

Denise Shaw

WARD : Llanbedr D.C.

WARD MEMBER: Councillor Huw O. Williams

APPLICATION NO: 16/2017/0628/ PF

PROPOSAL: Demolition of existing dwelling and outbuildings and erection of a replacement dwelling

LOCATION: Tyn Y Celyn Llanbedr Dyffryn Clwyd Ruthin

APPLICANT: Mr & Mrs Berwyn Evans

CONSTRAINTS: PROW

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

LLANBEDR DC COMMUNITY COUNCIL
"No objections"

NATURAL RESOURCES WALES

The bat report submitted in support of the application has identified the site supports the brown long eared bat and the common pipistrelle bat. It concludes the proposal is likely to adversely impact on bats present at the site. NRW recommend planning permission should only be granted if planning conditions are applied to ensure the proposal does not adversely impact on the favourable conservation status of the protected bat species.

CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)

Officer note - CPAT were not consulted immediately following receipt of the planning application, but became aware of it from viewing the weekly list of applications received by the County Council. They are entitled like any interested consultation body and private individual to make representations on any planning application, and the Local Planning Authority are obliged to give consideration to those representations. As Members will appreciate from the contents of the report, CPAT's comments have raised issues which are central to the consideration of the application, and it has been necessary to seek clarification of them as consideration of the application has progressed, following comment from the applicant's agent and Members.

In sequence, CPAT have provided the following responses:

First response (July 2017)

'The farm buildings proposed for demolition are not currently recorded within the Historic Environment Record, but appear on the first edition OS mapping, the c.1840 tithe map and the Ordnance Surveyors mapping of 1819 and are therefore at least 200 years old. From the photographs submitted with the application the structure appears to be an original stone farmhouse which is typical of the local vernacular for agricultural buildings and adds character to the historic landscape. The buildings are of at least local architectural and historic importance. The issues identified in the structural reports are relatively minor and capable of

being addressed by a sympathetic developer with an appropriate renovation. The ground floor damp can be tackled with a damp proof course and the failed lintels have already been replaced. The walls are robust and the roof is in good condition. We would wish to see this farmhouse retained and renovated, perhaps with appropriate extensions which retain the façade and character of the farmhouse range. The older outbuildings could also usefully be renovated and converted.

Should permission be granted, CPAT recommend a Level 3 (Historic England guidance) assessment of the buildings is required and a written scheme of investigation should be submitted and approved before they commence any works on-site.'

Second response (September 2017, following feedback from the applicant's agent on the age of the dwelling)

CPAT advised that the additional information did not change their views. They confirmed their recommendation that there is a requirement for a pre-determination archaeological assessment of the heritage value of the building proposed for demolition, which is considered necessary before they can formally respond regarding the impact and any mitigation that may be required. In clarification of their comments, CPAT stated:

... " We need more information on the heritage value of the house site so that we can decide whether it may, for instance, warrant designation as a listed building, or whether it should be retained as a Building of Local Interest. It may even require additional recording if we decide that it can be demolished, but requires preservation by record. The building is clearly of historic and archaeological interest because it is at least 200 years old and retains original fabric and features of the local vernacular which add to the historic value and character of the landscape. At this point though we have insufficient information to be able to advise on the appropriate level of mitigation and that is why some assessment of the building is required at the pre-determination stage. "

Final responses (September 2017, following Officers request for clarification of the basis of their request for additional information)

'(The)purpose in requesting an assessment of the building was to understand the historical value of the existing building better in terms of date, layout development and the level of preservation of historical features. The building could pre-date the 1800's, but we currently have no firm evidence particularly for the interior. Equally, we have very little robust archaeological information about the nature of the existing building. The report may have lent support to any objection/refusal and would have provided Cadw with enough information to assess whether listing should be considered.'

'Should the refusal not be upheld then we would recommend a Level 3 survey of the building as a condition of consent. '

CADW

Officer note – having regard to the basis of the CPAT responses, and the deferral of consideration of the item at the September Planning Committee, CADW were advised immediately of the background and were requested to give a view as to whether the farmhouse warrants assessment for formal listing , i.e. for protection as a listed building. CADW officers have indicated that a response should be provided by the date of the November Planning Committee.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer
No objection

- Ecologist

Happy with the ecological reports carried out. Based on presence of protected species found on site (two species of bats and nesting birds), recommend planning conditions be applied should the application be granted in the interests of protecting ecological interests.

- Conservation Officer

'This farmhouse which I would estimate to be built circa 1800 is a good example of vernacular architecture in a rural setting which has a positive impact on the surrounding area.

The building externally appears to be in good condition and structurally sound in my opinion. If there are damp issues internally then this can be dealt with fairly easily at a reasonable cost. The building does need some maintenance works and upgrading but work which is straightforward and what you would expect when renovating an old property.

I disagree with the points made in the Building Condition report as detailed below;

The report states that it will be difficult to make the existing building comply with Building Regulations. As this is an existing dwelling it will not be required to comply with current Building Regulations.

The report states that the floor layout does not comply with Building Regulations in respect of fire escape. This is incorrect as being an existing dwelling it does not need to comply. The existing layout would be acceptable for fire escape even if it did need to comply.

Should more floor space be required then an extension would be possible and the internal layout could altered to suit modern living needs.

In my opinion this building should be retained and renovated as it adds historical value and character to the local area.'

RESPONSE TO PUBLICITY:

In support

Representations received from:

Patricia Vickers, Greystones, Llanbedr DC

Summary of planning based representations in support:

- Demolition of existing dwelling will allow for more suitable family accommodation.
- Replacement dwelling would be attractive and in keeping with the area.

EXPIRY DATE OF APPLICATION: 15/08/2017

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposal is for the demolition of the existing two storey traditional stone farmhouse and detached stone and brick outbuilding and the erection of a replacement dwelling.

1.1.2 Consideration of the application was deferred at the September Committee at the request of the applicants / agents, to allow opportunity to respond to the comments of Clwyd Powys Archaeological Trust on the significance of the existing buildings, particularly in respect of their date of construction, and to allow amendments to the design of the proposed replacement dwelling. Revised plans were submitted and consultees were re-consulted. Subsequently, following receipt of a volume of late information immediately before the October Committee meeting, Officers made a further request for deferral to allow opportunity to seek confirmation from CADW on whether the merits of the existing dwelling were such as to justify consideration for

formal listing. Planning Committee voted to defer the item to allow this process to be completed. The detailed background to this late series of exchanges is set out in section 1.6 of the report.

- 1.1.3 In terms of detail, the replacement dwelling is shown as a detached two-storey property with integral double carport. A brick and stone outbuilding immediately to the north west of the farmhouse is to be demolished.
- 1.1.4 The respective detailing of the existing stone dwelling and the proposed replacement can best be appreciated from the plans at the front of the report.
- 1.1.5 The original section of the existing 3 bedroom dwelling is understood to date back to the 1800's. It has a stone built extension constructed in the late 1800's on the north east side. Measured from the floor plans these combined buildings have a ground floor footprint of some 130 sq. metres and a total floor area of some 245 sq. metres.
- 1.1.6 The proposed dwelling would have a ground floor footprint of some 270 sq. metres (including the car port) and a total floor area of some 455 sq. metres. It would contain:
 - At ground floor level - an entrance hall, living room, kitchen / dining room, utility, playroom, rear porch with wet room, drying room and airing cupboard and an integral double garage with garden store to the rear
 - At first floor level - an office, master bedroom with en-suite and dressing room, four further bedrooms and a bathroom.
- 1.1.7 The application is supported by a Building Condition Report, a Report of the Condition of the Structure, and a Bat and Nesting Bird Survey Report.

1.2 Description of site and surroundings

- 1.2.1 The site is currently occupied by a traditional stone farmhouse and outbuilding located within open countryside some 2.3km to the north-west of Llanbedr Dyffyn Clwyd village.
- 1.2.2 The existing two storey traditional stone farmhouse comprises of a 19th century farmhouse, and a two storey extension which it is understood was added in the late 1800s.
- 1.2.3 The outbuilding is a stone and brick structure to the north west of the dwelling, and there are other modern farm buildings which are of steel frame construction with sheet metal cladding further to the north west.
- 1.2.4 The site is some 350m from the nearest public highway.
- 1.2.5 The site is set away from other residential properties, with the closest neighbours being Greystones 200m to the east and Tyddyn Tlodion 280m to the south-east.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside of any development boundaries defined by the Local Development Plan, and is therefore considered to be in open countryside.
- 1.3.2 The site is within the Vale of Clwyd Historic Landscape.
- 1.3.3 There is a Public Right of Way running south west – north east past the garden area in front of the main dwelling.

1.4 Relevant planning history

- 1.4.1 There is a record of a planning permission and prior approval application for agricultural buildings at Tyn y Celyn.

1.5 Developments/changes since the original submission

- 1.5.1 In relation to the detailing of the replacement dwelling, the applicant's agents submitted revised plans on 21 September 2017 showing changes to the elevational detailing in response to concerns outlined in the original September Officer report.
- 1.5.2 Consultees were re-consulted following receipt of revised plans.

Clwyd Powys Archaeological Trust (CPAT)

- 1.5.3 In respect of CPAT's involvement in the application; CPAT are one of four Welsh Archaeological Trusts working closely with other national, regional and local bodies, to help protect, record and interpret all aspects of the historic environment for the whole of Wales. Their Curatorial Team provide detailed feedback to Local Planning Authorities on the effects of proposed building works, new roads and utilities upon the archaeological resource. CPAT are mainly funded by, and have close links with Cadw and the Royal Commission on Ancient and Historical Monuments of Wales (RCAHMW), with additional resources coming from local authorities and private developers. Denbighshire, along with the other North Wales planning authorities have used CPAT as a regular consultee on planning applications, as they have considerable expertise / information on archaeology and consequently assist the decision making process by providing feedback and guidance on the potential impacts of development on the area's heritage .
- 1.5.4 CPAT's responses on the Tyn y Celyn application, and on feedback in relation to it are included in the Consultation Responses section of the report. Officers consider their comments merit close consideration and that they raise serious points which the Committee should have regard to in assessing the merits of the application.
- 1.5.5 The delays in progressing the application are regrettable, but members will appreciate that there will always be cases where information comes to light at critical points in the processing of an application that obliges additional information to be sought, in order to ensure full and proper consideration is given to matters relevant to the making of an informed decision.

Information from the applicant's agents and representatives

- 1.5.6 Following deferral of the item from the September Committee, and in response to the contents of the original Officer report, the applicant's agent asked for the following additional information to be taken into consideration:
 1. 'We can confirm that initially our plan was to refurbish and extend the original dwelling, but when we consulted with a building contractor to discuss the cost and practicalities of the repair work, the contractor raised some concerns and suggested that a structural report and a Building condition report should be carried out on the existing structure. During the survey process they found major problems with the dwelling including rising damp, failing lintels and foundation movement. In addition to this the roof needs to be stripped back and the timbers replaced due to historic beetle infestation. (Photos of these finding can be found in the reports). Due to the report findings and the contractor's advice a decision was made to demolish and replace the existing dwelling. (Letter from the building contractor attached).
 2. In addition to the concerns raised in the reports, replacing the dwelling will allow our client to build a structure that is beneficial and non-harmful to the environment by using local and renewable materials ensuring the building and energy sources complies with Part L of the Building Regulations.
 3. Following CPAT's consultation response we discussed the concerns raised with St Paul Consulting who specialises in historic buildings and we believe that a listing review has been carried out recently in the area by CADW but this dwelling as far as we can find was not selected as a building of interest. It can't be confirmed by mapping alone but a building does appear on the first edition of the 1819 OS mapping, but we feel this dwelling maybe of a later

character and built somewhere around the mid to late century which means that the dwelling on site today may not be the original dwelling but stands on the same footprint as an earlier dwelling. ‘

1.5.7 The applicant’s agents then provided a response to the late correspondence from CPAT and the Council’s Conservation Officer:

‘we ask that the committee members consider the application at the meeting as planned as we strongly believe that the request for an archaeological assessments on this property pre-determination isn’t justified and in assessing the architectural and historic interest of Tyn y Celyn against the selection criteria set out in Welsh Government Circular we can confirm the following :-

- The existing building is not listed and not suitable for inclusion on the local, not-statutory list for the following reasons
 - a) The building has no historic interest including aspects of social, economic, cultural or military history.
 - b) The building has no close historical association with people or events of importance in Wales
 - c) The building has no group value and does not contribute to an important architectural or historic unity or a fine example of planning.
 - d) The building has no architectural interest or has any importance to the nation for the design, decoration and craftsmanship.
- The detailed character of the exterior has suffered as a result of alterations carried out in the 20th century, including replacement uPVC windows, existing openings have been blocked up and many new openings created, and the rear porch is crudely formed and lacks craftsmanship.
- The interior contains no features of interest and all the original fireplaces have been removed and replaced.
- In terms of selectivity the building is not exceptional by comparison with other comparable listed or buildings of historical importance.
- The structural engineers reports and building condition surveys along with the recommendation letter from Pat Carroll Building Contractor supports the decision to demolish the existing structure.

To conclude we strongly believe that the information provided to support this planning application proves that the building lacks the necessary special architectural and historical interest to merit a listing and to have an archaeological assessment carried out..’

1.5.8 The applicant’s Solicitors also sent representations prior to the October Committee:

‘We acted for our client in the purchase of the property from Denbighshire County Council Local Authority, such purchase being completed by our client on the 22nd November 2016. During the conveyancing process a pre-contract pack was sent to ourselves as solicitors for Mr. Evans which included Replies to Standard Enquiries and in particular a Local Authority Search. The Search has been undertaken by the Local Authority’s Solicitors, namely Aaron & Partners.

At paragraph 3.9. of the Local Authority Search there is a question thereon which asks whether there are any Notices, Orders, Directions and Proceedings under Planning Acts. If a property is a Listed Building then a Listed Building entry will appear on the Search.

We understand that the property is not a Listed Building. The Search confirmed that the property was not a Listed Building and our client relied on this.

We have read the e-mails passing between Mr. Osian Jones of Ty Architecture and yourselves as the Local Authority. We have also seen a copy of an e-mail dated the 3rd October 2017 from Mr. Mark Walters to yourself.

We attach to this letter a copy of the Transfer dated the 22nd November 2016 between the Denbighshire County Council Local Authority and our client. Within the Schedule of the Transfer there are overage provisions providing that an enhanced payment is payable to the Local Authority upon the granting of planning permission in certain circumstances. We believe that the overage provisions clearly give a presumption in favour of planning permission and our client proceeded with the purchase with a view to planning permission being granted for development of the property.

If our client had known that planning permission would not have been obtainable for the development of the property then he would not have proceeded with the purchase and the inclusion of the overage provisions within the Transfer was tantamount to an inducement to our client to proceed to purchase the property.

We have seen e-mails from the Clwyd and Powys Archaeological Trust. Whilst we do not take issue with the purpose and the function of the Trust, it appears to us that the Trust has scant information about the historical, if any, importance of the dwelling. Mr. Mark Walters' e-mail dated the 3rd October 2017 confirms that the Trust holds no information on the heritage value of the house and that further assessment is needed. Our client's planning application should not be stalled or delayed by reason of the objections of an interested party who do not appear to have concrete information about the property which would merit the refusal of the planning application and further their objection is speculative. '

- 1.5.9 In response to the Solicitor's comments in 1.5.7, the Council's Legal Officer advised:

...'the Council sold the property Tyn y Celyn to the applicants on 22nd November 2016. Any provisions imposing overage cannot be taken as being tantamount to an inducement to their client to proceed to purchase the property. The imposition of overage would have been a commercial decision by the Council as landowner at the time of sale to allow the Council to benefit from a share in any uplift in value if the purchaser obtained the benefit of planning permission within a specified time from the date of the Transfer. The Council's function as local planning authority is entirely distinct and separate from its role as County Landlord. The Council as local planning authority assesses any planning application against planning policies in place. Any element of financial gain or otherwise is not a material planning consideration and cannot be taken into account by Members. It is noted that the property was not shown as listed at the time of sale and this remains the case to date. As a matter of fact any building, if it meets relevant criteria, can be listed by CADW at any time. The judgement issue of whether a property has the potential to be listed rests with the purchaser.'

- 1.5.10 Members will appreciate from the exchanges above that there has been a considerable amount of material to assimilate in relation to the application. CPAT's views remain that the original farmhouse is of historic and archaeological interest because of its age, and that pre-determination assessment of its historic value is merited, including to inform CADW on whether listing should be considered. CADW should respond in time for the November Committee whether there is a case to list the building. Officers are taking a pragmatic stance and reporting the application to Committee to avoid further delay, and will update members (and the applicants) on any developments.

1.6 Other relevant background information

- 1.6.1 For the record, prior to the October Committee meeting, the application was the subject of a Site Inspection Panel meeting. The notes of that meeting are included below:

The application was subject to a Site Inspection Panel meeting at 10.30am on Thursday 5th October 2017.

In attendance were:

CHAIR – Councillor Joseph Welch
VICE CHAIR – Councillor Alan James
LOCAL MEMBER – Councillor Huw O. Williams

GROUP MEMBERS –

Labour group – represented by Vice Chair
Plaid Cymru Group – Councillor Emrys Wynne

COMMUNITY COUNCIL – not represented

The Officers present were Ian Weaver and Denise Shaw (Development Management)

The reason for calling the site panel was to allow opportunity to view the buildings on the site, and to appreciate issues relating to planning policy for replacement dwellings.

At the Site Inspection panel meeting, Members considered the following matters:

1. The basis of the application for the demolition of the existing dwelling and the erection of a replacement dwelling.
2. Representations on the application
3. The relevant planning policy applicable to replacement dwelling applications
4. Issues arising in relation to the application

In relation to the matters outlined :

1. The Officer outlined the proposals which involved the removal of the existing stone built dwelling and a nearby farm outbuilding; and explained the proposed detailing of the replacement dwelling.
2. The site panel was informed of the basis of comments on the application from consultees, including the Community Council, the Highway Officer, Ecologist, Conservation Officer, and CPAT. The Community Council, Highways Officer and Ecologist had raised no objections. Members were advised of late information from the Conservation Officer, who considered the building should be retained and renovated as it adds historical value and character to the local area; and CPAT, who were of a similar view and had requested further archaeological assessment to determine the age of the dwelling before determination of the application.
3. Members were circulated a copy of Policy RD4 of the Local Development Plan, which is the policy directly applicable to a replacement dwelling application. The tests of the policy were subsequently discussed.

In the course of the site panel meeting, Members viewed the existing dwelling externally and internally. Some time was spent discussing the recent comments from CPAT and the need for additional assessment of the history of the building. Officers

advised that there was ongoing dialogue between the parties and that an update would be provided in the late information sheets.

2. DETAILS OF PLANNING HISTORY:

2.1 26/13809. Erection of Agricultural Building. Granted 18/11/1993

2.2 16/2008/0732. Demolitions of existing dutch barn and erection of extension to existing agricultural building (Prior Approval Application). Determined that Prior Approval Not Required 04/08/2008.

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 RD4 – Replacement of existing dwellings

Policy VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

Archaeology SPG

Conservation and Enhancement of Biodiversity SPG

Residential Development SPG

Parking requirements in New Developments SPG

Residential Development SPG

Residential Space Standards SPG

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 24: The Historic Environment (2017)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (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' (PPW section 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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)

4.2 In relation to the main planning considerations:

4.2.1 Principle

LDP Policy RD4 allows for the replacement of an existing dwelling outside of settlement boundaries 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 poor design and inefficient in terms of energy and water.

Each of the policy tests are addressed separately below:

RD4i) – legal use as a dwelling

The existing dwelling is clearly habitable and has been occupied until very recent times. There is no dispute that the proposal would comply with criterion i).

RD4ii) – local historic importance of existing dwelling

The site is within the Vale of Clwyd Historic Landscape. LDP Policy VOE1 seeks to protect Historic Landscapes from development that would adversely affect them and Planning Policy Wales 9, Chapter 6.2.1 states it is important that the historic environment is protected, managed and conserved, including the need to conserve areas on the register of historic landscapes in Wales.

The information provided with the application indicates the farmhouse dates back to the mid 1800's and the Clwyd-Powys Archaeological Trust (CPAT), in their original consultation response note the farmhouse appears on the first edition OS mapping, the c.1840 tithe map and the Ordnance Surveyors mapping of 1819 and is therefore at least 200 years old.

CPAT consider the original stone farmhouse, which is typical of the local vernacular for agricultural buildings, adds character to the historic landscape, and that the existing buildings proposed to be demolished are of at least local architectural and historic importance.

From the information provided, CPAT consider the issues identified in the structural reports are relatively minor and capable of being addressed by an appropriate renovation, and could be sympathetically extended to provide additional living accommodation. CPAT would wish to see this farmhouse retained and renovated.

The Council's Conservation Officer estimates the existing building to be circa 1800 and considers it to be a good example of vernacular architecture in a rural setting which has a positive impact on the surrounding area. The Conservation Officer disagrees with points made in the Building Condition Report in terms of structural soundness, and considers that whilst the building does need some maintenance works and upgrading, the work required would be straightforward and what you would expect when renovating an old property.

Overall, the Conservation Officer's opinion is that the existing building should be retained and renovated as it adds historical value and character to the local area.'

The applicant's agents have responded to CPAT's comments by referring to advice from consultants in historic buildings, who believe that a listing review has been carried out recently in the area by CADW but this dwelling was not selected as a building of interest. Whilst a building does appear on the first edition of the 1819 OS mapping, they suggest this dwelling maybe of a later character and built somewhere around the mid to late century which means that the dwelling on site today may not be the original dwelling but stands on the same footprint as an earlier dwelling. The agents do not consider the building meets the criteria to be considered for listing.

CADW have been contacted to assess the case for formal listing of the building, and it is anticipated that a response will be received prior to the date of the Committee meeting.

However, Officers would stress that RD4 ii) does not require the existing dwelling to be warrant listing, but merely that the existing dwelling is considered to be of *local historical importance or makes a valuable contribution to the character of an area*'

Officers' conclusions on the wording of the test ii) of RD4, on the basis of CPAT's responses and the views of the Council's Conservation Officer, is that the farmhouse is of local historical importance and that it does make a valuable contribution to the character of the area. The proposal is therefore considered to be in clear conflict with test ii).

RD4iii) – condition of existing dwelling

The application is supported by a Building Condition Report and a Report of the Condition of the Structure.

The Building Condition Report prepared by a building Surveyor includes a schedule of remedial / refurbishment works necessary to rectify deficiencies in the building, however due to what are referred to as prohibitive costs, it advises a replacement dwelling is a more cost effective solution.

The Report of the Condition of Structure prepared by a Structural Engineer considers the buildings are affected by foundation movement; walls / floors do not have adequate resistance to damp penetration and ventilation is inadequate; external walls are not weatherproof; roof timbers are not protected by felt or insulated; and slates on the roof need re-laying. The report concludes that the property needs extensive works to upgrade to the current standards of Part L of the Building Regulations, and the optimum course of action would be to replace the existing building.

The agent's additional comments reaffirm this stance in suggesting replacing the dwelling will allow the client to build a structure that is beneficial and non-harmful to the environment by using local and renewable materials ensuring the building and energy sources complies with Part L of the Building Regulations.

RD4iii) requires the existing dwelling to be structurally unsound, of poor design and inefficient in terms of energy and water.

Respectfully, the structural information does not establish that the dwelling is structurally unsound. It does not appear to be beyond repair or incapable of being adapted / extended as part of a development scheme, albeit extensive work is necessary to bring it up to modern building standards.

By virtue of its age and solid stone construction, the existing building is likely to be energy inefficient. Again this could be improved at expense. Officers would note however, much of the works proposed are refurbishment works rather than remedial works (new kitchens, bathrooms etc.), and the structural repairs that are required are not significant (e.g. new damp proofing, re-pointing walls, re-plastering, re-laying roof slates etc.).

This Council's Conservation Officer considers the building externally appears to be in good condition and structurally sound. If there are damp issues internally then this can be dealt with fairly easily at a reasonable cost. The building does need some maintenance works and upgrading but work which is straightforward and what you would expect when renovating an old property.

The Conservation Officer also disagrees with the points made in the Building Condition report as detailed below;

The report states that it will be difficult to make the existing building comply with Building Regulations. As this is an existing dwelling, the Conservation Officer has stated that it will not be required to comply with current Building Regulations. The report states that the floor layout does not comply with Building Regulations in respect of fire escape. Again, this is incorrect as being an existing dwelling it does not need to comply. The Conservation Officer has in any event confirmed the existing layout would be acceptable for fire escape even if it did need to comply with current Building Regulations.

Should more floor space be required, then an extension would be possible and the internal layout could be altered to suit modern living needs.

In concluding on this test and having regard to the professional views of the Council's Conservation Officer, it is acknowledged that it may be more cost effective to the applicant to demolish and replace rather than refurbish and extend the property to meet his needs, but it would be difficult to argue the existing dwelling is 'structurally unsound'. There is therefore considered to be a fundamental conflict with test iii).

Conclusion on principle of development

Policy RD4 supports the replacement of an existing dwelling outside settlement boundaries only where proposals comply with all three policy criteria. Having regard to the views of CPAT and the Council's Conservation Officer, Officers would consider the existing dwelling is of local historical importance and makes a valuable contribution to the character of the historic landscape area, and fails to comply with RD4ii). The proposal also does not fully comply with RD4iii) as it is not demonstrated that the dwelling is 'structurally unsound'. Failure to comply with two of the basic tests of RD4 suggests the proposed replacement dwelling proposal is therefore not acceptable in principle.

4.2.2 Visual amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. Para 4.11.9 confirms that the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

With respect to development in the countryside, Planning Policy Wales 4.7.8 states new development in the open countryside must continue to be strictly controlled and all new development should respect the character of the surrounding area and should be of appropriate scale and design.

Policy RD4 of the Local Development Plan does not require proposals for replacement dwellings to be of a similar scale and design to the existing property, so proposals for replacement dwellings have to be assessed on their own merits.

The assessment of the impact of the loss of the existing farmhouse and outbuilding on the visual amenity of the local area has been considered in section 4.2.1, and therefore this section deals with the impacts of the proposed replacement dwelling on the visual amenity of the area:

The site is within a rural location within the Vale of Clwyd Historic Landscape adjacent to a public right of way and set away from other residential properties. There are a number of substantial detached properties in this area, with a mix of building styles.

The dwelling proposed is a substantial 5 bedroom detached dwelling with an integral double carport, which is considerably larger in scale and massing than the existing farmhouse and outbuilding it seeks to replace.

It is to be noted that the footprint of the proposed replacement dwelling is over twice the size of the existing dwelling it seeks to replace. The existing dwelling is a traditional two storey stone cottage of simple form, similar to the outbuilding to be removed. The proposed replacement dwelling has a noticeably higher ridgeline than the dwelling it seeks to replace (8 metres compared with 6.3 metres), and the overall scale and massing of the replacement dwelling is also significantly greater than the building it seeks to replace, especially when viewed from the front and rear elevation. These will be apparent from the plans at the front of the report.

The agents have revised elements of the detailing to incorporate a mix of reclaimed stone on the walls on the front and side elevations, with render to be applied to the rear elevation and part of the side elevation. The roof would be clad with Welsh slate, and oak piers are proposed to be installed to support the porch and carport, which to a point are sympathetic to more traditional developments in the area.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The residential amenity impacts of a development proposal are a material consideration.

The occupants of the closest neighbouring property have written to confirm they are supportive of the scheme.

The proposed replacement dwelling would comply with the Council's Residential Space Standards SPG and would provide a satisfactory standard of accommodation. Having regard to the separation distances between the site and the nearest neighbouring property, the proposal would not adversely impact on amenity of other residential properties in the vicinity of the site.

Officers would conclude the proposed development would not give rise to any adverse impacts on residential amenity.

4.2.4 Ecology

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.

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The biodiversity / ecological impacts of a development proposal are a material consideration.

This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and Conservation and Enhancement of Biodiversity SPG.

The application is supported by a Bat and Nesting Birds Survey Report, which identified three bat roosts within the farmhouse. Surveys observed four different bat species active on, or nearby, which represents moderate bat activity in the area, and two species of bat (brown long eared bat and common pipistrelle) were observed entering and emerging from the farmhouse. No bats were observed entering or emerging from the outbuilding. Swallows were also found to be occupying the farmhouse and the outbuilding during the survey.

Based on the findings of survey, the Council's Ecology Officer and Natural Resources Wales (NRW) have both recommended a series of planning conditions be applied to ensure the proposal does not have an adverse impact on protected species or their habitat. Conditions proposed require further details to be submitted for approval in relation to bat avoidance, mitigation and compensation measures; a light spillage

scheme; a post construction monitoring and surveillance scheme; and the provision of bird nesting boxes.

Bats species are protected by European and domestic law and nesting birds are also protected by domestic law and as such it is a criminal offence to disturb bat habitat or nesting birds, and a European Protected Species (EPS) Licence from Natural Resources Wales is required before any works being undertaken. As bats and nesting birds are protected under separate wildlife legislation, and Officers consider it is unnecessary to apply planning conditions which duplicate other regulatory controls such as applying a condition requiring an EPS licence to be obtained. However, should planning permission be granted, Officers would recommend an appropriately worded Note to Applicant is attached to the Decision Notice to bring the applicant's attention to the additional requirements under separate wildlife legislation.

Having regard to the conclusions of the Bat and Nesting Bird Survey Report and the advice of the Council's Ecology Officer and NRW, Officers consider that, subject to the application of relevant planning conditions and an appropriately worded Note to Applicant, the proposal would not result in an adverse impact on ecological interests or result in a detrimental impact on the favourable conservation status of protected species.

4.2.5 Highways (including access and parking)

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decision (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The highway impacts of a development proposal are a material consideration. 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 site is accessed via a track leading from the public highway some 350m to the south east. The proposed site plan shows sufficient on site parking and turning space to serve the development, and Highways Officers have raised no objection.

The proposed siting of the replacement dwelling would not interfere with the Public Right of Way, however this would need to be safeguarded during the construction phase. Separate Highways legislation provides protection to safeguard Public Rights of Way and to this end it would not be necessary to apply planning conditions, however should planning permission be granted, an appropriately worded Note to Applicant is advised to bring this to the attention of the applicant.

Having regard to the above, Officers would conclude the proposal would not adversely impact on highway interests.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact

upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

- 5.1 Local Development Plan Policy RD4 sets out the policy context for replacement dwellings. The policy supports the replacement of an existing dwelling outside settlement boundaries only where proposals can comply with three tests.
- 5.2 The information submitted in support of the application suggests the existing farmhouse dates back to the around the mid 1800's, and has been extended sometime in the late 1800s, whereas CPAT and the Council's Conservation Officer consider the farmhouse could date back to the early 1800s or even pre-date 1800. Therefore, whilst there is some dispute over the exact age of the existing dwelling, all parties nevertheless agree it is a 19th century farmhouse.
- 5.3 Having regard to CPAT's views and the professional opinion of the Council's Conservation Officer, Officers consider the existing dwelling is of local historical importance and makes a valuable contribution to the character of the historic landscape area, and that the proposal fails to comply with policy RD4ii).
- 5.4 The proposal also does not fully comply with RD4iii) as it is not demonstrated that the existing dwelling is 'structurally unsound'.
- 5.5 On the basis of the information in front of the Council, Officers conclusion is that there are fundamental conflicts with key tests of the replacement dwellings policy, which seeks to retain structurally sound buildings of local historic importance which make a valuable contribution to the character of the area. The recommendation is therefore to refuse permission.

RECOMMENDATION: REFUSE- for the following reason:-

The reason is:-

1. It is the opinion of the Local Planning Authority that the proposals are in conflict with key tests of the Council's policy in relation to replacement dwellings, in that the existing dwelling is a 19th century stone farmhouse typical of the local vernacular for agricultural buildings, is considered to be of local historical importance and makes a valuable contribution to the character of the Historic Landscape of the Vale of Clwyd; and it is not structurally unsound. The conflicts with Local Development Plan policy RD4 ii) and iii) are considered to be compounded by the scale and detailing of the proposed replacement dwelling which would appear inappropriate in this open countryside location, and in the context of the existing dwelling, and would result in material harm to visual amenity, which is a material consideration on an application as identified in Planning Policy Wales 9, sections 3.1.4 and 4.11.9.

NOTES TO APPLICANT:

None