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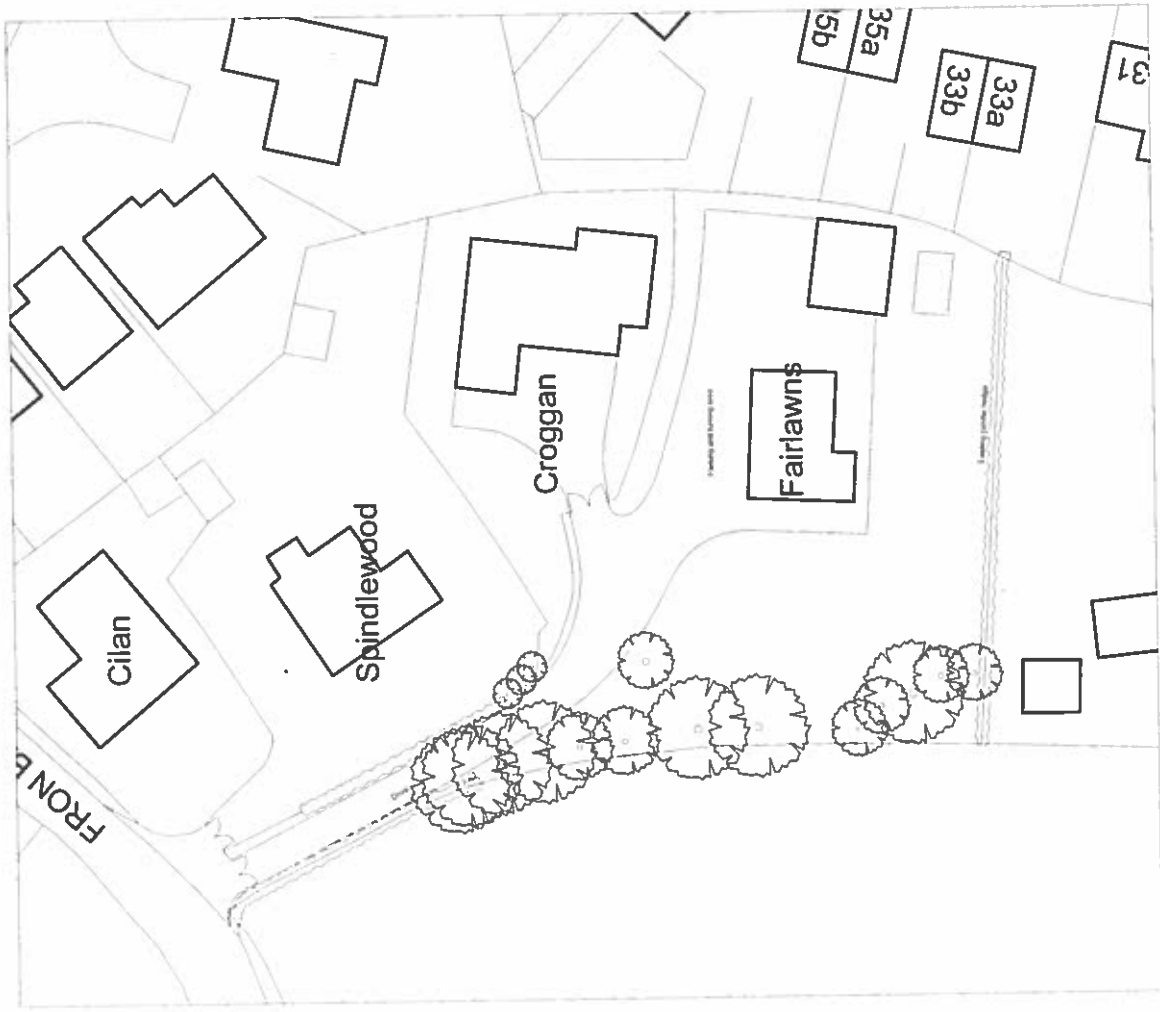
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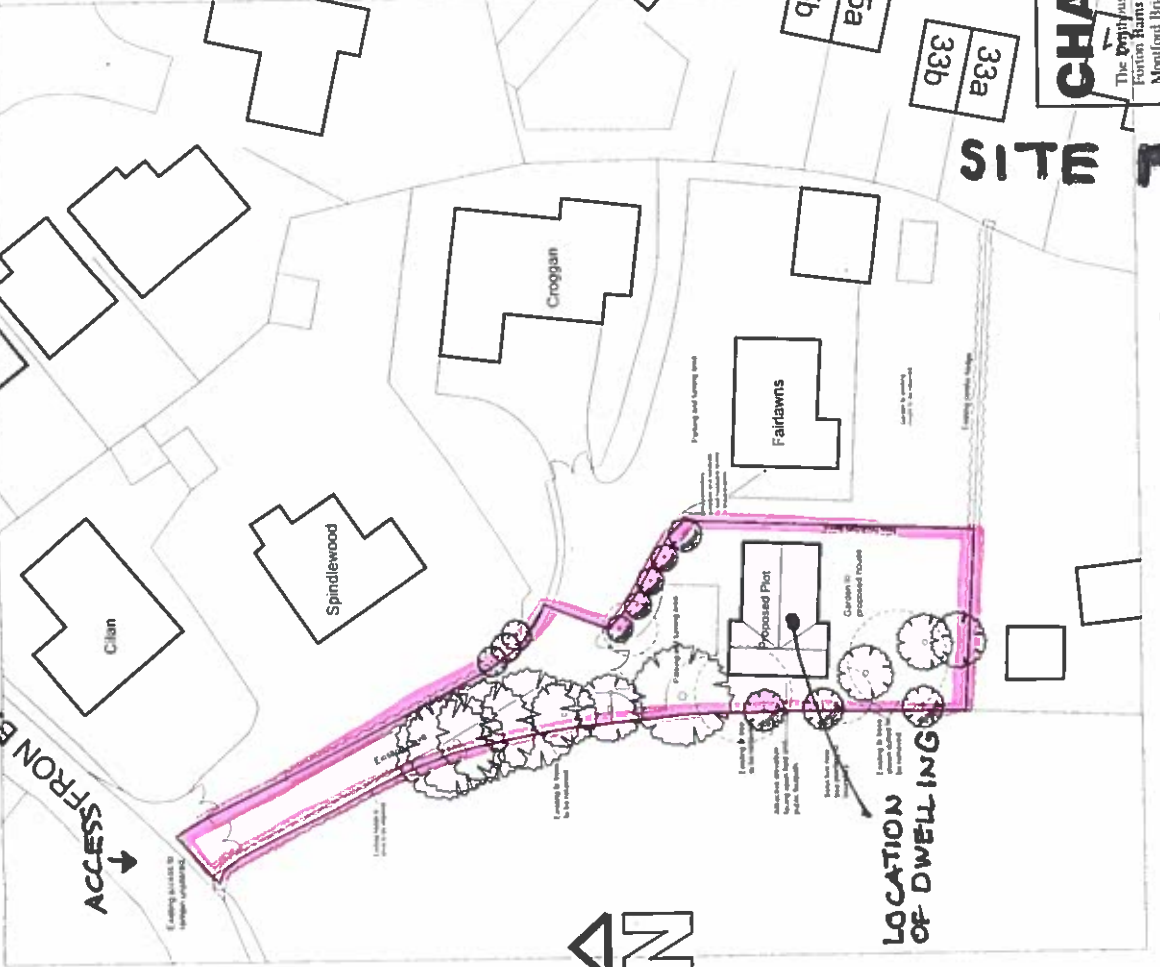
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PROPOSED PLOT AT FAIRLAWNS, FROMBACHÉ, LLANGOLLEN.



EXISTING SITE PLAN 1:250



PROPOSED SITE PLAN 1:250

CHART

The Property Studio
 Fenton Hams
 Montford Bridge
 Shrewsbury SY4 1HT

Client	Mr. C. Smith
Project	Proposed Fairlawns, Llan
Drawing	Site Plan F

SITE PLAN

- 2 DEC 2016

WARD : Llangollen

WARD MEMBERS: Councillors Rhys Hughes (c) and Stuart davies (c)

APPLICATION NO: 03/2016/1195/ PO

PROPOSAL: Development of 0.07 ha of land by erection of 1 dwelling (outline application - all matters reserved)

LOCATION: Land at (Part garden of) Fairlawns Fron Bache Llangollen

APPLICANT: Mr Christopher Smith

CONSTRAINTS: World Heritage Site BufferPROWAONB

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 – Town / Community Council objection

CONSULTATION RESPONSES:

LLANGOLLEN TOWN COUNCIL:

"Members believe that the proposed shared access with the adjoining properties does not comply with Local Development Plan Policy RD1 -Sustainable development and good standard design, in that the development does not:

- i) Respects the site and surroundings in terms of the siting, layout, and intensity of use of land/buildings and spaces around and between buildings; and
- ii) Provide a safe and convenient access for vehicles and emergency vehicles together with adequate parking, services and manoeuvring space.

It was therefore resolved to object to this application on the above grounds."

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

"The Joint Committee has no objection to this application."

DWR CYMRU / WELSH WATER:

No objections, subject to details of drainage being requested through planning condition prior to the commencement of development.

CADW WORLD HERITAGE SITE:

"The proposed development will add a single dwelling to an extant group of buildings. The Pontcysyllte Aqueduct and Canal World Heritage Site Supplementary Planning Guidance classified the proposed development as being type 2 "Small scale development within the Buffer Zone in Settlement Limits". The proposed development will not have an impact on the Outstanding Universal Values of the World Heritage Site and will not have more than a local impact on the World Heritage Site."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure

- Highways Officer :

Has no objection in principle to the proposals.

Planning Permission was obtained under application 03/2011/0260/PO in 2011 and I advise that the current scheme in terms of access has not changed since then. Although the existing access onto Fron Bache is substandard in terms of visibility and no improvements can be made as the land in ownership of the applicant is outside their control, the Highway Authority consider that this small scale development of 1 additional dwelling and low speeds and traffic on Fron Bach Road will not result in any danger to road users.

Archaeologist:

No objections

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Barbara Pugh, Crogen, Fron Bache

John & Dawn Marjoram, 1 Fron Castell, Llangollen

Dr. T. Downes & Dr. A. Evans, Spindlewood, Fron Bache

Summary of planning based representations in objection:

Impact upon highway safety as a result of inadequate visibility

EXPIRY DATE OF APPLICATION: 5/2/17

EXTENSION OF TIME AGREED? 10/2/17

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Outline planning permission is sought for the development of a dwelling on land adjacent to Fairlawns, Fron Bache, Llangollen. All detailed matters (layout, access, appearance, etc.) are reserved for further approval.

1.1.2 Indicative plans show:

- A dwelling sited centrally on the site to the west of Fairlawns, with parking and turning to the north and an amenity area to the south.
- An indicative access to the north of the site, off the existing driveway.
- Three Fir trees on the boundary to be removed to accommodate the dwelling.

1.1.3 The indicative plan is included at the front of the report to assist assessment of the application.

1.2 Description of site and surroundings

1.2.1 The site is located on the southern fringe of Llangollen in an area known as Fron Bache.

1.2.2 Fairlawns is a detached two storey dwelling, rendered with a tiled roof. To the north a bungalow Grogan has been developed in the former orchard of Fairlawns.

- 1.2.3 There are further detached dwellings to the north and semi-detached dwellings to the east.
- 1.2.4 Fairlawns has a relatively large curtilage with an outbuilding to the rear on the eastern side, and the open area (subject to this application) on the west.
- 1.2.5 Two dwellings currently share the main driveway to the plot, and another dwelling Spindlewood has its access running off the same opening onto Fron Bache (i.e. a double access). This arrangement can be appreciated from the plan at the front of the report.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Llangollen and is also within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, and the World Heritage Site Buffer zone.

1.4 Relevant planning history

- 1.4.1 Outline permission for the same development was granted consent in 2011. The current application seeks a renewal of that permission.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 None

2. DETAILS OF PLANNING HISTORY:

- 2.1 03/2011/0260 - / Development of 0.07 ha of land by erection of 1 dwelling (outline application – including access).
Granted 16/05/2011

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 RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC 3 – Securing infrastructure contributions from development

Policy BSC 11 – Recreation and open space

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

Policy VOE3 – Pontcysyllte Aqueduct and Canal World Heritage Site

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

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 including AONB
- 4.1.3 Residential amenity
- 4.1.4 Drainage (including flooding)
- 4.1.5 Highways (including access and parking)
- 4.1.6 Open Space
- 4.1.7 Pontcysyllte Aqueduct & Canal World Heritage Site
- 4.1.8 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main policy in the LDP which is relevant to the principle of housing development in towns as BSC1, which seeks to make provision for new housing in a range of locations, concentrating development within identified development boundaries.

Policy RD1 states that development proposals within development boundaries will be supported subject to compliance with detailed criteria. The proposal would therefore be acceptable in terms of the general principles of these policies.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The application is made in outline form, with all matters relating to the appearance of the development being reserved for later consideration. However, the application states that the maximum height of the building would be 8.2m, and it would not exceed 13m wide or 12m long.

Having regard to the site characteristics, it is considered that the site can be developed without harming the visual amenity of the area or wider Area of Outstanding Natural Beauty.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The application is made in outline form, with all matters relating to the siting of the dwelling and layout of the development being reserved for later consideration.

Having regard to the site characteristics, it is considered that the site can be developed in a way which provides sufficient amenity for future occupants of the dwelling, and without harming the residential amenity of neighbouring dwellings.

4.2.4 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding. Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

No drainage details have been provided as part of the application. Dwr Cymru have not raised an objection, but have requested that full details of the proposed drainage are conditioned to be approved prior to the commencement of development.

It is considered that the proposal is acceptable in terms of drainage and is therefore compliant with policy RD 1 in this respect.

4.2.5 Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network 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.

Concern has been raised by the Town Council and local residents that the access to the site is inadequate and would impact on highway safety. The Highway Officer notes the access is below standard, but concludes given that it is in existence and would serve only one additional dwelling, the increased risk to highway safety would be negligible. In addition, although this application is made with all matters reserved (including access), the previous application included access for consideration and was granted planning permission.

With respect to the comments of the Town Council and local residents, having regard to the planning history of the site, the amount of development proposed, and the Highway Officer response, it is not considered that there is a sustainable objection to the proposal on highway safety grounds. The application is therefore considered acceptable in terms of access, subject to the final details being approved as a reserved matter.

4.2.6 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with policy BSC 11. Policy BSC 11 requires new developments to provide open space in accordance with the County's minimum standard of 2.4 hectares per 1000 population. It states that open space should always be provided on site, and that commuted sums will only be acceptable where it is demonstrated that development would not be financially viable should the full requirement be provided onsite, or where it is impractical to provide the full requirement onsite. Where there is no identified shortfall of open space in an area, the option of a commuted sum payment may be appropriate to mitigate impact on existing open space and equipment.

As the current application seeks outline permission it would be appropriate to consider imposition of a standard planning condition to ensure arrangements for

complying with open space requirements in line with policy and guidance in paragraph 7.5 of Supplementary Planning Guidance Open Space.

4.2.7 Pontcysyllte Aqueduct & Canal World Heritage Site

Policy VOE3 of the Local Development Plan relates specifically to development which may impact on the Pontcysyllte Aqueduct and Canal World Heritage Site and its Outstanding Universal Value, and in particular the authenticity and integrity of the attributes which justified its designation. It indicates that development which would lead to harm to the attributes will not be permitted, and refers to the setting of the World Heritage Site as a key material consideration. SPG 26 – Pontcysyllte Aqueduct and Canal World Heritage Site provides guidance on the determination of applications that may affect the Site and its setting.

Planning Policy Wales (Section 6.5.24) reiterates that the World Heritage Site is a material consideration in the determination of applications, and that impact on the site and its setting should be carefully considered.

The application is made in outline form, with all matters relating to the appearance of the development being reserved for later consideration. However, CADW (WHS) have been consulted, and no objections have been raised to the proposal.

It is not considered that the development of this site would have an adverse impact upon the character of the World Heritage Site buffer zone.

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 Having regard to the responses received and the planning history of the site, it is considered that the application is acceptable, and it is recommended that permission be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Approval of the details of the layout, scale, appearance of the building, access and the landscaping of the site (hereinafter called ""the reserved matters"") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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 and proposed site plan (Drawing No. Fair01 Rev. A) received 2 December 2016
 - (ii) Location plan received 2 December 2016

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 commencement 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. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
7. Notwithstanding the approved plans, the detailed landscaping plan shall show full details of replacement trees along the western boundary of the site, including species and precise siting.
8. Prior to the commencement of work on the external walls and roof of the dwelling, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used and no materials other than those approved shall be used.
9. Facilities shall be provided and retained with the site for the parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority and shall be completed prior to the proposed development being brought into use.
10. PRE-COMMENCEMENT CONDITION
No development shall be permitted to commence until the mechanism for securing a contribution for the provision of recreational open space has been agreed in writing by the Local Planning Authority and such contribution has been made.
11. PRE-COMMENCEMENT CONDITION
No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

The reasons for the conditions are:-

1. The application is for outline permission with details of means of access only.
2. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt and to ensure a satisfactory standard of development.
5. To ensure a satisfactory standard of development, in the interests of visual amenity.
6. In order to ensure that trees and hedges to be retained are not damaged by building or engineering works.
7. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
8. In the interests of visual amenity.
9. To provide for the parking and turning of vehicles and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of highway safety.
10. In the interest of providing public open space
11. 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.