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47/2018/0411

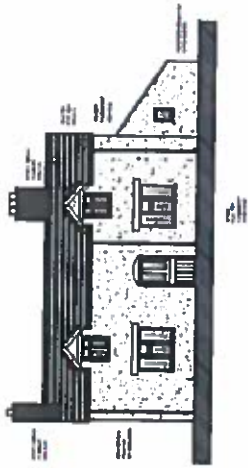
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Existing Dwelling



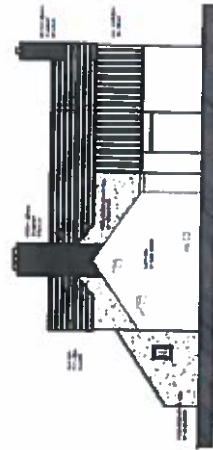
Existing Front Elevation West Facing



Existing Right-side Elevation South Facing

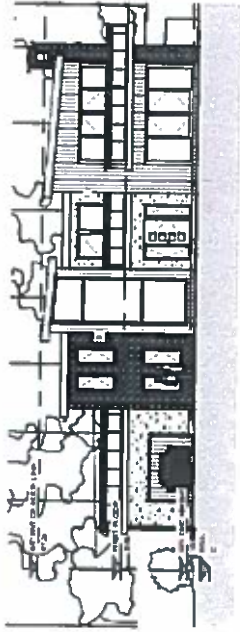


Existing Left-side Elevation North Facing

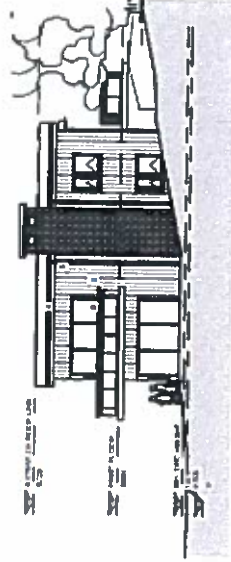


Existing Rear Elevation East Facing

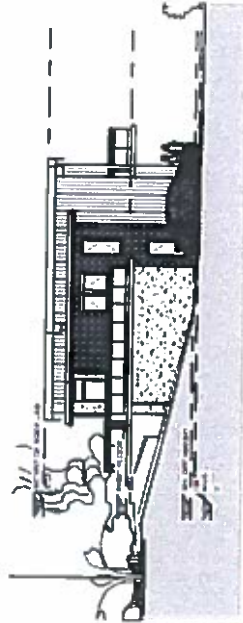
Previously refused dwelling (47/2017/0582)



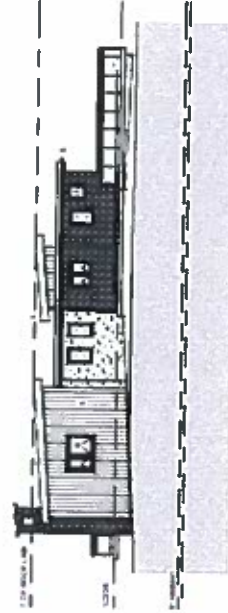
West



South



North



East

Proposed replacement dwelling (amended plans)



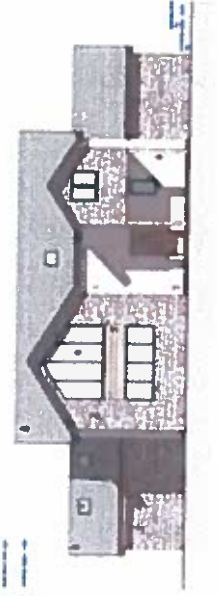
West
1:100



South



North



East

Please note: Plans for illustrative purposes only. Not at a comparative scale.

WARD : Tremeirchion

WARD MEMBER: Councillor Christine Marston (c)

APPLICATION NO: 47/2018/0411/ PF

PROPOSAL: Demolition of cottage and erection of a replacement dwelling and detached garage together with the siting of a temporary static caravan and associated enclosure

LOCATION: New Inn Cottage Tremeirchion St Asaph LL17 0UG

APPLICANT: Mr Edward Hughes

CONSTRAINTS: PROW
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

CONSULTATION RESPONSES:

TREMEIRCHION, CWM & WAEN COMMUNITY COUNCIL

- *Original consultation response:*

“OBJECTION - on the grounds of its high visual impact within the AONB”

- *Re-consultation response following submission of revised plans and additional information:*

“No objections”

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

- *Original consultation response:*

“Although not Listed, New Inn Cottage and associated outbuildings represent a good example of a traditional group of vernacular buildings which make a positive contribution to the character and appearance of the AONB.

An earlier application (Code No. 47/2017/0582) to replace New Inn Cottage was refused on these grounds and, although structural reports have been submitted with the current application, the Joint Committee remains of the opinion that in this case the design approach should be to renovate and adapt the existing dwelling, remove later add-on extensions and to sensitively extend the building to create a dwelling which meets modern living standards. It is noted that the previously refused uncompromisingly modern design has been modified and a more traditional built form is now proposed, but the scale and appearance of the replacement dwelling is still unsympathetic and inappropriate in this setting which the committee considers will present a discordant appearance and therefore objects to this application.

The committee has no objection to the temporary siting of a caravan for a limited period whilst renovations are carried out, but would recommend a condition that it be removed from the site after a set period of time. In addition, the committee would recommend that the development should include proposals to retain and restore existing stone boundary walls and hedges and to conserve the small woodland to the rear of the property.”

- *Re-consultation response following submission of revised plans and additional information:*

“It is noted that the local planning authority are now satisfied that the existing dwelling is not worthy of retention and can be replaced. The amended plans do show a small reduction in the size of the proposed replacement dwelling, but the committee remains of the view that the

scale, form and appearance of the new dwelling, particularly when taken together with the new garage, will have significantly greater visual presence than the existing modest cottage and is out of character in this rural setting. The proposed palette of materials is appropriate, but the roof form with multiple gables to the front elevation lacks the simplicity of the existing dwelling. The committee would favour a simpler building form within a 1 ½ storey structure which would also reduce the overall height and visual impact of the dwelling. In addition, stone wall facing should be traditionally finished natural local stone to match the existing outbuildings.”

NATURAL RESOURCES WALES

- *Original consultation response:*

NRW raised significant concerns with the originally proposed development and recommended that planning permission should only be given if the following requirements could be met. If these requirements are not met then NRW would object to this application:

Requirement 1: Protected Landscapes: Revised plans to be submitted which improve the development's integration and contribution to the character of the AONB.

Requirement 2: EPS Bats: Confirmation of the location of the known bat roost to be identified on a location plan.

Requirement 3: EPS Bats: Further information on working methods, lighting scheme during construction and post construction, timings of work and avoidance measures taken to avoid adverse impacts on the bat roost.

- *Re-consultation response following submission of revised plans and additional information:*

NRW recommend that planning permission should only be granted if conditions are attached.

Protected Species:

NRW note that the bat reports completed by Clwydian Ecology and further information concerning bats that was included in the dated 31 July has identified that bats are present at the application site. From the information contained in the bat report, NRW consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

In this case, the bat report concludes that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. NRW consider the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat.

Therefore, NRW do not object to the proposal, subject to any consent being subject to the imposition of a condition concerning bats. Provisions of this suggested condition to include, but not necessarily limited to:

Condition 1: Submission and implementation of detailed bat avoidance and mitigation measures to the satisfaction of the LPA;

Condition 2: Submission and implementation of a scheme to conserve bats at the application site to the satisfaction of the LPA.

Condition 3: Submission and implementation of an approved external lighting scheme to the satisfaction of the LPA

Protected Landscape:

The amended plans have appropriately addressed NRW's previous concerns regarding the scale of the proposed dwelling and its setting within the site and appearance within local views of the AONB. However, NRW request the imposition of a suitably worded condition that the drystone wall and native hedgerow to the frontage of the site will be reinstated within 6 months of the occupation of the dwelling, this is in order to conserve the rural character of the AONB.

Condition 4: Reinstatement of the drystone wall and native hedgerow to the frontage of the site within 6 months of the occupation of the dwelling

CLWYD POWYS ARCHAEOLOGICAL TRUST

CPAT consider the proposed demolition will impact a former stone cottage with later extensions that is probably early to mid-19th century. The building is not recorded on the Historic Environment Record and is of local architectural interest. The cottage, whilst reflecting some of the traditional character of stone cottages in this area is not a well preserved example and has been much altered. It retains very little of its original fixtures and fittings and the fabric has been

altered over time with new window surrounds and extensions to the rear and side. CPAT would have no objection to demolition in this case but would wish to retain a record of the building in its current form before it is demolished for the Historic Record. In this case CPAT would recommend a Level 3 archaeological building survey is required to be secured as a condition of consent. This advice is given in accordance with TAN 24: The Historic Environment and Planning Policy Wales (Chapter 6, Edition 9, 2016).

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Ecology Officer

- *Original consultation response:*

Further information required before Ecology Officer can be sure that this development will not have a negative impact on protected species using the site.

- *Re-consultation response following submission of revised plans and additional information:*

Having reviewed the proposals and associated ecological reports, the Ecology Officer recommends that the following conditions are attached to ensure that there are no negative impacts on protected species or the nature conservation value of the site.

- 1) No development shall commence until a bat mitigation scheme detailing bat avoidance and mitigation measures, has been submitted. This should include the recommendations set out in the ecological report (document reference 2228517 received 08/05/2018) and contain details of an external lighting/internal light spillage scheme, designed to avoid negative impacts on bats using the site. This must be submitted to the LPA for approval. The approved measures shall be implemented in full.
- 2) Compensation should be provided for the loss of nesting bird habitat resulting from the proposed development (e.g. bird boxes which are suitable for the species currently nesting the cottage roof).
- 3) Works which could result in the damage or destruction of active bird nests must take place outside the of the bird breeding season (March - August, inclusive) or immediately following a nesting bird check conducted by a suitably qualified ecologist.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

L. Pennant & S. Newbold, Henblas Hall, Tremeirchion
Martin Austin, Arne House, 3 Grove Park West Colwyn Bay
Jean Campbell Leith, 12 Llwyn Menlli, Ruthin
Mrs Karen Edwards, Pant Glas, Bodfari
Mr Bill Roberts, Moel y Gaer, Bodfari

Summary of planning based representations in objection:

Existing dwelling is locally important:

1. The House is a former coaching Inn and dates back over 400 years.
2. This is an important welsh cottage locally and should be kept due to the fact that very few welsh cottages remain unaltered in the area.
3. The house was also linked to the Pennant family and was once part of the estate until recently
4. Existing cottage is part of local heritage and consider the existing cottage should be restored with sympathetic additions added to it.

Sensitive setting

5. It is just across the road from a listed building
6. It is right next to a Scheduled monument site Y Graig, and has access to the old quarry passing the house, the house was also linked to the quarry
7. This is in a conservation area
8. It is in an area of outstanding natural beauty

Design and appearance of proposed replacement dwelling:

- large carbuncle in a visible position
- Out of keeping with the area.
- Fails to be an improvement in terms of design and scale

Flooding / geological concerns:

- Close to fault line. Greatly enlarging the house and excavations may have adverse impacts on the site and neighbouring properties in terms of this fault.

In support

Representations received from:

Kate Matthews-Adcock, Tyn Y Caeua Mawr, Bodfari, Denbigh

Summary of planning based representations in support:

This proposal is a vast improvement to the community. The current house looks a mess and is unsafe.

EXPIRY DATE OF APPLICATION: 02/07/2018

EXTENSION OF TIME AGREED? 12/09/2018

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 dwelling and the erection of a detached two storey dwelling and detached single storey garage.
- 1.1.2 The existing dwelling proposed for demolition is a traditional two storey, two bed stone cottage with a pitched gable roof and a number of single storey extensions to the side and rear. The main two storey dwelling measures 10.3m (l) by 5.4m (w) with a ridge height of 5.5m when measured from the front elevation. The combined footprint of the existing dwelling when taking into consideration the single storey extensions is 13m (l) by 10.1m (w).
- 1.1.3 The proposed replacement is a two storey dwelling with projecting gables to the front and rear, with single storey wings at either side. The pitched roofs would be clad in natural slate, and external walls would be clad in natural stone (sandstone – limestone) and white self-coloured render, with extensive glazing to the front elevation.
- 1.1.4 Ground floor accommodation comprises a large hallway, bathroom, utility rooms and store; kitchen / dining room, living room and snug. First floor accommodation comprises a stairwell and hall, four bedrooms (one en-suite) and a bathroom.
- 1.1.5 The detached garage would have a pitched slated roof and rendered walls with a door to the front elevation.
- 1.1.6 The proposal also includes for the temporary siting of a static caravan and utility storage within the residential curtilage to provide temporary living accommodation for the duration of the build.
- 1.1.7 The application is supported by a Design and Access Statement, a Structural Report, a Building Fabric Status Dilapidation Report, a Protected Species Survey Report and a Bat Activity Survey Report.

1.2 Description of site and surroundings

- 1.2.1 The site is situated alongside the B5429 approximately 1.4km to the south of Tremeirchion and approximately 2km to the north of Bodfari.
- 1.2.2 The existing dwelling currently occupying the site is a traditional two storey gabled detached dwelling with a slate pitched roof and a number of single storey extensions to the side and rear, with associated outbuildings within the residential curtilage which are located to the north-west of the existing dwelling.
- 1.2.3 The site is elevated above the highway and the ground continues to rise up towards the wooded area to the rear of the site.
- 1.2.4 The nearest buildings are Henblas Hall and Henblas Farm approximately 100m to the north-west.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in open countryside outside of any development boundaries and within a mineral safeguarded area (limestone) as defined in the Local Development Plan.
- 1.3.2 It is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and within the Vale of Clwyd Historic Landscape.
- 1.3.3 There are Listed Buildings in close proximity to the site including Grade II Listed Limekiln at Graig, Tremeirchion which is 35m to the north of the existing dwelling and Grade II* Listed Henblas Hall which is 100m to the north-west.
- 1.3.4 The site is adjacent to a local wildlife site (Y Graig NWWT nature reserve).

1.4 Relevant planning history

- 1.4.1 A 2017 planning application for a large replacement dwelling of a contemporary design was refused for a number of reasons relating to the principle, and impacts on visual amenity, the setting of listed buildings and protected bat species.
- 1.4.2 The Plan at the front of the report shows a comparison between the existing cottage, the previously refused replacement dwelling and the currently proposed replacement dwelling.

1.5 Developments/changes since the original submission

- 1.5.1 Revised plans have been submitted during the course of the application to amend the design of the proposed replacement dwelling in response to concerns raised by statutory consultees.
- 1.5.2 Additional information was also provided during the course of the application with respect to the specific locations on the site where bat species have been observed in response to concerns raised by NRW and the Council's Ecology Officer.

1.6 Other relevant background information

- 1.6.1 None.

2. **DETAILS OF PLANNING HISTORY:**

2.1 47/2017/0582. Demolition of cottage and outbuilding and erection of a replacement dwelling together with the siting of a temporary static caravan and enclosure. Refused 26 October 2017 for the following reasons:

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 and associated outbuildings represent a good example of a traditional group of vernacular buildings which make a valuable contribution to the character and appearance of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty in which the site is located; and the existing dwelling is not satisfactorily demonstrated to be structurally unsound. The proposals are therefore considered to be in conflict with Local Development Plan Policy*

RD 4 ii) and iii) and in the context of the existing dwelling, would result in material harm to visual amenity and the character and appearance of the statutory landscape, contrary to the Denbighshire Local Development Plan Policy RD 4 (ii) and (iii), Policy VOE 2, and the advice and guidance contained in Planning Policy Wales (Edition 9) sections 3.1.4; 4.11.9; 4.11.10; and 5.3.5.

2. It is the opinion of the Local Planning Authority that, having regard to the location, siting, design, scale, massing and materials, the proposed replacement dwelling would present a discordant appearance in an open rural setting which is located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, and is not considered to echo or compliment more traditional building design in the area and nor would it retain or enhance local distinctiveness. The proposal is therefore considered to give rise to adverse impacts on visual amenity and to be harmful to the character and special qualities of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, contrary to the Denbighshire Local Development Plan Policy VOE 2 and the advice and guidance contained in Planning Policy Wales (Edition 9) sections 3.1.4; 4.11.10; and 5.3.5.

3. It is the opinion of the Local Planning Authority, that due to the design, scale, massing and materials of the replacement dwelling proposed, and its location and siting in close proximity to the Grade II* listed Henblas Hall and Grade II listed Graig lime kiln, the proposal would have a detrimental impact on the setting of listed buildings, contrary to Denbighshire Local Development Plan Policy VOE 1 and the advice and guidance contained in Planning Policy Wales (Edition 9) section 6.5.11 and Technical Advice Note 24: The Historic Environment (2017) section 1.23 - 1.29.

4. It is the opinion of the Local Planning Authority that the information submitted with the application has not sufficiently demonstrated that the proposal would not have an adverse impact on bats, which are European protected species and which have been found to be present on the application site. The proposal is therefore contrary to Local Development Plan Policy VOE 5 and the advice and guidance set out in Planning Policy Wales (Edition 9) sections 5.5.11 and 5.5.12 and Technical Advice Note 5: Nature Conservation and Planning (2009) section 6.

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

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: [Clwydian Range and Dee Valley Area of Outstanding Natural Beauty](#)

Supplementary Planning Guidance Note: [Conservation and Enhancement of Biodiversity](#)

Supplementary Planning Guidance Note: [Parking Requirements In New Developments](#)

Supplementary Planning Guidance Note: [Residential Development](#)

Supplementary Planning Guidance Note: [Residential Development Design Guide](#)

Supplementary Planning Guidance Note: [Residential Space Standards](#)

Supplementary Planning Guidance Note: [Trees & Landscaping](#)

3.2 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)

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 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 Landscape and Visual amenity (including Area of Outstanding Natural Beauty)
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Highways (including access and parking)
- 4.1.6 Built Heritage / Impact on setting of Listed Building

Other matters

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 considered to be habitable in its current state and has not been abandoned and would therefore comply with criterion i).

RD4ii) - architectural / historic merit of existing dwelling

The site is within the Clwydian Range and Dee Valley AONB and within the Vale of Clwyd Historic Landscape. LDP Policy VOE1 seeks to protect Historic Landscapes from development that would adversely affect them. 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. LDP Policy VOE 2 seeks to the AONB from development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The existing dwelling is a traditional stone cottage, which is well related to the stone outbuildings and is in character with other built development in the area, including the

Grade II* Listed Henblas Hall and Henblas Farm which are approximately 100m to the north-west.

The AONB JAC have objected to the proposal and consider that whilst not Listed, the existing dwelling and associated outbuildings represent a good example of a traditional group of vernacular buildings which make a positive contribution to the character and appearance of the AONB.

A number of public representations have been received which consider the existing dwelling to be of local historic importance and suggest the dwelling dates back some 400 years. The preference would be for the existing dwelling to be retained and modernised instead of demolition.

CPAT have advised the existing dwelling is a former stone cottage with later extensions that is probably early to mid-19th century on date. They comment that the building is not recorded on the Historic Environment Record and is of local architectural interest, but whilst reflecting some of the traditional character of stone cottages in this area, CPAT do not consider it is a well preserved example and has been much altered; adding that it retains very little of its original fixtures and fittings and the fabric has been altered over time with new window surrounds and extensions to the rear and side. Accordingly, CPAT would have no objection to demolition, subject to a condition to ensure a record of the building in its current form is conducted before it is demolished for the Historic Record.

CPAT did not comment on the previous application, however in light of their consultation response to this application, Officers would consider that in respecting the initial comments on its local historical importance, the alterations and loss of features mean it makes a limited contribution to the character of the area, suggesting there is no significant conflict with part ii) of Policy RD4.

RD4iii) – condition of existing dwelling

Officers consider weight should only be apportioned to this criterion only where the existing dwelling is considered to be of merit and / or it is considered to make a valuable contribution to the character of an area.

The previous application was refused in part as the application had not satisfactorily demonstrated the existing dwelling was structurally sound.

The current application is supported by a Structural Inspection Report and a Building Fabric Status Dilapidation Report, which had not been submitted with the previously refused application.

The Structural Report concludes the existing extensions to the rear and side of the property are in poor condition and should be demolished. Whilst the main property appears to be structurally sound, it has suffered from significant water ingress mainly due to the defective roof and it is evident there are several restrictions and issues relating to preserving the main property for re-development and to improve its thermal performance.

The Building Fabric Status Dilapidation Report concludes that the existing building is in very poor condition, and the consensus is that it has reached the end of its useful life. The elements that would need to be removed and replaced would be the roof in entirety and the ground floor structures. The windows and doors in entirety, and good sections of the intermediate suspended floors, due to overload conditions. This leaves the external walls which are saturated and devoid of any realistic form of water proofing or damp prevention. It is also expected that the wall will not have any foundations, the walls being built directly of the ground.

The original dwelling and the existing extensions are therefore considered to be in a very poor state of repair.

Whilst the existing dwelling is not completely beyond repair or incapable of being adapted as part of a refurbishment scheme, Officers acknowledge the extent of works required would be significant and potential future adaptations are limited by the fabric of the building. The policy does not clearly define what is meant by 'structurally unsound' and on balance Officers would take the view that the existing dwelling, due to its age, current condition and structural deficiencies identified in technical reports, could be considered to be 'structurally unsound' and accordingly the proposal could be considered to be in general conformity with policy RD4iii).

Conclusion on principle of development

Policy RD4 supports the replacement of an existing dwelling outside settlement boundaries only where proposals comply with three policy criteria. Having regard to the comments of consultees, Officers would consider whilst the dwelling may have been of some local architectural interest and importance, its current form makes a limited contribution to the character and appearance of the local area.

Whilst the previous application was refused in part on matters of principle due to failure to comply with policy RD4, Officers would note that the current application is supported by a Structural Inspection Report and Building Fabric Status Dilapidation Report, which were not previously provided, and whilst the building is not completely beyond repair or incapable of being adapted as part of a re-development scheme, having regard to the conclusions of the technical structural reports, it would be reasonable to conclude the existing building is not currently 'structurally sound'.

On balance, Officers are now satisfied that sufficient information has been submitted to demonstrate the existing dwelling is not structurally sound, and whilst the existing dwelling does may have been of some historic / architectural interest, it has been significantly altered and makes only a limited contribution to the character of the locality, providing little justification for a refusal of permission on matters of principle.

4.2.2 Landscape and Visual amenity (including Area of Outstanding Natural Beauty)

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.

LDP Policy VOE 2 seeks to the AONB from development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation. In the AONB the primary purpose is to conserve and enhance its natural beauty.

PPW para 5.3.5. Stresses the primary objective for designating AONBs is the conservation and enhancement of their natural beauty and para. 4.11.10 states that in areas recognised for their landscape such as AONBs, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness. In those areas the impact of development on existing character, the scale and siting of new development, and the use of appropriate building materials will be particularly important.

The site is situated in an elevated, open countryside location within the Clwydian Range and Dee Valley AONB. The closest buildings to the site are Grade II* Henblas Hall and Henblas farm 100m to the north, which is a grouping of traditional stone buildings. The site is therefore considered to be located within a visually sensitive area.

Objections were initially received from NRW, the Community Council and the AONB Advisory Committee, and amended plans were submitted to address the concerns raised.

NRW consider the amended plans have appropriately addressed their previous concerns regarding the scale of the proposed dwelling and its setting within the site and appearance within local views of the AONB. However, they request the imposition of a suitably worded condition that the drystone wall and native hedgerow to the frontage of the site will be reinstated within 6 months of the occupation of the dwelling, in order to conserve the rural character of the AONB.

The Community Council have also withdrawn their objections following submission of amended plans.

The AONB Advisory Committee, whilst acknowledging a small reduction in the size of the proposed replacement dwelling, still maintain the view that the scale, form and appearance of the new dwelling, particularly when taken together with the new garage, will have significantly greater visual presence than the existing modest cottage and is out of character in this rural setting. With respect to materials, the AONB Advisory Committee consider the proposed palette of materials is appropriate, but the roof form with multiple gables to the front elevation lacks the simplicity of the existing dwelling. The committee would favour a simpler building form within a 1 ½ storey structure which would also reduce the overall height and visual impact of the dwelling. In addition, stone wall facing should be traditionally finished natural local stone to match the existing outbuildings.

Objections from individual members of the public have also been submitted which also raise concerns regarding the visual impact of the proposed dwelling and its appropriateness within the AONB.

In commenting on the Landscape and Visual impacts, the previous application was refused in part due to adverse impact on visual amenity and the character and appearance of the AONB. However it is considered that the previously proposed replacement dwelling was a large, contemporarily designed building which did not respect the local vernacular or the site's sensitive setting. The currently proposed replacement dwelling is significantly different in scale, form and design to that which was previously proposed.

The currently proposed replacement dwelling is a two storey detached property with projecting gables to the front and rear, with single storey wings to either side. The roof would be a pitched slated roof, and walls would be predominantly clad in stone, with some self-coloured render. Extensive glazing is proposed in the front elevation.

With regards to design, the AONB SPG advises that for free standing buildings or structures there may be more freedom to express new design ideas which are modern but respectful of traditional design forms. In many cases, modern designs and materials can create interesting and diverse forms of architecture. The contrast can accentuate traditional designs. Whilst the proposed replacement dwelling incorporates a number of modern features, it is in a fairly traditional form, and the proposed materials to be used on the external surfaces of the dwelling are typical of the local vernacular. That said, the plans specify stone would be a mix of sandstone and limestone, however stone should preferably be locally sourced stone. A condition is therefore considered necessary to require further details of the finishes to be applied to the external surfaces of the proposed dwelling and garage building.

Consultees have also requested the existing stone wall and hedge to the front boundary be reinstated. Whilst the proposed site plan does not detail changes to ground levels or provide details or hard and soft landscaping to be incorporated into the development, Officers consider controls are necessary and can be attached to any permission to require a full landscaping scheme to be submitted for approval.

In terms of scale, the dwelling proposed is larger than the existing dwelling it seeks to replace, however policy RD4 does not place any limitation of the scale and form of a replacement dwelling, and therefore a proposal could not be refused on scale alone

unless there is the clear harm of that scale on visual amenity is identified. The AONB SPG advises that scale of new development within the AONB should be relative to what is already around it; in this case the site has no immediate neighbours, and the proposed dwelling would not be out of scale with the nearest property Henblas Hall to the north.

Officers also consider that, having regard to the sensitive setting within the AONB and in close proximity to a number of listed buildings, it would be reasonable to restrict permitted development rights in this instance to ensure the Council retains control over any future extensions and alterations to the dwelling

Notwithstanding the concerns of the AONB Committee and private individuals, Officers consider significant weight should be apportioned to the views of NRW as the statutory body for protected landscapes. Overall, whilst the dwelling is larger than the dwelling it seeks to replace, and it does not mirror the simple form of the existing dwelling, policy RD4 and the AONB SPG does not require replacement dwellings to replicate the existing building in scale, form and design. Effort has been made to ensure the replacement dwelling is traditional in form and the scale of the dwelling as shown on the amended plans is not considered to be out of keeping with its rural setting within the AONB.

Therefore subject to conditions to control materials and related detailing and to remove permitted development rights, Officers consider that on balance, having regard to the design, siting, scale, massing and materials of the proposed replacement dwelling, in relation to the outbuildings to be retained within the site, the locality and the protected landscape setting, the proposals would not have an unacceptable impact on visual amenity or the character and appearance of the AONB, and would therefore be in general compliance with the tests in the policies referred to.

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.

No representations have been raised concerns on amenity grounds.

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 previous application had been refused in part due to lack of information being provided with the application to sufficiently demonstrate that the proposal would not have an adverse impact on bats.

The planning application is supported by Protected Species Survey Report and a Bat Activity Survey Report.

The site is adjacent to a local wildlife site and the Ecological Reports submitted confirmed there is evidence of nesting birds within some roof cavity areas at the rear of the cottage, and whilst no bats were observed emerging from the cottage itself, bats were observed emerging from the outbuildings within the curtilage and feeding within the site.

NRW and the Council's Ecology Officer initially requested additional information to clarify exactly where bats had been observed within the site as this was not clearly shown within the reports submitted with the application.

Following the submission of additional information, both NRW and the Council's Ecology Officer has confirmed that, providing a suite of planning conditions are applied in order to secure necessary mitigation measures to protect the favourable conservation status of protected bat species, they would have no objection to the proposal.

Therefore, subject to necessary planning conditions being imposed, Officers would be satisfied that the proposal would not have an unacceptable adverse impact on protected species or other ecological interests.

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 served by an existing vehicular access and no alterations are proposed to the existing access.

The existing dwelling is a 2 bed cottage and the proposal is for a 4 bed dwelling, and therefore in accordance with the Parking in New Developments SPG, the requirement for onsite parking would increase from 2 spaces to a maximum of 3 spaces.

Parking and turning space has not been delineated on the proposed site plan, however Officers would be satisfied there would be sufficient space within the curtilage to make provision for adequate parking provision.

The proposal is therefore not considered to adversely impact on highway safety considerations.

4.2.6 Built Heritage / Impact on setting of Listed Building

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their

special architectural and historic interest.; and 6.5.11 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

TAN24 1.25 states the setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape, its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset.

With regards the historic fabric of the locality, whilst CPAT have not objected to the loss of the existing dwelling, the existing cottage is nevertheless over 100 years old and contributes to the narrative of the local area, and they have requested a condition is imposed to ensure a record of the existing building is made for the Historic Record. Officers consider such a condition is reasonable in the context of the advice and guidance in PPW and TAN24.

The site is in close proximity to Listed Buildings, including a Grade II Listed Limekiln at Graig, Tremeirchion 35m to the north of the existing dwelling and Grade II* Listed Henblas Hall is 100m to the north-west.

The previous application was refused in part due to adverse impact on the setting of listed buildings. As stated previously, Officers would reiterate that the previously proposed replacement dwelling was a large, contemporarily designed building which did not respect the local vernacular or the site's sensitive setting. The currently proposed replacement dwelling is significantly different in scale, form and design to that which was previously proposed. It has to be considered afresh on its own merits.

Having regard to the design, siting, scale, massing and materials of the proposed replacement dwelling shown on the amended plans, in relation to the Listed Buildings in proximity to the site, amended scheme is considered sufficient to overcome the previous heritage reasonable for refusal, and the proposal is no longer considered to have a detrimental impact on the character of the area or the setting of Listed Buildings.

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 The report offers detailed commentary on the range of issues considered relevant to the determination of the application.

5.2 Officers consider the proposals are acceptable in terms of the basic principles applying to replacement dwelling applications, and that with regard to the detailing of the dwelling, it would not have an unacceptable impact on visual amenity, the character and appearance of the AONB or the setting of Listed Buildings.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 17th October 2023
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Existing cottage (Drawing No. EX01) received 1 May 2018
 - (ii) Existing barn and bunk house (Drawing No. EX03) received 1 May 2018
 - (iii) Proposed elevations and perspective views (Drawing No. P02 Rev. A) received 31 July 2018
 - (iv) Proposed floor plans (Drawing No. P01 Rev. A) received 31 July 2018
 - (v) Proposed detached garage (Drawing No. P05) received 31 July 2018
 - (vi) Existing site plan (Drawing No. EX02) received 1 May 2018
 - (vii) Proposed site/block plan (Drawing No. P03 Rev. C) received 23 August 2018
 - (viii) Location plan (Drawing No. EX00) received 1 May 2018
 - (ix) Proposed site elevations (Drawing No. P04) received 31 July 2018
3. Prior to the construction of the replacement dwelling and garage building hereby approved, details of the materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in strict accordance with the approved details.
4. **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.
5. No development or demolition works shall be permitted to commence until a bat mitigation scheme detailing bat avoidance and mitigation measures, has been submitted to and approved in writing by the local planning authority. The details shall include the recommendations set out in the Protected Species Survey Report (carried out by Clwydian Ecology dated 27th April 2017 and received 01/05/2018) and details of an external lighting/internal light spillage scheme, designed to avoid negative impacts on bats using the site. The development shall then be implemented in strict accordance with the approved details.
6. **PRE-COMMENCEMENT CONDITION**

No development shall be permitted to commence until details of the measures to be implemented to compensate for the loss of nesting bird habitat resulting from the demolition of the existing buildings have been submitted to and approved in writing by the local planning authority. The development shall then be implemented in strict accordance with the approved details.
7. **PRE-COMMENCEMENT CONDITION**

No development or demolition works shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 3 building survey (HE Understanding Historic Buildings, 2016), has been secured and implemented, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The programme of building analysis and recording shall meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or

structures. A copy of the resulting report shall be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive shall also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

8. Notwithstanding the provisions of all Classes of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of visual amenity and to protect the character and appearance of the AONB.
4. In the interest of visual amenity and to protect the character and appearance of the AONB.
5. In the interests of protecting the favourable conservation status of protected bat species found to be present at the site.
6. To compensate the loss of nesting bird habitat as a result of the demolition of the existing dwelling.
7. To allow an adequate analytical record of the building to be made, before it is altered or renovated, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded.
8. In the interests of visual amenity and to protect the character and appearance of the AONB.