

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

APPLICATION NO:
P/2023 /0138

LOCATION:
LAND SOUTH OF NANT COTTAGE
LOWER ROAD COEDPOETH
WREXHAM
LL11 3TP

DATE RECEIVED:
06/03/2023

COMMUNITY:
Coedpoeth

CASE OFFICER:
SEH

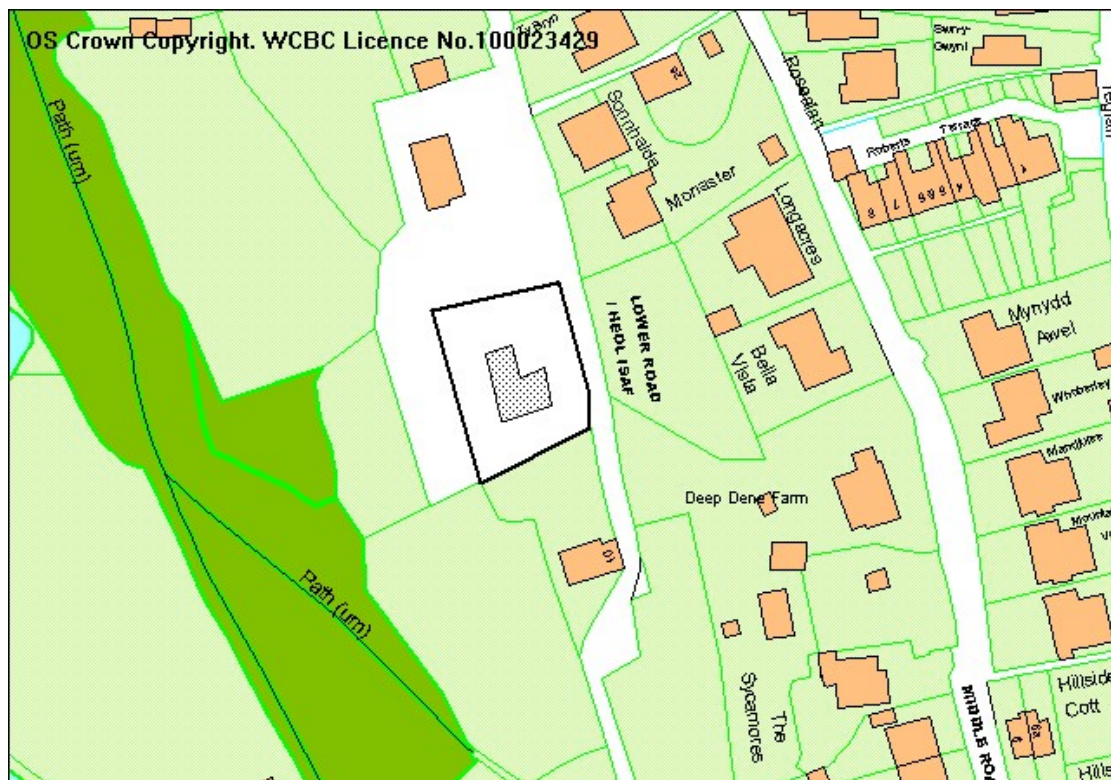
WARD:
Coedpoeth

DESCRIPTION:
ERECTION OF 1 DWELLING WITH
ASSOCIATED VEHICULAR ACCESS
POINTS TO DWELLING AND
PADDOCK BELOW (IN PART
RETROSPECT)

AGENT NAME:
BLUEPRINT LTD
DAFYDD EDWARDS

APPLICANT(S) NAME:
MR JOHN WILLIAMS
MOORBRIDGE CONSTRUCTION

THE SITE



PROPOSAL

The site benefits from outline planning permission and reserved matters approval. A dwelling is at an advanced stage of completion, however what has been built does not accord with the approved plans. Full planning permission is therefore sought for the erection of a dwelling in retrospect.

RELEVANT HISTORY

P/2020/0370 OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR 1 DWELLING WITH ASSOCIATED ACCESS TO DWELLING AND PADDOCK BELOW. Approved 08/10/2020

P/2020/0873 RESERVED MATTERS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PERMISSION P/2020/0370. Granted 11/12/2021

DEVELOPMENT PLAN

Unitary Development Plan

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

CONSULTATIONS

Community Council

Raises the following concerns:

- Windows and door overlooking a neighbouring property;
- The entire build is closer to the boundary/neighbouring property than shown on the outline permission,
- Right of way / footpath being removed;
- Restriction to vehicular access on the road.

Local Members

Both local members have expressed concerns about the impact of the development on the living conditions of nearby occupiers.

Highway Officer

Raises no objection. The Highway Officer notes that there are no revisions to the highway works previously approved.

Public Protection Officer

Raises no objections. Advisory notes regarding measures to manage construction impacts (noise, dust) are recommended.

Contaminated Land Officer

Raises no objections. The Contaminated Land Officer recommend conditions be imposed to require the soft landscaped areas of the site to be investigated

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for contamination. If remediation is necessary, this should be undertaken and verified prior to first occupation of the dwelling.

Welsh Water

Raises no objection. Welsh Water advise that capacity exists within the public sewerage network to receive the foul flows from the proposed development. Welsh Water also recommend informatives relating to surface water, the location of sewers and the process for securing a connection to the public sewer network.

Natural Resources Wales (NRW)

Raises no objection to the development. NRW note that given the extant permission, the proposed development is unlikely to increase the amount of phosphorus entering the River Dee and Bala Lake SAC.

Public Rights of Way (PRoW) Officer

Raises no objection. The PRoW Officer advises that whilst the definitive map shows the route of Bersham public footpath no.20 passing through the site, this has been recorded incorrectly. The definitive statement describes the path taking a different route.

Neighbours

The owners/occupiers of 14 properties have been notified on 28/06/2023. 1 representation has been received expressing the following concerns:

- Size, scale and massing of the building and its overbearing impact when viewed from the south;
- Overlooking from side windows into garden area to the south;
- Dwelling is higher than originally proposed,
- The building is higher than the previously approved scheme; and
- Obstruction of a right of way.

SPECIAL CONSIDERATIONS/ ISSUES

Principle of Development: UDP Policy H2 permits residential development within settlement limits subject to complying with Policy GDP1. The site also lies within the settlement limit in the draft LDP. As such there is no policy objection in principle to the proposed development.

Matters relevant to the UDP and LDP policies identified above will be discussed later in the report.

Design: The proposed dwelling is larger than the one permitted in 2020. However, dwellings in the locality vary considerably in size, appearance, use of external materials and set back from the highway. Viewed in this context the development reflects the character of the locality.

The plans below illustrate the differences between the consented development and the dwelling that has been built on site:



Figure 1 – Approved Site Layout P/2020/0873



Figure 2 – Site Layout as built



Figure 3 – Approved Elevations P/2020/0873



Figure 4 – Elevations as built

Residential Amenity: There are no windows serving habitable room is the south facing elevation. As a result there would be no reduction in the levels of privacy currently enjoyed by the occupiers of the neighbouring dwelling, Barnwell. Suitably worded conditions will require the windows in the south facing elevation to be obscurely glazed and prevent additional window openings.

Taking into account the differences in ground level between the dwelling and Barnwell, LPGN No. 21 advises the minimum separation distance of 21 metres. The actual distance is just over 25 metres at its closest point, thus according with this guidance. The dwelling is also situated approximately 6m from the boundary of Barnwell's substantial garden. Given the distances involved, the dwelling is not unduly overbearing when viewed from habitable rooms or the garden of Barnwell, nor does it result in an unacceptable reduction in the levels of natural light available to this property

LPGN21 advises a minimum separation distance of 24 metres to the dwellings to the north, with the actual distance being 30 metres. To the east, a minimum of 28 metres is recommended, with the actual distance being 40 metres. Given the distances involved, the dwelling does not harm the living conditions of occupiers of the properties in each of those directions. There are no properties to the west.

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

Highway Safety: The Highway Officer has confirmed the development does not give rise to highway safety concerns.

The site is situated on a narrow unclassified road. The Highway Officer advises vehicle speeds are unlikely to exceed 15 mph due to the geometry of

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the road. Adequately visibility splays are achievable as is the gradient to provide safe vehicular access into the site. Given the restricted width of Lower Road a scheme of highway widening is proposed to enable vehicles to pass.

Having regard to the above, the development accords with policies GDP1 and T8 of the UDP and policy DM1 of the draft LDP.

Phosphates: The development will not generate any additional foul water flows entering the River Dee and Bala Lake SAC than the previously approved development. NRW have therefore advised that it is unlikely to have a significant impact on the SAC. In such terms there is no conflict with policy EC6 of the UDP or NE6 of the draft LDP.

Public Right of Way: The PRow Officer raises no objection and advises that whilst the definitive map shows the route of Bersham public footpath no.20 passing through the site this has been recorded incorrectly and the definitive statement describes the path taking a different route. The proposed development therefore does not obstruct a PRow.

CONCLUSION

The proposed dwelling is acceptable in terms of scale and design, and does not result in unacceptable harm to the living conditions of neighbouring occupiers or to highway safety. In such terms it accords with the relevant UDP and draft LDP policies.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered D111/007 Rev G, D111/008 Rev D and D111/009 Rev F 1 of 3, D111/009 Rev F 2 of 3, D111/009 Rev F 3 of 3, and as contained within the application documentation.
2. No part of the dwelling shall be occupied until a phased site investigation of the nature and extent of contamination within the outdoor spaces has been carried out and submitted to, and approved in writing by, the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site

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shall thereafter be remediated in accordance with the additional scheme of remediation.

4. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.

5. 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 window or opening in the elevation facing south shall be top opening only, and shall only be glazed or re-glazed using obscure glass to Pilkington Level 3 or equivalent which shall thereafter be permanently retained.

6. With the exception of those shown on the approved plan and 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 windows or other openings shall be inserted in any elevation of the building facing south.

7. The vehicular parking and turning areas as shown on approved drawing no. D111/007 Rev G shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

8. No land drainage run-off or surface water 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.

9. No development shall take place within 3 metres either side of the public sewer which crosses the site.

10. The gradient access from the edge of the existing carriageway shall be a maximum of 1:8.

11. The dwelling shall not be occupied until the approved access points have been provided with visibility splays of 2.4 m x 18 m in both directions, measured to the nearside edge of the adjoining highway, within which there shall be no obstruction in excess of 1.0m in height. The visibility splays shall thereafter be permanently retained free of all obstruction.

12. Prior to first occupation of the dwelling, the proposed access shall be surfaced using hard bound materials for a minimum distance of 5 metres behind the highway boundary. Any gates to be erected at the proposed access shall be a minimum of 5m from the edge of the adjacent carriageway.

13. The dwelling shall not be occupied until the approved passing bay and retaining walls have been constructed in strict accordance with Highway Authority adoptable standards.

14. Within six months of the first occupation / use of the dwelling, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

15. The planting scheme as carried out in connection with condition no. 14 shall be permanently retained. Any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

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16. Prior to first occupation of the dwelling, the boundary treatments shown on approved plan ref: D111/008 Rev D shall be erected on site. No other boundary fences or other means of enclosure shall be erected on any part of the site.

17. 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 and E of Schedule 2 Part 1 and under Classes A and B of Schedule 2 Part 2, other than the development hereby granted permission.

REASON(S)

1. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
2. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
8. 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.
9. To protect the integrity of the public sewer and avoid damage thereto in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. In the interests of highway safety 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. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. 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.
15. 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.

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16. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect residential amenity in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

17. 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.

NOTE(S) TO APPLICANT

The Applicant is advised that under the Environmental Protection Act 1990, 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 Housing and Public Protection Department on 01978 315300 for further advice and information.

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs 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 should adhere to the times given above wherever possible. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

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 Environment and Planning Department on 01978 315300 for further advice and information.

The written consent of the Highway Authority (as required by section 38 of the Highways Act 1980) must be obtained before any work is carried out on

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private land that is intended for adoption by the Highway Authority in connection with condition no 10. All works shall be constructed to a safe and usable condition and completed to an adoptable standard. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council.

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

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- 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.
