

**Town and Country Planning Act 1990
Section 78 appeal**

**Local Planning Authority Statement of
Case**

**5 Bank Buildings, Waterloo Place, Well Street, Cefn Mawr,
Wrexham, LL14 3AS**

**PINS Refs: APP/H6955/A/18/3198071
LPA Planning Refs: P/2017/0649**

1.0 INTRODUCTION

- 1.1 This document constitutes the local planning authority's statement of case in relation to the aforementioned appeal.

2.0 PROPOSAL

- 2.1 Planning permission is sought in full for the erection of a single dwelling with associated access and vehicle parking provision.

- 2.2 The Council refused to grant planning permission on the following grounds:

1. To allow the development would increase the number of vehicles using Waterloo Place which is restricted in terms of its width. It is considered that this would cause a detriment to the safety of motorists and pedestrians and would not accord with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.

2. The proposal, by reason of its design and position would result in a loss of privacy for the existing neighbouring occupiers and the occupiers of the proposed dwelling. To allow the dwelling would be contrary to policies GDP1 of the Wrexham Unitary Development Plan and Local Planning Guidance Note 21 - Space Around Dwellings.

- 2.3 The Council has made reference to the relevant policies and supplementary planning guidance notes in the Questionnaire as previously submitted.

3.0 THE COUNCIL'S CASE

- 3.1 In this instance, the Council will rely upon the report of its Officers in outlining and justifying its reasons for refusal. This can be found at Appendix 1.

4.0 SUGGESTED CONDITIONS

- 5.1 Should the Inspector be minded to allow either appeal, the Council respectfully requests that consideration be given to the following conditions:

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

Reason: To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) dated 02.08.2017 and contained within the application documentation.

Reason: To define the scope of the planning permission.

3. Prior to their use on the development samples of all external facing 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.

Reason: In the interests of the visual amenity of the area.

4. Notwithstanding the detail as shown on the determined plans and documentation, development shall not commence until a scheme of boundary treatments, which explores the retention of the existing stone boundary wall to the eastern site boundary, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as may be approved.

Reason: In the interests of maintaining the character of the conservation area and the wider visual amenity of the area.

5. No part of the development shall be occupied until such time that the parking area as indicated on the determined plan has been laid out and made available for use. The parking area shall be retained clear of any obstructions and made available solely for the parking of motor vehicles at all times.

Reason: In the interests of highways safety.

6. 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.

Reason: To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system and to protect the health and safety of existing residents and to ensure no detriment to the environment.

APPENDIX 1

CONSULTATION RESPONSES	Supports	Objects	No objection or no comments	Comments	No reply
Community Council					x
Local member(s)					x
Highways		x			
Public Protection					x
Natural Resources Wales				Caution regarding bats in the garage.	
Welsh Water					x
Other					Na
Neighbours		x			

RELEVANT HISTORY	None.
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PLANNING POLICY/CONSTRAINTS	YES	ACCEPTABLE	NOT ACCEPTABLE
Outside settlement			
Inside settlement	x		x
Conservation Area	x		x
Listed Building/ setting			
Green Barrier			
Special Landscape Area			
Flood Risk			
Within Buffer Zone or affecting SAC*			
World Heritage Site			
AONB			
Other			

LOCAL PLANNING GUIDANCE	ACCEPTABLE	NOT ACCEPTABLE
16	X	
21		X

KEY ISSUES	Acceptable	Not Acceptable	Observations below	N/A
Residential Amenity		X	X	
Design		X	X	
Highway safety		X	X	
Parking	X		X	
Conservation/LB	X		X	
Ecology				X
Trees				X
Other				X

OBSERVATIONS:

Procedural matter: The application has been presented with location plan indicating land outside the application site but also in the control of the applicant (blue). Representations have been made along with documentary evidence from The Land Registry neighbouring occupier that the land in blue does not belong to the applicant. I am satisfied that the 'red line' application site is in the control of the applicant and for the purposes of assessing the merits of this proposal, the location plan is sufficient. The neighbouring occupier is not disadvantaged in any way.

The proposal is of the erection of a two storey dwelling with associated parking provision and amenity space. The dwelling would be located on land to the rear of buildings on Well Street and would be access from here.

The site falls within the Cefn Mawr settlement limit and the Cefn Mawr Conservation Area. The principle of development is acceptable in accordance with policies PS1 and H2, however there is a need to ensure that any development seeks to preserve or enhance the character of the Conservation Area.

The proposed building will be sited to the rear of Cambrian buildings onto Waterloo Place which is located on the eastern edge of the Cefn Mawr Conservation Area. The proposed building will replace an existing garage that is of no known architectural or historic interest. However, an application for Conservation Area Consent will be required for its demolition.

The footprint, mass and alignment of the building is acceptable in this location and offers an opportunity for enhancement subject to design and correct use of materials. Existing brick and stone boundaries will be retained as part of the scheme along the north and south of the site but it is proposed to remove a stone wall along the eastern boundary. This too would require Conservation Area Consent but its removal would not accord with the adopted Conservation Area Character Assessment and Management Plan which recognises stone boundary walls as a particular character feature of the area. Efforts should be made to retain this wall and incorporate it within the proposed scheme.

Subject to the approval of materials including, slate, ridge tile, brick, stone, paviours and rain-water goods in addition to window and door details, which would be submitted prior to determination, I raise no objections to the design.

Highways have objected on the basis of the loss of parking for the existing dwelling and the geometry of the road leading down to the site which also serves as a car park access to St Georges Hall. Resisting the proposal on the loss of parking provision for the existing dwelling will be difficult as the land falls within separate ownership – it is therefore not available for access and parking provision and therefore that parking issue already exists for that dwelling. The key issue is whether to allow the proposed dwelling would result in a detriment to highway safety for vehicles using Waterloo Place.

The road is poor in that it does not allow the simultaneous passage of vehicles, the site is located halfway along the road, the road serves as a car park for the community hall (St Georges Hall) and has a poor junction onto the roundabout at its interface with the adopted highway network.

Whilst there have been no evidenced incidences of accidents at the roundabout I am concerned that to allow an additional dwelling in this location would increase traffic flows along this lane

which serves an existing 8 dwellings and a public facility causing congestion and issues of pedestrian safety or those accessing the existing properties.

I am also concerned that to allow an additional dwelling here would cause a loss of amenity for the neighbouring property known as 5 Bank Cottages. The proposed dwelling features habitable rooms (dining and two bedrooms) facing towards the rear of Bank Cottage. Whilst ownership of this part of the dwelling is disputed, the substantive evidence before me suggests that this land is third party land and this would cause a detrimental loss of privacy by way of overlooking to/from the resulting and existing habitable windows as well as into the proposed garden area of the new dwelling. This leads me to conclude that the proposal will be an over development of the site and should not be supported.

I do not consider that the proposed development will be suitable in this location on the grounds of highway safety and the loss of amenity to the neighbouring and future occupiers of the dwelling. The development would not accord with policies PS2 and GDP1 of the Wrexham UDP.

RECOMMENDATION	
GRANT	
REFUSE	X
S106	