

03/2021/0656

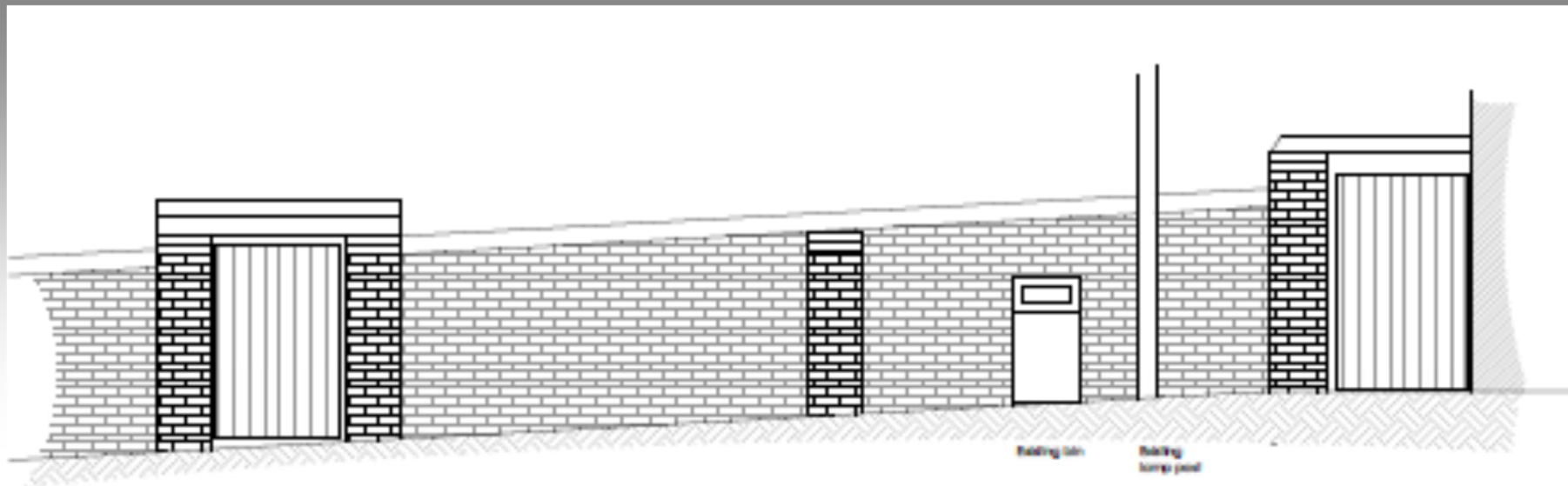


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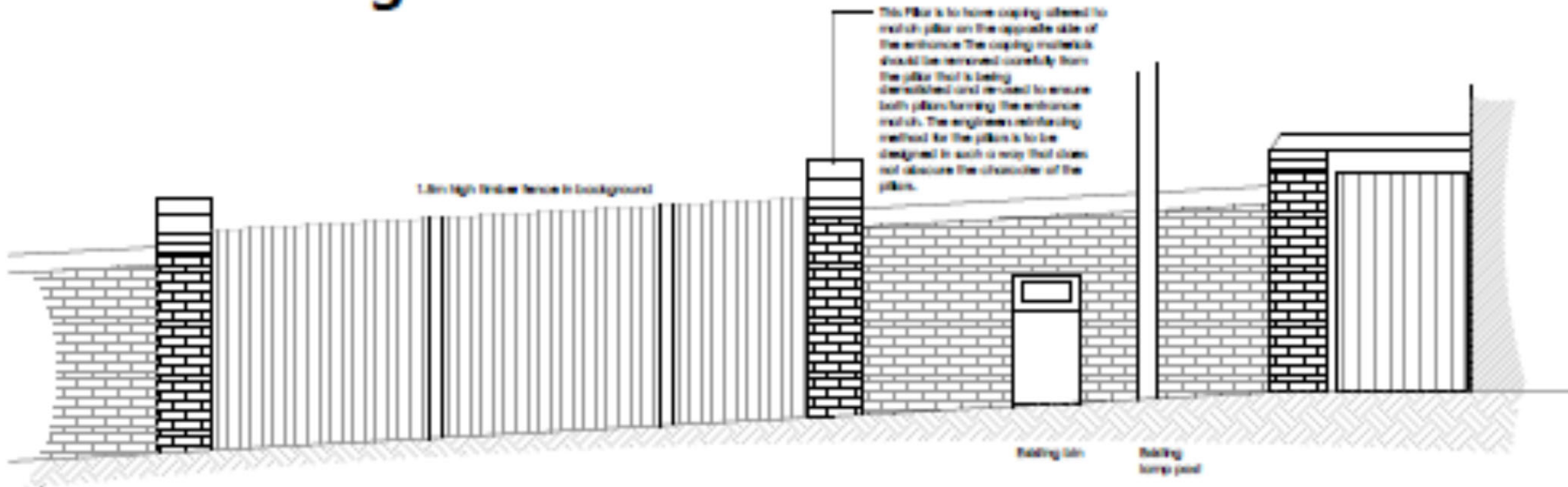
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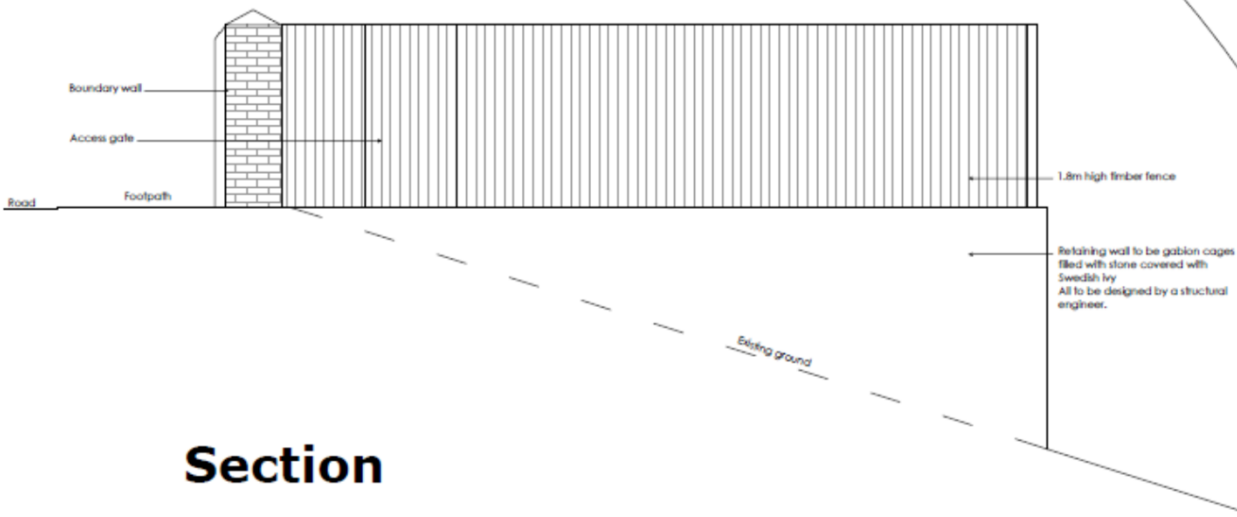
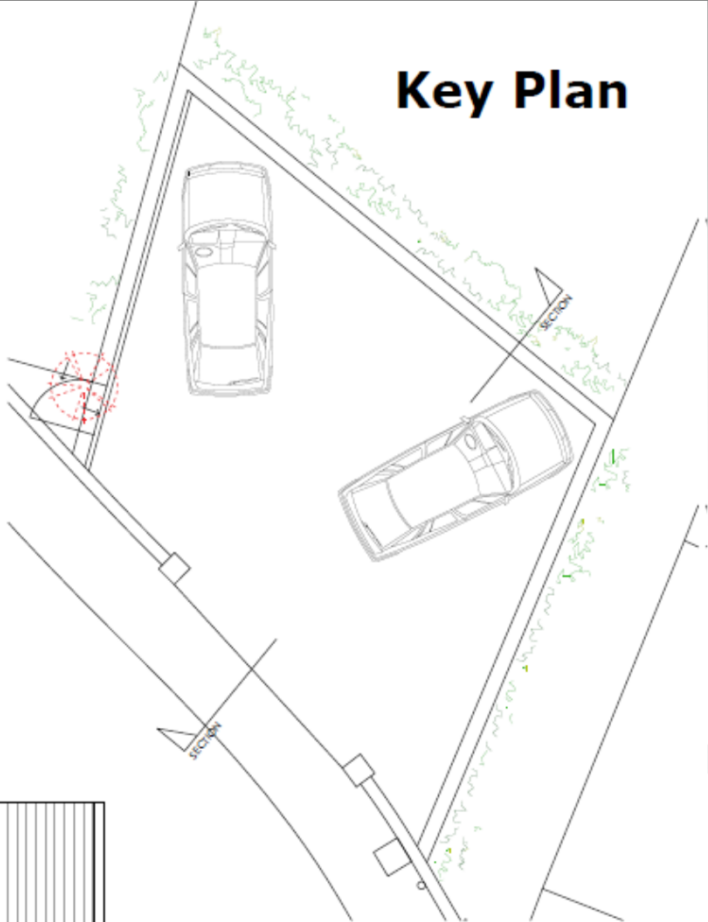


As Existing



As Proposed

Key Plan



Section







WARD : Llangollen

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

APPLICATION NO: 03/2021/0656/PF

PROPOSAL: Creation of off road domestic parking, formation of access, landscaping and associated works

LOCATION: Land to the rear of 20 Regent Street, Llangollen

APPLICANT: Mr Chris Roberts

CONSTRAINTS: World Heritage Site Buffer Within 67m Of Trunk Road
Phosphorus Sensitive SAC
Conservation Area
Phosphorous SAC
Compliance
AONB

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – Town Council objection

CONSULTATION RESPONSES:

TOWN COUNCIL

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

The demolition of the brick wall, within the Llangollen conservation area, to allow the formation of access and off street parking is contrary to Policy RD 1 - Sustainable development and good standard design, in that the development does not : -

- i) respect the site and surroundings in terms of the of use of land/buildings and spaces around and between buildings;
- iii) protect and where possible enhances the local natural and historic environment;
- vii) provide safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles together with adequate; and
- viii) would have an unacceptable effect on the local highway network as a result of danger and nuisance arising from traffic generated'.

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

'The Joint Committee has no objection to the application subject to the Conservation Officer being satisfied with the details. In this regard, the comments of the Conservation Officer dated 22 September are supported.'

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer

'- I would like to see the visibility splay at the point of access shown on plan. This should be in accordance with the guidance provided in TAN 18. Table B in Annex B should be used. A reduction in the visibility splay could be approved in line with evidence of the actual speed of the traffic at the point of access via a speed survey. The value for the visibility splay can be interpolate from the table

- In principle of the above can be satisfied I think we would support the proposal but I do have a couple of concerns

- Could we impose a condition for the parking and turning within the site? It looks as though there may be sufficient room within the site for the parking and turning of a couple of vehicles

- Could we also condition the number of parking spaces within the site? We could end up with a situation where there are a number of cars using the site and having to reverse into the highway'.

Conservation Officer

1st Response

'No objection to the proposal in principle as I am also aware of the parking issues in Llangollen but would like the following items amended or clarified before I confirm my support for this application;

- To reduce the negative visual impact of the loss of boundary wall within the Conservation Area please reduce the opening size of the access and I would suggest leaving the lower pillar as shown and having the opening width to the pillar just below the existing bin which will still allow easy access for cars. This will also provide an opening with a pillar on each side which will be more balanced in appearance. The pillar just below the bin will need to be altered to match the same detail as the lower pillar so that they match exactly with the same coping details etc.

- Please provide further details of the surface finish to the car park, i.e. type, size and colour of stone

- The brickwork cladding to the retaining walls should match the existing walls as close as possible

- Please confirm the finish/colour of the timber fencing'.

WELSH GOVERNMENT - TRUNK ROADS

'The Welsh Government as highway authority for the A5 trunk road does not issue a direction in respect of this application'.

RE-CONSULTATION RESPONSES (IF RELEVANT)

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

Final response

'The Joint Committee supports the proposed amendments and, subject to the Conservation Officer being satisfied with the amended details, has no objection to the application'.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer

Final response

'As Highway Authority, we would have no objection to the proposal subject to the following condition:

1. The approved car parking arrangements shall be completed in accordance with the approved plans before the use hereby permitted is commenced and shall be retained at all times thereafter'.

Conservation Officer

2nd Response

'Following my previous comments I can confirm all is now acceptable apart from the right hand side pillar at the entrance which has not been shown to match the left hand side pillar as requested. Please note the coping materials should be removed carefully from the pillar that is being demolished and re-used to ensure both pillars forming the entrance match.

It is also noted on the drawings that the existing front boundary walls and pillars are to be reinforced to the Engineers details, please clarify what this will involve and if it will have any visual impact on the walls from the road'.

Final response

'Following submission of further details & information I can confirm all is now acceptable and I have no objection to this application'.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Owain Jones, Penybryn, Hill Street, Llangollen Deb Jackson, 22 Regent Street, Llangollen

Summary of planning based representations in objection:

- Highway safety – concerns have been raised in relation to the suitability of the access in relation to the highway conditions in the area, the increasing number of vehicles using the road and the relationship to other accesses.
- Residential amenity – concern has been raised about the proposals impact on the amenity of neighbouring dwellings to the rear of the site
- Impact on visual amenity/conservation area – concerns have been raised that the proposal would have a detrimental impact upon the character of the area, and that the proposed landscaping/planting would not be appropriate
- Drainage – concern has been raised in regard to potential problems being caused by surface water run off.

EXPIRY DATE OF APPLICATION: 09/11/2021

EXTENSION OF TIME AGREED: 17/12/2021

REASONS FOR DELAY IN DECISION (where applicable):

- 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

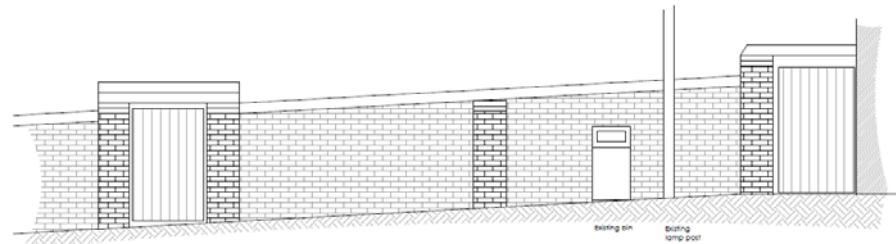
PLANNING ASSESSMENT:

1. THE PROPOSAL:

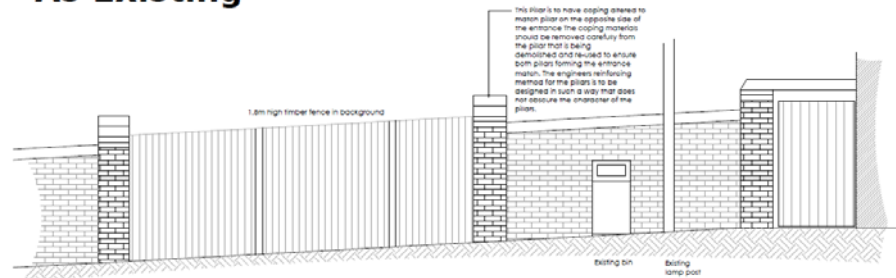
1.1 Summary of proposals

- 1.1.1 The application is for the construction of off road domestic parking, formation of access, landscaping and associated works on land to the rear of 20 Regent Street, Llangollen. The parking area would serve the property 18 Regent Street which would be accessed via steps from the parking area.
- 1.1.2 The parking area is shown to be for the parking of two cars.
- 1.1.3 The proposed access is to be 5m wide. The parking area beyond this would be 9.8m wide by 9.2m depth.
- 1.1.4 The pillar on the right side of the proposed access pillar is to have copings altered to match pillar on the left side of the proposed access. The coping materials would be removed carefully from the pillar that is being demolished and re-used to ensure both pillars match. The engineers reinforcing method for the pillars is to be designed in such a way that does not obscure the character of the pillars.
- 1.1.5 The proposed parking area is detailed to follow the fall of Hill Street and be built up to be at the same level as Hill street above the slope the land (which falls down northward towards 20 Regent Street). The retaining structure would consist of gabions filled with stone. This is also noted to be covered in Swedish Ivy. Above this there would be a 1.8 timber fence which is noted to be close boarded timber to be natural timber colour. This is just below the height of the brick wall that bounds Hill Street. A timber access gate and steps are proposed to provide access to the western side of the proposed parking area into the garden of 18 Regent Street, which the proposed parking area is to serve. A tree is required to be removed from here to facilitate the development.
- 1.1.6 The surface of the parking area would be semi-permeable in crushed slate.
- 1.1.7 A Surface water outfall into a soakaway is proposed on the western end of the parking area.
- 1.1.8 A separate Conservation Area application has been submitted for the demolition of part of a boundary wall to allow the formation of access and off street parking under

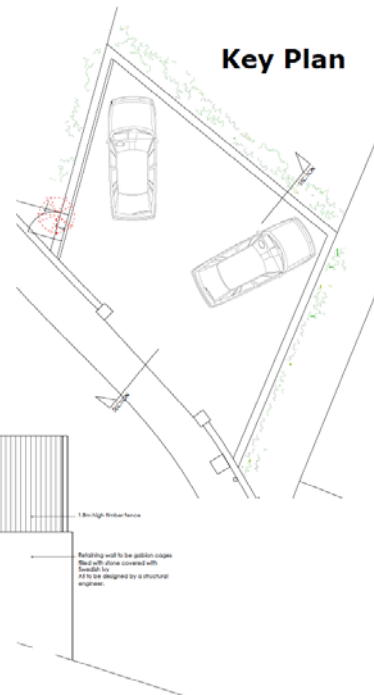
application 03/2021/0748.



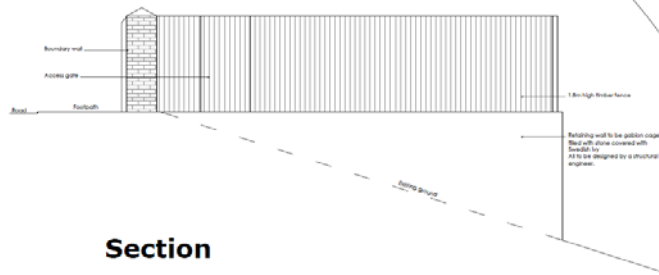
As Existing



As Proposed



Key Plan



Section

1.2 Other relevant information/supporting documents in the application

1.2.1 The application is supported by a Planning Statement which makes the following key points:

- This application is for a private parking area to serve number 18 Regent Street Llangollen. Parking to Regent Street is limited, as is much of Llangollen. Public car parks can often be full, leaving local residents finding nowhere to leave their vehicles. This proposal will make use of land that is otherwise neglected and would become beneficial to the applicants parking needs.
- The parking area is to be accessed, at the rear, from Hill Street.
- There is a brick boundary wall between the public footpath and the proposed parking area which is to be demolished and made good. It should be noted that this wall is currently in a state of disrepair.
- The parking area is 84m² and the surface will be crushed slate with a drain to the west boundary leading to a soakaway below the parking area.

- The existing land is on a slope and will need to be levelled to match the existing highway on Hill Street, this will require a retaining wall with a 1.8m high timber fence to the perimeter. The retaining wall will be gabion cages filled with stone, surrounded by new shrub planting and covered with climbing ivy.
- The land has previously had planning approval for a dwelling with parking ref.3/10048, which was gained through an appeal; however the permission has now lapsed. It should also be noted that there is other similar private parking in the area.

1.2.2 The application is supported by a Heritage Impact Assessment which makes the following key points:

- There is a brick boundary wall between the public footpath and a disused garden.
- The wall is to be demolished and made good.
- It should be noted that this wall is currently in a state of disrepair.
- The wall is 250mm thick with 500mm piers. The wall stands approximately 2m high following the incline of the road. The brick type is brown clay, laid as common bond and capped with red clay apex copings.
- The piers are capped with two courses of a blue clay brick. There are timber gates within the wall which are rotten, one of which, is to be removed as part of this proposal.

1.2.3 Percolation tests were submitted with the application which advise that the water drained away.

1.3 Description of site and surroundings

1.3.1 The application site forms land off Hill Street, to the rear of No. 20 Regent Street. Hill Street is bound by a long brick wall with rear gates for the properties along Regent Street. The application site is at the south-eastern end of the street which rises from the north-east (from the A5/town centre).

1.3.2 Hill Street and Willow Street (to the east) lead to the large residential area to the south of the town centre of Llangollen. In addition, Plas Newydd Historic House and Gardens are located in this area.

1.4 Relevant planning constraints/considerations

1.4.1 Within development boundary and Conservation Area of Llangollen as defined by the LDP.

1.4.2 The application site is also within the Area of Outstanding Natural Beauty, Vale of Llangollen and Eglwyseg Landscape of Special Historic Interest and the Pontcysyllte World Heritage Buffer Zone. The area forms part of the Phosphate Sensitive Bala Lake and River Dee Special Area of Conservation Catchment area.

1.5 Relevant planning history

1.5.1 A previous planning permission was granted for the erection of a dwelling and associated access at this location at appeal in 1989. The application was originally refused based on the reason that;

“The creation of a vehicular access to serve the proposed dwelling from off Hill Street would, because of the latter’s width and alignment and the proximity of the access to a sharp bend in Hill Street, create conditions that would be prejudicial to road safety for both pedestrians and motorists alike”.

1.5.2 This was then allowed on appeal, the Inspectors report noted that;

“Nothing I saw nor anything in the representations before me is capable of showing that this proposal is so potentially dangerous or congestive as to be unacceptable. The onus is on the Council to show by sound and clear-cut evidence that this scheme would cause significant harm to some interest of acknowledged importance; it has failed to do so either in respect of highways matters or the Conservation Area. The character and appearance of the latter would be preserved by what is proposed. and subject to access arrangements being such as to allow vehicles to enter and leave

the site in forward gear. The safety and convenience of road users should be sufficiently protected”.

- 1.5.3 The above consent has subsequently lapsed.
- 1.5.4 Conservation Area Consent application 03/2021/0748 is also to be determined for the demolition of the part of the wall as it is located within the Conservation Area.

1.6 Developments/changes since the original submission

- 1.6.1 The proposed scheme was amended following comments from the Conservation Officer relating to minimising the access opening and the design of the opening/pillars. Additional details were also provided on the materials.
- 1.6.2 Clarification was also provided regarding highway requirements.

1.7 Other relevant background information

- 1.7.1 None.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 3/10048 Erection of a detached dwelling and construction of access. Refused 30/04/1989 – but allowed at appeal 28/11/1989.
- 2.2 3/13205 Details of dwelling, car parking and access (granted under 3/10048). Granted 03/03/1993.
- 2.3 03/2021/0748 Conservation area consent for the demolition of a boundary wall to allow the formation of access and off street parking. Pending.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

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: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Conservation Areas

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Planning for Community Safety

Supplementary Planning Guidance Note: Pontcysyllte Aqueduct & Canal

Supplementary Planning Guidance Note: Trees & Landscaping

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 12 Design (2016)

TAN 18 Transport (2007)

TAN 24 The Historic Environment (2017)

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.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Contaminated land
- 4.1.8 Area of Outstanding Natural Beauty
- 4.1.9 Pontcysyllte Aqueduct & Canal World Heritage Site
- 4.1.10 Impact on Conservation Area including setting

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
Policy RD1 supports development proposals within development boundaries providing a range of impact tests are met.

The assessment of the specific impacts of the development proposed is set out in the following sections.

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 (iv) 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.

The Town Council raised objections to the proposed development relating to visual amenity stating that the proposals were contrary to RD1, which states that development should;

i) respect the site and surroundings in terms of the use of land/buildings and spaces around and between buildings.

The proposed access and parking area is to serve a residential property and is to be located within a residential area. The proposed opening would use existing pillars on the wall to create a natural opening in the wall. The materials proposed would be reused from the wall or are specified to complement the other materials in the wall such as timber to match timber gates. It is therefore considered that the appearance of the proposed development would be in keeping with the street scene and character of the area.

A neighbour has raised concerns about the visual impact of the proposed development from the properties below. The proposed fence is a similar height to the existing wall and would be left to naturally weather. The materials of the proposed gabions would be natural stone, which would be integrated with planting. It is not considered that there would be a significant visual impact. A condition requiring details of further landscaping proposals is included which could provide additional enhancement.

A representation was also querying the levels of the proposed site. These are detailed to follow the land with a fall from west to east. The retaining walls would follow this incline. It is considered that this can be achieved and is noted that this would be designed by an engineer.

Having regard to the proposed parking area, it is not considered the works would result in an unacceptable impact on visual amenity and would therefore be in general compliance 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.

It is not considered that there would be any impact upon residential amenity of the applicant or surrounding land owners as the parking area would not cause issues such as overlooking, overbearing etc due to it being 25m away from the nearest property (to the north), and the properties along Hill Street being on higher ground than the proposed parking area. A large garden area would still be maintained by numbers 18 and 20 Regent Street.

A representation raised concerns as to whether a timber fence would be able to deter a car from rolling off the car parking area. This is outside of the remit of planning and would need to be suitably designed under other regulations.

It is therefore considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance 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 (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.

Future Wales and PPW11 requires net gain in biodiversity. It is considered that this can be achieved through an appropriate landscaping plan via condition.

The proposed plan indicates the removal of one tree. As the proposed development is to serve a residential dwelling, it was not considered reasonable to request a Tree Survey in line with advice in the Trees and Landscaping SPG. The Conservation Officer has not raised any objection to the removal of the tree. It is considered that replanting and enhancement planting can be agreed as part of the landscaping condition discussed above. It is therefore considered that the proposals would therefore be in general compliance with the tests of the policies referred to.

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.

The proposals include details of a surface water drain at the lowest point of the parking area which would drain into a soakaway and semi-permeable surface. The application is supported by a percolation test which confirms that water drained away in a reasonable time frame. A condition would be included on any consent to ensure that these are in place prior to use.

The application site is located within the Phosphate Sensitive Catchment Area for the Bala Lake and River Dee Special Area of Conservation. The proposed development does not propose any foul drainage from the parking area and therefore would be classed as an exception as “any development that does not increase the volume of foul wastewater”. On this basis, it is considered that the proposal can be screened out and does not require a further Habitat Regulations Assessment (HRA).

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 11) 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.

The Town Council raised objections to the proposed development relating to visual amenity stating that the proposals were contrary to RD1, which states that development should;

*vii) provide safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles together with adequate; and
viii) would have an unacceptable effect on the local highway network as a result of danger and nuisance arising from traffic generated'.*

In addition, two neighbours have submitted representations (plus another neighbour and the Civic Society on the Conservation Area Consent application), raising concerns about highway safety of pedestrians, cars, cyclists where there is only a pavement available to be used by pedestrians on one side of the road; the proposed access being on a bend where the street is narrow, traffic speeds on the bend; that this is a key route as traffic has increased/ is further increasing due to housing developments.

The Local Highway Authority advised on the application, and initially requested additional information, which included details of visibility splays which needed to be in accordance with the guidance provided in TAN 18, Table B in Annex B. They also queried conditions regarding the use of the parking area. Following the submission of additional information which included confirmation of 40m visibility splays in both directions and turning area details for two cars; the Highway Authority, raised no objection to the proposal subject to the following condition:

1. *The approved car parking arrangements shall be completed in accordance with the approved plans before the use hereby permitted is commenced and shall be retained at all times thereafter.*

The Highway Authority consider all of the issues set out within the representations as part of their response and therefore given that the proposed access would comply with TAN 18 and that the Local Highway Authority raise no objection, it is considered that safe and convenient access can be provided.

The planning history details that a previous planning permission was granted for the erection of a dwelling and associated access at this location at appeal in 1989. The application was originally refused based on the reason that;

"The creation of a vehicular access to serve the proposed dwelling from off Hill Street would, because of the latter's width and alignment and the proximity of the access to a sharp bend in Hill Street, create conditions that would be prejudicial to road safety for both pedestrians and motorists alike".

Although it is acknowledged that circumstances in terms of the level of traffic may have altered since then, and the appeal has elapsed, the proposal was allowed at appeal, the Inspectors report noted that;

"Nothing I saw nor anything in the representations before me is capable of showing that this proposal is so potentially dangerous or congestive as to be unacceptable. The onus is on the Council to show by sound and clear-cut evidence that this scheme would cause significant harm to some interest of acknowledged importance; it has failed to do so either in respect of highways matters or the Conservation Area. The character and appearance of the latter would be preserved by what is proposed. and subject to access arrangements being such as to allow vehicles to enter and leave the site in forward gear. The safety and convenience of road users should be sufficiently protected".

Given that the Local Highway Authority have not raised any objection, it is considered that subject to condition, the proposed access complies with guidance and would be safe and convenient to road users.

4.2.7 Area of Outstanding Natural 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 (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 AONB Joint Advisory Committee were consulted on the planning application and advised that they raised 'no objection to the application subject to the Conservation Officer being satisfied with the details. As noted below, the Conservation Officer raises no objection to the proposed development and it is therefore considered that the proposals meet the specific policy tests set out above.

4.2.8 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.

It is not considered that the proposed development would be of such a scale that it would be visible or change the character of the area. The use of materials would integrate well into the garden area and backdrop of the boundary wall/ adjacent properties. It is therefore considered that the proposal would not lead to harm to the attributes or setting of the WHS.

4.2.9 Impact on Conservation Area including setting

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

Planning Policy Wales (PPW 11) Section 6.1.17 requires the Local Planning Authority to take account of the wider effects of demolition on the building's surroundings and on the architectural, archaeological, or historic interest of the conservation area as a whole. The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Proposals should be considered against conservation area appraisals wherever they are available.

The Town Council raised objections to the proposed development stating that the proposals were contrary to RD1, which states that development should;

iii) protect and where possible enhances the local natural and historic environment;

A separate Conservation Area Consent application has been submitted for the demolition of part of a boundary wall to allow the formation of access and off street parking under application 03/2021/0748. The purpose of an application for Conservation Area consent is to enable the LPA to consider demolition proposals and ensure the alternative proposals would not impact on the Conservation Area. The proposal considered under that application is for the demolition of part of (5m) a boundary wall to allow the formation of access and off street parking.

The Conservation Officer has been consulted on the applications and has considered the proposals in detail, and has negotiated additional amendments and acquired additional information, and now raises no objection to the demolition of this part of the wall or proposed development due to the justification of the proposed development of parking issues to serve the street fronting property.

The proposed plans were amended to reduce the amount of wall to be removed to reduce any negative visual impact of the loss of boundary wall within the Conservation Area. They also detail that they would use the existing pillars to be used as the boundary for the access and materials from the pillar that will be removed (from the side of the gate).

Officers consider the removal of this section of wall, between two pillars will maintain the overall character of the street scene and area by maintaining the pillar spacing. The site is not within the setting of any of the specified buildings of importance and not is it by any specified view points or vistas as set out in the Llangollen Conservation Area Appraisal, nor will it cause a detrimental impact upon any adjacent Listed Buildings or their setting.

It is also noted that in the previous appeal which was mentioned previously, that the same section of wall was proposed to be demolished, which was found to be acceptable and granted consent.

Officers do not consider the demolition of part of the wall or proposed works would have a detrimental impact on the character and appearance of the Conservation Area.

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 the particular tests of the relevant policies, the application is considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 15th December 2026
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Location Plan (Drawing No. PL01 Rev B) - Received 2 August 2021
 - (ii) Site Plan (Drawing No. PL02 Rev B) - Received 2 August 2021
 - (iii) Plan as Existing (Drawing No. PL03) - Received 2 August 2021
 - (iv) Photographs (3 Drawings No. PL04, PL06 & PL07) - Received 2 August 2021
 - (v) Plan as Proposed (Drawing No. PL05 Rev C) - Received 4 October 2021
 - (vi) Elevations as Existing and Proposed (Drawing No. PL09 Rev C) - Received 16 November 2021
 - (vii) Section as Proposed (Drawing No. PL08 Rev B) - Received 4 October 2021
 - (viii) Planning Statement - Received 4 October 2021
 - (ix) Percolation Test - Received 15 September 2021
 - (x) Visibility Splays (Drawing No. PL011) - Received 29 September 2021
 - (xi) Gabion Photo - Received 4 October 2021
3. The approved car parking arrangements shall be completed in accordance with the approved plans before the use hereby permitted is commenced and shall be retained at all times thereafter for the parking of two vehicles only.
4. The development hereby approved shall not be brought into use until the proposed surface water drainage scheme has been implemented and completed in accordance with the submitted details shown on Plan as Proposed (Drawing No. PL05 Rev C) - Received 4 October 2021.
5. **PRE-COMMENCEMENT**
No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:
 - 1) The parking of vehicles of site operatives and visitors;
 - 2) Loading and unloading of plant and materials;
 - 3) Storage of plant and materials used in constructing the development;
 - 4) Measures to control the emission of noise, dust and dirt during construction
 - 5) Hours of operation/construction/deliveriesThe development shall be carried out strictly in accordance with the approved Construction Method Statement throughout the construction period.
6. Prior to the construction of the parking area hereby approved details or samples of the materials to be used in the construction of the structures and surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The timber fencing shall not be painted or stained without prior written consent of the Local Planning Authority.
7. No development shall be permitted to commence until a detailed landscaping scheme designed to deliver a net benefit for biodiversity, has been submitted to, and approved in writing by, the Local Planning Authority. This must include a species list for the new planting, and only feature species of known benefit to wildlife. No species listed on schedule 9 of the Wildlife and Countryside Act (1981), as amended, or species listed on the Invasive Alien Species of Union concern (EU Regulation 1143/2014 on invasive alien species) should be included in the planting list. The development shall proceed strictly in accordance with those details as approved.
8. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any

trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

9. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without approval in writing of the Local Planning Authority.
10. No external lighting shall be installed without the formal written approval of the Local Planning Authority to the detailing of the proposed lighting. The approved scheme shall be implemented strictly in accordance with the approved details.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To provide for the parking of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
4. To prevent surface water run off onto the highway.
5. In the interest of residential and public amenity and highway safety.
6. In the interest of the visual amenity of the Area of Outstanding Beauty.
7. In the interest of the visual amenity of the Area of Outstanding Beauty and nature conservation.
8. In the interest of the visual amenity of the Area of Outstanding Beauty and nature conservation.
9. In the interests of residential and visual amenity.
10. In the interest of the visual amenity of the Area of Outstanding Beauty and nature conservation.