

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT
1 February 2016

APPLICATION NO:
P/2015 /0924

LOCATION:
ARFRYN 5 MAES Y WAUN CHIRK
WREXHAM
LL14 5ND

DATE RECEIVED:
04/12/2015

COMMUNITY:
Chirk

DESCRIPTION:
ERECTION OF BUNGALOW AND
CONSTRUCTION OF NEW
VEHICULAR AND PEDESTRIAN
ACCESS

CASE OFFICER:
SEH

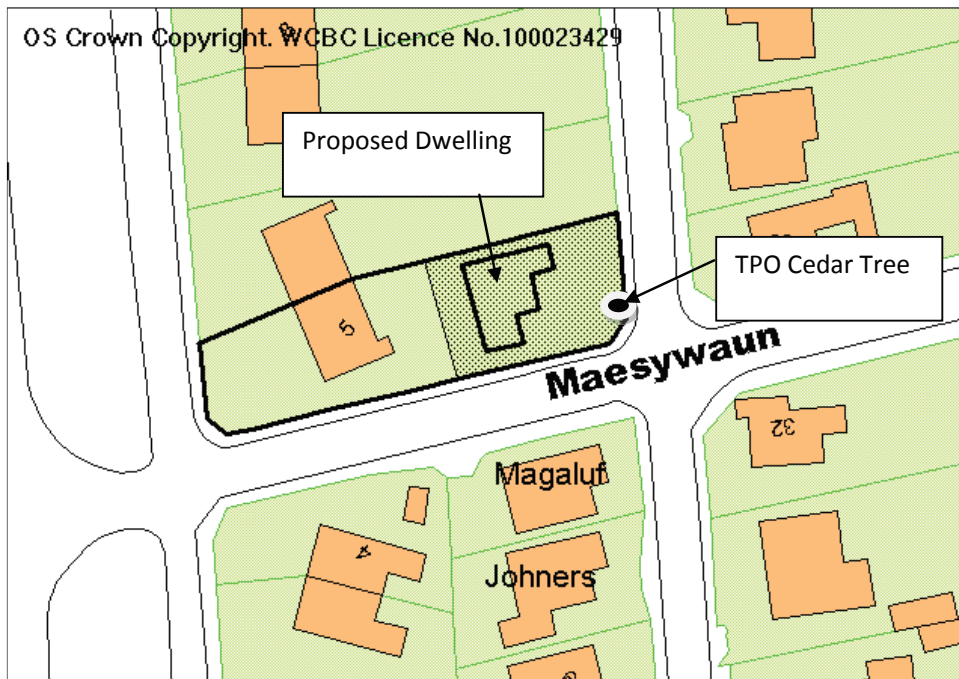
WARD:
Chirk South

AGENT NAME:
MRS BRENDA SLOAN

APPLICANT(S) NAME:
MRS BRENDA SLOAN

THE SITE

A rectangular shaped piece of land measuring approximately 400 square metres, currently comprising of rear garden area of a two storey semi-detached dwelling known as Arfryn, 5 Maes Y Waun, Chirk.



PROPOSAL

As above. A Design and Access Statement and Arboricultural Impact Assessment have been submitted in support of the application.

RELEVANT HISTORY

P/2015/0325 Erection of bungalow with vehicular and pedestrian access.
Withdrawn on 11.06.2015

DEVELOPMENT PLAN

Within defined settlement limit. UDP Policies PS1, PS2, PS3, PS4, GDP1, H2, EC4 and T8 apply. Local Planning Guidance Notes Nos. 17 'Trees and Development', 16 'Parking Standards' and 21 'Space around Dwellings' are also relevant.

CONSULTATIONS

Community Council:	Objects. The proposed access is deemed to be dangerous.
Local Members:	Notified 8.12.2015
Highways:	No objection subject to recommended conditions (see special considerations below).
Welsh Water:	No objection subject to a condition securing the submission of a drainage plan for further approval.
NRW:	No objection.
PP:	No objection subject to the submission of a noise survey (to be secured by condition).
HSE:	Does not advise against the development.
W&W Utilities:	No apparatus within the development site.
Site Notice:	Expired 09.12.2015
Other Representations:	1 online comment. No objection to the erection of the bungalow. The proposed access though onto a narrow and busy road is considered to be unsafe. A speed survey would help the situation.

SPECIAL CONSIDERATIONS/ ISSUES

Background: This is a full application for the erection of a single storey, two bedroom dwelling and associated new vehicular access off Maes Y Waun. The main issues to consider relate to the impact of the development on highway safety and upon residential and visual amenities. Also to be considered is the impact of the development upon the TPO protected tree to the south east of the site and the impact of the tree upon the residential amenities of the future occupiers of the site.

Design and Residential Amenity: The site is large enough to accommodate the single dwelling together with adequate private outdoor space which will be unshaded by the TPO protected Cedar Tree (to be retained). The dwelling is of simple design and materials of construction common to the area are proposed. The dwelling is set in line with the existing built development along Maes Y Waun and will maintain a coherent street frontage, and the scheme

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would not be detrimental to the visual amenities of the area. Having considered also the properties around the site, the proposed development is in accordance with the Council's separation distances and guidance on 'Space around Dwellings'. As such no loss of light or privacy would occur and there would be no other significant detrimental impact upon local residential amenity.

Highway Access and Parking: The proposed development site is located on Maes Y Waun which is subject to a 30 mph speed limit. The existing property will continue to be served by the existing vehicular access. The appropriate level of parking is retained at this property and the proposed development will not impact upon the existing parking and access arrangements. 2 parking spaces have been proposed in association with the new dwelling which is in accordance with LPGN No.16. Adequate visibility is achievable at the proposed new access which involves the lowering of part of the existing highway boundary treatment. Given that the access is considered to be safe, submission of a speed survey is not necessary and there are no objections to the scheme subject to conditions.

Trees: The proposal seeks to construct the dwelling whilst retaining the existing TPO protected Cedar tree located within the south-east corner of the plot. Whilst efforts have clearly been made to ensure the footprint of the proposed dwelling is outside of the minimum Root Protection Area (RPA), an area of hard standing constructed to a 'No-dig' specification is proposed under the canopy between tree and dwelling. Providing the hard standing is constructed to the manufacturer's specifications this approach is acceptable as presenting a low level of risk to tree roots and soil compaction. Arboricultural supervision of these works will be necessary and this will be secured by planning condition.

The close proximity to the tree and the design of the dwelling does raise some concern regarding the restriction of natural light levels into the living areas of the bungalow. Whilst there is no concern regarding loss of natural light levels into the rooms to the rear of the dwelling, available light levels should be increased into the other 'living' rooms to ensure a good standard of light in the interests of the amenities of the future occupiers of the development. Natural light levels into the dwelling can be improved through the introduction of roof lights and a scheme will also be secured by planning condition.

CONCLUSION

The proposed development is acceptable in terms of scale and design, and would make a positive contribution to the appearance of the area. Adequate onsite parking has been provided together with safe and satisfactory vehicular access. The development will not have a detrimental impact upon the TPO protected tree and vice versa, and I recommend accordingly.

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. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.
3. 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.
4. 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.
5. The vehicular parking area as shown on approved drawing No. D-002 shall be fully laid out, surfaced and drained prior to first use of the development. This area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.
6. Prior to first use of the development the site shall be laid out in strict accordance with the approved layout plan No. D-002.
7. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.0 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
8. The vehicular access hereby approved shall take the form of a dropped vehicular crossing.
9. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.
10. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.
11. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.
12. No part of the development shall commence until a noise survey in order to determine noise levels for both day and night has been carried out, and a detailed report of the survey findings together with a detailed scheme of noise attenuation and/or noise insulation measures has been submitted to and approved in writing by the Local Planning Authority. The measures as are approved shall be fully implemented prior to the first occupation / use of the development.

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13. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage 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.

14. The development shall be carried out in strict accordance with the following plans and report(s) submitted and approved as part of this application:

- 1) Arboricultural Implication Assessment ref No. AIA/MYC/09/15;
- 2) Tree Protection Plan ref No. MYC/TPP/09/15/01
- 3) Arboricultural Method Statement ref No. 'section 9.0 of AIA/MYC/09/15.

No development or other operations shall take place except in strict accordance with the reports as approved.

15. No part of the development shall commence until full details for any hard surfaced areas within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan, have been submitted to and approved in writing by the Local Planning Authority. The details shall include existing and proposed levels, a specification for hard surfaces, and a method statement detailing the construction process. The works shall be carried out in strict accordance with the details as are approved.

16. No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.

17. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a plan indicating the positions, design, materials and type of boundary treatment and timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

18. The landscaping scheme submitted and approved in connection with condition no. 17 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

19. The landscaping scheme as carried out in connection with condition nos 17 and 18 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 and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To protect the amenities of the occupiers of nearby properties.

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3. 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.
4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
5. To provide for the parking of vehicles clear of the highway.
6. In the interests of highway safety.
7. To ensure that adequate visibility is provided at the proposed point of access to the highway.
8. In the interests of highway safety.
9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
10. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.
11. In the interests of highway safety.
12. To protect the amenities of the occupiers of nearby properties.
13. 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.
14. To protect trees which are of significant amenity value to the area.
15. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s).
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17. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
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NOTE(S) TO APPLICANT

The applicant is advised that compliance with condition no. 02 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

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. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

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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 Housing and Public Protection Department on 01978 315300 for further advice and information.

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.

The development site is in close proximity to Kronospan Factory and the developer is therefore required to carry out a noise survey in connection with condition no. 12 in order to determine noise levels for both day (0700 - 2300 hours) and night (2300 - 0700 hours) having regard to Planning Guidance (Wales), Technical Advice Note (TAN) 11 - Noise. The report of the noise survey findings shall include:

- a) Noise levels arising from day/night time activities in the vicinity of the proposed development site and the impact upon the proposed accommodation, and
- b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the future occupants of the proposed accommodation hereby approved.

The scheme of arboricultural supervision required in connection with condition no. 16 above shall make provision for a pre-commencement site meeting between the Local Planning Authority's Arboriculturist, the Developer/ Applicant/ Agent and their appointed Arboricultural Supervisor to agree matters of detail. It shall specify the frequency of arboricultural monitoring and reporting to the Local Planning Authority on the status of all tree protection measures throughout the course of the development and make provision for the submission and approval of a satisfactory arboricultural completion statement.

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If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 917 2652

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 292050.

Your attention is drawn to Highway Supplementary Notes Numbered 1, 3, 4 and 5 on the enclosed "Applicants' Rights and General Information".

A licence should be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to lower the kerbline and cross the footpath at the new access position. Further guidance can be obtained from the Highways Department of Wrexham County Borough Council on telephone 01978 729690.
