

03/2021/0748

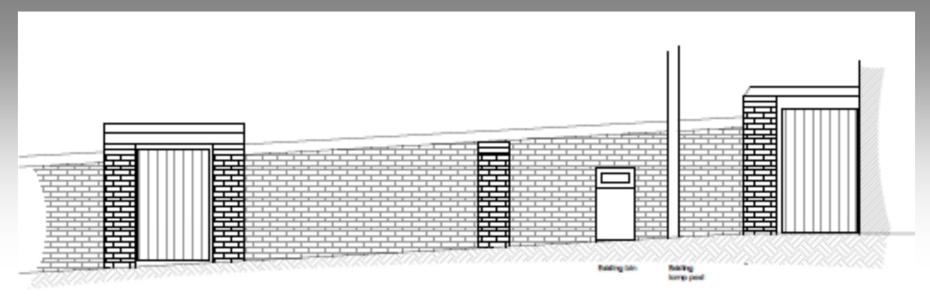
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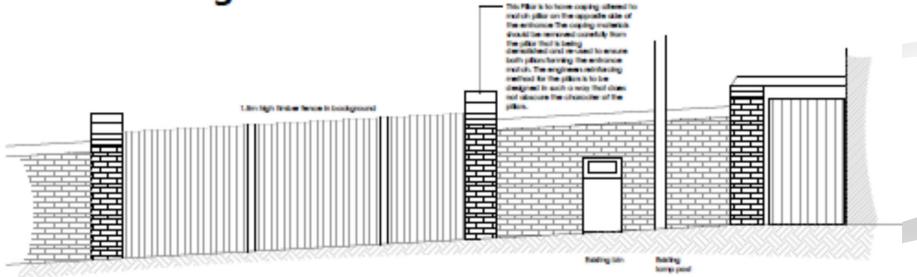
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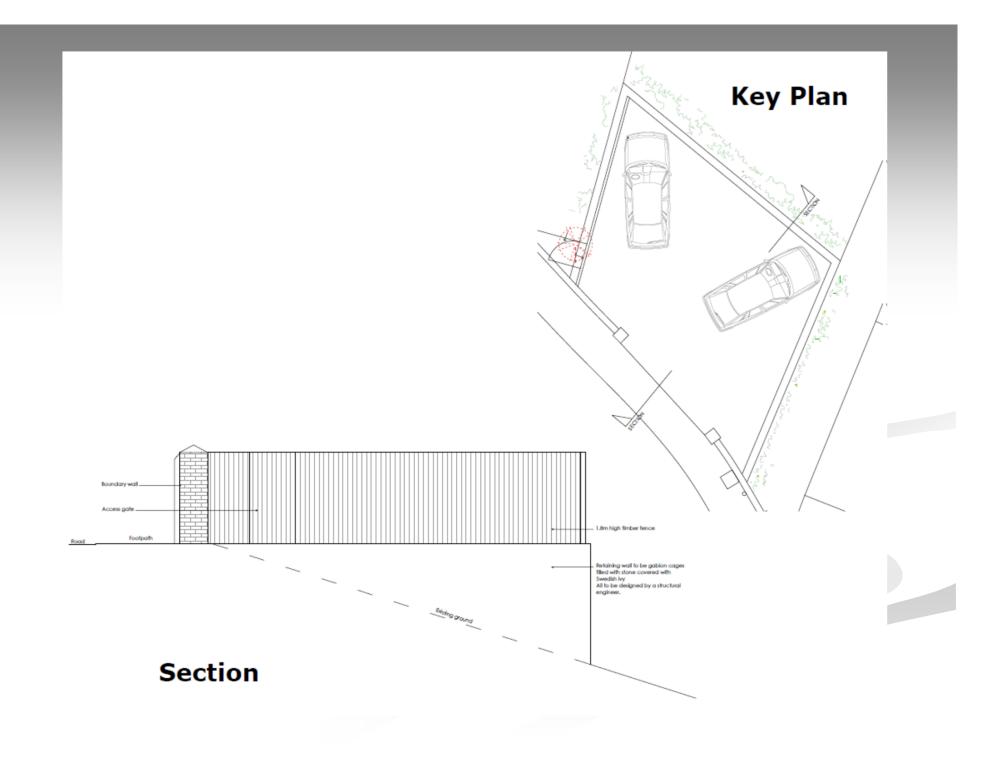
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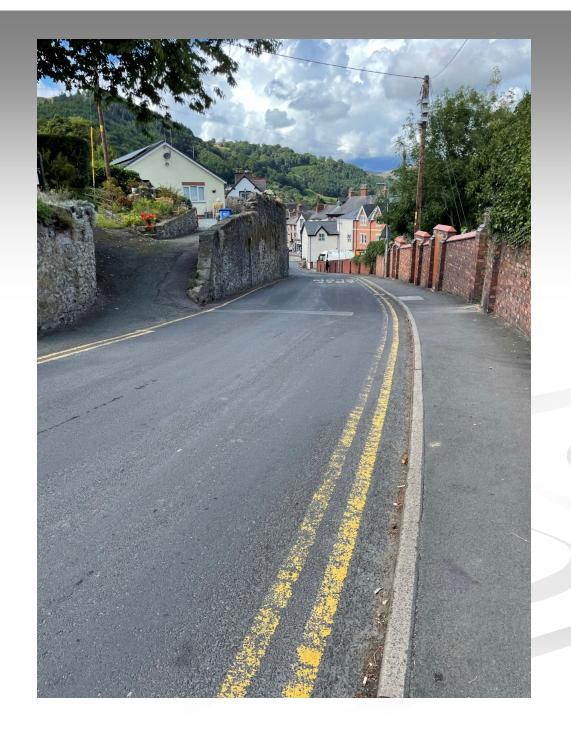
As Existing



As Proposed









Georgia Crawley

WARD: Llangollen

WARD MEMBER(S): Cllr Graham Timms

Cllr Melvyn Mile (c)

APPLICATION NO: 03/2021/0748/CA

PROPOSAL: Conservation area consent for the demolition of a boundary wall

to allow the formation of access and off street parking

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

AONB

PUBLICITY Site Notice - Yes UNDERTAKEN: Press Notice - Yes

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'.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES -

Conservation Officer

1st Response

- 'I have 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'.

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:

Llangollen Civic Society

Penybryn, Hill Street, Llangollen 22 Regent Street, Llangollen

2 Fron Castell, Fron Bache, Fron Bache

Summary of planning based representations in objection:

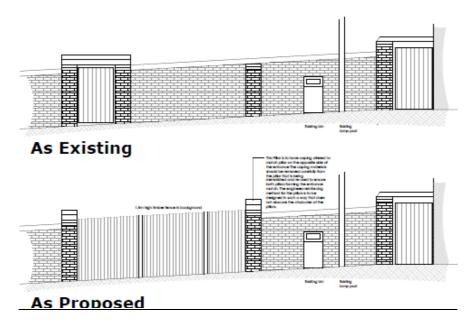
- Highway safety concerns have been raised in relation to the suitability of the access in relation to the highway conditions in the area, the increasing number of vehicles using the road and the relationship to other accesses.
- Residential amenity concern has been raised about the proposals impact 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: 26/09/2021

PLANNING ASSESSMENT:

1. THE PROPOSAL:

- 1.1 Summary of proposals
 - 1.1.1 The proposal is seeking Conservation Area Consent strictly for the demolition of part of a boundary wall to allow the formation of access and off street parking.
 - 1.1.2 The proposed access is to be 5m wide and would involve the demolition of 5m of wall which includes a pillar which forms part of the existing gate. The pillar on the right side of the proposed access 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.



1.1.3 The proposals to make good the wall and create the parking area are dealt with under planning application 03/2021/0656.

1.2 Description of site and surroundings

- 1.2.1 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).
- 1.2.2 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.

1.3 Relevant planning constraints/considerations

- 1.3.1 Within development boundary and Conservation Area of Llangollen as defined by the LDP.
- 1.3.2 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 Special Area of Conservation Catchment area.

1.4 Relevant planning history

- 1.4.1 A previous planning permission was granted for the erection of a dwelling and associated access at this location at appeal in 1989.
- 1.4.2 Full planning application 03/2021/0656 is also to be determined for the 'creation of off road domestic parking, formation of access, landscaping and associated works'. This application only seeks the demolition of part of the wall as it is located within the Conservation Area.

1.5 <u>Developments/changes since the original submission</u>

1.5.1 The proposed scheme was amended following comments from the Conservation Officer relating to the design of the opening/pillars.

1.6 Other relevant background information

- 1.6.1 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.
- 1.6.2 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.

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 03/2021/0656 Creation of off road domestic parking, formation of access, landscaping and associated works. Pending.

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 VOE1 -** Key areas of importance

Supplementary Planning Guidance Supplementary Planning Guidance - Conservation Areas

3.2 Government Policy / Guidance

Planning Policy Wales Edition 11 – February 2021
Future Wales – The National Plan 2040
Technical Advice Note (TAN) 24: The Historic Environment (2017)
Planning (Listed Buildings and Conservation Areas) Act 1990

3.3 National legislation

Historic Environment (Wales) Act 2016

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 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 and Impact on Conservation Area

4.2 In relation to the main planning considerations:

4.2.1 Principle and Impact on Conservation Area

Section 6 of Planning Policy Wales 'Distinctive and Natural Places' highlights the objective of preserving or enhancing the character or appearance of a conservation area, which can be achieved either by development which provides a positive contribution to the conservation area character and appearance or development which leaves character and appearance unharmed.

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 is for the demolition of part of a boundary wall to allow the formation of access and off street parking. The proposed access is to be 5m wide and would involve the demolition of 5m of wall which includes a pillar which forms part of the existing gate. The pillar on the right side of the proposed access 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.

The proposals to make good the wall and create the parking area are dealt with under planning application 03/2021/0656.

The boundary wall is generally sound construction. There are some blue tiles missing and the wooden gate doors are rotting. The justification for the application is that there is a lack of available parking within the town and none designated for the applicant at the property 18 Regent Street which faces directly onto the highway.

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. Subsequently, he now raises no objection to the demolition of this part of the wall or proposed development as set out within planning application 03/2021/0656 for the creation of an access and parking area.

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 now detail that they would use the existing pillars to be used as the boundary's 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 is not by any specified view points or vistas as set out in the Llangollen Conservation Area Appraisal. It is not considered that it would cause a detrimental impact upon any adjacent Listed Buildings or their setting.

Therefore Officers do not consider the demolition of part of the wall would have any detrimental impact on the character and appearance of the Conservation Area setting that would warrant refusal.

It is also noted that in the previous appeal, that the same section of wall was proposed to be demolished, which was found to be acceptable and granted consent. The application was originally refused based highway grounds only. 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 Authority Conservation Officer have not raised any objection, it is considered that the proposed demolition would be acceptable based on the justification provided.

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:

The proposed demolition works are not considered to adversely impact on the character and appearance of the Conservation Area setting and therefore the application is recommended for grant

RECOMMENDATION: GRANT- for the following reasons:-

- 1. The development to which this permission relates shall be begun no later than 15th December 2026
- 2. The demolition works 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

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.