

**REPORT OF THE CHIEF OFFICER PLANNING AND
REGULATORY – 1 November 2021**

APPLICATION NO:
P/2021 /0864

LOCATION:
129 KINGSMILLS ROAD WREXHAM
LL13 8NW

DATE RECEIVED:
02/09/2021

COMMUNITY:
Caia Park

DESCRIPTION:
ESTYNIAD DEULAWR I'R CEFN A
NEWID DEFNYDD O C3 (TY
ANNEDD) I C2 (SEFYDLIAD
PRESWYL) GYDA 4 YSTAFELL
LLETY BYW A CHYMORTH GYDA
STAFF A CHYFLEUSTERAU
CYMUNEDOL / TWO STOREY REAR
EXTENSION AND CHANGE OF USE
FROM C3 (DWELLING HOUSE) TO
C2 (RESIDENTIAL INSTITUTION)
WITH 4 ROOMS OF SUPPORTED
LIVING ACCOMMODATION WITH
STAFF AND COMMUNAL FACILITES

CASE OFFICER:
BB

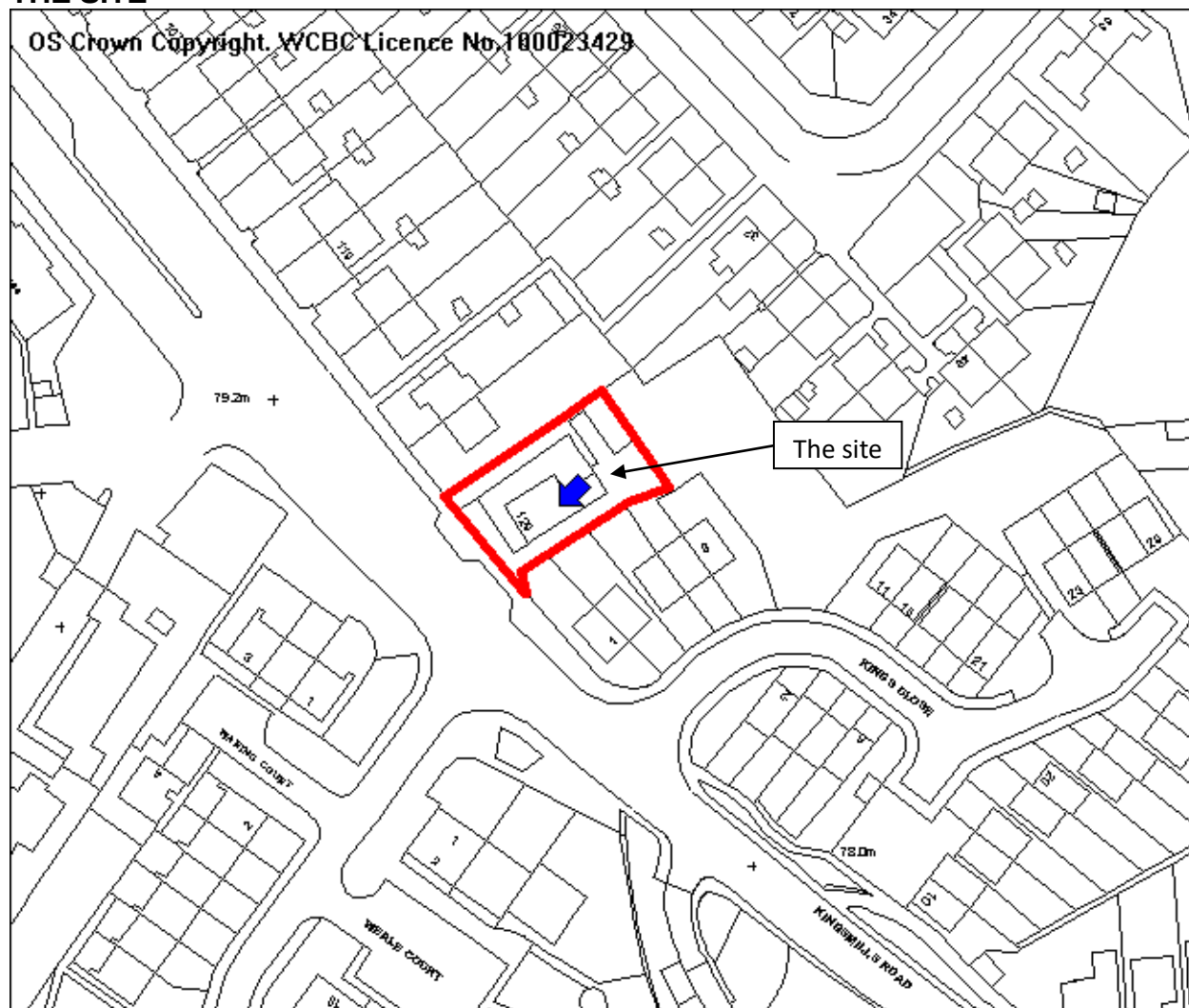
WARD:
Whitegate

AGENT NAME:
MR PETER LLOYD

APPLICANT(S) NAME:
CLWYD ALYN HOUSING LTD

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THE SITE



PROPOSAL

The proposal is for supported housing with four en-suite rooms and a staff room enabled by a two storey rear extension. The applicant has confirmed that the principal occupiers would be mothers and babies.

HISTORY

None

PLANNING POLICY

Within settlement limit. Policies PS1, PS2, GDP1, EC6, H11 and T8 apply. Local Planning Guidance Note (LPGN) Nos. 20 'Residential extensions', 21 'Space around Dwellings', 16 'Parking Standards'.

CONSULTATIONS

Community Council: Consulted 06.09.21 – No objection

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Local Member:	Consulted 06.09.21
Highways:	No objection subject to further clarification on proposed use and vehicular movements (see special considerations below).
Public Protection: applicant.	No objections raised - Recommend notes to
NRW:	Raised concerns and requested further information in relation to foul waste drainage (see special considerations below)
WW:	Recommended condition and advisory notes.
Neighbours:	14 neighbours consulted. Notified 10.09.21. 3 objections with the following concerns: • Loss of privacy • Noise disturbance from occupants and vehicular movements

SPECIAL CONSIDERATIONS

Policy: Policy H11 deals specifically with residential care homes and states that proposals for elderly persons residential care homes, nursing homes and development for specialist health care will normally be allowed where:

- a) the development accords with Policy GDP1; and
- b) adequate garden area for the amenity of residents can be provided; and
- c) in the case of change of use, the existing building is of an adequate size for the use proposed without substantial extension; and
- d) the facility is accessible to community facilities (e.g. shops, post office, doctor's surgery, etc.).

Whilst the policy does not specifically refer to supporting living it is considered to be broadly applicable to the development proposed given that the other uses within the policy also fall within Class C2.

Garden Space: The proposal would provide approximately 100 sq.m of private amenity space to the side and rear of the property which is considered to be substantial enough to accommodate for the needs of future residents.

Extension: The extension would increase the floor area of the dwelling by around 60%. Whilst this is significant in relative terms, by itself it would not be a valid reason to withhold permission. The extension would not be considered excessive if the property were to remain in Class C3 use as opposed to be converted to Class C2 use.

Whilst the extension would be partially visible from the street, due to its location to the rear of the property and design it is not considered to have an unacceptable impact on the appearance of the property. The majority of the

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extension would project out to the back of the site and whilst a modest projection extends beyond the northern side elevation this projection would be set back approximately 9.5m from the front elevation. As such is not considered to overwhelm the appearance of the building or dominate the street scene.

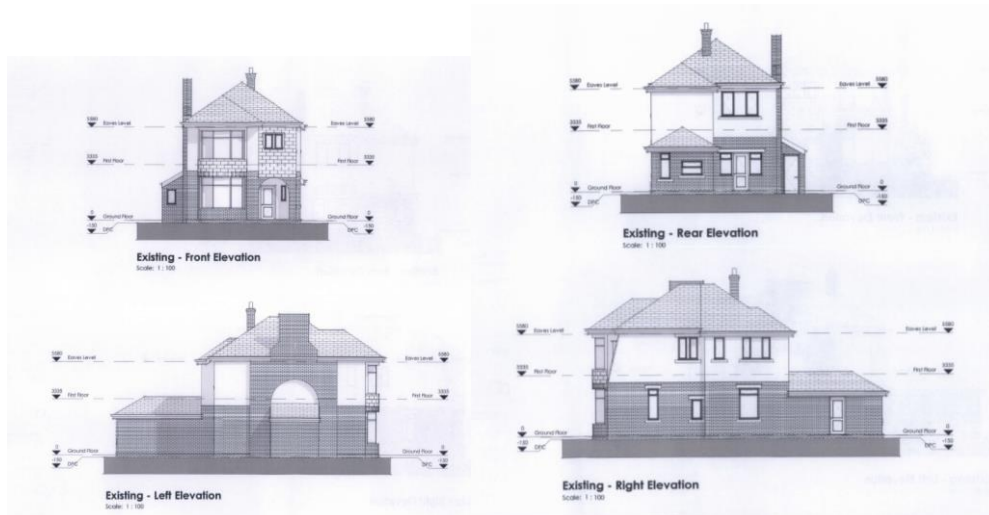


Figure 4 Existing elevations

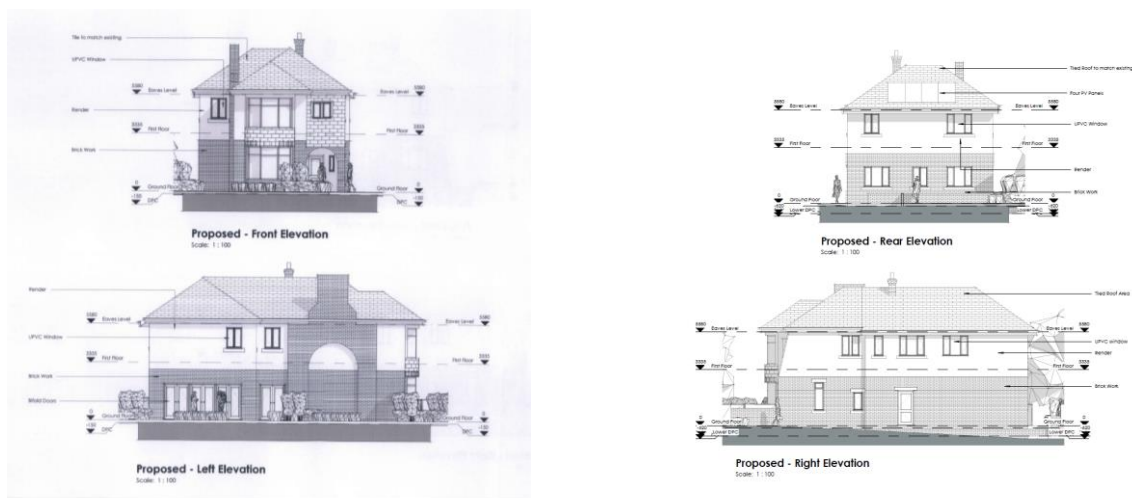


Figure 2. Proposed elevations

Residential Amenity: The property would have a kitchen, lounge, office, utility room, bathroom, four en-suite bedrooms and a staff bedroom. The property would measure an internal floor area of approximately 190m/sq. There is no set minimum floor space standards within the adopted UDP or local planning guidance notes for supported housing. The internal floor space is, however, considered large enough to meet the requirements of modern living standards.

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LPGN 21 recommends a separation distance of 22 metres between habitable room windows, to prevent overlooking. LPGN 21 also recommends, in order to safeguard against loss of daylight and restriction of outlook, a separation distance of 13 metres between habitable room windows and blank elevations/non habitable rooms.

Separation distances to the rear, between the rear elevations of nos. 45 to 37 Warwick Avenue, would measure a minimum of approximately 33m and as such, far exceed the minimum 22m distance between habitable rooms (LPGN 21). Whilst rear gardens would be located at approximately 15m to 33m, such spaces aren't afforded the same protection as a degree of mutual overlooking from neighbouring windows already occurs. As such, due to the separation distances from these properties, the development is not considered to unacceptably impinge on their amenities byway of loss of daylight/sunlight, outlook or privacy.

With regard to no. 127 Kingsmills Road, the proposed extension at its closest point would extend to approximately 5m from the site boundary, and the extension would measure approximately 9m from the nearest point with this property. Due to the siting of the extension to the rear of the main body of the dwelling and when considering these separation distances, the proposal would pass the initial BRE 45 degree daylight/sunlight test when measured on both plan and elevation form. The extension would be sited perpendicular to windows serving habitable rooms (the nearest first floor side facing window being obscure glazed) and as such it is not considered to result in an unacceptable loss of outlook. Given that the extension clearly passes the daylight/sunlight test and a separation distance of 5m would be maintained from the boundary, and given that no. 127 itself benefits from a relatively deep rear garden, the development is not considered to impinge on the amenities afforded to this property byway of loss of daylight/sunlight, outlook and neither is it considered to be unduly overbearing.

It is noted that two windows are shown to face toward no. 127 Kingsmills Road. The room (bedroom 3), the most northern window within the side elevation serves, is dual aspect and as such it is considered reasonable, in the interests of protecting the amenities of no. 127, to condition that this window be obscure-glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed).

The window serving bedroom 2 would face towards this property, however, on balance, it is considered that this window would not compromise privacy to an unacceptable degree. The window would face onto the side elevation of this property where the existing window of no. 127 at first floor level is obscure glazed. As such, there would not be direct overlooking between two habitable windows. Whilst the window would provide views of the private amenity space of this property, these views are not considered extensive enough to warrant a refusal of the proposal. Views would be partially obstructed by the extension

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itself and a large area of the garden of this property would not be visible from the window. It is also noted that there is a degree of existing mutual overlooking from properties on Kingsmills Road and Warwick Avenue to the rear.

With regard to 1, 3, 5, 7 and 9 Kings Close, the extension would most impact upon no. 5. The extension would lie north of this property and would measure a depth similar to that of the full width of the garden. A separation distance of 3m would be maintained between the extension and the garden boundary and a separation distance of approximately 12.5m would be maintained from the rear elevation. It would be considered reasonable to condition that all new windows on the southern elevation facing Kings Close are to be obscure-glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed).

The proposal would marginally fail, by 0.5m, to meet the minimum separation distance of 13m as outlined within LPGN 20 for residential extensions between an elevation and a habitable room. Nevertheless, in the particular instance, this failure, on balance, is considered to be acceptable.

The proposal would lie to the north of this property and as such any additional overshadowing would only be for very brief periods during the day. A clear buffer (approximately 3m) would remain between the extension and the rear boundary which ensures the extension from enclosing the rear garden to an unacceptable degree. Crucially, the development when measured from the ground floor habitable windows/doors of no. 5 would comfortably pass the initial 25 degree BRE daylight/sunlight assessment. This assessment is undertaken when a habitable room faces directly onto development. The fact that the development comfortably passes this assessment, is considered to demonstrate that the minor shortfall is acceptable in this particular instance. It is also of note that the hipped roof of the extension which pitches away from these properties also reduces the massing and thereby its potential impacts on neighbour amenity.

As the impact to no.5 is considered to be acceptable and as the extension is set further away from nos. 1, 3, 7 and 9 it can be assumed that the impact to these properties would be no greater than that to no 5. As such, the development, falls within acceptable parameters when considering these properties.

Concerns have been raised in relation to noise. Noise from the development site is not considered to go over and beyond that possible from typical residential uses. The house is detached and any statutory noise nuisance can be reported to public protection to investigate. Public protection have not objected to this proposal. Vehicular movements would be similar to those possible of a four bedroom residential unit, consequently noise from vehicles

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are not considered to result in noticeable additional noise levels over and above that currently possible.

Given the above assessment, on balance, the proposal is considered to be located sufficient distances away from the nearby private gardens to avoid any over dominance, and the scheme as proposed complies with policy GDP1 and the overall objectives of the supporting guidance within LPGN 21.



Figure 3. Proposed Site Layout

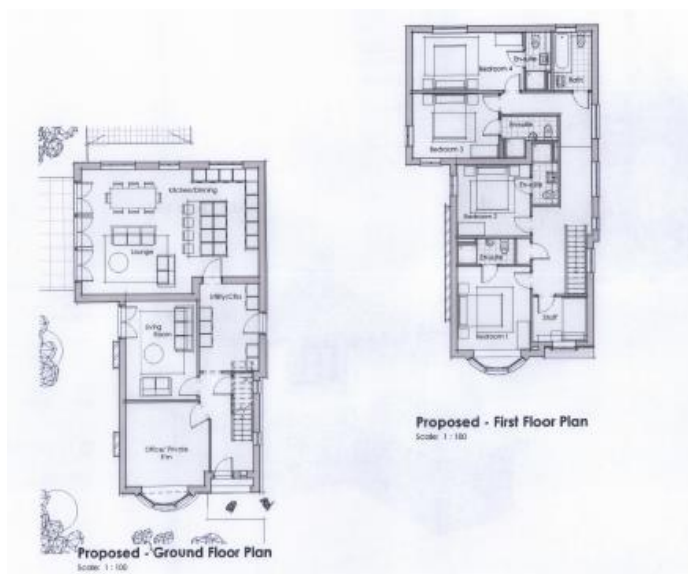


Figure 3. Proposed floor plans

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Highways: The highway authority have been consulted who have not objected to the proposals, however, they have sought clarity over the potential number of vehicle movements from the site given the constrained nature of the driveway and number of parking spaces.

Visibility splays exceed minimum standards (2.4m x 43m) when entering and leaving the site.

The proposed use is considered be similar to that expected from sheltered housing where the occupants are less likely to own a vehicle. Standards for such a use within LPGN 16 requires 1 space per 4 units and a space for staff and an ambulance. In this case the applicant has confirmed that typically parking would be required for two cars during staff change over. Whilst 5 spaces have been shown two of these would not be easily accessible, however, on the basis of the further information submitted by the applicant (confirming staff change over and the proposed use) it is considered that three spaces would be acceptable in this particular case. The site is located a short distance from Wrexham town centre and therefore has a range of community and other facilities relatively close by. On-street parking is also available in the locality.

Given the above, the site access is considered to be safe in accordance with policies H11, GDP1 and policy T8.

Drainage and ecology: NRW have raised concerns regarding foul waste and volumes of phosphates entering the River Dee SAC (Special Area of Conservation). Consequently, NRW have requested further information in relation to foul waste drainage. The site would be connected to the mains sewer which is served by Five Fords Waste Water Treatment Works. Welsh Water have confirmed that this works has capacity and consent to process additional volumes of phosphates. In light of this information NRW have been re-consulted, their comments will be reported within the addendum report. Should NRW object to the proposal, the scheme will otherwise be recommended for refusal as it would potentially result in harm to the River Dee SAC and consequently would fail to comply with policy EC6 (Biodiversity conservation).

Welsh water have recommended that a condition to prevent water draining directly or indirectly to the public sewerage system. It is considered reasonable and necessary to impose this condition in the interest of protecting the local environment.

CONCLUSION

Given the above assessment, it is considered, on balance, that the proposal meets the aims and objectives of policies H11, GDP1, PS1, PS2 and T8. With regard to foul waste water and potential impacts of additional volumes of water entering the River Dee SAC further advice from NRW has been sought

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and will be reported within the addendum report. Provided that NRW are satisfied that the proposal meets their advice the application will be compliant with policy EC6. In the event of a failure to meet NRW's advice the recommendation will be to refuse the proposal under delegated powers. Insufficient information will have been submitted to demonstrate that the proposals do not result in an increase in phosphate levels to the River Dee and Bala Lake Special Area of Conservation.

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:
PL01 Rev A
PL02 Rev A
PL03 Rev B
PL04 Rev A
and as contained within the application documentation.
3. No facing materials shall be used other than materials matching those used on the existing building.
4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
5. No window shall be installed on the side elevation of Bedroom 3 facing no.127 Kingsmills Road other than a window that is obscure-glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed).
6. No windows shall be installed at first floor level in the side elevation facing nos. 1, 3, 5 and 7 Kings Close other than windows that are obscure-glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed).

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.

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4. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
5. To control overlooking and safeguard the privacy of neighbours in accordance with Council policy GDP1 of Wrexhams Unitary Development Plan.
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NOTE(S) TO APPLICANT

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 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 works outside of the specified times, permission to proceed may be sought by contacting Environmental Health and 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.

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 Planning & Regulatory Department on 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

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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 Planning & Regulatory Department on 01978 292040 for further advice and information.

Your attention is drawn to the advice in Welsh Water's consultation response dated 27/09/2021.

Your attention is drawn to the advice in NRW's consultation response dated 24/09/2021.
