



03/2018/1141

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Eitem Agenda 5 / Agenda Item 5



The Site

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Access looking west

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Access looking east

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Former hotel and gardens

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Site from the north west

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View of surrounding woodland to the north west

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View from within site to north east

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Rev	Description	Date	Dr by	App by
Original				

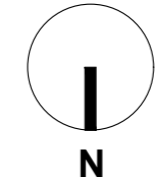


Residential - Agricultural - Commercial

Job	- Proposed Residential Development
Title	- Proposed Site Plan Total 13 Dwellings
Location	- Tyn y Wern Maesmawr Road Llangollen
Client	- Knights Construction
Scales	- 1:500 @ A2
Drawing No.	- RPP29.1.2.03 Rev X
Drawn by	- JEE Date - Oct 2017

HOGSTOW HALL, MINSTERLEY
SHREWSBURY, SHROPSHIRE, SY5 0HZ
Tel: 01743 791336 Fax: 01743 792770
email: mail@rogerparry.net
Web address: www.rogerparry.net

Roger Parry & Partners LLP partnership no. OC312203
Registered Office Hogstow Hall, Minsterley, Shrewsbury, SY5 0HZ
Registered in England and Wales.
A list of members of the LLP is available at the above address.



Total 16 Dwellings

lower section

- Plot 1 A 2B4P
- Plot 2 A 2B4P
- Plot 3 B 2B4P
- Plot 4 B 2B4P
- Plot 5 B 2B4P
- Plot 6 B 2B4P
- Plot 7 C 3B6P
- Plot 8 C 3B6P
- Plot 9 C 3B6P
- Plot 10 D 3B6P
- Plot 11 F 3B5P
- Plot 12 F 3B5P

upper section

- Plot 13 D 3B6P
- Plot 14 E 3B6P
- Plot 15 G 5B9P
- Plot 16 G 5B9P

Proposed Tree Planting Mix

- Sorbus aria
- Betula pubescens
- Betula pendula
- Corylus avellana
- Acer campestre
- Salix caprea

WARD : Llangollen

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

APPLICATION NO: 03/2018/1141/ PF

PROPOSAL: Demolition of existing hotel and erection of 16 dwellings

LOCATION: Tyn Y Wern Hotel Maesmawr Road Llangollen LL20 7PH

APPLICANT: Knights Construction Ltd

CONSTRAINTS: World Heritage Site Buffer
Within 67m Of Trunk Road
Canal Consultation Zone
AONB

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - Yes
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:

Original response:

“Members of the Town Council consider the above application and adjudged that it was unacceptable in planning terms as the development did not fully comply with the Denbighshire County Council Local Development Plan Policies Policy RD 1 and BSC 4

In respect of Policy RD 1 the Town Council consider s that the application will have unacceptable effect on the local highway network as a result of congestion, danger and nuisance arising from traffic generated particularly onto the A5 trunk road and that the proposed access from Maesmawr Road is a single carriageway.

In respect of Policy BSC 4 the Town Council is uncertain as to whether the application will provide affordable housing for local needs as defined by the policy.”

Re-consultation response confirms the above comments are still relevant..

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

Original response:

“The Joint Committee objects to this application.

This is a sensitive location in the AONB by virtue of it being a prominent, elevated and largely open site adjacent to the A5, which is one of the principal approaches into Llangollen. Whilst the existing hotel building complex is within the defined LDP Development Boundary for the town, the majority of the site is outside the current settlement limits of Llangollen. This boundary was defined to protect the landscape setting of the town and AONB and should be

maintained. The proposed layout would create a ribbon of development along the A5 and would significantly change the rural character of the site and would 'urbanise' the area to the detriment of the landscape setting of Llangollen and the wider AONB.

Whilst the Joint Committee objects to the current proposals, a case could be made for a sensitively designed housing scheme to redevelop the existing hotel building complex which respects local distinctiveness and the sensitive landscape setting of the site."

Re-consultation response:

"The Joint Committee maintains its in principle objection to this application for the reasons set out in our original letter of objection. Notwithstanding the revised landscaping proposals, the development of Plots 1-12 would create a ribbon of development along the A5 which would significantly change the rural character of the site and would 'urbanise' the area to the detriment of the landscape setting of Llangollen and the wider AONB. However, the committee remains of the view that a sympathetically revised proposal to redevelop the site of the former hotel (Plots 13-16) would be acceptable."

NATURAL RESOURCES WALES

Original response:

Object – "We consider the proposed form of development takes no account of the local context, the impact on the AONB, or the character of town of Llangollen. The combination of building form, access road, loss of mature trees and openness in this elevated position next to the A5 would greatly urbanize the site, harming the character of the AONB. The layout in addition leaves inadequate space to include sufficient areas of tree planting and hedgerows, to help integrate the development. From our evaluation, we consider the Development Boundary set out in the adopted Denbighshire LDP plans has been drawn for good reason to control the development of Llangollen and protect the character of the AONB and open countryside. We therefore recommend the Development Boundary remain intact."

Re-consultation response:

NRW have significant concerns with the proposal and object to the proposal, *unless* the conditions requiring a bat conservation plan, a detailed landscaping scheme and management plan are imposed.

Regarding the impact of Phosphate on the SAC, NRW has commented that it is satisfied that it is unlikely to increase the amount or concentration of phosphate discharged directly or indirectly into the catchment. Therefore, NRW is satisfied that the proposal is not likely to have a significant effect on the SAC.

DWR CYMRU / WELSH WATER

Original response:

No objections

Re-consultation response:

Confirms that the sewage treatment plant which would serve this development has a phosphate permit. It is further commented that the indicative drainage layout would not be acceptable, and that the connection point should be in a different location. A single pumping station with a single raising main compliant with Sewers for Adoption 7th Edition would be required.

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection. The buildings to be demolished are of archaeological interest, and should be subject to a full Level 2 programme of building recording and analysis in accordance with TAN 24, prior to their demolition

CADW

No objections. CADW has considered the impact on Scheduled Monuments (Castell Dinas Bran, Llangollen Bridge, Pontcysyllte Aqueduct and Canal), Registered Historic Parks and Gardens (Trevor Hall and Plas Newydd), and the World Heritage Site, and does not consider that the historic assets would be detrimentally affected by the proposal.

WELSH GOVERNMENT TRANSPORT

Initial response:

Holding direction imposed and further details of the proposed access alterations, traffic counts and speed data requested.

Re-consultation response:

No objections, subject to conditions being imposed.

Final consultation response:

No response received.

LLANGOLLEN CIVIC SOCIETY

No objections, but raise concern regarding speed of traffic on the A5. Request the speed limit is reduced to 30mph.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

Original Response:

Raises concerns regarding the proposed access from the site onto Maesmawr Road for 4 of the dwellings. Considers that the access is not suitable for this use.

Re-consultation:

No objections subject to conditions to ensure the access onto Maesmawr Road is closed off, and that parking arrangements are to be further agreed.

County Ecologist:

Original Response:

Object. Insufficient information has been provided in relation to the potential presence of reptiles on the site.

Re-consultation:

Informally responded that sufficient information has now been provided. If planning permission is granted, conditions will be required to ensure appropriate mitigation measures are in place.

Flood Risk Engineer:

Awaiting response.

Strategic Housing & Policy Officer:

Objection. The proposal is for 4 dwellings within the development boundary and 12 dwellings outside the development boundary. The case made by the applicants is not considered to justify why dwellings should be allowed outside of the development boundary. The analysis presented with the application claims that the site contributes to market and affordable housing in line with policy. As stated in previous responses, the area of land within the development boundary is considered acceptable for a mix of market housing with a contribution to affordable housing subject to detailed considerations. The part of the site that lies outside of the development boundary does not comply with policy where any market housing is proposed. The information presented provides no justification for market housing in open countryside and no evidence that the properties would be affordable in perpetuity to meet the requirements of the adopted LDP policies.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

H G Cartwright, 31 Maesmawr Road, Llangollen P. Sheil, 10, Maesmawr Road, Llangollen V. Waddell, Maesmawr Road, Llangollen Rupert Venables, 25 Maesmawr Road, Llangollen Carol Rowley, 19 The Willows, Maesmawr Road, Llangollen David Evans, 11 Maesmawr Road, Llangollen G Reardon, 33 Maesmawr Road, Llangollen R.P. & R.V. Barber, 27 Maesmawr Road, Llangollen Valerie Cartwright, 31 Maesmawr Road, Llangollen

Summary of planning based representations in objection:

Highway safety – the access onto the A5 is unsuitable, as is the use of the access onto Maesmawr Road.

Impact on residential amenity – concerns are raised in relation to the use of the access onto Maesmawr Road in relation to additional noise and disturbance on adjacent dwellings.

In support

Representations received from:

Tracey Owen, Tyn Dwr Hall, Llangollen Adam Gaunt-Evans, The Three Eagles, Bridge Street, Llangollen Mr & Mrs Dineen, 29 Maesmawr Road, Llangollen Liz McGuinness, 4 Bryntirion Terrace, Llangollen Robert Bellis, Tyn Dwr Farm, Llangollen Victoria Pearce, 43 Hardwick Drive, Gwersyllt Brittany Downes, 19 Park Street, Rhosymedre T. Bird-Jones, 2, Dinas Drive, Maesmawr, Llangollen

Summary of planning based representations in support:

Provision of additional housing focused on families is welcomed.

The proposal would tidy up a site that is increasingly becoming untidy.

EXPIRY DATE OF APPLICATION: 04/02/2021

EXTENSION OF TIME AGREED: 14/5/21

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- delay in receipt of key consultation response(s)
- additional information required from applicant
- protracted negotiations resulting in amended plans
- 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 Full planning permission is sought for the demolition of a vacant hotel, and the erection of 16 dwellings. Alterations to the access onto the A5 trunk road are also proposed, as is landscaping.
- 1.1.2 The proposal would include:
 - 6 two bed dwellings
 - 8 three bed dwellings
 - 2 five bed dwellings.

1.1.3 Along the boundary with the A5 a wide grass verge would be left immediately adjacent to the highway. The boundary with the properties would be marked by a natural stone wall to match other such walls in the area. The boundary would be supplemented with a mixture of large and small canopy trees and native hedgerow along site frontage.

1.1.4 Surface water drainage would be dealt with through soakaways, and would be controlled through a SAB application. Foul drainage would connect to the mains sewers, and would be subject to control from Welsh Water.

1.1.5 The layout proposed:



1.2 Other relevant information/supporting documents in the application

1.2.1 The application is submitted with a raft of supporting documents, including:

- Pre Application Consultation Report
- Housing Need Assessment
- Phase 2 habitat survey for Bats and Reptiles
- Drainage layout plan
- Transport Statement
- Traffic flow statement
- Transport statement
- Traffic Speed Survey
- Landscape Visual Impact Assessment

1.3 Description of site and surroundings

1.3.1 The area of the site containing the vacant hotel is within the development boundary of Llangollen, whilst the associated lawns access track and landscaping lie within the open countryside.

1.3.2 The site slopes upwards in a southerly direction away from the A5. It features ornamental lawns, planting, mature trees and a high conifer hedge. To the rear (south) of the site is a modern housing estate. To the north, and opposite the site are mature woodlands, mixed grassland and the River Dee.





1.4 Relevant planning constraints/considerations

1.4.1 The site is located partially within the development boundary, but mainly outside of the boundary, as shown on this plan – the red line indicates the site boundary, the purple line the development boundary. The hatched area is within the development boundary, and the remainder of the site is outside:



1.4.2 The site is also within the Clwydian Range and Dee Valley Area of Outstanding natural beauty, the World Heritage Site Buffer Zone, and the River Dee SAC Phosphate sensitive area.

1.5 Relevant planning history

1.5.1 Previous applications have been submitted for the development of this site for residential purposes.

1.6 Developments/changes since the original submission

1.6.1 Since the application was submitted in 2018, there have been a number of amendments. In the main these have been to address concerns raised by Welsh Government in relation to the access, and concerns raised regarding the appearance and layout of the proposal.

1.6.2 The most recent alteration has been the increase of the proposed numbers in order to address concerns about the housing mix being provided. Initially the proposal was for 12 dwellings, of a mix of predominantly 4 bed dwellings. The proposal was amended to better reflect the Local Housing Market Assessment, and introduced at greater number of dwellings, focussing primarily on the provision of 2 and 3 bed dwellings.

1.6.3 The applicants have also submitted examples of appeal decisions from neighbouring authorities which they feel support their case.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 03/2004/0010 - Erection of 14 dwellings and garages and construction of new entrances and adopted road and installation of sewage pumping station Refused for the following reason:
 "The proposal would lead to the encroachment of a development site beyond the settlement boundary of Llangollen. The residential garden use of a prominent area of land above the A5 would be visually intrusive. The proposal would therefore be contrary to Policies GEN 1 , GEN 3, ENV 2 and HSG 16 of the Denbighshire Unitary Development Plan and national planning guidance in Planning Policy Wales.

2.2 03/2008/0332 Demolition of hotel and development of 0.22ha of land by the erection of 17 no. self-contained flats (outline application) – Withdrawn

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 RD2 – Green Barriers

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC2 – Brownfield development priority

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC6 – Local connections affordable housing in hamlets

Policy BSC8 – Rural exception sites

Policy BSC9 – Local connections affordable housing within small groups or clusters

Policy BSC11 – Recreation and open space

Policy VOE1 - Key areas of importance

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: Affordable Housing

Supplementary Planning Guidance Note: Archaeology

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: Recreational Public Open Space

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 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 1 Joint Housing Land Availability Studies (2015)

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 18 Transport (2007)

TAN 24 The Historic Environment (2017)

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, 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 11 (February 2021) 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 Affordable Housing
- 4.1.3 Density and house type mix
- 4.1.4 Visual amenity
- 4.1.5 Residential amenity
- 4.1.6 Ecology
- 4.1.7 Drainage (including flooding)
- 4.1.8 Highways (including access and parking)
- 4.1.9 Archaeology
- 4.1.10 Open Space
- 4.1.11 Area of Outstanding Natural Beauty/Area of Outstanding Beauty
- 4.1.12 Pontcysyllte Aqueduct & Canal World Heritage Site
- 4.1.13 Education
- 4.1.14 Trees

4.2 In relation to the main planning considerations:

4.2.1 Principle

The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development as set out in Planning Policy Wales (PPW, Edition 11, 2021). The principle that the countryside should be protected for its intrinsic sake and the need to promote a resource-efficient and climate change resilient settlement pattern that minimises land-take is one of the Well-being of Future Generations (Wales) Act 2015 goals.

PPW 11 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

The main Local Development Plan Policy relevant to the principle of new housing 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.

Factually, the site is located partially within the development boundary of Llangollen, but mainly outside. 4 of the proposed dwellings would be within the development boundary, with 12 being located outside of it.

With regard to the 4 dwellings located within the development boundary, there are no objections in principle.

With regard to the 12 dwellings outside of the development boundary as defined in the adopted Denbighshire Local Development Plan (LDP) and as such the principle of development on this land is contrary to local and national planning policy.

It is noted that whilst the Local Development Plan includes policy BSC 8 Rural Exceptions Sites, this policy includes a strict range of criteria which must all be satisfied in order for housing development proposals outside of development boundaries to be acceptable. Policy BSC 8 states that:

Affordable housing development will be supported as an exception to normal policy provided it meets all the following criteria:

i) evidence must be produced to demonstrate that allocated sites are not likely to come forward within 5 years. The greater the need for affordable housing demonstrated for the settlement the more likely an exception site would be permitted ahead of an allocated site; and

ii) the proposal adjoins and forms a logical extension to the development boundary whilst avoiding ribbon and fragmented patterns of development; and

iii) evidence exists in the form of a local housing needs survey that there is a genuine demonstrable need for such accommodation; and

iv) the proposal would not form an intrusive feature in the landscape or create traffic or access problems; and

v) the siting, layout, scale, design, density and materials of the proposal are sympathetic and appropriate to the size and character of the settlement and also reflect the level of local need identified; and

vi) satisfactory arrangements can be made to ensure that the dwellings are retained as affordable housing for local needs in perpetuity.

In the interests of creating and maintaining sustainable mixed communities, proposals will only be considered for sites of 10 units or less.

In consideration of the above tests, it is not considered that tests i) and iii) have been met. The applicants have stated that the whole site (16 dwellings) would only provide 10% affordable housing. Adopted planning policy would require the portion of the site within the development boundary to deliver 10% affordable housing, whilst the 12 dwellings outside of the development boundary should all be for affordable housing for local needs.

It is further noted that the policy amplification for Policy BSC8 states that the rural exception policy does not relate to any of the designated Lower Growth Towns. Policy BSC 1 identifies Llangollen as a Lower Growth Town.

The Councils Strategic Housing and Planning Officer has considered the justification submitted by the applicants.

Members are advised that affordable housing falls within a number of defined types of housing provision as set out below in an extract from the Housing and Homelessness Strategy DCC (2020). The properties must also be retained as affordable for first and subsequent occupiers. The provision of cheaper smaller market houses does not meet the requirements for affordable housing provision in-line with LDP policy BSC 8.

“2.4 Affordable Housing can be divided into three types of housing tenure: -

- Social Rented Housing - Affordable Housing for rent which is provided by Local Authorities and Housing Associations with rent being set in accordance with Welsh Government's benchmark rents. This is usually the cheapest available rented housing and has the biggest demand.*
- Intermediate Rental Housing – whereby rents are above those of social rented housing but normally no higher than 80% of an open market rent of a comparable property. This kind of housing can be provided by private developers and Social Landlords.*
- Low Cost Affordable Home Ownership - normally Shared Equity schemes, where a proportion of the property is bought by an eligible applicant and a proportion of the equity is retained on behalf of the Local Authority by a Housing Association, it is possible to 'staircase' these properties so the purchaser owns them outright with the money paid being recycled into further affordable housing.*

2.5 It does not include the 'Help to Buy' mortgage guarantee, deposit or ISA schemes, as there is no facility for these properties to remain affordable in perpetuity, no income assessment or facility for the advance of money available when repaid to be recycled to facilitate further purchases.”

The applicant has also submitted a Housing Need Assessment to support the application. It is noted that this document references extracts from the Denbighshire Corporate Plan, the published Local housing Market assessment (2019) and the Denbighshire Housing Strategy (2016 – 2021). These Council documents along with the adopted LDP form the basis upon which Policy Officer responses to this application have been formulated.

The commentary section of the Housing Need Assessment references that the site is partly allocated for housing in the LDP (page 11). This is incorrect, the site lies partly within the development boundary for Llangollen but is not allocated for housing in the adopted LDP. The site is partly unallocated land within the development boundary and partly in open countryside. The area within the development boundary would be considered a windfall site and the area outside the development boundary can only be considered for 100% affordable housing to be in conformity with the adopted LDP.

The submitted report references the Corporate Plan commitment to the development of 1,000 homes 2017 – 2021. In early 2020 a total of 743 new homes had been completed and within excess of 400 homes under construction at that time the total of 1,000 new homes in that period should be easily achieved without the need to consider building speculative market homes outside of the development boundary, contrary to the adopted LDP.

The housing land supply in years is also referenced. In March 2020 the Minister for Housing and Local Government confirmed the revocation of TAN 1 – Joint Housing Land Availability Studies. This has been replaced by a housing trajectory that can be found within the Annual Monitoring Report for the LDP. The figure quoted in terms of housing land supply in years has no relevance currently.

The information presented on current properties for sale in Llangollen as an illustration is not considered robust as in both examples given, the maximum number of bedrooms selected for the search is 2 beds. A current search of the whole market

in Llangollen and 1 mile surrounding results in 74 properties including those under offer. A more restrictive search of 2 and 3 bed properties only, returns 40 properties currently available.

The applicants analysis claims that the site contributes to market and affordable housing in line with policy. As referred to previously the area of land within the development boundary is considered acceptable for a mix of market housing with a contribution to affordable housing subject to detailed considerations. The part of the site that lies outside of the development boundary does not comply with policy where any market housing is proposed. The information presented provides no justification for market housing in open countryside and no evidence that the properties would be affordable in perpetuity to meet the requirements of the adopted LDP policies.

Officers have considered the submitted appeal decisions from neighbouring authorities and conclude that they are directly comparable to the application currently being considered in Denbighshire. Limited weight is therefore attached to these decisions, and that each application must be determined on its own merits and on the basis of the adopted Local Development Plan in that area.

The proposal is therefore contrary to the Denbighshire Local Development Plan growth strategy, Policy BSC1, BSC 8 and Planning Policy Wales (Edition 11) (as amended by the Welsh Government Dear Chief Planning Officer letter dated 26 March 2020) Section 1.21 and 3.5.6.

4.2.2 Affordable Housing

Policy BSC 1 of the Local Development Plan states that developers will be expected to provide a range of house sizes, types and tenures to reflect local need and demand.

Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC4.

Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units.

Policy BSC 8 allows for development outside of development boundaries where the proposal is for 100% affordable housing (subject to other criteria also being met).

There is detailed guidance in the Affordable Housing Supplementary Planning Guidance on the approach to provision and demand.

The proposal is for 16 dwellings – 4 within the development boundary, and 12 outside. The 4 dwellings within the boundary would be subject to the requirements of BSC 4, which seeks 10% contribution towards affordable housing. The 12 dwellings outside of the development boundary would all be subject to Policy BSC 8 which requires all the dwellings (100%) to be for affordable housing for local needs.

The applicants have confirmed that the whole site would only provide 10% affordable housing – the equivalent of 1.6 dwellings.

As discussed in paragraph 4.2.1 above, the affordable housing provision offered, is not in line with adopted planning policies and insufficient justification has been submitted to indicate why a departure from adopted policies should be allowed. The proposal is unacceptable in regard to its proposed provision of affordable housing.

4.2.3 Density and house type mix

Policy RD1 test ii) states that a minimum density of 35 dwellings per hectare (d/ha) should be achieved in order to ensure the most efficient use of land, and that these minimum standards should be achieved unless there are local circumstances that dictate a lower density.

The main Local Development Plan Policy which refers to housing type and mix in new development is Policy BSC 1. The policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages, and sets out an expectation on developers 'to provide a range of house sizes, types and tenure to reflect local need and demand and the results of the Local Housing Market Assessment'

Whilst the site is not wholly within the development boundary, Officers nevertheless consider matters the density and housing mix requirements expressed in the policies above to be material.

The Council has recently published a Local Housing Market Assessment (LHMA) (July 2019).

Developers are encouraged to include a mix of housing sizes to reflect this need as well as the aspiration for additional bedrooms. Table 24 within the LHMA defines the recommended mix of market housing types on residential sites.

The site measures 0.73 ha, and at the policy density requirement of 35 dwellings per hectare, should provide 25 dwellings, unless local circumstances dictate otherwise. The proposal is for 16 dwellings which is approximately 22 dwellings per hectare.

Given the prominent location of the site, within the AONB and World Heritage Site Buffer Zone Officers are of the opinion that the proposed density is acceptable.

The proposed housing mix is also considered acceptable when compared to the suggested mix in the Local Housing Market Assessment. The table below illustrates the housing mix for the proposal against the LHMA recommended housing mix:

Housing Mix				
	1 + 2 bed	3 bed	4 bed+	Total
LHMA Recommending Housing Mix (Market Housing)	30%	35%	35%	100%
Tyn Y Wern Proposal	37%	50%	13%	100%

Having regard to the above, it is considered that the proposals would provide for an appropriate density and mix of dwellings, consistent with the intentions of Policy BSC1 and RD1.

4.2.4 Visual amenity/AONB

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.

PPW states 'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special

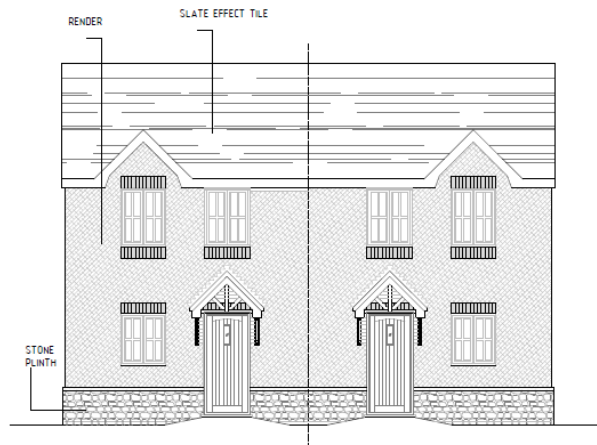
characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.'

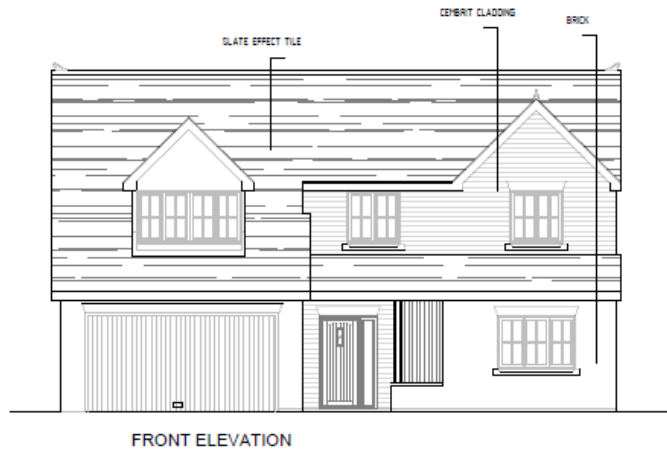
Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects guidance in Planning Policy Wales (PPW 11) 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 comprise a terraced, semi-detached and detached two storey properties with render walls, stone plinths and slate effect roofs.

Selection of house types to indicate overall styling and appearance of the proposed dwellings:





An LVIA has been submitted with the application which considers the impact of the proposal on landscape character and visual amenity, and includes an assessment of impact from a number of viewpoints, including the wider AONB.

The LVIA, undertaken by Viento Environmental, concludes in respect of the impact on the AONB that:

“...the proposal would be discernible from only a limited number of locations within the AONB and from these locations it would be viewed and experienced as part of the urban edge of Llangollen. Currently the site is developed and is a disused hotel. Through careful and sympathetic design using local vernacular material and a sympathetic colour palette to link with surrounding residential development, the proposal would not become a prominent or noticeable addition to the urban edge of Llangollen. With the landscaping proposals using larger tree stock along the A5 and within the scheme, the proposal would fit well with its surroundings. Therefore, it is considered that the proposed development would have no detrimental effect on the purpose of the AONB, that is, the ability of the designation “to conserve and enhance the natural beauty”.

An indicative photomontage has been submitted which shows how development on the site might sit in into the landscape. It should be noted that the montage does not accurately reflect the latest layout now being considered. Nevertheless, in Officers opinion it provides a ‘feel’ for how the site could appear in terms of colour pallet and landscaping, and how the site relates to the existing modern housing development on Maesmawr Road.



The AONB Committee have objected to the proposal on the basis of unacceptable impact upon the character of the AONB. However, it is noted NRW takes a different view. NRW have suggested that whilst an earlier less 'dense' scheme was preferable, with the right approach to landscaping and materials it may be possible. NRW have therefore suggested a planning condition be imposed to secure full details of landscaping to be further agreed prior to the commencement of development.

Officers consider that the layout and design of the dwellings as seen against a back drop of modern development, on the approach to Llangollen, would not be so injurious to the character of the area and wider AONB as to justify refusing the scheme. It is noted that NRW have not objected to the proposal in relation to the impact on the AONB, and that the submitted LVIA reaches a similar conclusion to NRW. Whilst understanding and respecting the concerns of the AONB committee, it is considered that the proposal would not have an unacceptable impact on the visual amenity of the area, or the AONB.

4.2.5 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.

The Residential Design Guidance and the Residential Development SPG offers advice and guidance on the principles to be adopted when designing new residential development.

The Residential Space Standards SPG specifies minimum internal floorspace standards for new developments and requires that 40m² of private external amenity space should be provided as a minimum standard for residential dwellings.

Representations from members of the public have raised concerns on residential amenity grounds in terms of loss of light, overlooking and overbearing impact.

To the south of the site are dwellings on Maesmawr Road. They are at a slightly higher level than the 4 dwellings proposed in the southern section of the site.

In terms of the dwellings proposed, the proposed floor plans for each housing type would meet or exceed the minimum floor space standards set out in the Residential Space Standards SPG and the proposed site plans show sufficient garden space is provided for each unit.

In terms of privacy and overlooking, the Residential Development SPG at 6.41 states "Extensions and new built houses should not overlook neighbouring houses or gardens. If habitable rooms such as bedrooms, living rooms, studies or kitchens are proposed on the first floor or above, care should be taken to avoid direct overlooking from windows and balconies particularly where the extension is close to the boundary. In some cases such as sloping sites, care should be taken to avoid overlooking from ground floor extensions." It advises that where a wall containing windows of a lounge, dining room, bedroom or kitchen overlooks a wall with no windows on an adjacent property the distance should be a minimum of 15 metres.

The closest distance between dwellings on Maesmawr Road and the proposed dwellings is 13 metres. It is noted however, that in this location the dwellings are side on to the proposal and do not include principle windows. Having regard to the guidance in the Residential Development SPG, and the site characteristics and

orientation of dwellings, a rear elevation to side elevation of 13 metres between plot 15 and 25 Maesmawr Road is considered acceptable. The proposal meets all other recommended separation distances.

Officers acknowledge that the proposed development would inevitably affect the outlook and sense of openness currently enjoyed by occupants of neighbouring properties, however a private view is not a material planning consideration. Whilst the amenity of neighbouring properties will be impacted by the proposed development, having regard to the layout and the separation distances proposed, the level of harm is not considered to be sufficient to justify a refusal on residential amenity grounds.

4.2.6 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 (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', 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 11) 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" (Section 6.4.5). 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 (Section 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.

Following an initial objection to the proposal by the County Ecologist the site was surveyed for both bats and reptiles. The survey identified that soprano pipistrelle and whiskered bats are present at the application site. No reptiles were found on the site. Neither NRW nor the County Ecologist have raised an objection to the proposal.

Given the presence of protected species, the works can only be carried out under a European Protected Species (EPS) License from NRW.

In considering the grant of planning permission the LPA must consider whether the disturbance of the protected species is required for the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of

primary importance of the environment.” It is also incumbent on the Local Planning Authority to consider whether there is an alternative scheme to the proposed scheme.

In this instance, Officers are of the opinion that as the principle of development is unacceptable, it is not possible to say that the proposal would comply with the derogation tests. The LPA could not state that the harm or disturbance to the bats at this site is required for the purpose of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment.”

Impact on River Dee SAC:

The site is located within the Phosphate Sensitive SAC Catchment Area. Foul drainage would be dealt with by way of connection to the mains sewer system. There is therefore the potential for the amount of phosphate entering the River Dee SAC via the sewage treatment works to increase. The impact of the development on the River Dee SAC is a material planning consideration.

Dwr Cymru have confirmed that the sewage treatment plant to which the development would connect has the capacity to strip phosphates from sewage and that the plant has been issued with a ‘Phosphate Permit’ by NRW.

On this basis, it is considered that the proposal can be screened out and does not require a Habitat Regulations Assessment (HRA). The proposal is not likely to have a detrimental impact on the River Dee SAC as a result of phosphates entering the water course.

4.2.7 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 11) 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’.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

No objections have been received in relation to drainage. The site would require SAB approval to deal with surface water drainage. This is a separate process to planning consent process as confirmed in recent planning appeal decisions.

NRW have raised no objections on flood risk grounds.

Dwr Cymru has raised no objection to the principle of the proposed drainage arrangements, subject to conditions being imposed.

The site is located within Zone A flood risk zone, which TAN15 defines as areas which are considered to be at little or no risk of fluvial or tidal/coastal flooding and where highly vulnerable development such as residential development is considered acceptable in terms of TAN15.

In Officers opinion the proposal is acceptable in terms of drainage and flooding. The site will require SAB approval, and this is considered adequate to deal with surface water issues. Foul drainage is to be dealt with through a connection to the mains sewer network, which Dwr Cymru advise is acceptable.

4.2.8 Highways (including access and parking)

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.

Representations have been received from the Town Council and local residents raising objections to the proposal on highway safety grounds.

Initially the proposal included an access from Maesmawr Road, and from the A5. Following comments received from the Local Highway Authority the access from Maesmawr Road has been removed from the scheme. A condition would be required to ensure it is blocked up in perpetuity.

Regarding the access onto the A5 trunk road, the authorising body is the Welsh Government. Initially, the Welsh Government served a holding direction on the application preventing it from being determined until the Welsh Government Officers were satisfied that access was suitable. This directive has now been lifted, and replaced with a set of conditions that must be imposed if permission is granted.

Whilst noting the concerns raised within the community, based on the detailing of the proposal and the response of Welsh Government Highway Officers on behalf of the Welsh Ministers, it is not considered that the proposal would result in a detrimental impact on highway safety in this location.

4.2.9 Archaeology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

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 11), Section 6 'Distinctive and Natural Places' recognises the need to conserve archaeological remains. The consideration of archaeological remains and their setting is a material planning consideration in determining planning applications, whether those remains are a scheduled monument or not.

Section 4 of TAN 24 - The Historic Environment sets out similar considerations to be given by a Local Planning Authority to the determination of applications involving archaeological remains, and their settings. It outlines different scenarios obliging consideration of impacts and stresses the need for submissions to include relevant surveys, studies and assessments, and mitigation proposals.

The proposal has been assessed by CPAT and CADW in relation to its impact on archaeology and no objections have been raised.

CPAT comment that the proposed demolition would completely remove a range of buildings which are not currently recorded on the Historic Environment Record. The buildings appear to be present on the first and second edition OS mapping and are therefore at least 150 years old, but have been much extended and altered in the intervening years. The buildings are considered to be of local architectural importance and it is therefore recommended that suitable building recording is completed prior to the demolition works commencing to obtain a permanent record of the structures. A condition has been suggested.

CADW have commented upon the proposals impact on various historic assets including scheduled ancient monuments (Castell Dinas Bran, Llangollen Bridge, Pontcysyllte Aqueduct and Canal), Registered Historic Parks and Gardens (Trevor Hall and Plas Newydd). CADW considers that the site is well distanced and screened from the various assets within their remit. On that basis it is concluded that the proposed development would not have a detrimental impact upon the Scheduled Ancient Monuments, or Registered Historic Parks and Gardens which are in the area.

Based on the details submitted and the consultation responses received, Officers consider the proposal is acceptable in terms of its impact upon archaeology in the area.

4.2.10 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 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.

There is no formal open space provided within the site. According to the FIT standards Llangollen is sufficient in all types of open space except provision for children and young people. There is therefore a need for a commuted sum towards the provision of open space.

As there is no on-site provision of open space, a commuted sum of £19795.46 is required. This would need to be secured through legal agreement. On that basis it is considered that the proposal complies with the requirements of Policies BSC 3 and BSC 11 provided a legal agreement is entered into.

4.2.11 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 11) 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.

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 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.

The demolition of the existing hotel would see the removal of a slightly prominent building from the landscape surrounding the World Heritage Site but this loss will not be significant and the proposed development in an area already dominated by residential development will be an appropriate replacement. CADW have advised that it is its opinion that the proposed development will not have any impact on the Outstanding Universal Values of the World Heritage Site.

Based on the detailing of the proposal and the consultation responses, Officers do not consider the proposal would have a detrimental impact on the character, appearance and setting of the World Heritage Site.

4.2.12 Education

Objective 12 of Chapter 4 of the Local Development Plan identifies that the Plan will ensure that an adequate level of community infrastructure (including schools) will be provided alongside new developments. Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development.

The Planning Obligations SPG states that Education contributions will be sought from proposed developments which comprise of 5 or more dwellings, or a site area of 0.2 hectares or more, that have the potential to increase demand on local schools.

Having consulted with the local education authority, the Strategic Planning and Housing Officer has advised that there is sufficient capacity at the local primary and secondary schools in the area at present and therefore based on current data, the proposal would be unlikely to generate the need for a planning contribution due to current surplus places. It is noted that school roll information changes frequently, but at the time of writing the report, Officers would conclude there is sufficient capacity within local schools to accommodate the development, and accordingly a commuted sum is not required in this instance.

4.2.13 Trees

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural environment.

This reflects policy and guidance in Planning Policy Wales (Section 6.4), current legislation and SPG Trees and landscaping, which stress the importance of assessing the impact of a proposal on trees and for ensuring compensation for losses where damage is unavoidable.

There are a number of ornamental trees within the site, reflecting the sites former use as a garden area for the hotel.

In officers' opinion, the proposals would result in the loss of several trees. However, the site is situated adjacent to extensive woodland, and proposes a replanting/landscaping scheme that would mitigate and compensate for the loss of the ornamental trees. It is therefore considered that the proposal is acceptable in regard to the impact on trees, given the intention plant a significant amount of new trees as part of the landscaping scheme.

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.

DCCs Climate & Ecological Change Strategy

Members are reminded that the Council declared a climate change and ecological emergency which included a commitment to make the authority net carbon zero by 2030, enhance biodiversity across the county and call on the Welsh and UK governments to provide assistance and resources to enable the Council to reduce greenhouse gas emissions. Having regard to recent case law, Members are advised that the local declaration now forming part of the Council's decision making is a material planning consideration, and has been taken into account in assessing this application

5. SUMMARY AND CONCLUSIONS:

- 5.1 Section 9.1.2 of the Development Management Manual 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'.
- 5.2 Having regard to the above planning considerations, Officers are of the opinion that the proposal is fundamentally flawed in that the majority of the site lies outside of the development boundary as defined by the adopted Local Development Plan. In such locations residential development is only permitted by the adopted planning policies where it is purely for local needs affordable housing, and a case has been made to show that allocated housing sites are not coming forward.
- 5.3 Officers therefore consider that the proposal does not comply with the Local Development Plan and a sufficient case as to why an exception to adopted planning policies has not been made. Officers have not identified any other material considerations that would override the need to determine the application in accordance with the adopted Local Development Plan. It is therefore recommended that planning permission be refused.

RECOMMENDATION: REFUSE- for the following reasons:-

1. The majority of the application site lies outside of the development boundary of Llangollen, where provision of new dwellings is not permitted except for local need affordable housing development which may be permissible as an exception to normal policy where it is in compliance with Policy BSC8 of the Local Development Plan. In the opinion of the Local Planning Authority, the proposal for 12 dwellings outside of the development boundary with a provision of only 10% affordable housing, fails to demonstrate that the proposal complies with the affordable housing exception policies. The proposal is therefore in conflict with Policies BSC 4 and BSC 8 of the Local Development Plan, advice as contained in the Affordable Housing Supplementary Planning Guidance Note and Planning Policy Wales (Edition 11).