

APPLICATION NO:
P/2022 /0797

LOCATION:
15 GEORGE STREET CHIRK
WREXHAM
LL14 5HS

DATE RECEIVED:
02/09/2022

COMMUNITY:
Chirk

DESCRIPTION:
ADEILADU ANNEDD A FFURFIO
MYNEDFA I GERBYDAU / ERECTION
OF DWELLING AND FORMATION OF
VEHICULAR ACCESS

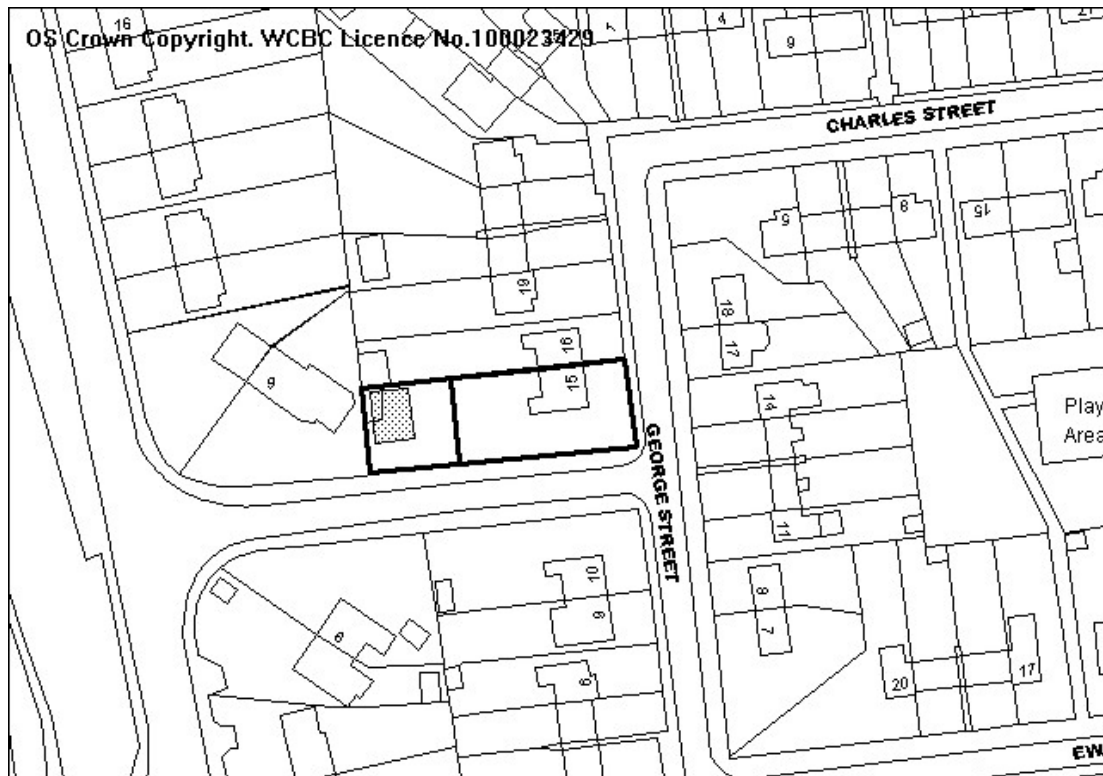
CASE OFFICER:
SEH

WARD:
Chirk North

APPLICANT(S) NAME:
MR ROBERT LOMAX

AGENT NAME:
ASPECT
CONSULTANTS
DANIEL WYNN

THE SITE



PROPOSAL

Planning permission was refused in 2022 for a 2 storey, 3 bedroom, detached dwelling. An Appeal was lodged against this decision. In dismissing this Appeal, the Inspector agreed with the Council that the development would have an unacceptable impact upon the residential amenities of the adjoining occupiers (to the north) due to overlooking, leading to a loss of privacy. The Inspector also concluded that the development would have a detrimental impact upon the River Dee and Bala Lake SAC.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 4 SEPTEMBER 2023

This application proposes a dwelling of an amended design that seeks to take account of the appeal decision.

HISTORY

P/2022/0004 ADEILADU ANNEDD A FFURFIO MYNEDFA I GERBYDAU /
ERECTION OF DWELLING AND FORMATION OF VEHICULAR ACCESS.
Refused 26/8/2022. Appeal dismissed 4/4/2023

DEVELOPMENT PLAN

Unitary Development Plan

Within a defined settlement limit. UDP Policies PS1, PS2, PS3, PS4, H2, T8, EC4, EC6 and GDP1 apply.

Local Planning Guidance Notes Nos. 16 'Parking' and 21 'Space around Dwellings' are also relevant.

Draft Local Development Plan

Within a defined settlement limit. Policies SP2, SP12, SP14, DM1, NE6 and T1 apply.

CONSULTATIONS

Community Council

Objects to the development for the following reasons:

- Vehicles cannot turn within the site to safely exit the property;
- Overlooking into the adjacent properties;
- Potential land contamination.

Local Member

Notified 30/9/2023. No comments received.

Highway Officer

Raises no objections on highway safety grounds.

The Highway Officer advises that the site access can be provided adequate visibility splays in both directions. The Highway Officer notes that no turning facility is proposed but vehicles typically reverse out of driveways of existing properties on George Street.

Public Protection Officer

Raises no objection subject to advisory notes to measures to manage construction impacts (noise, dust etc.).

Contaminated Land Officer

Has no comments to make.

Ecology Officer

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Raises no objection subject to a condition being imposed to secure a scheme of Net Biodiversity Benefit (NBB).

Welsh Water

Raises no objection subject to a planning condition to prevent surface water connecting to the public sewerage system to prevent overloading the system.

Welsh Water advises that capacity exists within the public sewerage network (at Five Fords) in order to receive the domestic foul flows from the proposed development site.

Natural Resources Wales

Raises no objection provided the Council is able to conclude that the development is not likely to have a significant effect upon the River Dee and Bala Lake SAC.

Neighbours

The owners / occupiers of 8 properties have been notified of the amended plans on 05/10/2022. No representations has been received.

SPECIAL CONSIDERATIONS

Principle of Development: Policy H2 permits residential development within settlement limits subject to complying with policy GDP1. As the principle of development is acceptable.

Residential Amenity: The separation distances to neighbouring dwellings with the guidelines outlined within LPGN21. On this bases, the development would not harm the living conditions of neighbouring occupiers by way of loss of light, privacy or by being overbearing.

The previously proposed development included two obscure glazed, non-opening windows in the north facing elevation to serve a first floor study and bedroom first. The Appeal Inspector concluded that this would not provide a satisfactory outlook for future occupiers. However, due to the proximity to the boundary of neighbouring properties, the use of clear glazed windows would have permitted unrestricted overlooking of neighbours' private garden spaces, to the detriment of their living conditions.

To address the previous grounds for refusal, the proposed development differs in so far as the number of bedrooms have been reduced from 3 to 2 and the internal layout amended. A landing and bathroom would be served by two obscure glazed high level windows in the northern elevation. The only first floor windows serving habitable rooms would be in the front (south) facing elevation. These would provide an acceptable outlook for future occupiers. As already noted above, these windows are sufficiently far away to safeguard the levels of privacy for neighbouring occupiers.

The existing boundary treatments (hedges and fences) would be retained and would ensure that the ground floor windows would cause privacy issues.

Having regard to the matters discussed above, the proposed development accords with UDP policy GDP1 and draft LDP policy DM1.



Figure 1. Existing Site Layout Plan



Figure 2. Proposed Site Layout Plan

Design: Existing development in this locality comprises a mix of one and two storey, semi-detached properties, characterised by a mixture of roof shapes, with brick and render elevations.

The dwelling would sit marginally closer to the highway than the dwellings on either side, Nos.9 West View and 15 George Street. However this would be consistent with the pattern of development elsewhere in George Street where there is a similar variation in distance dwellings are set back from the highway.

The private garden area of the proposed dwelling would be located to the side. Whilst the majority of dwellings in the street have their main garden areas to the rear, a number of plots do have substantial gardens to the side.

Having regard to the above, the proposed dwelling would be of a design in keeping with the scale and appearance of the nearby properties and would not detract from character of the area. In such terms the proposed development accords with UDP policy GDP1 and draft LDP Policy DM1.



Figure 3. Proposed Streetscene

Highway Safety: The Highway Officer raises no objection on highway safety grounds.

Adequate visibility is achievable in both directions from the site access. Two parking spaces are proposed, which accords with advice in LPGN16. The submitted plans also confirm no loss of parking for the existing dwelling, with 3 spaces being provided to the front of that property, also in accordance with advice in LPGN16.

The parking area would not enable vehicles to turn before exiting the site but this arrangement exists elsewhere in the street. In this context, vehicles reversing out of the access would not be of undue concern.

Having regard to the above this proposed development raises no highway safety concerns. In such terms it accords with policies UDP Policies GDP and T8, and LDP Policies DM1 and T1.

Ecology: Subject to a suitably worded condition to secure the implementation of a scheme of Net Biodiversity Benefit, the development accords with paragraph 6.4.5 of Planning Policy Wales 11.

Phosphates: Chirk is served by public sewers that drain to the Five Fords or Waste Water Treatment Works (WWTW). Welsh Water has advised that there is capacity to accommodate the foul water flows from the development.

Having regard to the above, the development is not likely to have a significant effect upon the River Dee and Bala Lake SAC. It therefore accords with UDP policy EC6 and LDP Policies NE1 and NE6.

CONCLUSION

The proposed development would be of an appropriate design and scale and would respect the character and appearance of the local area. It would not harm the living conditions for nearby residents, cause an undue highway issues or increase phosphorous levels in the SAC. It therefore accords with the relevant UDP and LDP policies and local guidance.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing refs: 201 Rev A, 202 Rev A, 204 and 206, and as contained within the application documentation.
3. No part of the development shall commence until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be implemented in full, prior to first occupation / use of the development, and thereafter maintained for the lifetime of the development.
4. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting that Order with or without modification), no first floor windows or other openings shall be fitted in the north facing elevation or roof slope of the dwelling hereby permitted other than the windows shown on drawing no. 202 Revision A.
6. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.
7. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.
8. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.
9. The new vehicular access onto the highway known as 'West View' hereby approved shall be a minimum width of 4.8 metres.
Reason) In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. The new vehicular access onto the highway known as 'George Street' hereby approved shall be a minimum width of 7.2 metres.
Reason) In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. The vehicular access(es) hereby approved shall take the form of a dropped vehicular crossing.
12. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.0 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

13. The vehicular parking areas as shown on approved drawing numbers 201 Rev A shall be fully laid out, surfaced and drained prior to first use of the development. This parking areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A, B, C, D and E of Schedule 2 Part(s) 1 and 2, other than the development hereby granted permission.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.
4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. 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 GDP1 of the Wrexham Unitary Development Plan.
7. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. To provide for the parking of vehicles clear of the highway in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
14. Due to the restricted application site and its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

A licence must be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to lower the kerblin and cross the footpath in connection with condition no. 9. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated, and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

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The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage: https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.
