

APPLICATION NO:
P/2023 /0074

LOCATION:
HIGH BARTON MARFORD HILL
MARFORD WREXHAM
LL12 8SY

DATE RECEIVED:
08/02/2023

COMMUNITY:
Gwersyllt

DESCRIPTION:
DYMCHWEL ANNEDD BRESENNOL
A CHODI ANNEDD NEWYDD /
DEMOLITION OF EXISTING
DWELLING AND ERECTION OF
REPLACEMENT DWELLING

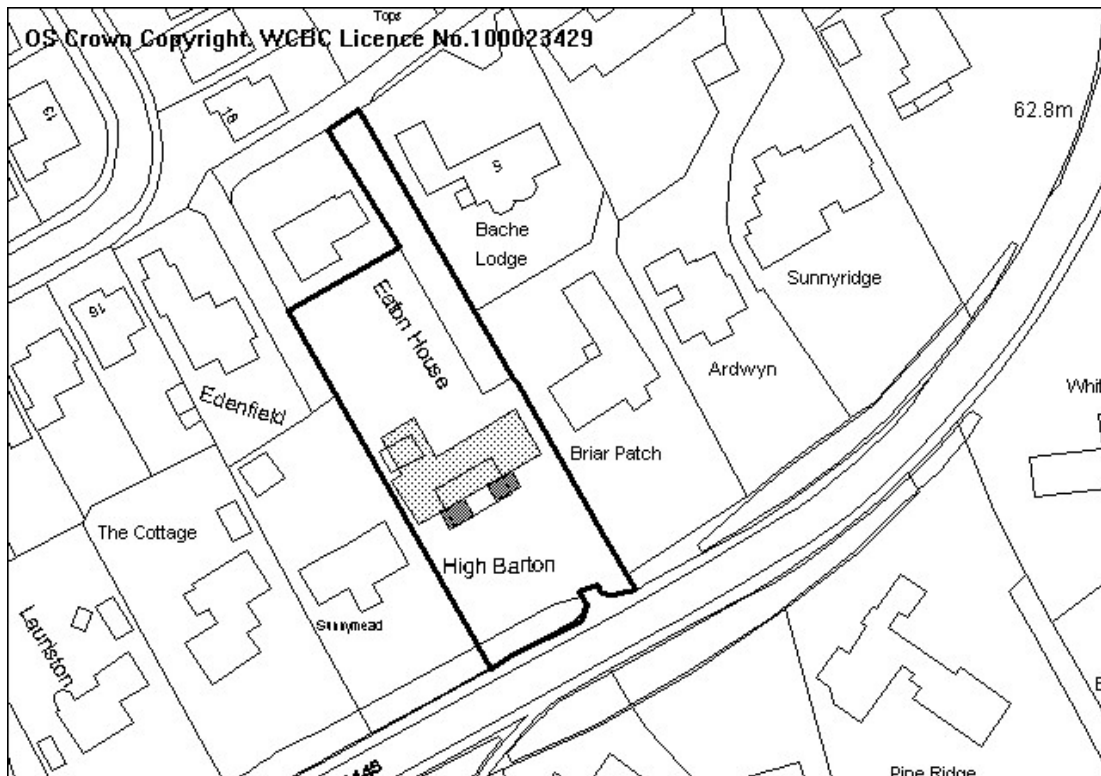
CASE OFFICER:
SEH

WARD:
Marford and Hoseley

AGENT NAME:
TY ARCHITECTURE
CYF
MR OSIAN JONES

APPLICANT(S) NAME:
ANDREA AND MARK HODGSON

THE SITE



PROPOSAL

The application proposes the demolition of a 2 storey, detached dwelling and erection of a replacement 2 storey, detached dwelling. The development would utilise the existing vehicular accesses.

HISTORY

None relevant.

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

Raises no objection.

Local Member

No comments received.

Highways Officer

Raises no objection and notes that proposed development a replacement dwelling utilising existing vehicular access points. The Highway Officer advises that adequate parking and turning is available at the site.

Public Protection Officer

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

Contaminated Land Officer

Has no comments to make.

Tree Officer

Raise no objections.

The Tree Officer comments that they have no concerns about the proposed removal of a number of trees and hedgerow subject to compensatory planting being undertaken.

Ecology Officer

Raises no objection subject to planning conditions to require the recommendations of the Bat Survey dated 11/08/2022 being undertaken and to secure a bat friendly lighting scheme.

The Ecology Officer also advises that retention of existing mature vegetation is crucial to the long-term success of the bat mitigation.

Welsh Water

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Raises no objection. Welsh Water advises that capacity exists within the public sewerage network in order to receive the domestic foul flows from the proposed development site and recommends a planning condition to prevent surface water connecting to the public sewerage system.

Natural Resources Wales

Raises no objection to the development.

NRW advises that the proposed development is unlikely to increase the amount of phosphorus entering the River Dee and Bala Lake SAC.

NRW also advises that the proposed development presents a low risk to bats and is not likely to be detrimental to the maintenance of their population. Recommends a condition should be imposed to require the implementation of the avoidance and mitigation measures described within the Bat Survey.

Neighbours

The owners/occupiers of 15 properties have been notified of the amended plans on 04/08/2023. 8 representations has been received expressing the following concerns:

- Increased size (height and footprint) of the building;
- Devaluation of neighbouring properties;
- Loss of privacy from the proposed balcony;
- Loss of light;
- Building is too close to neighbouring property and will over dominate it;
- Impact on nearby residents and unadopted access lane during construction;
- Loss of trees and vegetation is detrimental to the biodiverse nature of the site; and
- A business could be operated form the proposed office.

SPECIAL CONSIDERATIONS

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

Residential Amenity: Whilst the proposed dwelling would be no higher than the existing dwelling, it would be twice as wide. It would therefore be much closer to the properties on either side, Sunnymead and Briar Patch. The proposed dwelling would also be set further back into the site. This would ensure it was not overbearing when viewed from the garden areas that lie to the south of the neighbouring properties.

The dwelling would extend further to the north than the existing dwelling. The rear elevation, including a large projecting gable, would extend significantly further to the north of the rear elevation of Sunnymead. However the position of the proposed dwelling relative to the boundary would not be overbearing. The development would also satisfy the BRE daylight tests so would not result

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in an unacceptable loss of daylight to habitable rooms of the neighbouring dwelling.

The position of the proposed dwelling relative to Briar Patch is such that it would not harm the living conditions of the occupiers of that property.

The distance between the proposed dwelling and the dwelling to the north, Eaton House, would be some 35 metres. This would comfortably exceed the 212 metre standard endorsed by LPGN21 and would ensure that adequate living conditions were safeguarded for the occupiers of this dwelling.

The proposed projecting gable would include a side (east facing) first floor bedroom window. Having regard to the ground level differences between the proposed dwelling and Briar Patch, a separation distance to west facing habitable rooms in that property of 30m would be required to accord with LPGN21 advice. The actual distance would be 32m. The window would be approximately 17m from the boundary between the two properties, therefore safeguarding adequate privacy levels.

The rear elevation of the proposed dwelling would have two small first floor balconies. The size of the balconies would limit the extent and intensity of their use. Obscure glazed screens would be provided to restrict views to the east and west.

The proposed development includes an external stairway to the east side to access a home office. This would be enclosed with an obscure glazed screen to prevent overlooking of the neighbouring property.

Having regard to the matters discussed above the proposed development would not adversely impact upon the living conditions of neighbouring dwellings and therefore accords with UDP policy GDP1 and draft LDP policy DM1.

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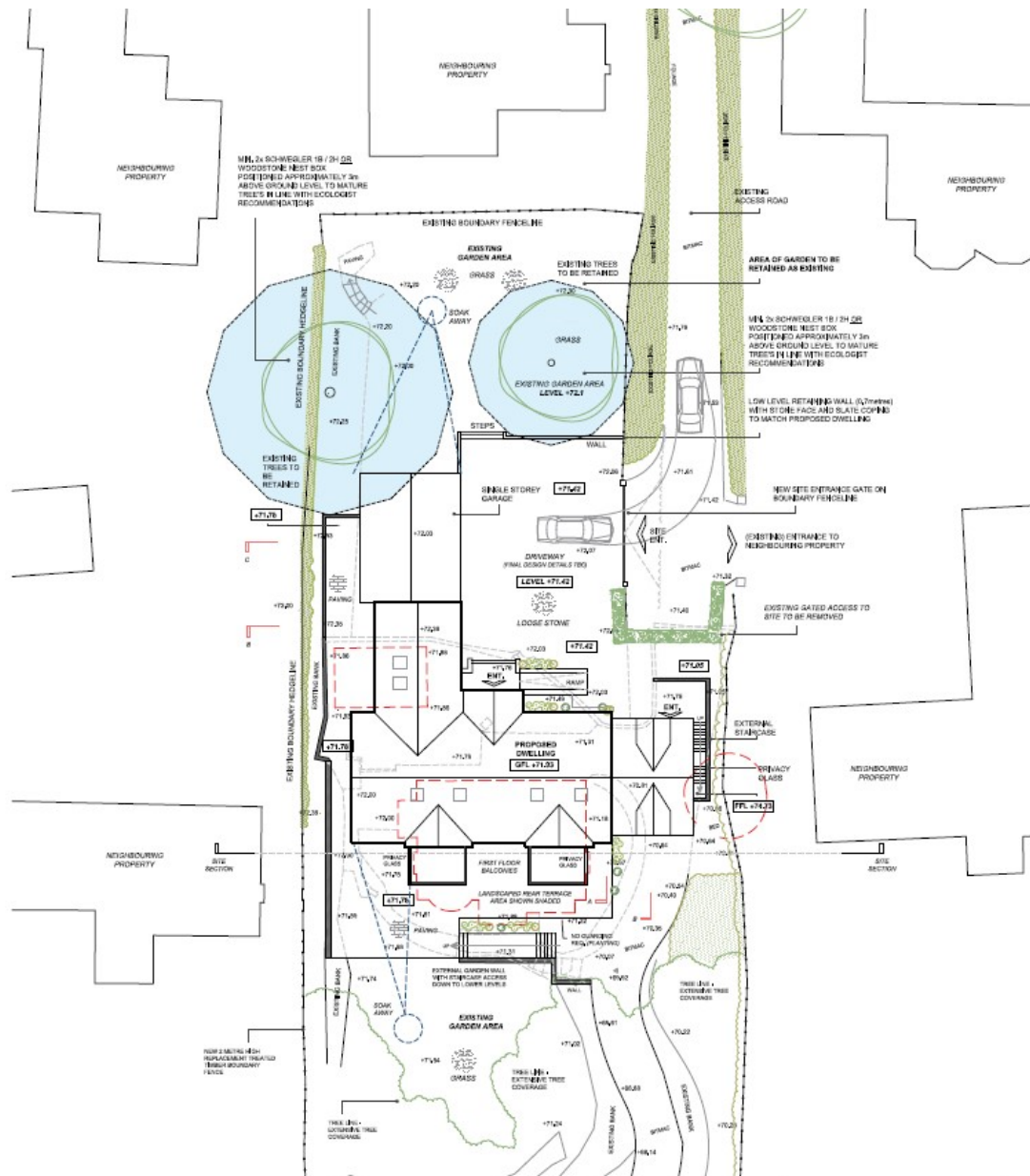


Figure 1. Proposed Site Layout Plan

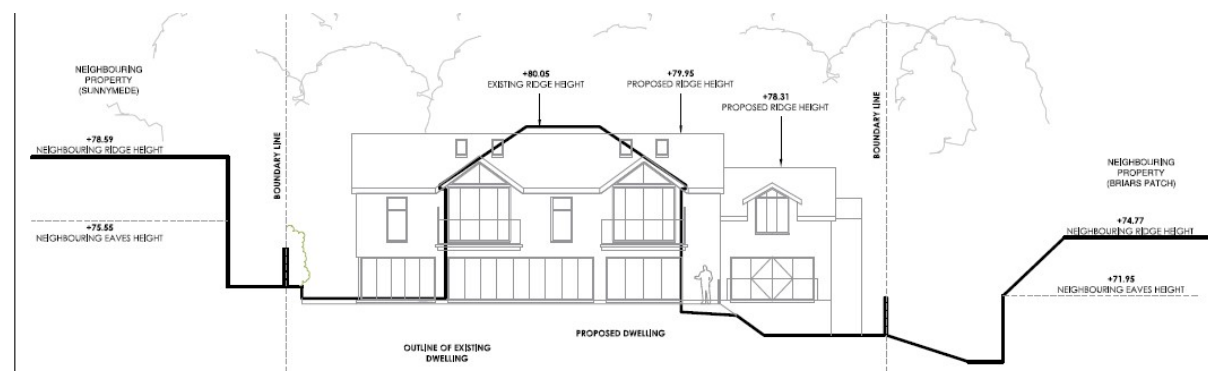


Figure 2. Cross section of the proposed development (Existing property represented by the bold line to centre)

Design: Existing development in the locality consists of a mix of large one and two storey detached properties of varying architectural styles set back a considerable distance from Marford Hill and screened by substantial mature soft landscaping.

The proposed dwelling would be of a contemporary design. However, this would be in keeping with the varied character of the area. Whilst it would be larger than the existing dwelling, the considerable set back from the highway and retention of substantial soft landscaping along the southern boundary mean the proposed dwelling would not appear unduly prominent within the street scene.

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



Figure 3. Proposed Rear Elevation (Existing property represented by the dashed line to centre)

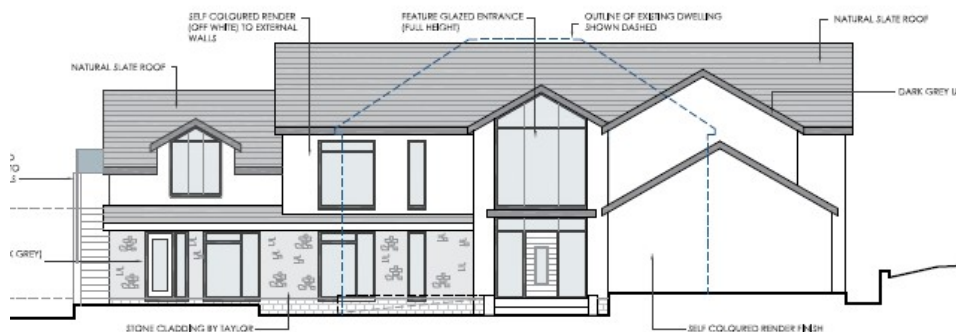


Figure 4. Proposed Front Elevation (Existing property represented by the dashed line to centre)

Highway Safety: The development is a replacement dwelling and therefore would not result in materially more vehicular traffic than the current situation. The proposed parking provision of 4 spaces accords with the maximum provision advised by LPGN16. The development would also retain sufficient space for vehicles to turn within the site.

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Having regard to the above, this proposal raises no highway safety issues and in this regard, it accords with policies UDP policies GDP and T8, and draft LDP policies DM1 and T1.

Ecology: The application is accompanied by an Ecology Report. This identifies the existing dwelling as a day roost for one common pipistrelle bat. NRW have raised no objection, advising the development poses a low risk to bats, subject to the implementation of the avoidance and mitigation measures proposed by the Ecology Report.

Notwithstanding the limited removal of trees and hedgerows (see below), the development will retain substantial tree and hedgerow coverage within the site, which will retain habitat for bats within the curtilage.

Having regard to the above, the proposed development accords with policy EC6 of the UDP or policy NE1 of the draft LDP.

Trees: A significant number of mature trees sit within the site. Some limited tree removal will be undertaken, but the majority of trees and hedgerows within the site will be retained. The Council's Tree Officer raises no objection to the development subject to compensatory tree planting being undertaken. In addition to contributing to the visual amenity of the area, this will also contribute towards biodiversity within the site.

Having regard to the above, the development complies with UDP policies EC4 and EC6 and draft LDP Policy NE1.

Phosphates: The development proposed would not generate any additional foul water flows entering the River Dee and Bala Lake catchment compared to the existing use of the site. Accordingly, and as advised by NRW, the development is not likely to have a significant effect on the SAC.

Other Issues: Construction noise will be relatively short term. The Council's Public Protection Officer has recommended notes to advise the developers on steps that can be taken to minimise the impact of construction noise.

The impact the development may have on the value of neighbouring properties is not a material planning consideration.

Any impact of the development the unadopted highway accessing to the site would be a private matter between land owners.

CONCLUSION

The proposed replacement dwelling is of an appropriate design and scale and would respect the character and appearance of the local area. It would also safeguard appropriate living conditions for nearby residents. It would not compromise the safety of highway users nor would it harm ecological or arboriculture interests. It therefore accords with the relevant UDP and draft 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(s) numbered TY/1090/PL01 Rev B, TY/1090/PL02 Rev B, TY/1090/PL03 Rev B, TY/1090/PL04 Rev B, TY/1090/PL05 Rev B and TY/1090/PL06 Rev B, and as contained within the application documentation.
3. 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.
4. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.
5. No land drainage run-off or surface water from any increase in the roof area of the building or impermeable surface, shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.
6. No external lighting shall be installed until full details of bat friendly lighting have been submitted to and approved in writing by the Local Planning Authority. Lighting shall thereafter shall be installed in accordance with the approved details.
7. Prior to first occupation of the development hereby permitted a scheme of boundary treatment shall be implemented in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be permanently retained.
8. The development shall be carried out in strict accordance with the findings and recommendations contained within the Preliminary Ecology Appraisal as carried out by Andrea Hodgson and dated 25/04/2022, and the Bat Emergence and Re-entry Surveys, ref: High Barton, Marford Hill, Marford, Wrexham, LL12 8SY, prepared by Arbtech and dated 11/08/2022, approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.
10. The tree planting scheme approved as part of this application shall be fully implemented in strict accordance with scheme ref. SC:774 TPS, prepared by Salopian Consultancy, Final Version dated 21/06/2023 within 6 months of the first use / occupation of the development.
11. With the exception of those shown on the approved plan and notwithstanding the provisions of the Town and Country Planning (General

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Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification) no windows or other openings shall be inserted in any elevation of the building facing North East or South West.

12. 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), any first floor window or opening installed in the South West elevation shall only be glazed or re-glazed using obscure glass to Pilkington Level 3 or equivalent. The windows shall be permanently retained in that condition thereafter.

13. The development hereby permitted shall not be occupied until all of the obscure glazing privacy panels have been installed in accordance with the details shown on no. TY/1090/PL05 Rev B using obscure glass to Pilkington Level 3 or equivalent. The obscure glazing privacy panels shall be permanently retained in that condition thereafter.

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 that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
5. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
6. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 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.
8. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
10. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area, and compensate for any loss of trees in accordance with Policies GDP1, EC4, EC6 and PS2 of the Wrexham Unitary Development Plan.
11. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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NOTE(S) TO APPLICANT

The applicant is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water 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 Dwr Cymru Welsh Water 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.

The applicant may also need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication.

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.

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.

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.

Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>
