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03/2020/0909

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Revisions:

25th Oct. 2020 - Planning issue

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Land Adjacent to 15 Maes Bache • Access off Grange Road • Llangollen • LL20 8AQ

project

Proposed New Property

description & scale

Proposed External Images -
Scale as shown when printed at A3

date	project number	drawing number	revision
May 2020	20/145	LJ/06	A

Eitem Agenda 8 / Agenda Item 8



Eitem Agenda 8 / Agenda Item 8



Eitem Agenda 8 / Agenda Item 8



Eitem Agenda 8 / Agenda Item 8



WARD : Llangollen

WARD MEMBER(S): Cllr Graham Timms
Cllr Melvyn Mile (c)

APPLICATION NO: 03/2020/0909/ PF

PROPOSAL: Erection of 1 no. dwelling, construction of a new vehicular access and associated works

LOCATION: Land at (Part of garden) 15 Maes Bache, Llangollen

APPLICANT: Mr & Mrs P Jones

CONSTRAINTS: World Heritage Site Buffer
PROW
AONB

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:

LLANGOLLEN TOWN COUNCIL

"Members of the Town Council consider the above application and adjudged that it was acceptable in planning terms".

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

"The Joint Committee notes that permission was refused for a dwelling on this site in 2007 and an appeal subsequently dismissed (Code No 03/2007/0269). Despite being within the Development Boundary of the town it was concluded at this time that development of this elevated and sensitive site would have a harmful and intrusive effect on the attractive rural character of the locality. The Joint Committee agrees with these conclusions. There has been no change in circumstances since the previous decision and the Joint Committee therefore objects to this application".

DWR CYMRU / WELSH WATER

DCWW note the developer proposes to dispose of foul flows via the public sewerage system and discharge surface water run-off into a soakaway system. However, no drainage details have been provided. Requested pre-commencement condition requiring the submission of drainage scheme detailing proposals for the disposal of foul, surface and land water. DCWW also provided advisory notes to be included on any consent.

Llangollen Civic Society

"The Civic Society have no objection to the proposed development save and except that we consider entrance and exit from the proposed site should be via Maes Bache as that would be the address of the property. If the entrance were to be on Grange Road, at a junction and at a very narrow section of road it could prove to be dangerous".

CADW

Cadw raise no objections to the proposed development. Their conclusion stated that;
"The proposed development will very slightly extend the building line of the town and may just be visible from the Canal but will be seen with all of the buildings of the southern part of the

town in front of it. It is of similar design to other dwellings in this area and in this view will be seen as a continuation of the urban area. Whilst it is located on a minor road leading into the WHS it is situated at a lower level than the road and views will be blocked or extensively screened by existing hedges and therefore it will not have an adverse impact on the "sense of arrival" into the WHS. Consequently it is our opinion that the proposed development will not have an impact on the Outstanding Universal Values of the World Heritage Site".

Cadw's assessment considered:

- PGW (C) 48 Plas Newydd, Llangollen (grade II*)

The application area is located some 325m south of the registered Plas Newydd, Llangollen historic park and garden but intervening buildings and vegetation block all views between them. Consequently the proposed development will have no impact on the setting of the registered historic park and garden.

- Pontcysyllte Aqueduct and Canal

The proposed development is not located inside the Pontcysyllte Aqueduct and Canal World Heritage Site but is located in its' buffer zone. The buffer zone has been drawn around the World Heritage Site (WHS) to allow historic, cultural and landscape elements which contribute to the authenticity and integrity of the Site and therefore to its' Outstanding Universal Value to be conserved.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer

The Highways Officers raised no objection to proposed development subject to the inclusion on any consent of conditions and notes to the applicant. These relate to the surface of the proposed access, delivery of the proposed parking arrangements and general guidance on highway requirements.

RE-CONSULTATION RESPONSES (IF RELEVANT)

Additional information was submitted responding to the AONB JAC objections. The AONB were re-consulted and maintained their objection and stated that;

"The additional information submitted to supplement the Planning Support Statement is noted, but the Joint Committee does not consider this alters the conclusions reached in respect of the previously refused application and subsequently dismissed appeal. The committee therefore maintains its objection to the application."

RESPONSE TO PUBLICITY:

In support

Representations received from:

Christopher Parker, 16 Maes Bache, Llangollen

Summary of planning based representations in support:

- Pleasing proposed development.

EXPIRY DATE OF APPLICATION: 07/01/2021

EXTENSION OF TIME AGREED: 12/02/2021

REASONS FOR DELAY IN DECISION (where applicable):

- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposed development is for the erection of a dwelling within the upper part of the garden of the property 15 Maes Bache. The proposed dwelling would have two storeys and be set into the slope. On the upper floor there would be a porch, hall, kitchen, lounge (with open front onto a balcony facing down the slope towards the

rear of 15 Maes Bache), a utility, WC. This would be linked through the porch to a single garage. On the lower floor there would be three bedrooms (one with en-suite) and a bathroom.

1.1.2 There would be a relatively steep driveway into the site with the kerbside being 99.6mAOD down to circa 97.46mAOD. Below the parking area there would be a small retaining wall of less than 1m. There would be a grassed area below this which would provide circa 230m² external amenity area, however this area would have a steep incline with 3m difference between the top and bottom of the area.

1.1.3 The proposed materials are as follows:

- External walls – facing brick, facing brickwork plinth and painted render.
- Roof - 30° pitch concrete roofing tiles
- Windows and doors – Upvc & Velux roof lights
- Balcony with balustrade.

1.2 Other relevant information/supporting documents in the application

1.2.1 The submitted Supporting Statements make the following points:

- *The application site is within the development boundary for Llangollen which follows a clear topographical feature (ie the lane) and thus creates a distinct and defensible position for the boundary. Elsewhere in the County, boundaries have been drawn tight to properties where the Council wished to make explicit their wish to restrict any development beyond that which existed already.*
- *The recent development on the Vicarage site is located in a similar position in relation to the town and the landscape designations. It was found acceptable despite its much greater impact and despite its own appraisal concluding that its impact would be “slightly adverse and of minor adverse significance” even after fifteen years.*
- *The site is so far removed from the WHS itself and is so visually remote that a single split level dwelling set into the hillside will have no noticeable impact on the Site.*
- *The whole town and its surroundings are within the AONB.*
- *The development will have no adverse impact upon the countryside viewed from the close vicinity nor from the far side of the valley. The lane acts as a clear defensible boundary between town and country.*
- *The development will provide a valuable use for the gardens of the property which are of excessive size (being some 1300 square yards – measured from the map – and more therefore measured on the ground).*
- *It will enhance the appearance of the area by replacing the high wooden fence with a more open aspect with more natural screen planting.*

1.3 Description of site and surroundings

1.3.1 The application forms part of the garden area to the south of the property 15 Maes Bache. The site slopes steeply up from north to south. The estate Maes Bache are all accessed from the Maes Bache Road. The application site would be accessed off Grange Road which wraps around the outer limit of the estate. Grange Road is a steep single width country lane with limited passing places. The access would lead out onto a bend. A Public Right of Way also passes along this boundary with a stile circa 9m from the edge of the proposed access.

1.3.2 There are a number of trees along the public footpath.

1.3.3 The applicants have removed a hedgerow and erected a wooden fence along the sites boundary with Grange Road. However, the remainder of the road is bound by the hedgerows.

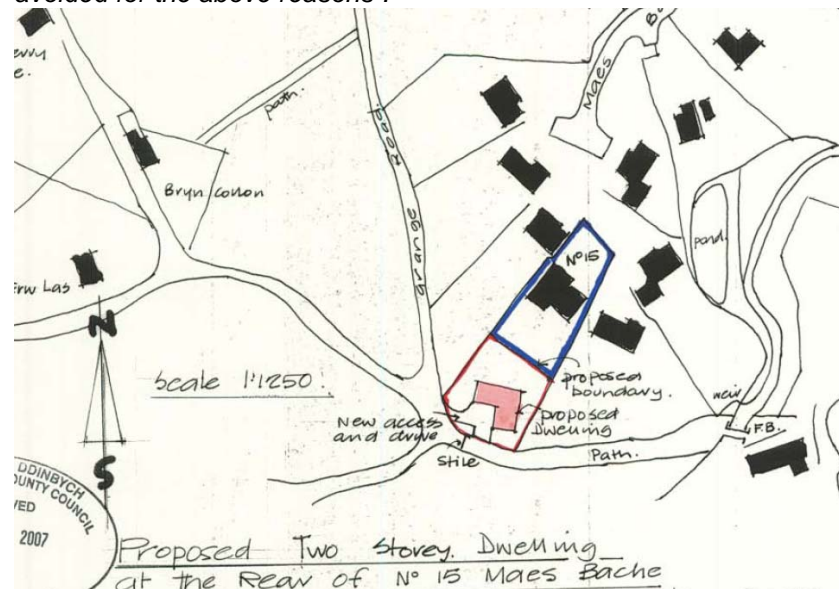
1.4 Relevant planning constraints/considerations

- 1.4.1 The application site is located within, but on the edge of, the Development Boundary of Llangollen. The site is located within the Area of Outstanding Natural Beauty (AONB). The site is within the Pontcysyllte World Heritage Site Buffer Zone. It is also within the Vale of Llangollen and Eglwysseg Landscape of Historic Interest.
- 1.4.2 Public Right of Way 528/11/1 runs directly along the site boundary where the access is proposed.

1.5 Relevant planning history

- 1.5.1 A previous outline application (03/2007/0269) for a two storey dwelling was refused in 2007 for the following reason:

1) *"The introduction of a new residential development in the rear garden of an existing single dwelling will in the opinion of the Local Planning Authority give rise to an unacceptable loss of privacy and amenity directly attributable to a backland/tandem development contrary to criteria i) and v) of Policy GEN6 of the adopted Denbighshire Unitary Development Plan and advice contained in Planning Policy Wales 2002. It is further considered that such a development would set an unwanted precedent for future similar development in this area which should be avoided for the above reasons"*.



- 1.5.2 Application 03/2007/0269 was assessed against the Unitary Development Plan, which has a similar policy position for the site; the site was located within the Development Boundary on the proposals map at that time.
- 1.5.3 During the previous application/appeal the site was located within the Area of Outstanding Beauty (AOB). The area has now been designated as being an Area of Outstanding Natural Beauty (AONB). The AONB is a national, statutory designation and it is afforded the highest level of landscape protection. AOB's are not afforded the same protection that an AONB is, although of significance. On this basis, the significance of this landscape where the site is located has been further strengthened since the previous refusal.
- 1.5.4 The refusal was appealed and dismissed at appeal (APP/R6830/A/07/2058415) for the following reasons:
- *Unacceptable degree of harm to the character and appearance of the attractive rural fringe of the settlement.*
 - *The site lies within but on the edge of the settlement area of Llangollen in a locality of strong rural ambience...and forms part of the sensitive interface between the built up development and area of open countryside, which is within the Area of Outstanding Beauty (AOB) of Y Berwyn. The Inspector*

considered a two storey dwelling in the elevated rear garden of the appellant's property would be unacceptably intrusive at the fringe of the open countryside, adversely affecting its character and appearance. Accordingly the proposal would be contrary to policy ENV 2 of the Denbighshire Unitary Development Plan which is aimed to protect the adjoining AOB landscape from unsympathetic forms of development, including nearby proposals within a defined settlement.

- *The potential harm to the rural locality would be accentuated by the fact that access would be obtained to this back-land site from a higher section of a rural lane, which could give rise to pressure for development in neighbouring gardens roughly of a similar size, if this proposal were to go ahead. The Inspector considered the attractive character of the narrow lane could be seriously eroded by the formation of new accesses with the removal and reduction of roadside hedgerows and trees.*

1.6 Developments/changes since the original submission

1.6.1 An additional Supporting Statement was submitted which sought to clarify the position and highlights recent developments in the wider area including the following permissions:

- 03/2018/0970 Details of the layout, scale, appearance, access and landscaping of 1 no. dwelling submitted in accordance with condition no. 1 of outline permission code no. 03/2016/1195 GRANTED 27/11/2018 - Land At Part Garden Of Fairlawns, Fron Bache
OFFICER COMMENT: This site is well assimilated into the existing development pattern with residential on three sides. It does not protrude into the open countryside.
- 03/2016/0300 Erection of 95 no. dwellings, together with associated roads, open space and related works GRANTED 25/02/2019 - Land Off Vicarage Road Llangollen.
OFFICER COMMENT: This is an allocated site which is bounded by the existing row of houses along Fron Bache Road, so does not protrude any further than this existing development line.

Extract of Supporting Statement annotated picture:



1.7 Other relevant background information

1.7.1 N/A

2. **DETAILS OF PLANNING HISTORY:**

2.1 3/1300 Erection of 7 bungalows with garages and construction of estate road. GRANTED 25/05/1976.

2.2 03/2007/0269 Outline application for development of 0.09ha of land by the erection of 1 no. dwelling and construction of new vehicular access. REFUSED 15/06/2007.

2.3 Outline application for development of 0.09ha of land by the erection of 1 no. dwelling and construction of new vehicular access. DISMISSED 21/01/08.

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 RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC11 – 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 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: Planning Obligations

Supplementary Planning Guidance Note: Pontcysyllte Aqueduct & Canal

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

TAN 2 Planning and Affordable Housing (2006)

TAN 5 Nature Conservation and Planning (2009)

TAN 12 Design (2016)

TAN 16 Sport, Recreation and Open Space (2009)

TAN 20 Planning and the Welsh Language (2017)

TAN 24 The Historic Environment (2017)

Circulars

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)
- 4.1.7 Open Space
- 4.1.8 Area of Outstanding Natural Beauty
- 4.1.9 Pontcysyllte Aqueduct & Canal World Heritage Site
- 4.1.10 Impact on Listed Building

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages. It encourages provision of a range of house sizes, types and tenure to reflect local need and demand and the Local Housing market assessment.

The site is located within the development boundary of Llangollen which is defined as a Lower Growth Town in the LDP.

It should also be noted that the Denbighshire County Council Corporate Plan (2017-2022) commits the Council to supporting the development of 1000 homes in the county. This proposal would make a positive contribution to meeting that target.

The principle of housing development is therefore considered acceptable and Officers would suggest the acceptability of the particular proposals therefore has to rest on assessment of the local impacts, which are reviewed within the following sections of the report.

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 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.

Officers consider that the proposals would lead to a complete change in character of the site and rural fringe of the settlement and across the site into the open countryside. This would alter the views from within Maes Bache, but also along Grange Road, and across the valley.

The siting, layout, form, character and aspect of the proposed development would all raise issues of visual impact of development. The development would unacceptably affect prominent public views into and out of the settlement/ area of open countryside. Creating access from Grange Road would alter the character of this lane and put further pressure for other access points along this lane and erode the country lanes character. Due to the steepness of the land, the dwelling would be highly elevated above the adjoining dwellings, further encroaching development into the open countryside. The dwelling would be prominent in the upper limits of the settlement.

Having regard to the design, siting, scale and massing of the proposed dwelling, in relation to the character and appearance of the settlement and settlement fringe, the locality and landscape, it is considered the proposals would have an unacceptable impact on visual amenity and would therefore be in conflict with the tests in the policies referred to.

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 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.

There are no representations raising residential amenity issues.

The proposed dwelling would be 29m to the back of number 15 Maes Bache. This exceeds the minimum separation distance of 21m set out within the Residential Development SPG, however as the balcony is 10.35m higher than 15 Maes Bache; a greater separation distance would be required, as indicated in the SPG. Despite this, Officers do not consider that the residential amenity of the dwelling itself would be affected as the submitted section plan shows that the windows and balcony would look over the top of the property.

However, the balcony would only be 3.5m to the boundary at the closest point which is less than the recommended 12m from a first floor lounge to prevent overlooking into a neighbour's gardens. Officers are therefore concerned about overlooking into the neighbour's garden. Due to the site sloping down towards 15 Maes Bache, it is unlikely that there is any suitable mitigation to overcome this issue. Officers consider that the proposal should not have any greater impact upon the residential amenity of the properties, but would cause overlooking into the gardens of 15 Maes Bache and potentially 14 and 16 Maes Bache due to the elevation.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would have an unacceptable impact on residential amenity, and would therefore be in conflict with the tests of the policies referred to.

4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. 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 the Conservation and Enhancement of Biodiversity SPG, 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 (PPW) 10 sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity” (para 6.4.5 refers). PPW 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. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (6.4.4).

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 ecological impacts of development should therefore be regarded as a potential material consideration.

Officers are concerned that the introduction of residential dwellings within the garden areas of Maes Bache will further encroach into the rural fringe and due to increased light spill and noise could have a detrimental impact upon ecology within the adjoining woodland and hedgerows. However, it is considered that to an extent these impacts could be mitigated through the imposition of a condition to control the light spillage from the development.

4.2.5 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 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 drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (PPW 10) Section 6.6.9 states ‘The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity’.

Welsh Water Dwr Cymru requested a pre-commencement condition requiring the submission of drainage scheme detailing proposals for the disposal of foul, surface and land water. DCWW also provided advisory notes to be included on any consent.

It is therefore considered that in terms of drainage and flooding, the proposal is acceptable.

4.2.6 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments

These policies reflect general principles set out in Planning Policy Wales (PPW 10) and TAN 18 – Transport, in support of sustainable development.

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.

Officers do consider that there would be a relatively steep driveway into the site with the kerbside being 99.6mAOD down to circa 97.46mAOD. Officers also consider that there is very little space within the site for parking and turning of cars. For housing, the parking standard would be 1 space per bedroom (maximum requirement 3 spaces). This could lead to pressure to park across the Public Right of Way if there are guests. Officers are also concerned about the safety of pedestrians using the Public Right of Way where this access is proposed.

The Llangollen Civic Society consider entrance and exit from the proposed site should be via Maes Bache as that would be the address of the property, and that if the entrance were to be on Grange Road, at a junction and at a very narrow section of road it could prove to be dangerous. The agent confirmed that due to the existing dwellings and topography that this is not possible.

The Highways Officers raised no objection to proposed development subject to the inclusion on any consent of conditions and notes to the applicant. These relate to the surface of the proposed access, delivery of the proposed parking arrangements and general guidance on highway requirements.

4.2.7 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 specifies that all new housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

The Development Management Manual advises at paragraph 9.4.3 as to what can be considered a material consideration, and states that the effects of a development on the neighbourhood and environment can be a material consideration. It is therefore considered that the provision of open space in connection with a development proposal is a material consideration.

Table 4 in the Open Space SPG (adopted March 2017) sets out thresholds for on-site provision and financial contributions. It specifies that for schemes of 1 – 30 dwellings, open space obligations should be met through financial contributions rather than onsite provision, however 5.4.9 of the SPG does state that the thresholds are indicative, and onsite provision for sites of less than 30 will be considered on their merits.

An Open Space Assessment and Audit Report has been completed by the Council and provides the evidence base for Policy BSC 11. The report assesses the quantity, quality and accessibility of existing open spaces in the County on a community area basis with some additional information on an electoral ward basis.

In relation to the application, the assessment shows a deficiency in provision for children and young people. The main reason for this is that most equipped play areas assessed during the audit were much smaller than the FIT standard of 0.25 hectares. Many in Llangollen were just 0.03 hectares (see Table 30). Therefore, Llangollen has plenty of these sites, they may just be regarded as small in size compared to the FIT standards. In terms of the comparison to the County as a whole, Llangollen scored positively for this typology and is sufficient in Provision for children and young people.

On the basis of the evidence within the Open Space Assessment and Audit Report, it is considered that the proposal should make a financial contribution to mitigate the increased usage on the existing open space and equipment within the area. For one dwelling this would require a commuted sum of £1,237.22.

Welsh Government Circular 16/2014 states that financial contributions should be secured through a planning obligation (legal agreement).

The proposal is considered acceptable in relation to open space policy subject to the requisite contribution being secured through a legal agreement.

4.2.8 Area of Outstanding Natural Beauty/Area of Outstanding Beauty

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.

This reflects guidance in Planning Policy Wales 10 (PPW 10) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

The proposed development would extend the build line of the settlement in a highly prominent and elevated location, and through the creation of an access onto Grange Road, completely alter the character of the rural fringe of the settlement and character of that part of the town.

The planning submission refers to other recent permissions in the local area:

- 03/2018/0970 Details of the layout, scale, appearance, access and landscaping of 1 no. dwelling submitted in accordance with condition no. 1 of outline

permission code no. 03/2016/1195 GRANTED 27/11/2018 - Land At Part Garden Of Fairlawns, Fron Bache

OFFICER COMMENT: This site is well assimilated into the existing development pattern with residential on three sides. It does not protrude into the open countryside. It is not a prominent site and does not alter the character of the area or landscape.

- 03/2016/0300 Erection of 95 no. dwellings, together with associated roads, open space and related works GRANTED 25/02/2019 - Land Off Vicarage Road Llangollen.

OFFICER COMMENT: This is an allocated housing site which is bounded by the existing row of houses along Fron Bache Road, so does not protrude any further than this existing development line. Although it is visible within the landscape, it uses the existing developments within the area as a definitive boundary and does not exceed these areas.

The AONB Joint Advisory Committee objects to this application based on the reason that the development of this elevated and sensitive site would have a harmful and intrusive effect on the attractive rural character of the locality. The AONB Committee refer to application No 03/2007/0269 which was for the erection of a dwelling on this site and very similar to this submission where permission was refused in 2007 and an appeal subsequently dismissed (APP/R6830/A/07/2058415). The AONB Committee advised that despite being within the Development Boundary of the town at that time also, it was dismissed (full summary in section 1.5 of tis report) and that the Joint Committee agrees with these conclusions. The AONB Committee do not consider that there have been any change in circumstances since the previous decision.

Officers consider that the proposal does not respect the character of development in the immediate locality or the openness of the area and that it would lead to a development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation as Area of Outstanding Natural Beauty. It is therefore considerer that the proposed development would be in conflict with Policy VOE 2.

4.2.9 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 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 (PPW 10) Section 6.1.22 reiterates that the World Heritage Site and its setting and, where it exists, the World Heritage Site buffer zone, is a material planning consideration in the determination of any planning application.

Cadw have considered views from the Pontcysyllte Aqueduct & Canal World Heritage Site and do not consider that it would have an impact upon the World Heritage Site.

The proposal is therefore considered acceptable in this regard.

4.2.10 Impact on 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.

Planning Policy Wales (PPW 10) Section 6 'Distinctive and Natural Places' 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 6.1.10 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.

Cadw considered the proposed development in relation to Plas Newydd and of the registered historic park and gardens, and due to intervening buildings and vegetation, there were considered to be no visual linkages and therefore Cadw concluded that there would be no impact.

The proposal is therefore considered acceptable in this regard.

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 Having regard to the detailing of the proposals, the potential impacts on the locality and character and openness of the area, impact upon the AONB and the reasons for its designation, and the particular tests of the relevant policies, it is considered that the application would lead to unacceptable harm and is recommended for refusal.

5.2 The proposed development would set a precedent for tandem/backland development which would lead to further erosion of the openness and character of the area, and appearance of the landscape and the reasons for designation as Area of Outstanding Natural Beauty.

5.3 There are further concerns that the development would have an oppressive and overbearing impact with the potential for overlooking adversely affecting the enjoyment of the private garden area of the neighbouring dwelling 15 Maes Bache and potentially 14 and 16 Maes Bache due to its elevated position and proximity of the balcony to the boundary, representing an unacceptable loss of residential amenity.

RECOMMENDATION: REFUSE- for the following reasons:-

The reasons for the conditions are:-

1. It is the opinion of the Local Planning Authority that the proposal does not respect the character of development in the immediate locality or the openness of the area and that it would lead to a development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation as Area of Outstanding Natural Beauty. Furthermore, it is the opinion of the Local Planning Authority that the proposed development would lead to a precedent of tandem/backland development which would lead to further erosion of the openness and character of the area, and appearance of the landscape and the reasons for designation as Area of Outstanding Natural Beauty. The proposal is therefore considered to be in conflict with

Denbighshire Local Development Plan Policy RD 1 i), iii), iv), v), vii), Policy VOE 2, and Planning Policy Wales 10.

2. It is the opinion of the Local Planning Authority that the proposal does not respect the character of development in the immediate locality in that the dwelling due to its height, design (including balcony), siting and topography of the site would have an oppressive and overbearing impact, with the potential for overlooking, adversely affecting the enjoyment of the private garden area of the neighbouring dwelling 15 Maes Bache and potentially 14 and 16 Maes Bache, representing an unacceptable loss of residential amenity. The proposal is therefore considered to be in conflict with Denbighshire Local Development Plan Policy RD 1 i) and vi) and Planning Policy Wales 10.