

REPORT OF THE CHIEF OFFICER PLANNING AND ECONOMY – 5 FEBRUARY 2024

APPLICATION NO:
P/2023 /0840

LOCATION:
BRYN HEULWEN OLD ROAD
MINERA WREXHAM
LL11 3YR

DATE RECEIVED:
22/11/2023

COMMUNITY:
Minera

CASE OFFICER:
SB

WARD:
Minera

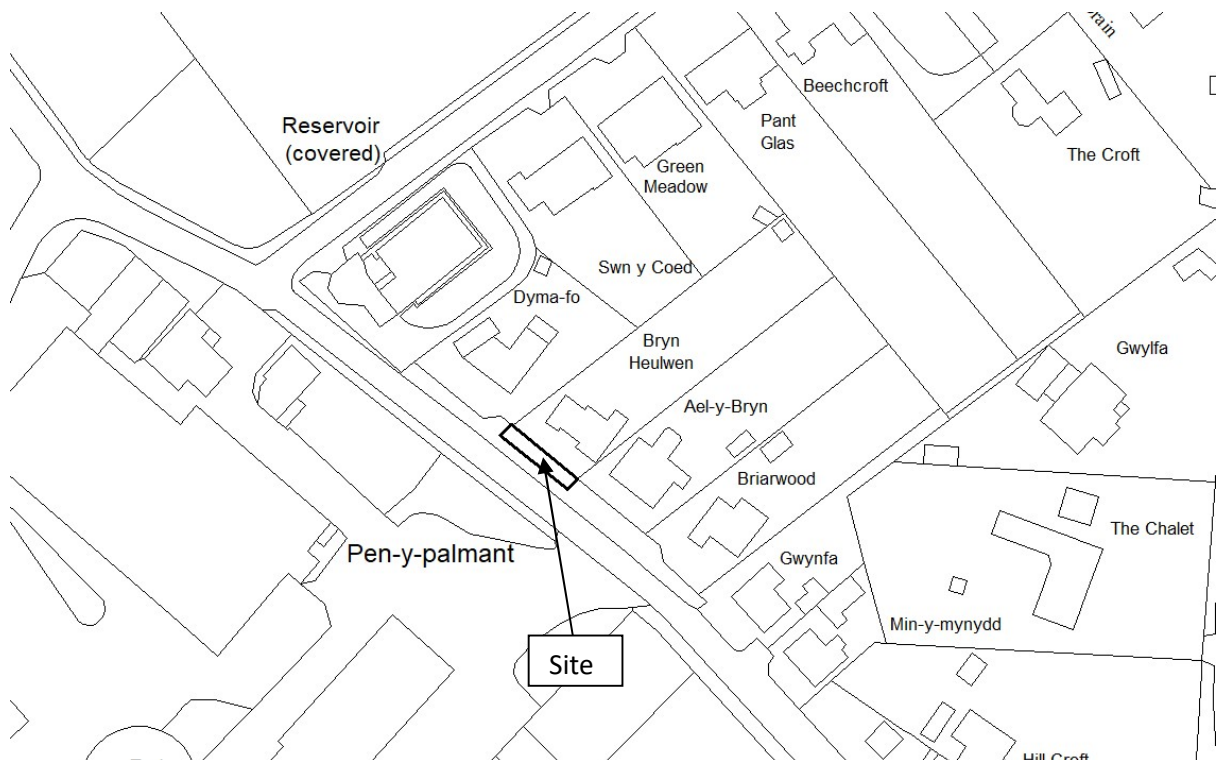
DESCRIPTION:
NEWID DEFNYDD TIR O ARDAL
BARCIO I ARDD BREIFAT AC
ADLEOLI MYNEDIAD (ÔL-
WEITHREDOL) / CHANGE OF USE
OF LAND FROM PARKING AREA TO
PRIVATE GARDEN AREA AND
RELOCATION OF ACCESS (IN
RETROSPECT)

AGENT NAME:
MOIRA LATHAM

APPLICANT(S) NAME:
MOIRA LATHAM

THE SITE

A piece of land directly in front of and immediately adjacent to a dwelling known as Bryn Heulwyn, which a single storey dwelling lying within a row of similar dwellings in a semi-rural area just on the outskirts of Coedpoeth.



PROPOSAL

This is an application for planning permission made in retrospect for the relocation of the vehicular access and change of use of area of tarmac to grassed front curtilage.

HISTORY

MIN/2518 – Outline application for the erection of 6 bungalows. Granted 13th September 1965. Condition 1 required vehicular access to the four plots along Old Road to have a waiting bay, but the condition does not require this to be permanently retained.

MIN/2433 – Full permission for erection of plot 4 (application site). Granted 23rd March 1967. No conditions.

DEVELOPMENT PLAN

Outside settlement limit and within a Green Wedge as set out in the Wrexham Local Development Plan. Policies SP2, SP6, DM1 and T1 apply.

CONSULTATIONS

Community Council

Expresses concerns that:

- The new garden area is detrimental to road safety due to the loss of off road parking formerly provided by the layby to the front of all four properties in this location; and
- The new garden curtails the splay of the access to Dyma Fo.

Local Member

Consulted 11th December 2023

Highway Officer

Advises that:

- Old Minera Road is subject to a 30mph speed limit;
- Visibility splays of 2.4 x 43m are the standard requirement for accesses onto roads subject to 30mph speed limits;

Recommends that the applicant be requested to demonstrate that have not been reduced. Also recommends that the applicant should commit to maintaining visibility for their own access and the accesses neighbouring properties by ensuring the hedge that has been planted is maintained below 1m height along the site frontage.

Notes that the applicant's new drive allows partial turning when reversing. Advises that the applicant should re-instate a hard surface area to aid reversing from the neighbouring property.

NRW

REPORT OF THE CHIEF OFFICER PLANNING AND ECONOMY – 5 FEBRUARY 2024

No objection.

Welsh Water

No objection. Recommends Advisory Note relating to drainage.

Public Protection Officer

No objection.

Contaminated Land Officer

No objection.

Neighbours

1 objection received expressing the following concerns:

- The area changed to a garden was never designated as a parking area but as a layby for over 50 years to allow shared access to the bungalows along this road.
- The previous outline application required the provision of this layby and it should be retained, particularly that traffic has increased in volume.
- This is a B road used by a range of vehicles and is paramount to the safety of the four properties along this road.
- The garden area restricts access to residents and a build-up of traffic ensues.
- From the perspective of Dyma Fo access on the Old Road has been specifically compromised as there is no ease of flow on to or off the highway as was previously provided by the layby.
- The loss of the layby to other road users also has safety implications for traffic flow. The layby provides a safe place for a variety of vehicles - emergency vehicles, delivery vehicles (including oil deliveries), refuse collections, post vans to name but a few - to come off the main carriageway when accessing the properties.
- There is also concern that the new 20mph speed limit now in place in Bwlchgwyn will increase the volume of traffic on the Old Road thereby adding to safety concerns.
- The Highway Authority have maintained the whole layby and resurfaced it as needed over the years. This resurfacing by the Council over many years would suggest that rights have been acquired due to unchallenged occupation of the land for a long period of time.
- Bryn Heulwen already has a very large garden at the rear of the property and therefore extending the front garden into the layby seems excessive and contrary to LPG14. The applicant has not carried out any consultation with Dyma Fo.
- The metal posts that have been erected affect Dyma Fo and affect parking for visitors.
- The shrubs planted along the front will affect visibility.
- The application form as filled in is inaccurate and incorrect.
- The plans submitted are incorrect.

SPECIAL CONSIDERATIONS

Background: This application seeks planning permission in retrospect for the change of use of part of parking / waiting area to a grassed area and the relocation of an existing vehicular which serves the related dwelling. The site lies outside of any defined settlement limit and within a Green Wedge as defined by the Wrexham Local Development Plan. The main issues to consider include the principle of the development, visual amenity, residential amenity and highway safety.

Google Streetview pictures prior to works being complete

Picture 1



Picture 2



Pictures of Completed Works

Picture 3



Picture 4



Principle of development: The site lies outside any recognised settlement limit and within a Green Wedge, where there are limits to the types of development that are acceptable (policies SP2 and SP6). The proposal relates to a parcel of land directly outside a residential property previously used as a tarmacked parking bay. In addition to a relocated vehicular access, the proposal seeks to regularise the use of part of this parking bay as a grassed area. This does not conflict with the overall aims of these policies which seek to protect the openness of the countryside and Green Wedges.

Visual Amenity: The introduction of grass to an area previously laid to tarmac softens the adjacent built development and represents a visual improvement. It therefore accords with policy DM1 of the LDP which states that development must accord with or enhance the character, local distinctiveness and appearance of the site and its surroundings.

Residential Amenity: The development undertaken does not harm the living conditions of the occupiers of neighbouring dwellings in terms of outlook, privacy or access to natural light. Whilst the grassed area restricts the availability of turning and parking previously enjoyed by the neighbouring property known as Dyma Fo, this in itself, does not translate to a harmful impact upon the residential amenity of its occupiers. Furthermore, the neighbouring property has two separate driveways and sufficient parking space within its curtilage.

Highway Safety: The relocated access does not create any additional highway safety issues and complies with recommended visibility splays. Moreover, the relocation of the access to a more southerly position gives greater visibility to the north than the visibility previously achieved from the previous access point. Sufficient parking and turning space is also retained within the curtilage of the property.

The comments made by the Highway Officer regarding the maintenance of visibility are noted. This could be achieved by a suitably worded condition to require the site frontage to be maintained clear of any obstruction to visibility within a distance of 2.4m of the carriageway.

The Highway Officer has advised that a small section of the garden be reinstated as a hard surfaced area to aid the occupiers of the dwelling to the north-west to reverse out of their driveway. Concerns have also been raised by the Community Council and the objector about the loss of the roadside parking/waiting bay.

The original planning permission for the associated development of four bungalows, which included the parking pay, does not include a condition to retain it. Moreover, the land subject to this application is owned by the applicant. They could enclose it with a fence, wall or other means of enclosure without the need for planning permission, subject any part of the means of enclosure adjacent to the highway being limited to 1m in height. The impact of doing so would be no different than the alterations that the applicant is now seeking retrospective planning permission for.

Having regard to the above, the development does not give rise to highway safety concerns.

CONCLUSION

The development accords with the relevant LDP policies outlined in this report.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.
2. Within 12 weeks of the date of this planning permission, visibility splays shall be provided measuring 2.4 metres from the nearside edge of the adjoining highway and extending along the full length of the site frontage to the north-west and south-east of the vehicular access. Within these splays there shall be no obstruction in excess of 1 metre in height. The splays shall thereafter be permanently retained clear of any such obstruction.

REASON(S)

1. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access in accordance with Policy DM1 of the Wrexham Local Development Plan.
2. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy DM1 of the Wrexham Local Development Plan.

NOTE(S) TO APPLICANT

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
