

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 24 JULY 2023

APPLICATION NO:
P/2022 /0832

LOCATION:
MINAFON MAYBURY AVENUE
GLYN CEIRIOG LLANGOLLEN
LL20 7EY

DATE RECEIVED:
16/09/2022

COMMUNITY:
Llansantffraid Glyn
Ceiriog

DESCRIPTION:
ESTYNIAD LLAWR CYNTAF YN Y
CEFN A'R OCHR I GYNNWYS
BALCONI, ESTYNIAD OCHR
UNLLAWR AC AILADEILADU
FFENESTRI BAE AR Y LLAWR
GWAELOD A'R LLAWR CYNTAF YN
YR OCHR / FIRST FLOOR SIDE AND
REAR EXTENSION TO INCLUDE
BALCONY, SINGLE STOREY SIDE
EXTENSION AND REBUILDING OF
GROUND AND FIRST FLOOR BAY
WINDOWS TO SIDE.

CASE OFFICER:
SB

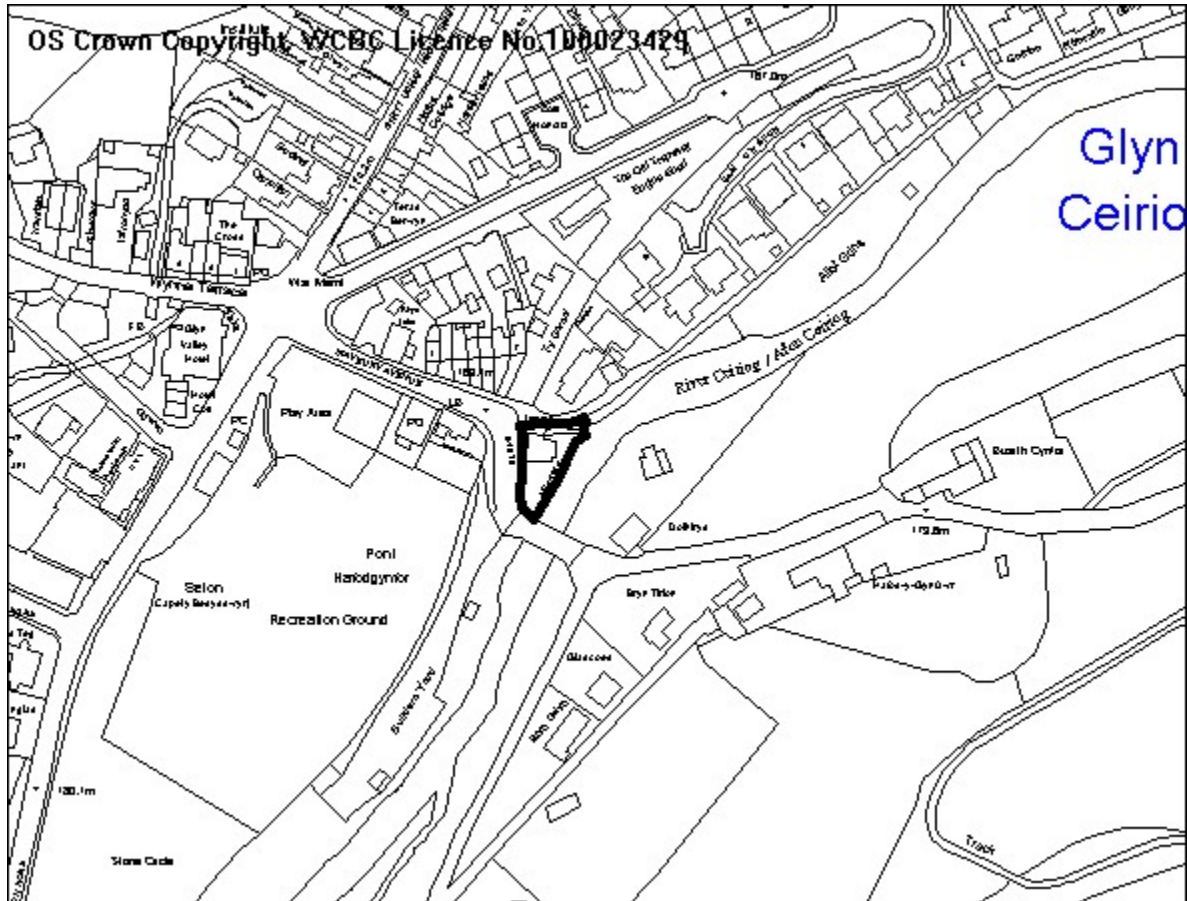
WARD:
Dyffryn Ceiriog/Ceiriog
Valley

AGENT NAME:
PATERSON MACAULAY
& OWENS

APPLICANT(S) NAME:
MINAFON PROPERTIES

THE SITE

A two-storey, detached dwelling located to the far east of Maybury Avenue, on the B4579, Glyn Ceiriog. The River Ceiriog directly adjoins the boundary of the site to the east and its far southern point touches the bridge over the river. A small part of the site to the north lies over a culverted river tributary into the Ceiriog. Different house types and styles surround the property to the north, northwest and west and to the other side of the river to the east and southeast.



PROPOSAL

The proposal development is for the demolition of an existing single storey side extension (kitchen and bathroom) to the north of the dwelling and its replacement with a two - storey extension creating a kitchen and study at ground floor and master bedroom with terrace at first floor. The development would also involve a number of alterations to the south elevation including a glazed extension with solid roof to the lounge at ground floor, the re-building of the bay windows at both ground (dining room) and first floors (bedroom) and the alteration to an existing bedroom window with pitched roof over. Some internal re-configuration is also proposed which supports an en-suite for the additional bedroom and bathroom at first floor.

The original plans included the provision of a glazed balcony projecting out from the rear (east) of the proposed first floor extension. This has now been deleted and replaced with a terrace flush with the elevation.

HISTORY

None

DEVELOPMENT PLAN

Wrexham Unitary Development Plan 1996-2011 (UDP)

Within the settlement limit. Policies PS1, PS2 and GDP1 apply.

Draft Wrexham Local Development Plan 2013-2028 (LDP)

Within the settlement limit. Policies SP2, SP14 and DM1 apply.

Local Planning Guidance Notes (LPGN) 16 (Parking) and 20 (House Extensions) apply.

CONSULTATIONS

Community Council

Has expressed concerns that:

- the proposed balcony would adversely impact on the surrounding properties particularly in terms of privacy;
- The additional bedroom will cause phosphate issues; and
- Minafon doesn't have any parking so parking could be an issue.

Local Member

Has expressed concerns that:

- The proposed balcony would overlook gardens to the north of the property and affect the privacy of those living there;
- The property is not on mains sewerage and whether it will cope with the additional bedroom.
- There is only one car parking space there at present. Residents of the area regularly park on the road (B4579) which bends twice to go round the property so additional cars may become an issue.
- Understands that the property is to be rented out for holidays, and could result in increasing noise for local residents.
- Understands that the kitchen does not have proper foundations so to add another storey would need the kitchen to be demolished and rebuilt.

Notwithstanding the above the Local Member has also commented that the property has been in a poor state and an eyesore, it will be good to see it improved.

NRW

Raise concerns and would object without further details to allow NRW to assess the potential impact of the development on a culvert that discharges into the River Ceiriog within the boundary of the property.

NRW have commented that site lies within zone C2 of the Development Advice Map (DAM) contained in TAN15 and Floor Zone 3 (River) on the Flood Map for Planning (FMfP) and advises that the applicant should consider the incorporating of flood resistance/resilience measures.

NRW have also commented that the site lies within a Special Area of Conservation (SAC) - River Dee and Bala Lake SAC and the River Dee SSSI.

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Recommends a condition be imposed to secure measures to prevent adverse impacts on the SAC and SSSI from pollution and disturbance to otters.

NRW were consulted on additional information on 29 June 2023. Not comments have yet been received.

Welsh Water

Raises no objection subject to a condition requiring no increase in surface water entering the public sewer system.

Highway Officer

Raise no objections.

Rights of Way Officer

Advises that the proposed parking area encroached over footpath no.1a and recommended that there should be no development within this area.

Ecology Officer

Raises no objections and recommends conditions to secure the implementation of the mitigation and enhancement measures proposed in the Protected Species Survey and measures to prevent pollution.

Neighbours

The owners of 7 nearby properties notified 7/10/2022 and again on 3/11/2022 following the sub mission of amended plans.

7 representations received from 3 separate neighbouring properties raising the following concerns:

- Overlooking;
- Potential use of the dwelling as a holiday let and noise and parking issues;
- Parking issues
- Loss of a view;
- The first floor extension is out of character and will be dominating and overbearing; and

Potential of comprising a watercourse in an area where there is a history of flooding.

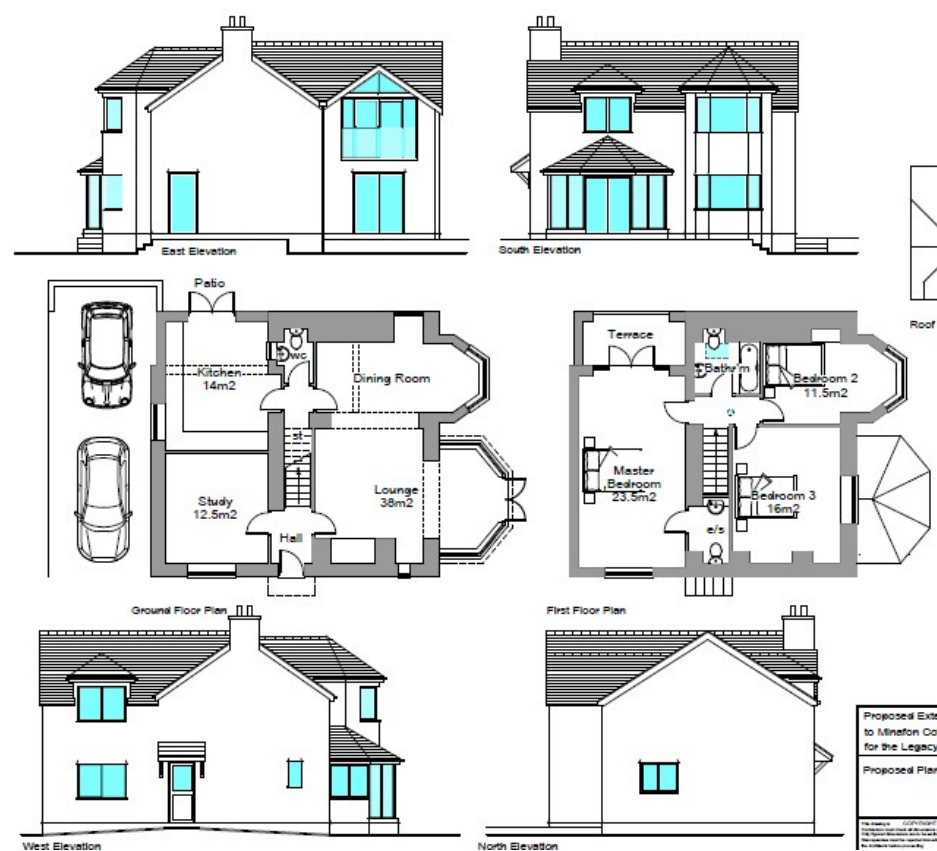
SPECIAL CONSIDERATIONS

Design: The existing and proposed elevations are shown below:

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Existing Elevations



Proposed Elevations

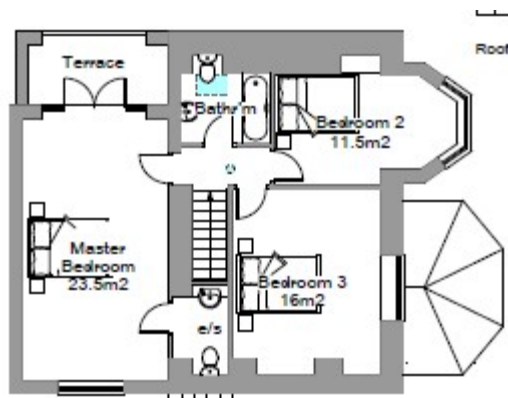
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The existing property is simple in its design and appearance. The proposed extensions and alterations would reflect this simple design. They are in keeping with the dwelling and would not detract from the wider street scene where dwellings vary in scale and form. The proposed development therefore complies with UDP policy GDP1 and draft LDP policy DM1.

Residential Amenity: The property is located sufficiently far enough away from nearby properties to ensure that the proposed development would not cause a loss of daylight or be overbearing for adjoining occupiers.

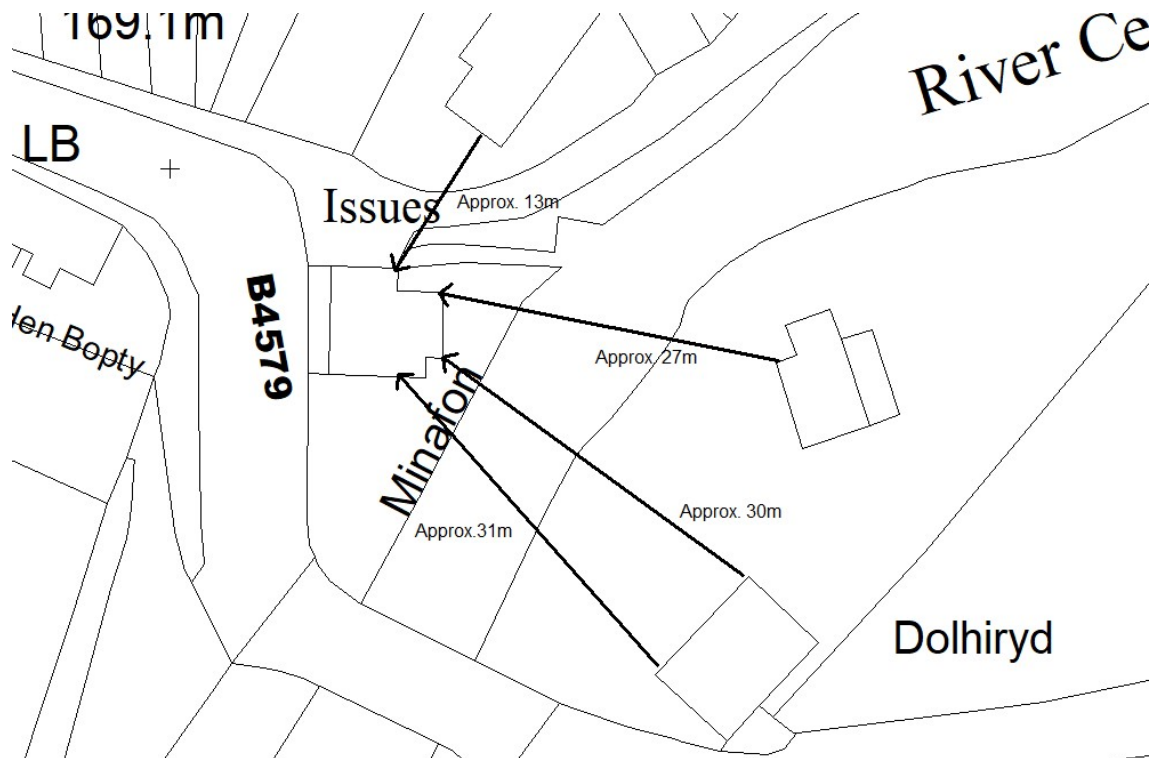
Similarly, given the distance from other properties and given that the proposals largely remain within the footprint of the existing dwelling, they would not appear to be visually overbearing.

Initial proposals for a projecting balcony from the rear (east) of the proposed first floor extension have been deleted due to harm it would have caused to the living conditions of nearby properties in terms of overlooking. A proposed east facing terrace has been retained, but included as an integral part of the proposed extension, as shown below:



The side, wall of the extension to the north, will enclose the terrace this will by itself, prevent direct overlooking to the north towards Ceiriog Villa.

Considering the impact of the dwelling to properties to the east, the separation distances are illustrated below and accord with the LPGN20 recommended distance of 22m. Accordingly, the proposed development would not harm the amenity of the occupiers of those properties by way of loss of privacy.



Concerns relating to loss of views from a nearby property is not a material planning consideration.

Highway Safety: The Council's Highway Officer raises no highway safety concerns

The existing dwelling has two bedrooms and the proposal will result in an increase to three bedrooms.

The property does not appear to have any off street parking. It would not be possible to provide parking within the garden area to the south of the property given the sloping nature of the land down towards the river.

Plans were submitted showing the provision of parking spaces immediately to the north of the dwelling. However these proposals gave rise to concerns from NRW regarding potential impact upon a culvert that flows into the River Ceiriog within the boundary of the site. Furthermore, the Highway Officer has advised that the spaces would be on Council land. The plans have therefore been amended to delete these area from the application.

A revised plan has been submitted which now shows no parking within the residential curtilage. The applicant is hoping to continue parking on the highway adjacent to the property as has happened in the past.

The LPGN16 maximum for the existing dwelling is 2 spaces. It would be 3 spaces for the dwelling as extended. Notwithstanding the maximum parking provision, it does not automatically follow that adding an additional bedroom to the dwelling will result in an increase in demand for parking. Even if it did, the additional parking demand for 1 additional vehicle would not significantly

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increase demand for on-street parking in the vicinity of the site or materially harm highway safety. As such, an absence of off-street parking would not be sustainable grounds for refusal and accordingly there is no conflict with UDP policies GDP1 and T8 or draft LDP policy DM1.

Flooding: The site lies within a C2 floodplain as set out in the Development Advice Map (DAM) contained in TAN15 and Flood Map for Planning (FMfP) identifies the site to be at risk of flooding (Flood Zone 3 – Rivers). Whilst NRW do not normally comment on proposals for house extensions, they have raised concerns about the potential impact upon a river culvert that discharges to the River Ceiriog within the boundary of property.

In addition to earlier concerns about the now deleted parking area NRW have expressed concerns about the potential impact the foundations and construction of the extension may have. Additional information has been received from the applicants on this matter and NRW have been consulted.

NRW have advised that the applicant should consider incorporating flood resistance/resilience measures. The applicant has confirmed that measures will be incorporated at final construction stage.

Ecology: The site lies within the River Dee SAC and SSSI. The construction works have the potential to generate pollution and disturb otters. NRW have recommended the imposition of a suitably worded condition to address this matter.

A Protected Species Survey has been submitted. The Survey did not find any evidence that the dwelling is used by bats. The Council's Ecologist raises no objections to the application subject to the implementation of the mitigation and enhancement measures recommended in the report. These can be secured by a suitably worded condition.

Phosphorous: NRW's guidance advises that unless extensions to dwellings result in the creation of independent living accommodation or a separate planning unit, they are unlikely to lead to significant effects on the SAC. The proposed development would not result in the subdivision of the dwelling into two or more units and as such it is not likely to increase phosphorous levels entering the SAC.

Other Matters: Concerns have been expressed about the use of the property as a holiday accommodation. However there is no evidence to suggest this is in fact the case. In any case, the change of use of the property from Class C3 (Dwellinghouse used as a sole or main residence) to Class C5 (Dwellinghouse, used other than as a sole or main residence) or Class C6 (Short term lets) is permitted development and would therefore not require planning permission.

CONCLUSION

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Subject to NRW confirming their concerns have been addressed, the proposed development would not result in harmful impacts to the appearance and character of the dwelling, the visual amenities of the area, residential amenity, ecology, flooding or highway safety. It therefore accords with relevant UDP and draft LDP policies.

RECOMMENDATION A: The Chief Officer Economy and Planning be given delegated powers to grant planning permission subject to the conditions below and subject to consultation responses being received from NRW confirming the additional information submitted is acceptable and any additional conditions they recommend.

RECOMMENDATION B: The Chief Officer Economy and Planning be given delegated powers to refuse planning permission in the event the consultation response received from NRW advise that the development will have an adverse impact on the integrity of the river culvert. The Chief Officer Economy and Planning be given delegated authority to determine the final form and content of the reason(s) for refusal.

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 5152 L01 Rev B and 5152 P01 Rev K and as contained within the application documentation.
 4. No facing or roofing materials shall be used other than materials matching those used on the existing building.
 5. No external lighting shall be installed until full details have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details.
 6. Development shall not commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
 - The location of an impermeable area for the storage of building materials and cement and for cement mixing. This should be located at least 10 metres from a water course or surface drain;
 - How any surplus dry concrete, cement and grout will need to be disposed of;
 - Details of measures to prevent wet concrete and wash water from the washing out of any chutes, portable mixers, barrows, pump lines, shovels entering any watercourses; and
 - Equipment, such as chutes, portable mixers, barrows, pump lines, shovels, should be washed out in a designated area that has been specifically designed to contain wet concrete/wash water and any washings should not enter the watercourse under any circumstances.
- The development shall be carried out in strict accordance with the approved CEMP.
7. The development shall be carried out in strict accordance with Section 8: Conclusions, Impacts and Mitigation For Bats of the Protect Species

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Survey, Minafon, Glyn Ceiriog dated 15 February 2023. The bat boxes shall be installed prior to the first occupation of the development hereby permitted and thereafter permanently retained.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71(2ZA) of the Town and Country Planning Act 1990.
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. 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. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
7. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan and to ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.

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.

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

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contact details for any other enquiries regarding construction / demolition site noise.

It is recommended that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. For further advice and guidance, please refer to NRW's website <https://naturalresourceswales.gov.uk/splash?orig=%2f&lang=cy> and the following:

Prepare your Property for Flooding

<https://www.gov.uk/prepare-for-flooding>

Flood Resistance of Domestic and Small Business Properties

Under the Environmental Permitting Regulations (2016) a bespoke Flood Risk Activity Permit will be required. For further advice go to:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>
