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20/2019/0318

Scale: 1:2500

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TYPICAL CLOSE BOARDED TIMBER FENCE DETAIL (1:50)



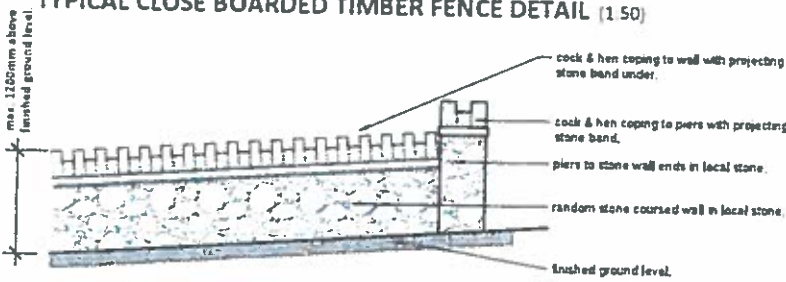
proposed soft landscaped areas
Exact plant species to be agreed



215mm wide brickwork facing retaining wall w/ closeboarded timber fencing panels with conc posts to high side of retaining wall. Retaining wall to SE details

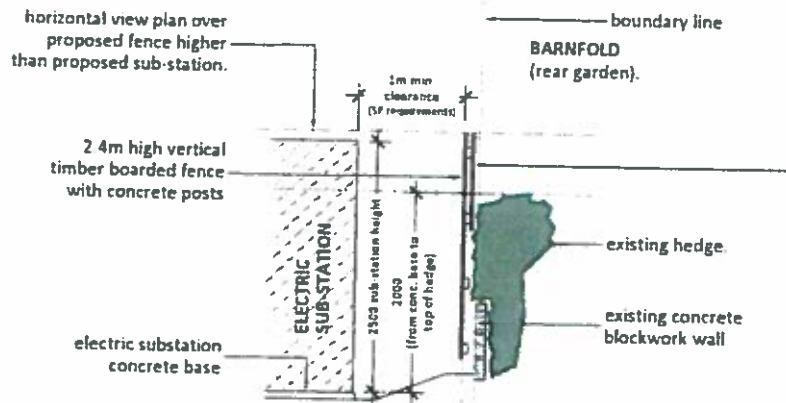
Grass turf to all front and rear gardens.

NOTE:
Refer to separate site plan layout for proposed schematic drainage layout.



TYPICAL STONE WALL DETAIL AT SITE ENTRANCE (1:50)

* ENLARGED PLAN SHOWING DETAILS AT REAR OF BARNFOLD

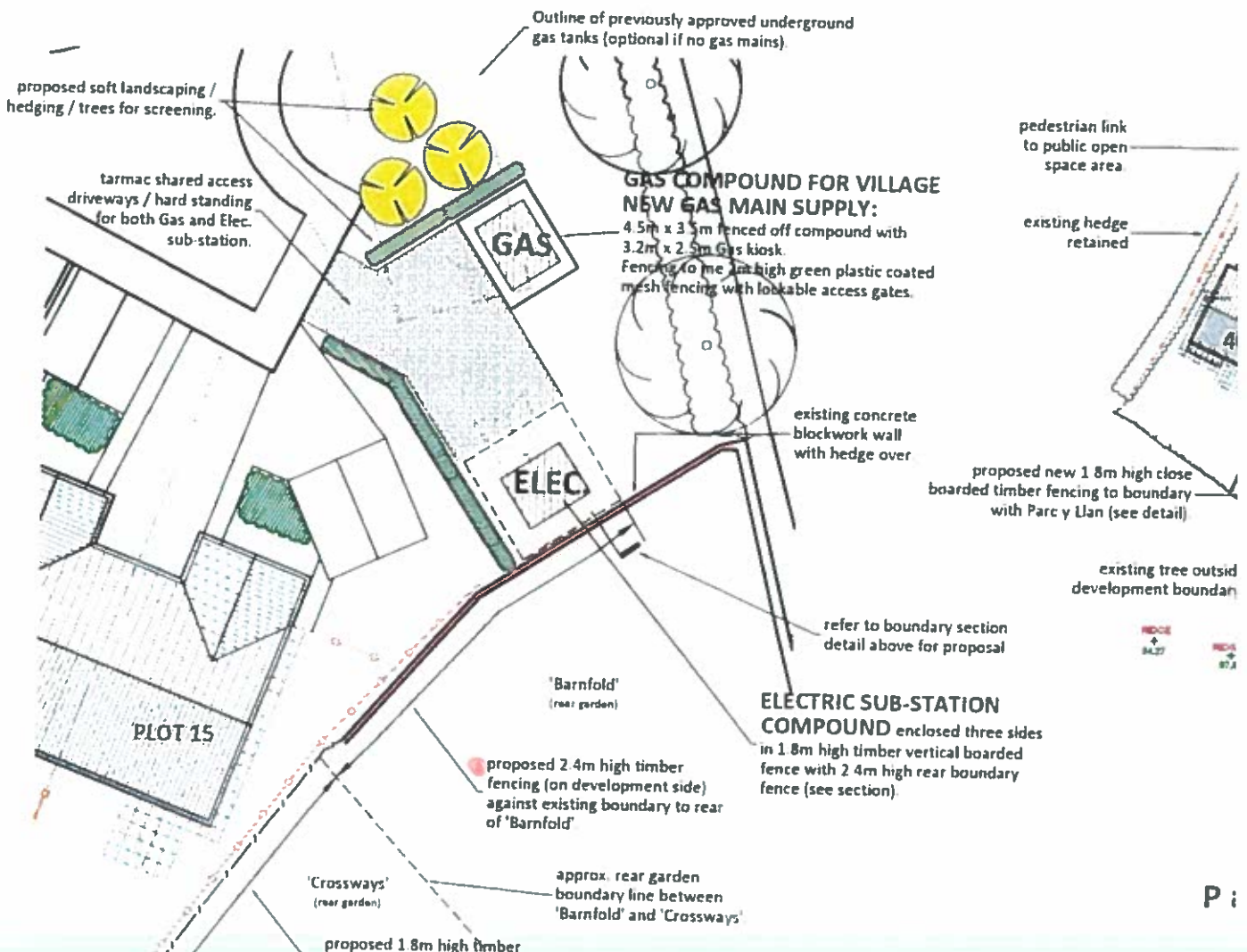


additional vertical timber boarding (staggered joints to other side) installed to exposed height of back of fence to screen view of elec. sub-station. Finish/colour treatment of timber fencing to be factory treated with natural brown tanalised treatment.

(adj)

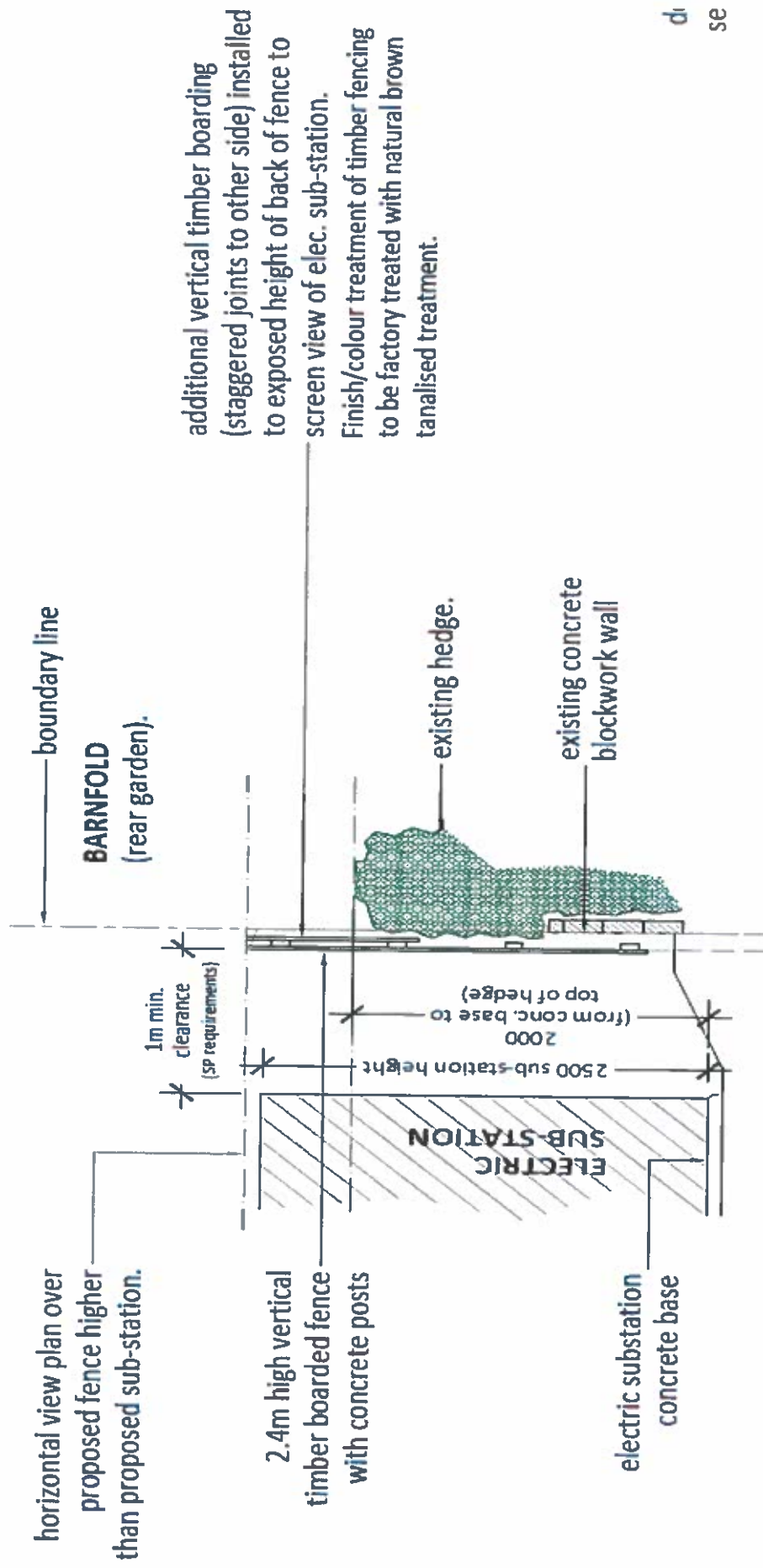
denotes 1.8m timber fence segregating rear garden proposed proper

REAR OF SUB-STATION BOUNDARY (1:50)



PROPOSED FENCE DETAIL TO REAR OF BARNFOLD

dr
se



additional vertical timber boarding (staggered joints to other side) installed to exposed height of back of fence to screen view of elec. sub-station.
Finish/colour treatment of timber fencing to be factory treated with natural brown tanalised treatment.

boundary line
BARNFOLD
(rear garden).

horizontal view plan over proposed fence higher than proposed sub-station.

2.4m high vertical timber boarded fence with concrete posts

ELECTRIC SUB-STATION

electric substation concrete base

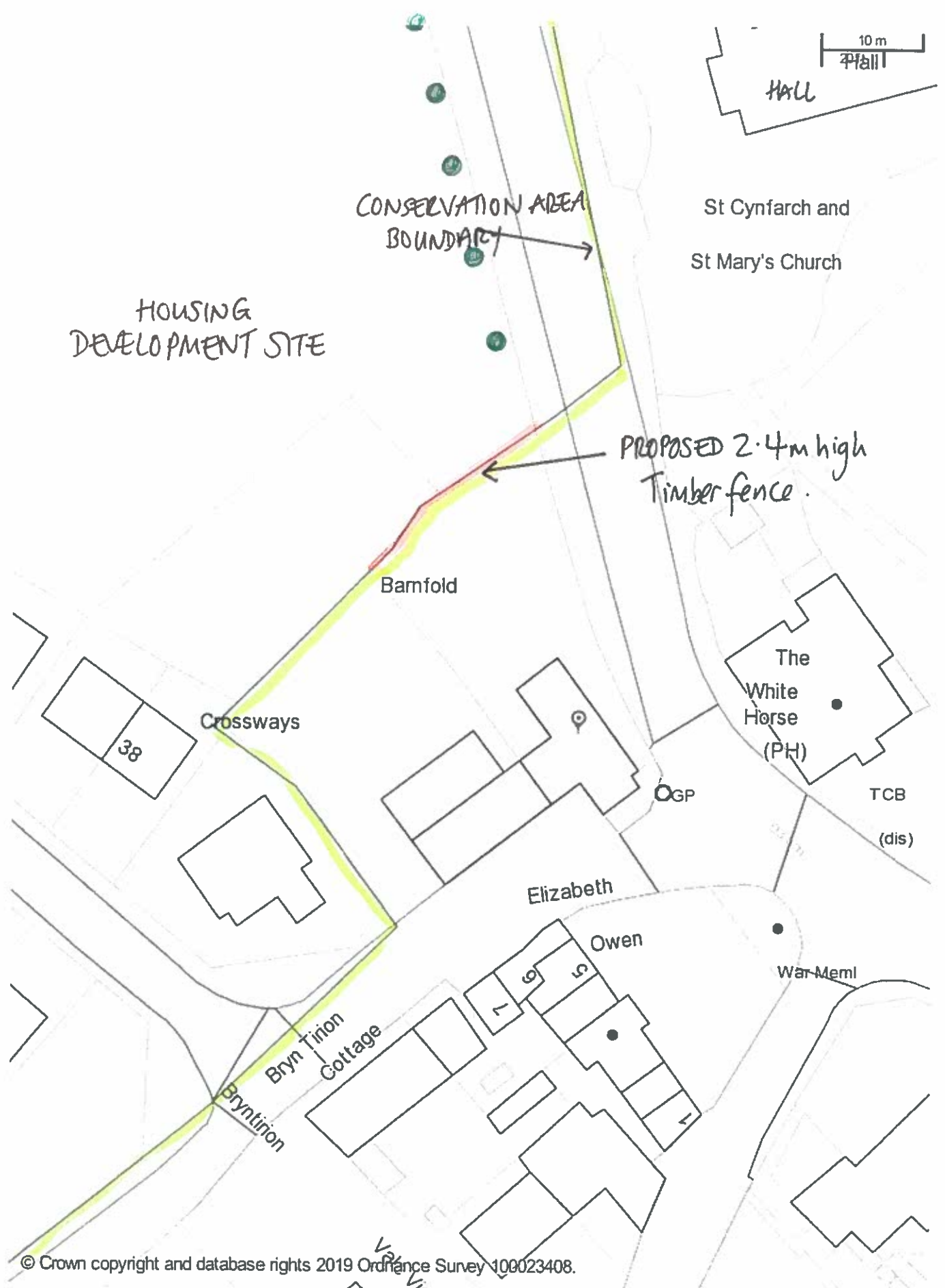
existing hedge.
existing concrete blockwork wall

1m min. clearance (SP requirements)

2500 sub-station height
2000 (from conc. base to top of hedge)

REAR OF SUB-STATION BOUNDARY (1:50)

PROPOSED FENCE POSITION



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WARD : Llanfair Dyffryn Clwyd / Gwyddelwern

WARD MEMBER: Cllr Hugh Evans

APPLICATION NO: 20/2019/0318/ AC

PROPOSAL: Details of hard and soft landscaping scheme submitted in accordance with Condition 5 of planning permission Code No. 20/2016/1137

LOCATION: Land West of Wrexham Road Llanfair Dyffryn Clwyd Ruthin

APPLICANT: Mr.G. Jones, Pure Residential And Commercial Ltd.

CONSTRAINTS: None

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

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL

"The housing development is considered to be the gateway to the village to reflect the community as a whole and as such the Community Council would like to support the following comments and queries raised at its meeting-

[a] who will own the open spaces and ecological investment?

[b] who will be responsible for the maintenance, both post completion and long term, of all the open spaces as defined?

[c] will the local authority be taking out a bond to cover costs?

[d] there is some ambiguity about the type of shrubs being planted

[e] despite assurances given about the unlikelihood of flooding in future, some doubt remains and it is felt that the local authority would be well advised to take out a bond on flooding as well."

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Alan and Moira Edwards, Barnfold, Llanfair Dyffryn Clwyd
Philip Bennett-Lloyd, Bryn, Llanfair Dyffryn Clwyd

Summary of planning based representations in objection:

Impact on visual amenity and character of the Conservation Area:

A timber fence along the boundary of Barnfold, located within the Conservation Area is not appropriate, it does not preserve or enhance the character and appearance of the area; the wall should be constructed of stone.

Landscaping detail:

The detail proposed within the open space is mediocre and ambiguous in design, missed opportunities for biodiversity enhancement, queries regarding management and access.

Other matters

Access to maintain the boundary with the existing properties.
Planning history and reference to a stone boundary wall at the property 'Barnfold'

EXPIRY DATE OF APPLICATION: 04/09/2019

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 This application seeks discharge of Condition 5 of planning permission reference 20/2016/1137/PF which contains landscaping details in connection with a consented development of 63 dwellings on land in Llanfair D.C. village.
- 1.1.2 Planning Committee resolved to grant planning permission for the housing development in June 2017, subject to the completion of a legal agreement to secure affordable housing provision.. This agreement was completed in October 2017, at which time the permission was issued.
- 1.1.3 A number of planning conditions were attached to the planning permission, one of which is the subject of this application and relates to the landscaping detail. This was Condition 5, which is worded as follows:

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.

(c) the timing of completion of the hard and soft landscaping in relation to the phasing of the development;

(d) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;

(e) 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;

(f) proposed positions, design, materials and type of all boundary treatments including details of the elec substation and boundary with Barnfold;

The development shall be carried out strictly in accordance with the approved details.

- 1.1.4 Condition 9 of the main permission requires the separate submission and approval of the details of the open space areas within the site, to include details of the laying out/equipping of all areas, landscaping details, minor artefacts and structures (e.g. furniture/seating, refuse or other storage units, signs, etc.) associated with the open spaces, and to the arrangements for the provision, future management and maintenance of the open spaces.
- 1.1.5 The plans submitted in connection with condition 5 (the application in front of Committee) show proposals to construct curved stone boundary walls at both sides of the main access into the development site. The boundary along Ruthin Road would be retained as existing (a mature hedgerow with a line of mature beech trees protected by a Tree Preservation Order). It is proposed to erect a close boarded 1.8 metre high timber fence along the boundary with the majority of existing residential properties (the fence to be constructed on land forming part of the development site), with the exception that a 2.4m high fence would be erected along the boundary with Barnfold to screen a proposed substation building. The latter section of fence would be clad with vertical timber boarding on the side facing Barnfold.

- 1.1.6 The basic details of the proposals, the location of adjoining properties and the Conservation Area boundary are shown on the plans at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The application site is located on the edge of the village of Llanfair Dyffryn Clwyd. It is accessed off the A525 Ruthin - Wrexham Road, which runs through the village.
- 1.2.2 Along the site frontage with Ruthin Road there is long established hedgerow with a linear group of mature trees, 4 of which have been removed to allow construction of the vehicular access into the housing site.
- 1.2.3 Land levels fall generally down from south to north, and rise from west to east, the highest part of the site being the far south eastern corner of the site adjacent to the property 'Barnfold'.
- 1.2.4 To the north of the site is a public footpath and ditch running along the entire northern boundary with a woodland and open countryside beyond; to the eastern boundary of the site is Ruthin Road; to the south are existing residential properties in the centre of the village, and existing housing estates at Bron y Clwyd and Parc y Llan; to the western boundary is open agricultural land which slopes down away from the site.
- 1.2.5 Boundaries with existing properties consist of a breeze block wall approximately 1m in height with a hedge above at Barnfold and Crossways, and a mixture of older timber fencing with some hedging along the boundary with Bron y Clwyd and Parc y Llan properties.
- 1.2.6 Development on the housing site commenced in April 2019.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Llanfair Dyffryn Clwyd and is allocated for housing and open space in the Local Development Plan.
- 1.3.2 Llanfair Dyffryn Clwyd is located within the Vale of Clwyd Historic Landscape.
- 1.3.3 The boundary of the Conservation Area abuts the southern boundary of the site as shown in the plan at the front of the report.

1.4 Relevant planning history

- 1.4.1 Full planning permission was granted in October 2017 for 63 dwellings.

1.5 Developments/changes since the original submission

- 1.5.1 A revised landscaping plan was submitted in response to local concerns.

1.6 Other relevant background information

- 1.6.1 The development commenced in April 2019 and consisted of site set up, highway works and the associated infrastructure being installed.
- 1.6.2 There was a delay in the submission of the details required by Condition 5 which led to local concerns as the landscaping condition is a 'Pre Commencement' condition. Having regard to the nature of the details required by the condition it was not deemed expedient to pursue formal enforcement action as the details required by the condition had been submitted and was under discussion involving interested parties.
- 1.6.3 A meeting has taken place with the developers which included the Planning Case Officer, Planning Compliance Officer, Local Member and local residents. At the meeting, issues were raised over the appropriateness of the timber fence proposed along the boundary with the Conservation Area boundary and the properties Crossways and Barnfold; the visual impact of the electrical substation close to the boundary when viewed from Barnfold and a number of civil matters relating to access

to maintain boundaries and drains.

1.6.4 In relation to issues relevant to planning, an amended plan has been submitted following the meeting in an attempt to address the concerns.

2. DETAILS OF PLANNING HISTORY:

2.1 20/2016/1137/PF Erection of 63 dwellings with formation of new vehicular access and associated works. RESOLVED TO GRANT at Planning Committee 14th June 2017. Legal Agreement Completed and Planning Permission GRANTED 23rd October, 2017

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 BSC4 – Affordable Housing

Policy BSC11 – Recreation and open space

Policy VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Conservation Areas

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

TAN 12 Design (2016)

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 Visual amenity including impact on adjacent Conservation Area and setting

4.1.2 Residential Amenity

4.2 In relation to the main planning considerations:

- 4.2.1 Visual amenity including impact on adjacent Conservation Area and setting
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 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.

Planning Policy Wales (PPW 10) Chapter 6 'Distinctive and Natural Places' states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting.

The details submitted relate solely to the hard and soft landscaping in connection with the consented development of 63 dwellings.

The responses from local residents raise concerns over two elements of the proposals:

- The boundary treatment proposed along the southern corner of the development site with existing properties which form the boundary of the Conservation Area; which are not considered appropriate as they do not preserve or enhance the character and appearance of the area; with the suggestion that the wall should be constructed of stone.
- The detail proposed within the open space, which is considered to be mediocre and ambiguous in design and misses opportunities for biodiversity enhancement, queries regarding management and access.

The report does not deal with issues relating to the treatment of the open space area as this is the subject of separate consideration in relation to Condition 9 of the main permission

Solely in relation to the issues raised in respect of the boundary treatment with Barnfold and other existing dwellings, the photographs which follow in the report may assist appreciation of the context:

A photograph of the existing boundary between the site and the property Barnfold, taken from within the housing site. This is a blockwork wall, with natural hedge / screening above.



Photographs below are taken from Ruthin Road on the approach to the village, looking across towards the rear of Barnfold.

Taken in Winter

Taken in Summer



Approach to village (taken in Summer)



As noted previously, the height of the fence proposed to be erected within the application site, running parallel to the existing blockwork wall at the rear of Barnfield has been raised from 1.8m as originally proposed, to 2.4m in response to the concerns raised regarding the visual impact of the substation in close proximity to the boundary with that property. The plan at the front of the report illustrates the details.

Officers acknowledge the concerns voiced over the appropriateness of use of a timber fence along the boundary Barnfold. However, in respecting these concerns, in Officers' opinion it is important that due consideration is given to the fact that the boundary in question has been defined for some time by a blockwork (not stone) wall, and is in a location largely obscured from public view by existing mature hedgerow and trees, hence whatever boundary treatment is adopted in this position, it will be barely visible on approach to the village of Llanfair from the north or from any public viewpoints inside or outside the Conservation Area. Consequently, it is not considered reasonable to insist on construction of a 2.4m high stone wall in this location.

Officers therefore consider that the proposed timber boundary fence in this location, would not be unacceptable or adversely impact on the visual amenity of the area, or on the character and appearance of the Conservation Area. The natural brown finish proposed would complement the natural landscaping within the vicinity of the boundary.

Whilst fully respecting the views of the local resident, it is not considered that the proposed landscaping detail would result in an adverse impact on the visual amenity of the area, or on the character and appearance of the Conservation Area.

4.2.2 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.

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

The 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 raising residential amenity concerns have been submitted.

As noted previously, the proposed fencing with existing properties on Parc y Llan and Bron y Clwyd including the dwelling at Crossway would be a 1.8m high timber fence, and this would rise to 2.4m along the boundary with Barnfold, where it would be a close boarded vertical timber fence, screening the proposed substation building. The fence would be some 20m from the dwelling at Barnfold.

It is not considered that there are any unacceptable residential amenity issues likely to arise from the proposals.

Other matters

In relation to the comments of the Community Council:

Condition 19 of the main permission required the submission and approval of details of the management of the open spaces / landscaping. These have already been

submitted and approved. A Landscape Management Plan has been submitted which clearly sets out the responsibilities of the property owners, the developer and their appointed Management Companies.

At application stage it was not considered necessary for the Local Planning Authority to require bonds relating to any aspect of the development.

These are not matters which can be revisited in connection with the application before the Committee.

In relation to the comments to the local resident concerning the landscaping of the open spaces;

There is a separate planning condition imposed on the planning permission which specifically refers to the open spaces. Condition 9 specifies:-

None of the dwellings shall be occupied until the written approval of the Local Planning Authority has been obtained to the details of the open space areas within the site to include details of the laying out/equipping of all areas, landscaping details, minor artefacts and structures (e.g. furniture/seating, refuse or other storage units, signs, etc.) associated with the open spaces, and to the arrangements for the provision, future management and maintenance of the open spaces.

No details have been submitted for consideration in relation to Condition 9 at the time of drafting this report.

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 In respecting the basis of comments on the application, Officers consider the landscaping details proposed are acceptable and should be approved.

RECOMMENDATION: APPROVE- subject to the following conditions:-

1. 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
Proposed Site Plan (PRC 034/L 9 02 Revision L) received 1st August 2019

The reasons for the condition is:-

1. For the avoidance of doubt and to ensure a satisfactory standard of development.