

REPORT OF THE CHIEF PLANNING OFFICER – 2 OCTOBER 2023

APPLICATION NO:
P/2022 /0902

LOCATION:
LAND ADJACENT TO 35 DERWENT
CRESCENT WREXHAM
LL12 7YN

DATE RECEIVED:
06/10/2022

COMMUNITY:
Acton

DESCRIPTION:
ADEILADU 3 ANNEDD / ERECTION
OF 3 DWELLINGS

CASE OFFICER:
AB2

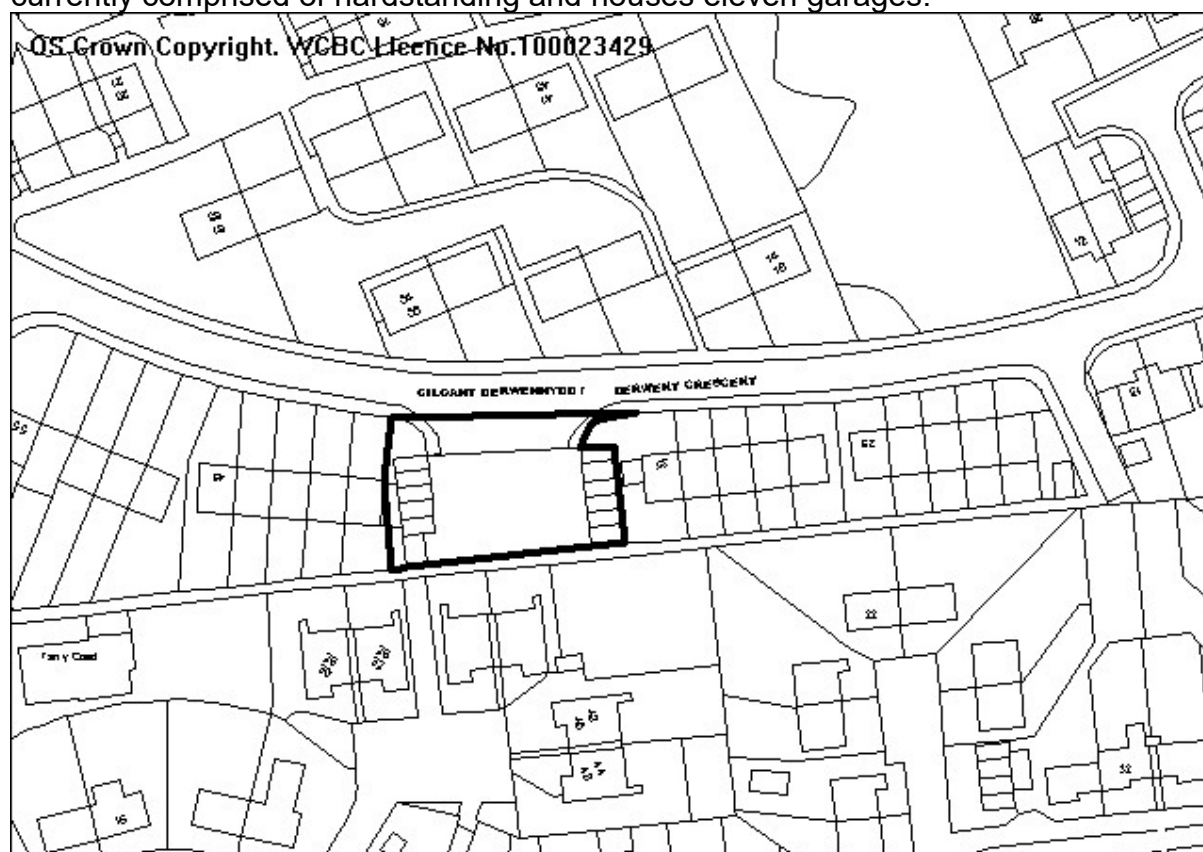
WARD:
Acton

APPLICANT(S) NAME:
WREXHAM COUNTY BOROUGH
COUNCIL

AGENT NAME:
LAWRAY ARCHITECTS
MISS JENNIFER
WAGSTAFF

PROPOSAL

The application proposes the erection of three dwellings on land adjacent to 35 Derwent Crescent within the settlement boundary of Wrexham. The site is currently comprised of hardstanding and houses eleven garages.



HISTORY

No recent history.

DEVELOPMENT PLAN

Relevant Unitary Development Policies

Within a defined settlement limit. Policies PS1, GDP1, T8, EC4 and EC6 will apply.

Relevant Draft Local Development Policies

Within a defined settlement limit. Policies SP1, SP2, SP14, DM1, NE1, NE3 and NE6 will apply.

CONSULTATIONS

Community Council

Expresses concerns about the loss of parking provision and the potential for additional parking and congestion issues in the locality. The Community Council recommends that the developer should ensure adequate resident and visitor parking spaces are provided.

Local Member

Expresses support for the proposed re-use of brownfield sites for building Council owned properties. However the Local Member is concerned about the lack parking provision for the occupiers of surrounding properties. The Local Member has commented that there is already congestion on the street, with the application site being used by local residents as an 'overspill' parking area. The Local Member is concerned that the proposed development would exacerbate the issue and would therefore like to see additional parking being provide for existing residents.

Highway Officer

Raises no objection on the basis that existing tenants of the garages will be offered alternative garages elsewhere in Derwent Crescent.

The Highway Officer advises that the proposed access would have adequate visibility in both directions and notes that a 2m wide footway connecting Derwent Crescent to the footpath at the rear of the site would be provided. The Highway Officer notes the proposal to move an existing lighting column.

The Highway Officer notes that the submitted plans provide for bin collection points to the rear of the 6 parking spaces, but questions if a hardstanding could be provided to store bins on collection day adjacent to the footway in place of proposed soft landscaping.

Natural Resources Wales

Raises no objection subject to further information being provided regarding foul drainage. NRW note that the development has the potential to increase the amount of phosphorus being discharged from the site.

NRW note the Ecology Report identifies the garages proposed for demolition has having no/negligible value for roosting bats. NRW advise that the

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Reasonable Avoidance Measures recommended by the Ecology Report should be secured by condition.

Welsh Water

Raises no objection and confirm that:

- There is capacity to treat additional wastewater from the proposed development within revised Environmental Permit limits; and
- That the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

Public Protection Officer

Raises no objection subject to standard advisory notes in respect of noise and dust management.

Ecology Officer

Raises no objection subject to a condition being imposed to require a scheme of net biodiversity benefit.

Contaminated Land Officer

Has no comments.

Neighbours

The owners/occupiers of 13 nearby properties were notified on 27/10/2022 and 6 nearby occupiers notified on 17/7/2023 following the submission of amended plans.

7 representations received objecting to the development expressing the following concerns:

- Not enough parking provision to serve the proposed dwellings and existing residents who currently park at the site;
- Construction noise will be detrimental to health and well-being;
- Concerns about boundary walls which may result in security issues for adjacent properties;
- Access to bin being taken in and out;
- Building site noise/disturbance and smells; and
- Number of neighbours notified of the planning application.

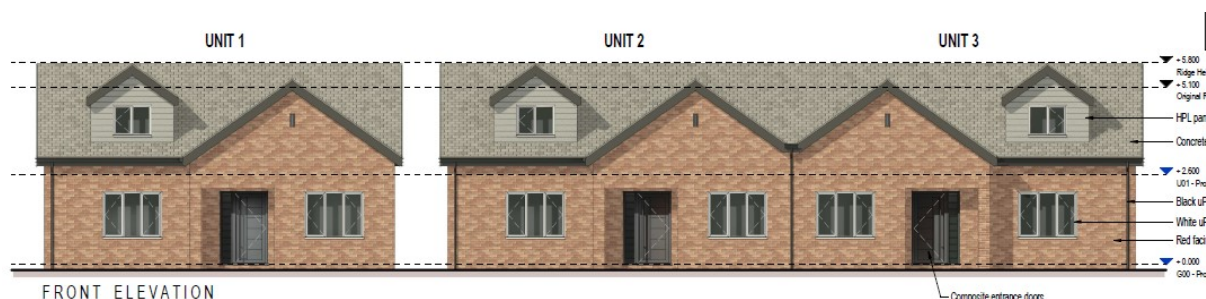
SPECIAL CONSIDERATIONS

Principle of Development: The application site is located within the settlement limits of Wrexham. UDP policy H2 allows for residential development on unannotated land within settlement limits subject to compliance with policy GDP1. The site also lies within the settlement limit in the draft LDP. As such, the principle of development is acceptable.

Visual Impact: The application site is currently occupied by eleven garages situated either side of a large hard standing. The surrounding area comprises

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of a mix of two-storey terraces and two-storey apartment buildings characterised by gable roofs, cream/white render and red brick.

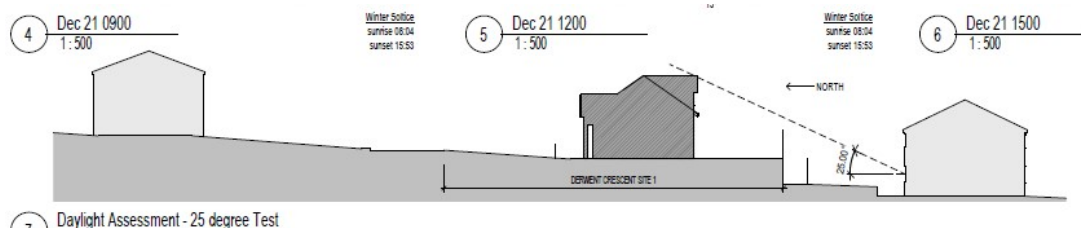


The proposed dwellings would have one and half storeys and be of a contemporary in design, constructed of red facing brickwork.

The dwellings would differ considerably in appearance to the dwellings either side and opposite the site, which are all of broadly similar appearance to each other. However site already differs considerably in appearance from the adjacent development, being a large, primarily hard surfaced gap in an otherwise built up frontage. Furthermore, dwellings further along Derwent Crescent to the east differ in appearance to the properties either side and opposite the site. Considered in this context, the development would not detract from the street-scene.

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

Residential Amenity: The proposed dwellings would have no rear-facing first floor windows serving habitable rooms. The ground floor windows in the rear elevation would serve a wet room (non-habitable room) and a modest sized kitchen. A fence along the rear boundary would be sufficient to prevent direct overlooking.



LPGN21 advises a minimum separation distance of 13 metres plus and additional 1m for every 0.5m difference in height where there are differences in site levels. Taking into account the difference in height between the application site and the flats to the rear, LPG21 recommends a minimum distance of 18 metres. The actual distance is just over 14 metres. However the development would satisfy the BRE 25 degree daylight test. The overall height of the proposed dwellings, in particular the relatively low eaves height means the impact of the development on the occupiers of dwellings to the rear would not be materially different to a two storey dwelling built on the same

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ground level. In such terms the development would not be overbearing, therefore the shortfall in separation distance would not be a sustainable reason for refusal in this instance.

The separation distance to the dwellings opposite would be 26 metres which accords with LPGN21 guidance.

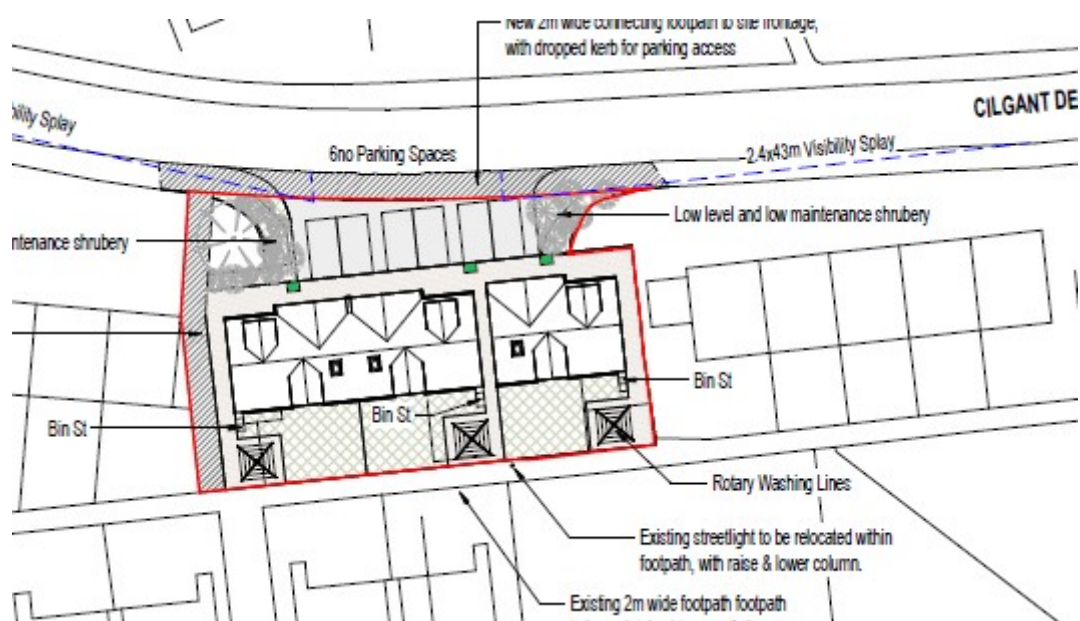
The position of the dwellings relative to the properties either side would ensure that the levels of natural light available to nearby residents remains acceptable and that the development would not be overbearing.

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

Highway Safety: The Highway Officer raises no objection and has confirmed that the site access would have adequate visibility in both directions. The proposed development would have six parking spaces. This accords with the maximum parking provision advised by LPGN16.

Of the 11 garages on site only 3 have a tenants. These were all being offered as alternative garages in the locality. Whilst the concerns about loss of parking provision are noted, there are no allocated/designated parking spaces on the site for adjoining properties. Use of the site for parking by local residents is entirely at the discretion of the Council and access could be restricted or prevented by the Housing Authority irrespective of whether the development proceeds. Given that there would be no loss of allocated/designated parking provision, the development would not materially increase on-street parking in the vicinity.

The Highway Officer has suggested that an additional hard surfaced area be provided in lieu of proposed two soft landscaped areas either side of the site access (see site plan below)



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Whilst proposed landscaped area means bins may encroach onto the footway, the degree of encroachment is likely to be limited and no worse than other properties in the immediate vicinity that also lack dedicated hard surfaces for bins to be left out for collection. The absence of the additional hard surfaced area would therefore not present a significant harm to pedestrian safety.

Having regard to the above, the proposed development raises no highway safety issues and as such, accords with policies GDP1(d) and T8 of the Wrexham UDP.

Phosphorous: In accordance with NRW's advice for proposed developments within river Special Areas of Conservation, the proposed development has been assessed to determine whether it is likely to have a significant effect on the River Dee and Bala Lake SAC.

The site would connect to the main foul water sewer network. Foul water from the site would drain to Five Fords Waste Water Treatment Works (WWTW). The Environmental Permit for the WWTW has recently been reviewed. Welsh Water have confirm that:

- The WWTWs has the capacity to accommodate the additional wastewater in compliance with revised Permit limits; and
- 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.

Having regard to the above, the proposed development is unlikely to have a significant effect on the River Dee and Bala Lake SAC. In such terms it accords with policy EC6 of the UDP and policies NE1 and NE6 of the draft LDP.

CONCLUSION

The proposal development is of an appropriate design and would not give rise to residential amenity or highway safety concerns. It therefore accords with the relevant UDP and draft LDP policies.

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(s) numbered AHW-LAW-X-Z-DR-A-061001 P05, AHW-LAW-X-X-DR-A-069001 P04, AHW-LAW-X-X-DR-A-062001 P04 and as contained within the application documentation.
3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.

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4. 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.
5. Demolition of the existing garages shall only take place in accordance with a scheme of Reasonable Avoidance Measures for bats that shall have been submitted to and approved in writing prior to commencement of any demolition works.
6. The vehicular parking area as shown on approved drawing number AHW-LAW-X-X-DR-A-069001 P04 shall be fully laid out, surfaced and drained prior to first use of the development hereby permitted. This parking area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.
7. The development hereby permitted shall not be occupied until a scheme of boundary treatment has been implemented along the southern boundary of the site in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Boundary treatment shall thereafter be permanently retain in accordance with the approved scheme.

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 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.
4. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.
5. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
6. To provide for the parking of vehicles clear of the highway in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
7. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

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.

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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.

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.

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.

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.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
