

03/2024/0102/ PF



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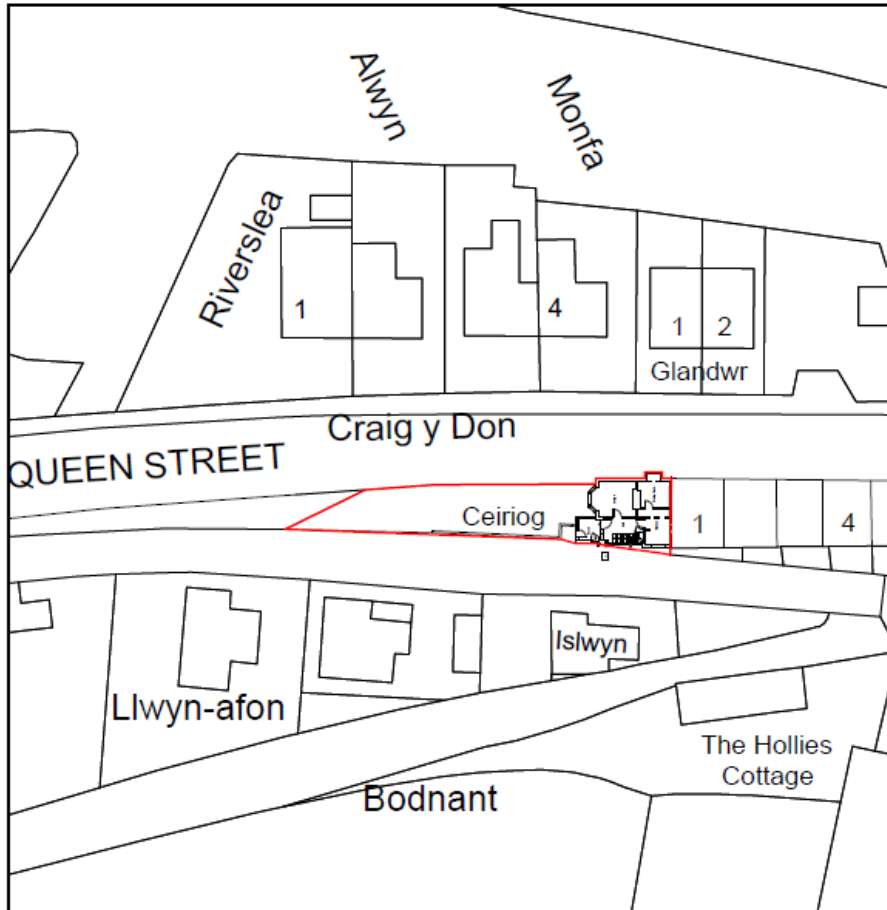
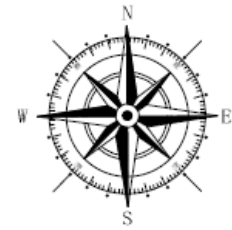
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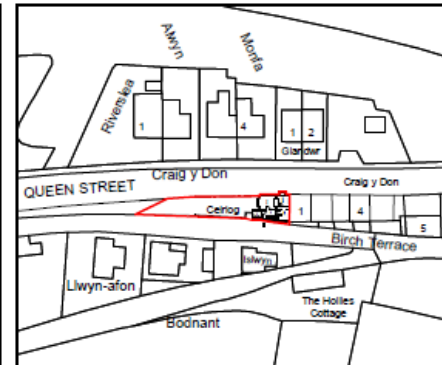
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03/2024/0102

Ceiriog, Birch Hill, Llangollen
Subdivision of existing dwelling to form
one ground floor flat and one flat on the
second and third floors



Site Plan 1:500



Location Plan 1:1250

Key

Application Site

Rev	Date	Detail	Initial

Project:
Proposed Alterations to,
Ceiriog, Birch Hill,
Llangollen,
LL20 8LN

Title: Site & Location Plan	Scale: (A3) 1:500 & 1:1250
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Drawn By: A.Valentine	Date: Jan 2023
Drawing No: AO60/002	Sheet: 1 of 1






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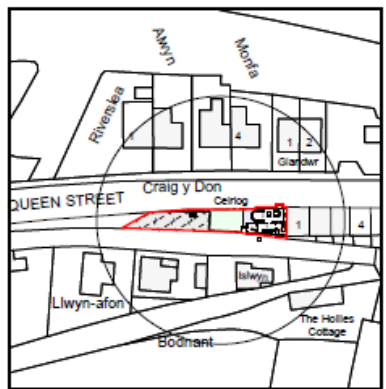
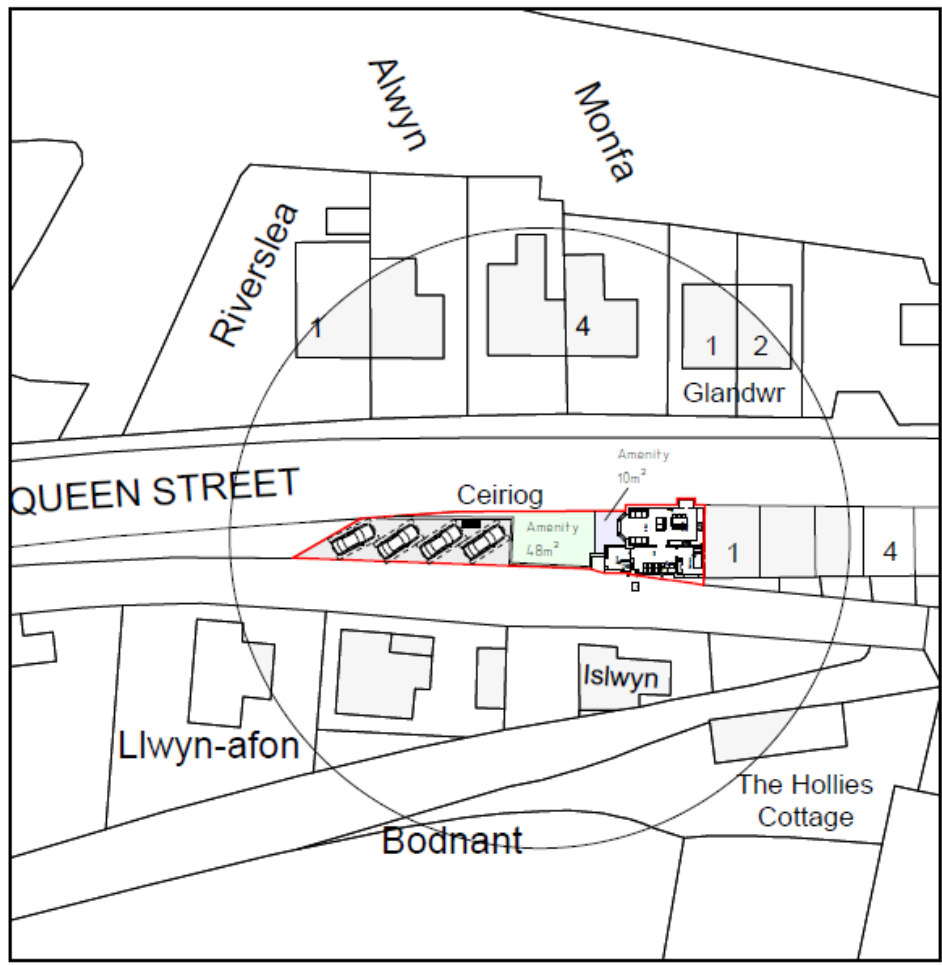
LABC partner

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Key

	Ground Floor Apartment Garden 10m ²
	Two Storey Dwelling Garden 48m ²
	Application Site
	Surrounding Buildings
	Cycle Store (3 bike locker)



Rev	Date	Detail	Initial
B	05/24	Planning Amends	D.J.E
A	05/24	Planning Amends	D.J.E

Project: Proposed Alterations to, Ceiriog, Birch Hill, Llangollen, LL20 8LN	
Title: Site & Location Plan	Scale: (A3) 1:500 & 1:1250

Drawn By: L. Fowles	Date: Jan 2024
Drawing No: A063/002	Sheet: 1 of 1

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Site Plan 1:500



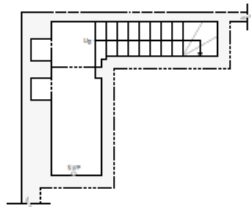
Front Elevation 1:100



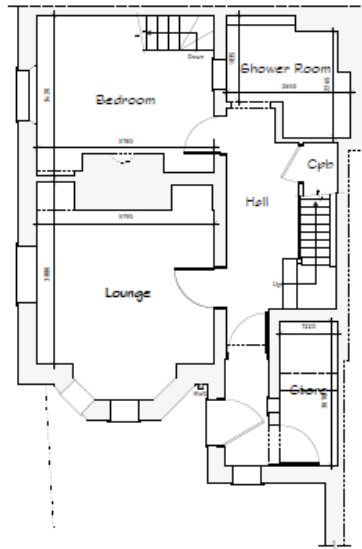
Side Elevation 1:100



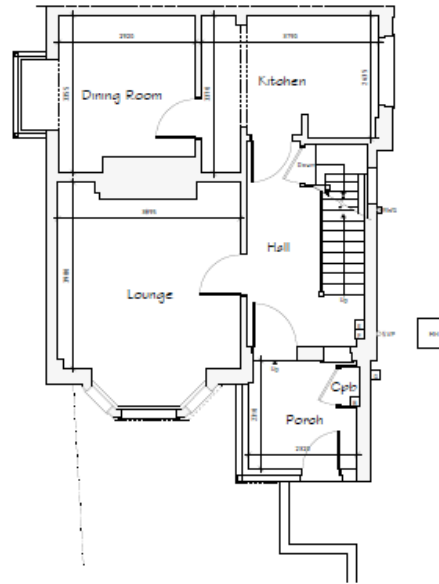
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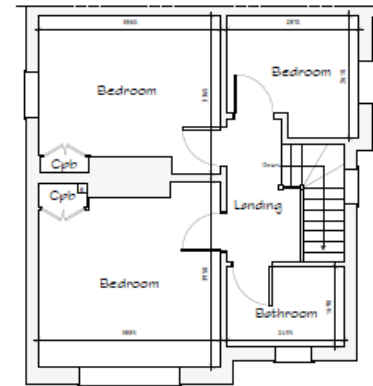
Basement 1:50



Ground Floor 1:50



First Floor 1:50



Second Floor 1:50

Legend	
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<input type="checkbox"/>	Existing Gas Meter Position
<input type="checkbox"/>	Existing Electric Meter Position
<input type="checkbox"/>	Existing Floor Box Position
<input type="checkbox"/>	Existing Stove/Heater Position
<input type="checkbox"/>	Existing Man Hole Position
<input type="checkbox"/>	Existing Man Valve Gully (MVG) Position
<input type="checkbox"/>	Existing Bath Inlet (BI) Study Position
<input type="checkbox"/>	Existing Hot Vent Pipe (HVP) Position

Rev	Date	Detail	By
1	2025	Drawn	AV

Project:
Proposed Alterations to,
Cernog, Birch Hill,
Llangollen,
LL20 0LN

Title:	Scale: (A2)
Existing	1:50 & 1:100

Drawn By:	Date:
A.Valentine	Jan 2025

Drawing No:	Sheet:
AO0001	1 of 1

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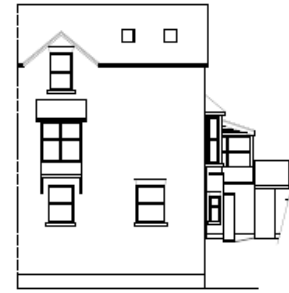
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Front Elevation 1:100



Side Elevation 1:100



Side Elevation 1:100

ROOFING MATERIALS
Roof coverings are to be natural slate and retain unaltered.

WINDOWS
All windows are to comprise sealed double glazed units set in white uPVC frames. Entrance, Bathroom and windows facing neighbouring properties are to be fitted with decorative glass.

FACED AND SKIRTS
All facades and soffits are to comprise white uPVC to match existing.

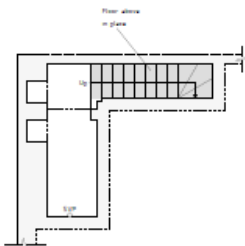
RAINWATER GOODS
Rainwater to be collected in uPVC guttering and square uPVC downpipes to match existing. SW to discharge to existing method of disposal.

GREEN INFRASTRUCTURE STATEMENT
The existing amenity space hasn't been mentioned for a number of years, bringing the site into a use would see a well-kept green infrastructure and ensure the spaces proposed are mentioned following the refurbishment proposal of the property. As documented, it is proposed the development includes the erection of a bird box to provide a well-biodiversity gain for the site.

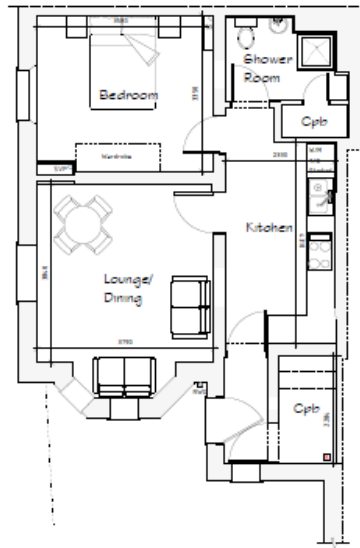


Example of Birdbox

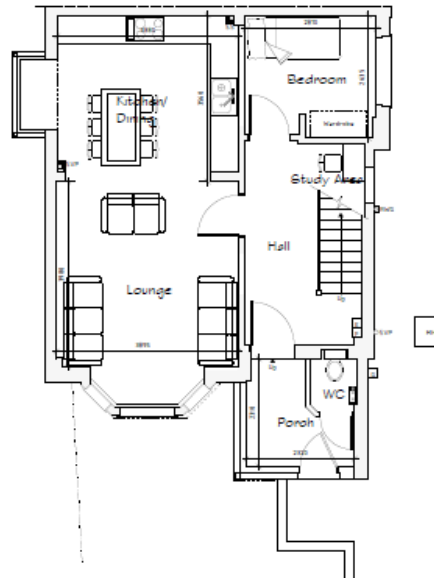
Bird box to be 100% open access (nocturnal) installed upon completion of the proposed scheme.



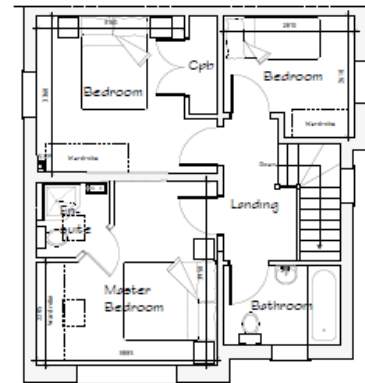
Basement 1:50



Ground Floor 1:50



First Floor 1:50



Second Floor 1:50

Accessories	
<input type="checkbox"/>	Existing Boiler Position
<input type="checkbox"/>	Existing Gas Water Position
<input type="checkbox"/>	Existing Electric Water Position
<input type="checkbox"/>	Existing Freezer Position
<input type="checkbox"/>	Existing Stove/Range Position
<input type="checkbox"/>	Existing Pan-try Position
<input type="checkbox"/>	Existing Pan Water Supply (SW) Position
<input type="checkbox"/>	Existing Bath Water (BW) Supply Position
<input type="checkbox"/>	Existing Hot Water Pipe (SW) Position

Rev	Date	Detail	Issue

Project:
Proposed Alterations to,
Cwmog, Birch Hill,
Llangollen,
LL20 0LN

Title: Planning
Scale (A1): 1:50 & 1:100

Drawn By: L. Fowles
Date: Jan 2024

Drawing No: AOGS/OOS
Sheet: 1 of 1

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WARD : Llangollen

WARD MEMBER(S): Councillor Karen Edwards (c)
Councillor Paul Keddie

APPLICATION NO: 03/2024/0102/ PF

PROPOSAL: Subdivision of existing dwelling to form one ground floor flat and one flat on the second and third floors including retrospective extension of parking area

LOCATION: Ceiriog, Birch Hill, Llangollen, LL20 8LN

APPLICANT: Mr Shahzah Ahmed

CONSTRAINTS: World Heritage Site Buffer, Within 67m Of Trunk Road, Phosphorus Sensitive SAC, Phosphorous SAC Compliance, British W-ways Cons Minor, Canal Consultation Zone, 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 – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

LLANGOLLEN TOWN COUNCIL

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

The Town Council resolved to object to this application as it is contrary to the following policies within the adopted Local Development Plan 2006 – 2021

Policy RD 1 - Sustainable development and good standard design as the proposals do not provide safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles together with adequate parking, services and manoeuvring space.

Policy RD 3 – Extensions and alterations to dwellings the proposal represent an over development of the site'.

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

'Despite the proposed subdivision into two residential units the external appearance of the property will remain unchanged. The proposed development will therefore not have any adverse impact upon the character and appearance of the area. The Joint Committee raise no objections'.

NATURAL RESOURCES WALES

Concerns as further consideration required. Competent Authority should consider whether the proposals as submitted would lead to an increase in the volume of foul discharge from the site in planning terms and whether there is hydraulic capacity for the proposed development.

DWR CYMRU / WELSH WATER

Dwr Cymru Welsh Water confirmed that Llangollen Waste Water Treatment Works has a phosphate permit and that there is capacity for the proposed development.

Requested a condition requiring that no surface water increase in the roof or impermeable services within the curtilage of the property be allowed directly or indirectly to the public sewerage system.

CADW

No objection to the proposed development in regards to impacts upon scheduled monuments, registered historic park and garden or world heritage sites.

WELSH GOVERNMENT TRUNK ROADS

Raised no objections but requested a note to applicant advising that the applicant should contact the North Wales Trunk Roads Authority if apparent traffic associated with the construction phase of the development might impact the operation of the A5.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

'The proposals are to sub-divide the existing 4-bedroom property into 2 flats, a 1-bedroom flat and a 4-bedroom flat, an increase in 1 bedroom overall to that of the existing.

Parking spaces should be 2.4m x 4.8m and the recently submitted drawing No A063/002 shows that 4 parking spaces can be provided within the applicant's ownership and adjacent to Birch Hill. The parking provided meets the standards laid out in D.C.C's parking standards and given the excellent sustainable links and public car parks in the town I therefore cannot see any reason to refuse the proposals on highway grounds.

I therefore have no objection subject to the imposition of conditions to secure the delivery and retention of the parking area.

Ecology Officer

As there are no ecological surveys conducted at the proposed development site, it is not possible to determine the potential impacts on protected species. The proposed development involves considerable modification to the roof of the existing property, which has the potential to have impacts on protected species including bats and nesting birds. The building is located in a rural area, with considerable suitable habitat for bats nearby, and good habitat corridors to the wider countryside and several records present on the Local Environmental Records Centre database.

A suitably qualified and competent ecologist should be engaged to determine if protected species are present, and advise on suitable avoidance, mitigation and compensation measures, if needed. They will also advise on the enhancement measures suitable for the site. A report detailing the results of the survey(s) should be submitted to the Local Planning Authority for review before this application can be assessed further. No further works to the roof or chimney should be conducted prior to the survey.

• There are records that Japanese Knotweed is present on site. Natural Resources Wales has issued the following guidance regarding the management of this species; Natural Resources Wales / Japanese knotweed: what you need to know. Please be aware that Japanese knotweed is listed in Schedule 9 of the Wildlife and Countryside Act 1981 and is subject to Section 14 of this Act. It is an offence to plant or cause this species to grow in the wild. This means that actions which cause the spread of Japanese knotweed, e.g. strimming, flailing, or dumping contaminated material, may constitute an offence'.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Andrew Williams, Bodnant, Birch Hill, Llangollen Stuart Price, 1 Cyll-Y-Maen Cottages, Tyndwr Road, Llangollen

Meurig Hughes, Islwyn, Birch Hill, Llangollen Helen Pratt, Llwyn Afon, Llwyn Afon, Birch Hill

Summary of planning-based representations in objection:

- Highways:

- o Further traffic generation on an already congested street.

- Will impact safety on a narrow street.
 - Increase parking on the street.
 - Will directly impact access adjacent land-owners garage. DCC have allowed white lines to protect adjacent garage in the past. Garage and downpipes have been damaged in the past.
 - Parking four cars diagonally is unrealistic and will cause disruption due to additional cars waiting to pass each other.
 - Cars will protrude into Birch Hill and cause issues as it is already narrow.
 - Already been issues when the property has been occupied in the past.
 - Numerous stationary cars have been damaged parked opposite Ceiriog by passing cars and vans due to the narrow road and congestion.
 - Emergency Services have struggled to get past parked cars on Birch Hill in the past.
 - The Local Highway Authority Response shows a complete lack of understanding of the site/area and appears to have been completed as a "paper/tick box exercise" with NO site visit undertaken to properly assess and understand the impact for parking and traffic in this area of Birch Hill.
 - Queries regarding the measurement of the car park area as it does not seem possible for 4 cars to park on the area, at an angle as it has been fenced off, without sticking out in to the road i.e. causing an obstruction to the traffic and other residents.
- Use of property:
 - If the property is to be used as a House of Multiple Occupation (HMO) or Air BnB then the number of vehicles would be higher and the issues will be exacerbated.
 - Ceiriog has recently been used by a private firm as a Hostel. This resulted in extensive anti-social behaviour taking place in and around the property.
 - Japanese Knotweed:
 - There is Japanese Knotweed on the property that has grown substantially since it was cut back for the car park area fencing. Seeking assurance that this is being addressed as the risk of spread to adjacent property is of concern.

EXPIRY DATE OF APPLICATION: 01/05/2024

EXTENSION OF TIME AGREED: 19/06/2024

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The proposed development is for the subdivision of the property Ceiriog, a four-bedroom dwelling, into a ground floor one-bedroom flat and a separate first floor and second floor four-bedroom maisonette (flat over two floors). The ground floor flat would be accessed via an existing door at garden level and the maisonette would be accessed via an existing entrance onto the road level.

1.1.2 The proposals originally included the retrospective removal of a chimney and a dormer window. These would normally be permitted development not requiring planning permission, however, in this instance, these works do require permission due to the sites location within the Area of Outstanding Natural Beauty. There were also two roof lights proposed. The plans have been amended to omit these from the proposal following a request for a Protected Species Survey and these will be dealt with in a subsequent application once the survey is available.

1.1.3 The proposals also include the retrospective extension of the parking area to facilitate four diagonal parking spaces – the works for this have also been mainly carried out.

The parking area includes a proposed cycle store. The existing garden area would also be split into two parts to serve the separate dwellings.

1.1.4 Proposals include the erection as a bird box as a biodiversity enhancement measure.

1.2 Other relevant information/supporting documents in the application

1.2.1 The application is supported by a Green Infrastructure Statement that confirms the garden area will be improved and a bird box will be erected.

1.3 Description of site and surroundings

1.3.1 The application site forms a four-bedroom dwelling set over three floors. The existing dwelling is served by a garden area to the front and associated parking area (which has/ is currently being extended and fenced).

1.3.2 The property has a slate roof and pebble dashed walls. There is a large bay window on the front and protruding gable features above. The garden area is set down at a lower level below the highway.

1.3.3 The application site is located in the outskirts of Llangollen along Birch Hill to the south of the A5.

1.3.4 The application site is located along Birch Hill and is the first property on the northern side of the road. Birch Hill is a narrow street with walls and houses bounding the carriageway of the road. The majority of the properties along this road do not benefit from a private parking area therefore on street parking is used all the way up to the top of the hill. This obviously narrows the available carriageway.

1.3.5 The site is within walking distance of a large open space area at the bottom of the road and also public transport links.

1.4 Relevant planning constraints/considerations

1.4.1 The application site is located within the Development Boundary of Llangollen. The site is also within following designated areas:

- Area of Outstanding Natural Beauty
- Pontcysyllte World Heritage Buffer Zone
- Vale of Llangollen and Eglwyseg Landscape of Special Historic Interest
- Bala Lake and River Dee Special Area of Conservation phosphate sensitive catchment and compliance areas
- Within 67m of the A5 Trunk Road

1.5 Relevant planning history

1.5.1 Planning permission was previously granted in 2008 for the same development subdividing the property into two units.

1.6 Developments/changes since the original submission

1.6.1 The parking spaces were drawn to scale onto the proposed site plan.

1.6.2 Works to the roof were removed from the proposal to allow time for a protected species survey to be carried out.

1.7 Other relevant background information

1.7.1 A Green Infrastructure Statement is detailed on the proposed plans including details of a bird box to be erected.

2. DETAILS OF PLANNING HISTORY:

2.1 03/2008/0814 Conversion of basement rooms to 1 self-contained flat. GRANTED
11/09/2008.

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 BSC3 – Securing infrastructure contributions from Development

Policy BSC7 – Houses in multiple occupation and self-contained flats

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: Planning for Dark Skies – SPG for lighting in the 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

Government Policy / Guidance

Planning Policy Wales (Edition 12, 2024)

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

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)

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 12, 2024) 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 12) 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 Residential amenity
- 4.1.3 Visual amenity, Area of Outstanding Natural Beauty and Pontcysyllte Aqueduct & Canal World Heritage Site
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Open Space

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the Llangollen development boundary. Planning Policies RD1 and BSC1 seek to direct development to within established development boundaries. The principle of residential development is therefore generally acceptable within these areas.

Policy BSC 7 is the detailed policy relating to Houses in Multiple Occupation & Self Contained Flats. The policy states that *'The sub-division of existing premises to self-contained flats will be permitted provided that all the following criteria are met:*

- i) the property is suitable for conversion to the number and type of flats proposed without unacceptably affecting the character, appearance and amenity standards of the locality (including cumulative effects of such proposals); and*
- ii) the proposal conforms to the Council's approved space and amenity standards'.*

In Officers opinion subject to the above tests being met, and the impacts of the proposal on the amenity of the area being acceptable, that the proposal is acceptable in principle.

4.2.2 Residential Amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

Policy BSC7 also requires the proposal to conform to the Council's approved space and amenity standards'

The Town Council have raised an objection to the principle of the development as they consider that the proposed development is contrary to Policy RD 3 as the proposed development would represent an over development of the site.

In terms of the Council's approved space and amenity standards; the Ground floor one-bedroom flat would be 54 square meters (50 square meters required) and the first and second floor four-bedroom maisonette would be 107 square meters (100 square meters required) which exceeds the minimum floor standards set out within the Residential Space Standards Supplementary Planning Guidance. All of the rooms also meet the residential space standards.

The external amenity space (garden) is to be divided into two separate areas with 10 square meters provided outside the ground floor flat and 48 square meters for the maisonette. The total area provided would be 58 square metres. The adopted residential space standards for outdoor amenity space for flats requires 50 square metres, plus 10 square metres for every additional flat. IN this instance that proposal broadly complies with the requirement. However, it is noted that the ground floor flat would realistically only have access to the smaller area. Notwithstanding this, it is noted that the Ground floor flat is a one-bedroom flat, so the space would provide sufficient area for drying clothes, associated bins etc. The agent commented that this is a negligible shortfall in the standard and that historically this amenity space for the dwelling has been underutilized. The agent also highlighted that there are many amenity areas available within the town.

The nearest open space is located at the bottom of Birch Hill at Queen Street Play Area. The park is 110 meters away which is considered a short and reasonable walking distance for access to additional open space.

With regard to the Town Councils objection on the grounds on over development of the site, it is noted that RD3 relates to extensions to dwellings, and not this type of application. In any event, in Officers opinion, it would be difficult to argue that the proposal is overdevelopment in that it is demonstrated that the space standards (both internally and externally) are to all intents and purposes met. It is therefore not considered that the scheme would represent an overdevelopment of the site.

Regarding the proposals impact on the amenity of other neighbouring properties, it is not considered that the subdivision of this property would harm the amenity of the neighbouring properties. The basement flat would be located below street level and away from other dwellings other than Ceiriog itself. The scale of the proposal is not considered to represent an excessive increase in intensity of use.

The proposal is therefore considered to be acceptable in terms of its impact upon residential amenity within the area, and provides a sufficient amount of amenity itself for future occupants.

4.2.3 Visual amenity, Area of Outstanding Natural Beauty and Pontcysyllte Aqueduct & Canal World Heritage Site

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

Policy VOE 2 requires an 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 (Edition 12, 2024) 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.

Supplementary Planning Guidance (SPG) has been developed – ‘The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)’ along with a specific SPG for lighting in the AONB - ‘Planning for Dark Skies’. The SPG’s provide guidance and advice on design and lighting principles which should be followed to assist new development proposals in the area.

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 (Edition 12, 2024) in Chapter 6 at para 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.

No representations have been received raising concerns on visual amenity grounds or that the proposals would cause an unacceptable harm to the character and appearance of the landscape and the reasons for designation as Area of Outstanding Natural Beauty or Pontcysyllte World Heritage Site Buffer Zone.

In terms of the impacts upon the visual amenity from the proposed development, the proposals involve the retrospective extension of the car parking area through creating an extended raised area including a fence to the rear. The car parking extends and tidys up an existing area of parking, so is not considered to lead to any significant change.

The AONB Joint Committee and Cadw both considered the proposed development and do not raise any objection to the proposals.

It is not considered that the external alterations would have a detrimental impact upon the character of the property or of the Area of Outstanding Natural Beauty. In addition, it is not considered that it would impact upon the Pontcysyllte Aqueduct and Canal World Heritage Site and its Outstanding Universal Value or its attributes either and Cadw do not raise any objections to the proposed development.

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 (Edition 12, 2024) within Chapter 6 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG 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 (Edition 12, 2024) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems" (Section 6.4.5).

Planning Policy Wales (Edition 12, 2024) 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).

Planning Policy Wales (Edition 12, 2024) includes policies relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- **Green Infrastructure**

A strong emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.

- **Net Benefit for Biodiversity and the Step-wise Approach**

Clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach,

pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- **Protection for Sites of Special Scientific Interest (SSSI)**

Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape.

- **Trees and Woodlands**

A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

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 – The National Plan 2040 (2021) Policy 9 advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

The application is supported by a Green Infrastructure Statement that sets out that it is proposed to erect a bird box at the property.

The County Ecologist made some initial comments based on the original plans that included the retrospective removal of the chimney and dormer window. Normally these works would be permitted development, however, due to the site being within the Area of Outstanding Natural Beauty planning permission is required. These therefore need retrospective planning permission. However, they have been removed from this application as a Protected Species Survey will be required before an application can be determined. The proposals also included the insertion of two roof lights – these will also be subject to a second application.

Based on the above, it is considered that the erection of a bird box is suitable net gain for biodiversity for this change of use.

Notes to applicant regarding Japanese Knotweed will be added to the decision – as there are Cofnod records of this in the locality. A condition is not considered necessary as this is covered under other legislation enforced by NRW and the main construction works for the car parking area had previously been carried out.

4.2.5 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

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

Planning Policy Wales (Edition 12, 2024) at para 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*'.

The site will be drained to the main sewer. SUDs approval may be required if construction exceeds 100square meters.

The site is located within the Phosphate Sensitive SAC Catchment Area. DCWW were consulted regarding the existing permits and confirmed that the permit is up to

date and that the treatment works has capacity/ hydraulic capacity to accept additional loadings.

On this basis, the proposed development complies with the NRW screening criteria:

- the environmental permit for the associated wastewater treatment works has been reviewed against revised conservation objectives for water quality
- there is capacity in place to accommodate the additional wastewater in compliance with revised permit limits.
- the sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.

The application was screened through Test of Likely Significant Effect. This concluded that;

“The proposed development will connect to an existing public wastewater treatment works that has the capacity/ hydraulic capacity and associated phosphate stripping to accommodate the additional wastewater and additional phosphate from the proposed development. As a result, there will be no likely significant effects”.

As a result, the proposed development is not considered to impact on phosphate levels within the Phosphate Sensitive Catchment of the SAC. On this basis, it is considered that the proposed development can be adequately drained and is acceptable in planning terms.

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 (Edition 12, 2024) 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.

A number of representations have been received objecting to the proposed development relating to highway issues including additional traffic on an already congested street, safety concerns on a narrow street, increase of on street parking demand, impacts on adjacent land owners property and risks to cars, unrealistic design of parking spaces and risks from them overhanging into the highway.

The Local Highway Authority has assessed the application and raise no objection as the proposals to sub-divide the existing 4-bedroom property into 2 flats would only result in 1 additional bedroom beyond the existing number of bedrooms. The proposals include an extended car parking area and have detailed four proposed parking spaces on the proposed plans that are shown to be 2.4m x 4.8m within the applicant's ownership and off the road adjacent to Birch Hill.

This is a 100% increase in parking going from two existing spaces to four. The parking provided is detailed to achieve the standards laid out in Supplementary Planning Guidance Note: Parking Requirements In New Developments. The Local Highway Authority also highlighted that there are excellent sustainable links and public car parks in the town and therefore cannot see any reason to refuse the proposals on highway grounds. The application does also include a cycle store for three bikes which will promote sustainable transport.

Some representations also raised concerns with the plans and accuracy of the measurements. The Local Planning Authority have no reason to question the accuracy of the plans, however, notwithstanding this, there is a condition that has been proposed by the Local Highway Authority:

'Prior to the occupation of the development the proposed parking/cycle store as shown on drawing no: A063/002 dated May 2024 shall be laid out, demarcated, levelled, surfaced and drained in accordance with a scheme to be agreed with the Local Planning Authority and which shall be retained thereafter for its intended use. Reason: To ensure the permanent availability of the parking/cycle store, in the interests of highway.'

This means that if for any reason the parking spaces can't be delivered as per the plans and additional details to be agreed; that the dwellings will not be able to be occupied.

Given that Highways Officers raise no objection to the proposed development and that a scheme of parking for two additional cars is proposed, with only an increase of one bedroom, it is considered that the proposals are acceptable in highway terms. It is very unfortunate that there are significant issues on this street and that damage to resident's property has occurred, however, based on the foregoing, it is not considered that the proposed development would exacerbate these issues and could help provide parking for two additional cars.

Welsh Government Trunk Roads have requested a note to applicant be attached to any permission asking the applicant to contact them if there are any issues with the development phase impacting on the Trunk Road.

4.2.7 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all new housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

Table 4 in the Open Space SPG (adopted March 2017) sets out thresholds for on-site provision and financial contributions. It specifies that for schemes of 1 – 30 dwellings, open space obligations should be met through financial contributions rather than onsite provision.

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

The assessment shows a deficiency in provision for children and young people in Llangollen. The main reason for this is that most equipped play areas assessed

during the audit were much smaller than the FIT standard of 0.25 hectares. Many in Llangollen were just 0.03 hectares (see Table 30). Therefore, Llangollen has plenty of these sites, they may just be regarded as small in size compared to the FIT standards. In terms of the comparison to the County as a whole, Llangollen scored positively for this typology and is sufficient in Provision for children and young people.

On the basis of the evidence within the Open Space Assessment and Audit Report, and that the proposed development would result in an additional dwelling, it is considered that the proposal should make a financial contribution of £1,237.22 (as per calculator) to mitigate the increased usage on the existing open space and equipment within the area.

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

Other matters

Some representations have raised concerns with the use of the property and state that the property has been used as a House of Multiple Occupation/ hostel in the past and that this resulted in anti-social behaviour. Also that it may be used as an Air BnB/short term holiday let. The application is not seeking to change the use of the property and this would continue to be C3 Use.

There are permitted development rights to move between use classes C3 (open market dwelling houses), C5 (dwelling houses used otherwise than as a sole or main residence/ second homes) and C6 (short term holiday lets). Therefore the units could both be used as any of the above use classes. It is not considered that it is necessary or reasonable to restrict this as the existing use would allow this permitted change of use and it is not considered that the impacts would differ from a C3 dwelling. In terms of a House of Multiple Occupation, the one-bed flat will obviously be self-contained, but the four-bedroom dwelling, would need planning permission to change from a single dwelling to C4 Use Class if occupied by between three and six unrelated individuals. Hostels/hotel/guesthouses would be C1 Use Class or Unique Use Class, so again would require planning permission to be used as these uses. It is not considered that the use of the property, which would remain unchanged, would cause an impact on the amenity of the area.

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.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

5. SUMMARY AND CONCLUSIONS:

5.2 It is considered that the proposed development complies with policy and all other material considerations and is acceptable **subject to the following conditions and subject to an Open Space Agreement to secure a planning contribution to open space.**

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 19th June 2029
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) Proposed Site and Location Plans (Drawing No. A063-002 Rev B) - Received 8 May 2024
 - (ii) Proposed Plans and Elevations (Drawing No. A063-003 Rev B) - Received 30 May 2024
 - (iii) Existing Site and Location Plans (Drawing No. A060-02) - Received 7 March 2024
 - (iv) Existing Plans and Elevations (Drawing No. A060-01 Rev B) - Received 30 May 2024
3. Prior to the occupation of the development hereby permitted the proposed parking and cycle store as shown on drawing no: A063/002, dated May 2024, shall be laid out, demarcated, levelled, surfaced and drained in accordance with a scheme to be approved in writing by the Local Planning Authority and the details approved shall be implemented and retained at all times unless otherwise agreed in writing by the Local Planning Authority.
4. No surface water from any increase in the impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system

The reasons for the condition 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 ensure the permanent availability of the parking/cycle store, in the interests of highway safety.
4. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.