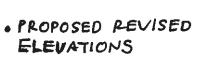


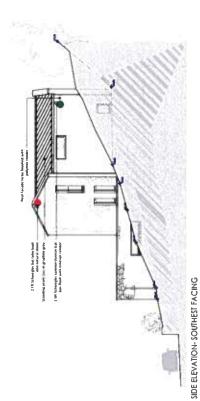
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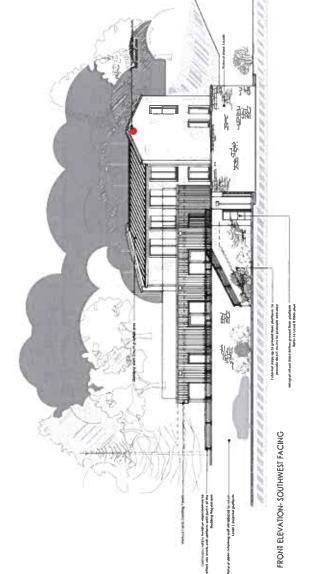
PLANNING ISSUE



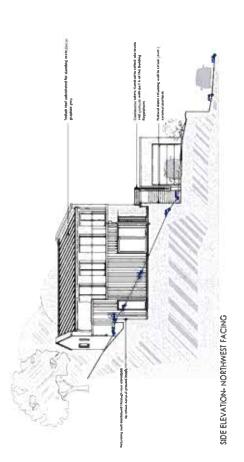








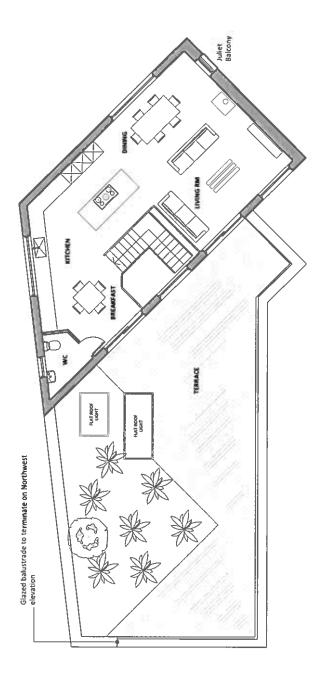
REAR ELEVATION- NORTHEAST FACING



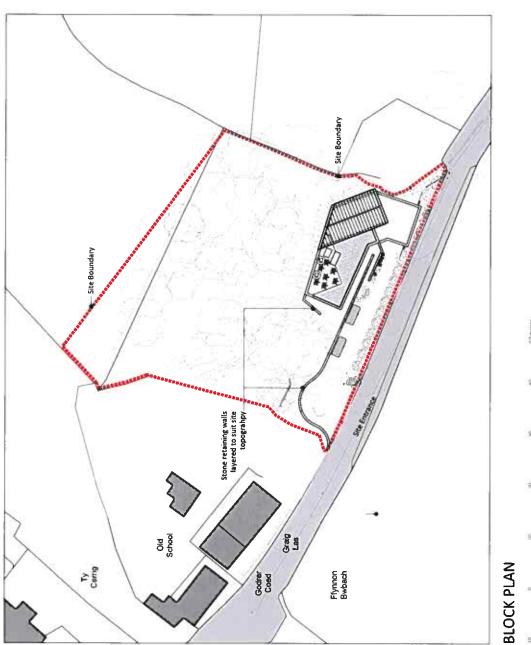


• PROPOSED REVISED FLOOR PLAN





LEVEL 2 FLOOR PLAN



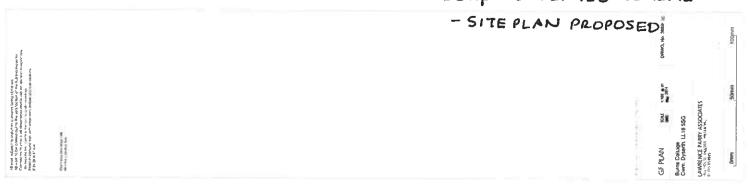
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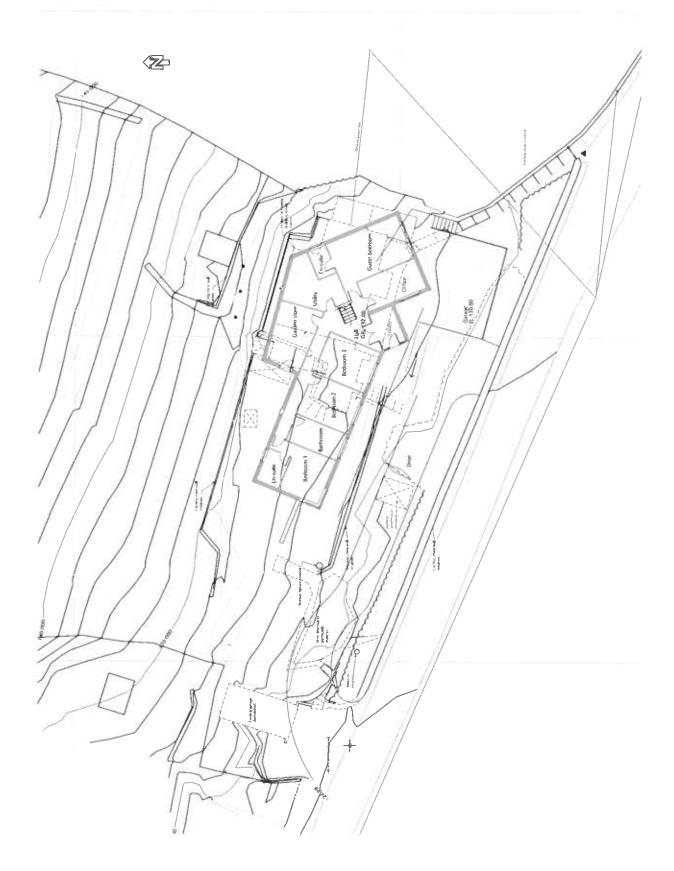
PROPOSED REVISED

BURNS COTTAGE DYSERTH, RYHL LL18 55G Revision of application 47/2014/0449/PF for Proposed Replacement Dwelling of Bonn Cathage, Cum. Dyseth.
Lits SG
Block Plan as Proposed
1:500 @ A3
SEPTEMBER 2019
Dwg. 3869/03

PLANNING ISSUE

2014 CONSENTED SCHEME





Denise Shaw

WARD: Tremeirchion

WARD MEMBER: Cllr Christine Marston

APPLICATION NO: 47/2019/0766/ PF

PROPOSAL: Erection of dwelling and garage (amended scheme)

Land Formerly Known As Burns Cottage Cwm Rhyl

APPLICANT: Mr David Cunnah

CONSTRAINTS: Conservation Area

Ancient, Semi Natural Woodland

AONB

PUBLICITY Site Notice - No UNDERTAKEN: Press Notice - No

Neighbour letters - Yes

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

• Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

TREMEIRCHION, CWM & WAEN COMMUNITY COUNCIL-

"Objection to the roof in terms of visual amenity – it should be either as original approval or slate / tile in keeping with neighbouring properties."

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

"The Joint Committee has no objection to the amendments to the originally approved scheme subject to the Conservation Officer being satisfied with the details. No details of external lighting are shown but the committee would recommend that a condition be attached requiring details of any external lighting to be submitted for further consideration to ensure that it is designed to conserve the AONB's dark sky."

NATURAL RESOURCES WALES -

NRW does not object to the proposal, as it is not likely to adversely affect any of the interests listed:

Protected Landscapes

The development site lies within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) where the primary objective is the conservation and enhancement of natural beauty.

NRW therefore have no concerns in regards to impacts upon designated landscape.

DWR CYMRU / WELSH WATER -

Conditions and Advisory Notes should be attached to any consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition proposed is to ensure that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES -

Highways Officer -

No comments received

Land Drainage Officer -

The development exceeds 100 sq metres therefore the applicant will require separate SAB approval for surface water drainage.

RESPONSE TO PUBLICITY: No public representations received.

EXPIRY DATE OF APPLICATION: 04/11/2019

EXTENSION OF TIME AGREED? None.

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 application is an amended scheme for the erection of a replacement dwelling, which was originally granted planning consent in 2014.
 - 1.1.2 The dwelling proposed is a two-storey split level detached property with a low profile, which would be tiered across three levels.
 - 1.1.3 Lower ground floor (Level 0) comprises a garage and refuse storage area with external steeps above leading up to the entrance to the dwelling.
 - 1.1.4 Ground floor (Level 1) accommodation comprises entrance lobby, 4 bedrooms with en-suite / dressing rooms, storage space and study.
 - 1.1.5 First floor (Level 2) accommodation compromises an open space kitchen / dining / living space with W/C which leads onto a large outdoor terrace area with glazed balustrade around its periphery.
 - 1.1.6 Amendments to the consented scheme include:
 - An increase in the built footprint to extend the rear elevation up to the retaining wall to provide additional ground floor living accommodation and additional outdoor terrace area above.
 - Replacing previously consented Sedum grass roof with a standing seam zinc roof in graphite grey colour.
 - Replacing previously consented stone cladding to the ground floor section below the terrace with larch cladding.
 - Remaining sections of the front and side elevations would be natural stone facing and rear elevation would be rendered, which is broadly proposed in the consented scheme, however stone walls are no longer proposed to be lime washed. Gables and parapets would have stone capping which is consistent with the consented scheme.
 - Alterations to positioning and form of window and door openings.
 - Reorientation of steps leading up to the entrance door, and reconfiguration of lower ground floor to provide a refuse storage area below steps adjacent to the garage, with new door.
 - 1.1.7 The Design and Access Statement states the demolition and site clearance has already been carried out in accordance with the consented application, and the site would be landscaped in accordance with a plan to be agreed with the local planning

authority.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the eastern side of the hamlet of Cwm and is steeply sloping ground rising up from the highway which forms the south-western boundary, which is defined by a low level limestone wall.
- 1.2.2 The former Burns Cottage dwelling has been demolished and the site has been largely cleared in preparation for the construction of the replacement dwelling, with existing trees around the periphery of the site being retained. A retaining block wall has been constructed at the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the Cwm Conservation Area and within the AONB.
- 1.3.2 Woodland to the rear is designated as Ancient Semi-Natural Woodland.

1.4 Relevant planning history

1.4.1 Consent was granted for the original replacement dwelling scheme in August 2014, and pre-commencement conditions were discharged in October 2014. Site clearance and groundworks have been carried out, and hence the 2014 consent has been implemented.

1.5 Developments/changes since the original submission

1.5.1 Revised proposed plans and Design and Access Statement have been submitted during the course of the application.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

- 2.1 47/2014/0649. Demolition of existing house and garage and erection of new dwelling and garage. Granted 28/08/2014
- 2.2 47/2014/1157. Details of landscaping and wall and roof materials submitted in accordance with condition no. 4 and 6 of planning permission code no. 47/2014/0649.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy / Guidance

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: Access For All

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 10) December 2018 Development Control Manual November 2016 Technical Advice Notes (TANs): TAN 5: Nature Conservation and Planning (2009) TAN 12 Design (2016)

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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. The DMM further 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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 Drainage (including flooding)
 - 4.1.6 Highways (including access and parking)
- 4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy RD 4 supports the principle of replacement dwellings outside of development boundaries will be supported subject to compliance with the policy tests.

Consent was granted for the replacement dwelling in 2014, and the former dwelling has subsequently been demolished and groundworks have been carried out. The previous consent has therefore been implemented and remains extant.

The principle of the development has therefore been established through the extant consent, and it is therefore suggested the assessment of the current application should focus on the detailing of the amendments proposed, as set out in the remainder of this report.

4.2.2 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

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.

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The site is located within the hamlet of Cwm, within the Cwm Conservation Area and within the AONB.

The Community Council have raised an objection to the proposals due to the roof materials proposed, as they consider the roof should be either as originally approved or clad in slate / tile in keeping with neighbouring properties.

NRW does not object to the proposal, as they do not consider the amendments to the consented scheme would have any adverse impact upon the designed landscape.

The AONB have raised no objection to the amendments to the design of the replacement dwelling, however they have requested external lighting is controlled by condition to protect the AONB's dark sky status ambitions.

The scale, form and massing of the dwelling proposed is similar to the consented scheme, with only minor elevational changes being proposed including alterations to wall finishes and changes to the size and positioning of window and door openings. The other main change relates to the replacing the previously consented Sedum roof with a standing seam zinc roof and reorientation of external steps. Walls would still be predominantly stone clad, and Officers consider the addition of timber cladding would help to break up the massing of the building, and would be in keeping with the character of the area.

On the issue of roofing materials, the amended plans show the roof would now be finished with standing seam zinc in graphite grey colour in lieu of the previously consented Sedum grass roof, which is proposed to minimise future maintenance.

In terms of impact on the Conservation Area and protected landscape setting, the site is within the cluster of dwellings along the minor road running along the southern boundary of the site. It is also of note that the Cwm Conservation Area does not have a uniformity of building style or form, and when the original application was considered a modern, 'statement' dwelling, this was considered to be acceptable in this location, and it was not adjudged to be harmful to the Conservation Area setting of the designated landscape.

Whilst dwellings in this section of Cwm typically have pitched slate or tile roofs, these dwellings are traditional in scale and form, whereas the dwelling proposed is of a modern, unique design and the consented Sedum grass roof would in itself have been a unique roofing finish in this location.

In terms of impact on the protected landscape, 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 forms and in many cases, modern designs and materials can create interesting and diverse forms of architecture.

Having regard to the modern form of the dwelling and the shallow pitch of the roof, Officers do not consider a traditional slate or tile would be a successful fit in this instance, and the proposed zinc roof would be an acceptable alternative.

A revised elevation plan has been submitted which provides more detail on the proposed wall and roof finish to be applied, which shows the zinc roof would be graphite grey in colour, stonework to walls would be natural limestone and render would be stone grey render with a textured finish. Officers consider the materials and colour palette to be acceptable, however consider conditions should be applied to ensure roof and wall finishes match the material examples on the elevation plans.

A landscaping scheme had been approved for the extant scheme, however it is noted that trees that shown to be retained on the previously approved landscaping details have subsequently been felled, including a category A Yew Tree. The Design and Access Statement states the site was cleared by the previous owner and that the current applicant purchased the site after the demolition and ground clearance was carried out.

Given the sensitive setting of the site, Officers consider it necessary to ensure new tree planting is incorporated into the site to compensate for the loss of trees, and to soften the visual impact of the development. Officers consider that conditions could be imposed to secure details of hard and soft landscaping to be submitted and approved in writing prior to the dwelling first coming into use.

Conditions are also proposed to control external lighting in order to protect the character and appearance of the protected landscape setting.

Give the scale, design and prominence of the proposal and its setting within the Conservation Area and AONB, Officers also consider it necessary to remove permitted development rights in this instance to ensure the Council retain control on visual amenity grounds.

Notwithstanding the concerns of the Community Council, subject to the imposition of necessary planning conditions, Officers do not consider the proposal would have an adverse impact on visual amenity or result in a detrimental impact on the character or appearance of the Conservation Area or the protected landscape.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

No representations have been received raising concerns on residential amenity grounds.

The property is located approximately 20m from the adjacent dwelling to the west and across a field to the west.

Whilst the built form is being increased to the rear, no additional windows are proposed as it would back onto a retaining wall. Window and door openings are proposed to be altered, however this would not result in any additional overlooking of neighbouring residential properties than the consented scheme.

Having regard to the location of the proposed dwelling in relation to neighbouring properties it is considered that the proposals would not have an unacceptable impact on the amenity of the locality.

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. This reflects policy and guidance in Planning Policy Wales (Section 6.4), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Planning Policy Wales also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. The ecological impacts of development should therefore be regarded as a potential material consideration.

No representations have been received in respect to ecological impacts.

The previous application was accompanied by a bat and bird survey, a tree survey and a tree protection plan, and conditions were imposed to ensure the development was carried out in accordance with this documents.

The Bat survey confirmed bats were roosting in the former dwelling and a planning condition was imposed on the previous consent to ensure the measures set out in the bat and bird survey were followed when the existing dwelling was demolished, and to ensure the provision of bat boxes within the new dwelling to compensate for the loss of roosts in the former dwelling.

The former dwelling has now been demolished and some of trees previously proposed to be retained have been removed from the site.

Whilst the loss of the trees within the site is regrettable, the ancient semi-nature woodland to the rear of the site is unaffected by the proposal. Officers take the view that the loss of trees within the site could be mitigated by the imposition of conditions requiring a landscaping scheme to be provided, to include additional tree planting within the site.

Amended plans have been submitted which now show two bat boxes to be incorporated into the new dwelling which are of the same specification as the bat boxes in the consented scheme.

Provision has therefore been made in the amended design to provide compensation roosts for bats, and conditions can be imposed to secure a landscaping scheme incorporating additional tree planting within the site to compensate for the loss of trees, and accordingly the amended scheme would correlate with the controls placed on the extant consent and the proposal is considered to be in general accord with the policies above.

4.2.5 <u>Drainage (including flooding)</u>

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

On the issue of drainage, Dwr Cymru have raised no objection to the proposal subject to a condition being imposed to ensure no surface water or land drainage is permitted to discharge to the public sewer to ensure no detriment to existing residents or the environment as a result of the development, and the Council's Drainage Engineer has

advised the proposal would be subject to separate SAB approval for surface water drainage.

Subject to the imposition of necessary conditions, Officers consider the drainage arrangements are acceptable.

4.2.6 <u>Highways (including access and parking)</u>

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential 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 (PPW) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

The vehicular access is in accordance with the extant consent and a garage is proposed as part of the development, and there is ample space within the site for parking.

Officers therefore consider the proposal would not give rise to any adverse highway impacts.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. 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 principle of the development has been established through the extant consent, and the proposal is for amendments to the previously approved scheme.
- 5.2 Notwithstanding the concerns of the Community Council, subject to the imposition of necessary planning conditions, Officers do not consider the revised proposals would have an adverse impact on visual amenity or result in a detrimental impact on the character or appearance of the Conservation Area or the protected landscape, and the proposal would not adversely impact other interests.
- 5.3 Officers therefore consider the proposal is acceptable and it is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

- 1. The development to which this permission relates shall be begun no later thaninsert DATE 2024
- 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) Design and Access Statement Rev A Received 22 October 2019
 - (ii) Block Plan as Existing (Drawing No. 3889/2) Received 6 September 2019
 - (iii) Block Plan as Proposed (Drawing No. 3889/03) Received 6 September 2019
 - (iv) Lower Ground Floor Plan / Level 0 (Drawing No. 3889/04) Received 6 September 2019
 - (v) Ground Floor Plan / Level 1 (Drawing No. 3889/05 Rev A) Received 30 September 2019
 - (vi) First Floor Plan / Level 2 (Drawing No. 3889/06 Rev A) Received 30 September 2019
 - (vii) Roof Plan (Drawing No. 3889/07) Received 6 September 2019
 - (viii) Elevations as Proposed (Drawing No. 3889/08 Rev A) Received 22 October 2019
 - (ix) Location Plan as Existing (Drawing No. 3889/01) Received 6 September 2019
- 3. The external wall and roof finishes to be applied to the dwelling hereby approved shall match the material examples shown on the approved Elevations as Proposed Plan (Drawing No. 3889/08 Rev A) unless otherwise agreed in writing with the local planning authority.
- 4. Prior to the development hereby approved being first brought into use, a detailed scheme of hard and soft landscaping for the site, to include compensation tree planting, shall be submitted to and approved in writing by the local planning authority. The 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. The development shall then be carried out in accordance with the approved details.
- 5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- 7. No external lighting shall be installed without the formal written approval of the Local Planning Authority to the detailing of the proposed lighting. The approved scheme shall be implemented strictly in accordance with the approved details.
- 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 reenacting 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.
- 4. To ensure a satisfactory standard of development, in the interests of visual amenity.
- 5. In the interests of visual amenity.
- 6. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- In the interests of visual amenity and protecting character and appearance of the AONB and protected species.

 In the interests of residential and visual amenity. 7.
- 8.