H Houghton, 4 Y Lllys, Llanbedr Hall, Ruthin
Dr D & Mrs S Howells - 16 Tan y Bryn, Llanbedr DC
D Hughes, Carneddi, Llanbedr Dyffryn Clwyd
Patricia Galloway - 1 Tan y Bryn
Mr. & Mrs. K. V. Parry, The Sycamores, Llanbedr
J. Thelwall, 39, Kingsmuir Road, Mickleover, Derby
Mr McQueen, Cedar Gardens c/o Kerry James Planning
B. Stapleton, The Quentin, Lon y Mynydd, Llanbedr
W. Banks, 5, Maes Celyn, Llanbedr D.C.
Darren Millar, AM

In objection

Summary of planning based representations in objection:

- Principle of development
A previous appeal was dismissed; The development in is the open countryside; No market for the type of homes proposed; Loss of the hall and the consequent identity of the area; The hall is structurally sound, there is no justification for its loss; The lack of maintenance of the hall in recent years has led directly to its current state and is preferable that it is refurbished; The scheme is contrary to LDP Policies RD 4, BSC 4, RD 1 and VOE 2; Too many units proposed;
- Visual / landscape impact
Impact on the AONB and setting of Offa's Dyke trail; Harmful impact on the character and appearance of the area; Visual impact in a sensitive area; Character and appearance of the old Llanbedr church would be altered; Loss of a protected Lime (T3 on the submitted tree report).
- Highway impact
Inappropriate parking provision of one space per dwelling; Construction traffic and detriment to traffic and pedestrians; Vehicular access is already difficult via either entrance;
- Substantial increase in floor area;
- Impact on existing utilities;
- The scheme makes no provision for affordable units.

EXPIRY DATE OF APPLICATION: 30/10/2014

REASONS FOR DELAY IN DECISION (where applicable):

- Consideration of the scheme and representations received

- Awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the demolition of Llanbedr Hall and the erection of a single three-storey block containing 9 four-bedroom houses arranged in a crescent shape.
- 1.1.2 The eastern end of the block is shown as standing on part of the footprint of the existing hall, with the crescent then leading out to the west for a distance of 65 metres. The details are best appreciated from the plans at the front of the report.
- 1.1.3 Car parking for the dwellings is shown as one space to the front of each unit along with a larger central parking area to the north of the block. Access to the new units will utilise the existing driveways to the north west and north east.
- 1.1.4 The block is shown as being three-storeys in height although the uppermost floor is set into the roof space, with windows to the front and rear only and with the development using gable ended roofs to the front and rear and flat roofs on the upper floor to the rear of the gables. The materials of construction are stated as being dark brown/red bricks with a grey slate roof and using dark grey metal framed windows and doors. A hard gravel forecourt is proposed for the vehicle parking areas.
- 1.1.5 The internal layout for each property is shown as having a kitchen, wc and reception room on the ground floor with a family room, bedroom and en-suite on the middle floor, and three further bedrooms on the upper floor along with a bathroom. Each unit is identical in layout and size, other than the two end units which also have a full height extension to each end to allow for additional accommodation. Each property has its own garden to the rear (south) along with communal gardens around the development.
- 1.1.6 In addition to the submitted plans, the application is accompanied by the following supporting documents:
 - Design and Access Statement
 - Historical Appraisal
 - Tree Report
 - Ecological Survey
 - Design, Landscape and Heritage Impact Assessment
 - Structural Inspection
- 1.1.7 The Design and Access Statement suggests that the site is very accessible in terms of both private and public links, and that full account has been taken of other setting of the site within the AONB. The statement concludes that *“The development can be comfortably developed within the site, with existing landscaping to be maintained to ensure screening of the dwellings.”*
- 1.1.8 The Historical Appraisal notes the background to the hall and the site in general back to the Medieval period, and suggests that if the hall is demolished then remedial actions should be undertaken to record any archaeological features or other matters of interest.
- 1.1.9 The submitted Tree Report assesses a total of seven individual trees (Birch, Rowan, Giant Redwood, Mulberry, Oak and two Limes) along with one group (Lawson Cypress). The report referred to the original proposal to fell a Lime (T3) which is considered to be Category B for condition and Category A1 for quality, with a life expectancy of over 30 years. The siting of the block of dwellings has been revised to avoid the removal of this tree.

- 1.1.10 The Ecological Survey provides an update to a previous report which was submitted in 2009 to accompany a previous application at the site, and adjudges that the previous report remains fit for purpose with no significant changes to the circumstances of the site. It is suggested that the enhancement proposals put forward in the report will have a positive effect on the nature conservation value of the site and the local area.
- 1.1.11 The Design, Landscape and Heritage report reviews the setting of the site along with potential options for its future sustainability including the conversion of the hall, but concludes that the poor structural condition of the property and unviable future of its retention, together with the potential benefits of the scheme, provide the exceptional circumstances that justify the form of development proposed.
- 1.1.12 The final supporting document, the Structural Inspection, is dated June 2008 and concludes that demolition and re-building or redevelopment of the site is the only viable and cost effective option.
- 1.1.13 As referred to in paragraph 1.1.9, the location of the block of dwellings has been revised in response to concerns expressed at the potential loss of a mature lime tree. This has involved moving the block approximately 2.5 metres to the north west of the position shown on the original submission.

1.2 Description of site and surroundings

- 1.2.1 Llanbedr Hall is a late Victorian building set in landscaped grounds. The front part of the hall is constructed in buff brick with red brick detailing and a steeply hipped slate roof, and incorporates a corner tower along with gabled and dormer features.
- 1.2.2 The rear part of the hall is a predominantly two storey rendered structure with slate pitched roof. The hall benefits from substantial formal landscape gardens to the front (west) with a coach yard and mix of dwelling types immediately to the rear (east). Other more isolated dwellings lie to the north and along the back drive to the main hall.
- 1.2.3 The main hall has been altered over the years with a number of developments taking place. There are a number of mature trees within the grounds which are protected by a Tree Preservation Order.
- 1.2.4 To the south-west of the main hall is a walled garden area containing a former boiler room and glass house which has recently gained permission to be converted into a dwelling (see planning history).
- 1.2.5 There are public footpaths which run through and adjoin the site, including one which runs past the listed building of the remains of St Peter's Church which lies to the west of the hall.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies outside of the development boundary for the village of Llanbedr DC and is set within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and the Vale of Clwyd Historic Landscape, but without any other specific designation in the Local Development Plan. Public Footpaths 14 and 37 run through and about the site.

1.4 Relevant planning history

- 1.4.1 There has been a complex planning history to the Llanbedr Hall site. For the purposes of the assessment of the current planning application this can be summarised as follows:

- The commercial use of the hall as a restaurant ceased sometime before 2004. This resulted in an application to convert the restaurant into 2 self-contained dwellings which was granted in 2005.
- In 2006 the Council approved a planning application for the conversion and alterations of existing flats and restaurant to create 20 self-contained flats. This permission has now lapsed.
- In 2007 the owner of the hall submitted a planning appeal under section 78 of the Town and Country Planning Act 1990 in relation to two conditions relating to highway/access matters. This appeal was allowed and the conditions were duly varied.
- The most recent previous application at the site was reference 16/2009/0941/PF for the demolition of Llanbedr Hall and its replacement with 9 detached family houses set in the gardens, and the refurbishment, extension and change of use of the adjacent garages to provide 1 dwelling. This application was assessed against the policies of the now superseded Unitary Development Plan and was refused on 15 February 2012 for the following reasons:

“1. It is the opinion of the Local Planning Authority that the replacement of the hall in the manner proposed is in direct conflict with tests iv, v, and vi of Policy HSG 8 of the adopted Denbighshire Unitary Development Plan. Insufficient justification has been provided to show that the replacement of the hall with a substantially different type of dwelling in terms of its siting, size, scale, form, design and materials is acceptable and would not have an unacceptable effect on the landscape, and the scheme fails to show that an overall environmental improvement will be achieved.

2. It is the opinion of the Local Planning Authority that the residential dwellings proposed would have an unacceptable impact on the character and appearance of the site and the Area of Outstanding Natural Beauty in which it is located by reason of their size, scale and form. The proposal would neither conserve nor enhance the natural beauty of the area, in direct conflict with Policy ENV 2 of the Denbighshire Unitary Development Plan.”

- The above decision was taken to an appeal (ref APP/R6830/A/12/2181528) which was dismissed on 28 February 2013. In arriving at his decision, the Inspector concluded in paragraph 18 of the decision letter that:

“I have taken into account all other matters raised, including the intended design of the proposed houses to a high level of sustainability and the comments of the Design Commission for Wales in connection with an alternative proposal, but nothing outweighs the considerations that have led me to my main conclusion that the proposed development would be unacceptably harmful to the character and appearance of the area and would not conserve and enhance the natural beauty of the AONB. It would be contrary to UDP Policies GEN 3, HSG 8 and ENV 2.”

- The 2013 appeal decision also confirmed that there was general agreement between the parties that the hall has an existing lawful use for 11/12 flats and a restaurant.
- In addition to the application site, the boiler house/glasshouse which lies to the west of the hall obtained consent at appeal on 14 October 2014 for its extension and conversion into a single dwelling.

1.5 Developments/changes since the original submission

- 1.5.1 The issue of the need to fell the protected Lime (T3 in the Tree Survey) has been the subject of ongoing discussion with the agent, and it has been confirmed that the block can be resited to ensure the retention of the tree.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 16/2004/1450/PF – Change of use from restaurant to 2 self-contained dwellings: Granted by Committee on 26 January 2005.

2.2 16/2006/0872/PF – Conversion and alterations of existing flats and restaurant to 20 self-contained flats and construction of associated parking areas: Granted by Committee on 10 October 2006.

2.3 Appeal 2042164/WF – Against Conditions 6 and 9 on the above permission: Allowed on 30 July 2007.

2.4 16/2007/1363/PO – Demolition of main hall (11 flats) and development of 0.33 ha of land by the erection of replacement building containing 11 flats and erection of 6 dwellings within grounds and alterations to existing vehicular access (outline – all matters reserved for further approval): Refused on 15 February 2012.

2.5 16/2011/0691 – Conversion and extension of the former garages into 1 dwelling with a designated bat roost in the roof void: Granted by Committee on 28 September 2011.

2.6 16/2009/0941/PF – Demolition of Llanbedr Hall and its replacement with 9 detached family houses set into the gardens, and the refurbishment, extension and change of use of the adjacent garages to provide 1 dwelling: Refused 15 February 2012.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4 June 2013)

Policy RD4 – Replacement of existing dwellings

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy VOE1 – Key areas of importance

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE5 – Conservation of natural resources

Policy ASA2 – Provision of sustainable transport facilities

Policy ASA3 – Parking standards

3.1 Supplementary Planning Guidance
Affordable Housing SPG

3.2 Government Policy / Guidance
Planning Policy Wales Edition 7 July 2014
Technical Advice Notes
Circulars

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (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 Loss of the Hall
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Biodiversity
- 4.1.6 Highways (including access and parking)
- 4.1.7 Archaeology
- 4.1.8 Affordable Housing
- 4.1.9 Area of Outstanding Natural Beauty/Area of Outstanding Beauty
- 4.1.10 Sustainable Buildings

4.2 In relation to the main planning considerations:

4.2.1 Principle

Officers suggest the fundamental issue to be addressed here is whether the principle of replacing a single building in the open countryside which has been used as flats with a building containing a row of terraced dwellings, fits with the general aims of the policies of the Local Development Plan.

The 2013 appeal decision confirmed that there was agreement between the parties that the hall has an existing lawful use for 11/12 flats and a restaurant. Whilst this is slightly different to the statement in the submitted Design and Access Statement (on page 23) that the building has an established residential use for 12 flats and a restaurant, it must be accepted for the purpose of the current submission that the hall can be lawfully utilised for at least 11 flats and that the scheme proposes to develop 9 dwellings, albeit of a larger form, and for houses rather than flats.

The only relevant policy within the LDP which relates to the replacement of dwellings outside settlement boundaries is Policy RD 4, which reads as follows:

“Proposals for the replacement of an existing dwelling outside settlement boundaries will only be supported where it can be demonstrated that:

- i) the building has legal use rights as a dwelling; and*
- ii) the dwelling is not of local historical importance or makes a valuable contribution to the character of an area; and*
- iii) the dwelling is structurally unsound, of a poor design and inefficient in terms of energy and water.*

Planning permission for a replacement dwelling may be subject to a condition to ensure that the original dwelling, or outbuildings, is demolished and that permitted development rights are removed.”

The justification to Policy RD 4 states that applications for the erection of a new dwelling on the site of a former dwelling in the open countryside will be treated as an application for the erection of a new dwelling. However, there may be occasions when an existing dwelling in the open countryside is either inappropriately sited or is deficient in facilities.

Furthermore, the justification also requires replacement dwelling schemes to have a lawful existing residential use right as defined by Town and Country Planning Act 1990. Dwellings which were never intended to have a permanent residential use including chalets, caravans and other structures built of materials for only temporary or seasonal use, will be excluded from this policy. Where there is doubt, the Council will request that the applicant present a certificate of lawfulness for the building. The

justification closes by stating that the Council is committed to retaining buildings of character or merit in the countryside.

There are representations from private individuals expressing concerns over the principle of the development. These refer to previous appeal decisions and the fact the site is in open countryside, and no case being made for the loss of the hall, which it is suggested has suffered from lack of maintenance.

In recognising local concerns, it is suggested that Policy RD 4 serves to allow replacement dwellings on a one-for-one basis and does not seek to differentiate between the scale or form of existing dwellings and their replacements. It is therefore considered that the submitted scheme to replace 11/12 flats with 9 houses may be considered as in accord with the basic requirements of Policy RD 4 in this respect. It is noted that the third criterion of Policy RD 4 includes reference to allowing for the replacement of existing dwellings which are of a 'poor design', with the justification seeking to retain quality buildings. As Llanbedr Hall has an exterior of a distinctive quality, it could be argued that its demolition and replacement with the 9 houses proposed poses questions over aspects of the policy, although there are other material circumstances which allow for the demolition of the hall which in this case would be its current structural condition and the economic non-viability of its retention and upgrading.

On balance, given the policy context and the background, Officers take the view that the proposal is acceptable in principle subject to the issue of the demolition of the hall being satisfactorily addressed, which is analysed in the following section of the report.

4.2.2 Loss of the Hall

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them.

The structural survey as submitted along with the accompanying information in the Design and Access Statement and the Design, Landscape and Heritage Impact Assessment all suggest that the current condition of the hall is such that it renders its retention and upgrading to be economically unviable. Although this issue was referred to in the February 2013 appeal decision, the Inspector reached no firm conclusion on this point and instead sought to focus on the visual harm that would have been created via the scattered development of the 9 detached houses proposed.

The current scheme is considered to be fundamentally different to the 2013 appeal proposal as it seeks to erect a single block of 9 dwellings leading off the footprint of the existing hall, rather than the detached houses previously shown that would have created a development that covered a much larger area than that involved in the current application.

The evidence put forward in support of the Hall retention being unviable (due to the financial cost of rectifying the current structural issues of the building and bringing it up to modern standards) appears to be a reasonable reflection of its current state of repair, with the Heritage report also indicating that CADW have inspected the building and have not adjudged it to be worthy of listing. This adds further credence to the case that the retention of the building is unviable.

Overall, therefore, whilst retention of the hall would be a preferable option, on the basis of the information submitted and without any definitive reports to the contrary, Officers suggest it would be unreasonable to resist its removal in principle. Given that the hall is not listed or within any statutory designation which would support a case for its retention, it is considered that the loss of the hall is not a ground on which the Council could reasonably seek to base a refusal of permission. The local objections to the proposed redevelopment are duly noted, with the comments made relating to the

particular desire to retain the hall fully understandable. However, given the substantial weight of evidence which supports the loss of the building it is not considered that this can be utilised as a basis to refuse permission.

4.2.3 Visual amenity

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 emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

The detailing of the proposed crescent of 9 houses is considered to be of an acceptable design, with a slate roof and facing brick for the walls, which would be appropriate choice in this location. Whilst it is accepted that the design of the houses has little in common with the features or quality of the existing hall, the scheme is considered appropriate for its siting and setting close by to a variety of existing residential properties, many of which have been formed by the conversion of existing buildings. Furthermore, the effective 'anchoring' of the eastern end of the block on the footprint of the existing hall ensures that the built form of the scheme is located within the scope of the existing built development at the site.

The scheme is consequently not adjudged to give rise to any substantial issues in relation to visual amenity.

4.2.4 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. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The siting and height of the block of dwellings as proposed will extend westwards away from the cluster of residential properties that lie to the east and north, and would be set slightly further away from these buildings at the closest point of the existing hall.

Whilst it cannot be disputed that a 65 metres wide crescent of houses will be a prominent physical feature when viewed by occupiers of neighbouring properties to the north in comparison to the existing hall building, it is not adjudged that this will give rise to such harm to the visual amenity of these nearby occupiers to justify a refusal recommendation. In assessing impacts on residential amenity one must also have regard to the historic use of the hall as a restaurant and flats. This would have given rise to levels of activity and disturbance that would have been felt by existing residents. In addition it could be argued that the dilapidated state of the existing hall is creating an unacceptable impact upon residents by reason of both visual harm and fear of crime.

4.2.5 Biodiversity

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant

harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2) which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The response of the Council's Biodiversity Officer is noted along with the comments made by NRW, with no objection raised in respect of the potential impact on protected species, subject to appropriate conditions being included on any permission.

With regard to existing tree cover, as described earlier, Officers have been in dialogue with the applicants to seek the retention of the protected Lime (T3) which lies to the south of the proposed crescent, and an adjustment has been made to the layout to allow for this high quality specimen to remain. On the basis of the revised siting of the block, it is not considered that a refusal based on impact on protected trees can be substantiated.

4.2.6 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.

There are concerns expressed by objectors at the adequacy of the parking provision and by the Community Council over the impact of construction traffic. The Highway Officer has no objections of the proposals subject to conditions relating to the detailing of the parking arrangements and construction stage operations.

In respecting comments on the proposals, as the existing lawful use of the property is for 11/12 units and the scheme as proposed involves a total of 9 units, it is adjudged that, despite the replacement units being of a larger scale in respect of occupancy, the parking and access arrangements as proposed within the site can be revised to accommodate additional spaces for residents. A condition can be attached to deal with these arrangements and construction stage matters to address concerns over traffic movements.

4.2.7 Archaeology

Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96 provides further guidance on the subject.

The comments made in the submitted Heritage Statement are noted and it is suggested that an appropriate condition relating to the archaeological recording of the building should be included to ensure that any features of interest are itemised.

4.2.8 Affordable Housing

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC 4. Policy BSC 4 relates specifically to

affordable housing, and requires that all developments of three or more residential units provide a minimum of 10% affordable housing either on site on developments of 10 or more units, or by way of a financial contribution on developments of less than 10 units.

In respecting the intentions of the affordable housing policies, the history of the site is considered a significant factor in this instance, and it is not suggested as reasonable to oblige any affordable provision as part of the development, given the scheme proposes to replace a building containing 11/12 flats, none of which are controlled as affordable units, with a development of 9 dwellings.

In these circumstances, it is not considered that any contribution towards affordable housing is justified.

4.2.9 Area of Outstanding Natural Beauty/Area of Outstanding Beauty

LDP Policy VOE 2 'AONB/AOB' precludes development which would cause unacceptable harm to the character and appearance of the landscape of such designated protected areas.

Chapter 5 of PPW relates to conserving and improving natural heritage and the coast. When referring to statutory landscape designations in Wales such as the AONB, Paragraph 5.3.5 states that the primary objective for designating such areas is the conservation and enhancement of their natural beauty, and development management decisions should favour the conservation of natural beauty.

Individual objectors have reservations over the impact on the AONB, the nearby church and the setting of Offas Dyke Trail. The response of the AONB Committee, however, acknowledges it is preferable for the hall to be conserved and adapted for residential use, but accepts this is no longer a realistic or viable option.

In this instance, it is suggested that the proposals represent an improvement over previously refused applications with the design reflecting the sensitive rural setting and the need to minimise visual impact on the wider landscape. The proposed crescent of housing as an extension of the footprint of the hall is also considered to be a more appropriate physical form of development in this context.

Overall therefore, given the retention of the peripheral landscaping and the inclusion of conditions requiring appropriate retention of trees/hedges and the provision of additional landscaping, it is not considered that the development as proposed will result in significant harm to the AONB, the church, or affect the setting of the Offa's Dyke Trail.

4.2.10 Sustainable buildings

Sustainable development is a key part of the Local Development Plan Strategy, and has been applied to the land use policies and allocations in the Plan. Planning Policy Wales (Section 4.12) sets out Welsh Government's drive to ensure that development proposals mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use, and eventual demolition, and outlines the requirement to move towards more sustainable and zero carbon buildings in Wales through application of specific standards for construction. The Sustainability Code requirements are referred to in TAN 22 Sustainable Buildings, which confirms the obligation on applicants to demonstrate that building(s) can meet specific standards of construction and carbon emission levels.

Given the modern nature of the block of dwellings as proposed, it is considered that the scheme can comply with the requirement for compliance with sustainable buildings legislation, now operated as part of the Building Regulations.

5. SUMMARY AND CONCLUSIONS:

- 5.1.1 The principle of the redevelopment of the site and the loss of the hall is considered to be acceptable given the evidence put forward which confirms that the hall cannot be retained due to its structural condition and the economic cost of repairs which render such a scheme economically unviable.
- 5.1.2 The scheme as proposed for 9 dwellings to replace the 11/12 existing units, with the crescent of dwellings anchored at the eastern end on the site of the existing hall, is adjudged to be an acceptable form of redevelopment of the site for residential purposes which is acceptable visually and does not result in any substantial harm to the AONB or the visual amenity of nearby occupiers.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.
3. **PRE-COMMENCEMENT CONDITION**
Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Tel. 01938 553670.
4. Notwithstanding the submitted details, prior to the first occupation of the buildings hereby permitted, the written approval of the Local Planning Authority shall be obtained in respect of the siting and design of the vehicular access to the site, the proposed parking provision within the site and the development shall be completed strictly in accordance with the approved details.
5. **PRE-COMMENCEMENT CONDITION**
No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
 - (a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
 - (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
 - (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (e) Proposed positions, design, materials and type of boundary treatment.
6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the next planting and seeding season and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or are severely damaged or become seriously diseased

within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local Planning Authority.

8. **PRE-COMMENCEMENT CONDITION**

No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the buildings are first occupied.

9. The dwellings shall not be occupied until the parking arrangements and the access thereto have been laid out in accordance with the relevant approved plans.

10. **PRE-COMMENCEMENT CONDITION**

No works to any building on the site, including demolition, shall be carried out until such time as the affected buildings have been surveyed for the presence of bats and birds. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of bats and birds shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.

11. Prior to the commencement of development, construction method statement including demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, Construction/demolition shall not be carried out otherwise than in accordance with the approved CEMPT unless amendments have been agreed in writing by the Local Planning Authority. The CEMP shall include the following details:-

- a) Measures for construction/site traffic management to include the routing, parking, turning, loading and unloading of all vehicles using the construction site.
- b) Measures for construction/site traffic management to include the routing, parking, turning, loading and unloading of all vehicles.
- c) Piling techniques if necessary
- d) Storage of plant and machinery
- e) Provision of site security to include hoarding and lighting
- f) Protection of trees, hedgerows and other natural features
- g) Proposed means of dust suppression and noise mitigation
- h) Measures to deal with any mud from vehicles on access roads or on nearby County roads during construction.
- i) All construction/demolition working and operational times.
- j) Details of the outside storage of spoil or other excavated material including location of height of storage.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of investigation and recording of historic/listed buildings.
4. In order that in the interests of highway safety the Local Planning Authority may control the matters referred to.
5. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
6. To ensure a satisfactory standard of development, in the interests of visual amenity.
7. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
8. To ensure satisfactory drainage of the site and to avoid flooding.
9. In order that adequate parking facilities are available within the curtilage of the site.
10. In the interests of any protected species on the site.
11. In the interests of highway safety, visual and residential amenity and to ensure the site is developed in a safe and satisfactory manner.

NOTES TO APPLICANT:

None