

APPLICATION NO:
P/2021 /0482

LOCATION:
LAND TO THE REAR OF 5 AND 6
NEW BUNGALOWS NEW HOUSE
LANE PENTRE WREXHAM
LL14 5AW

DATE RECEIVED:
14/05/2021

COMMUNITY:
Chirk

CASE OFFICER:
BB

WARD:
Chirk North

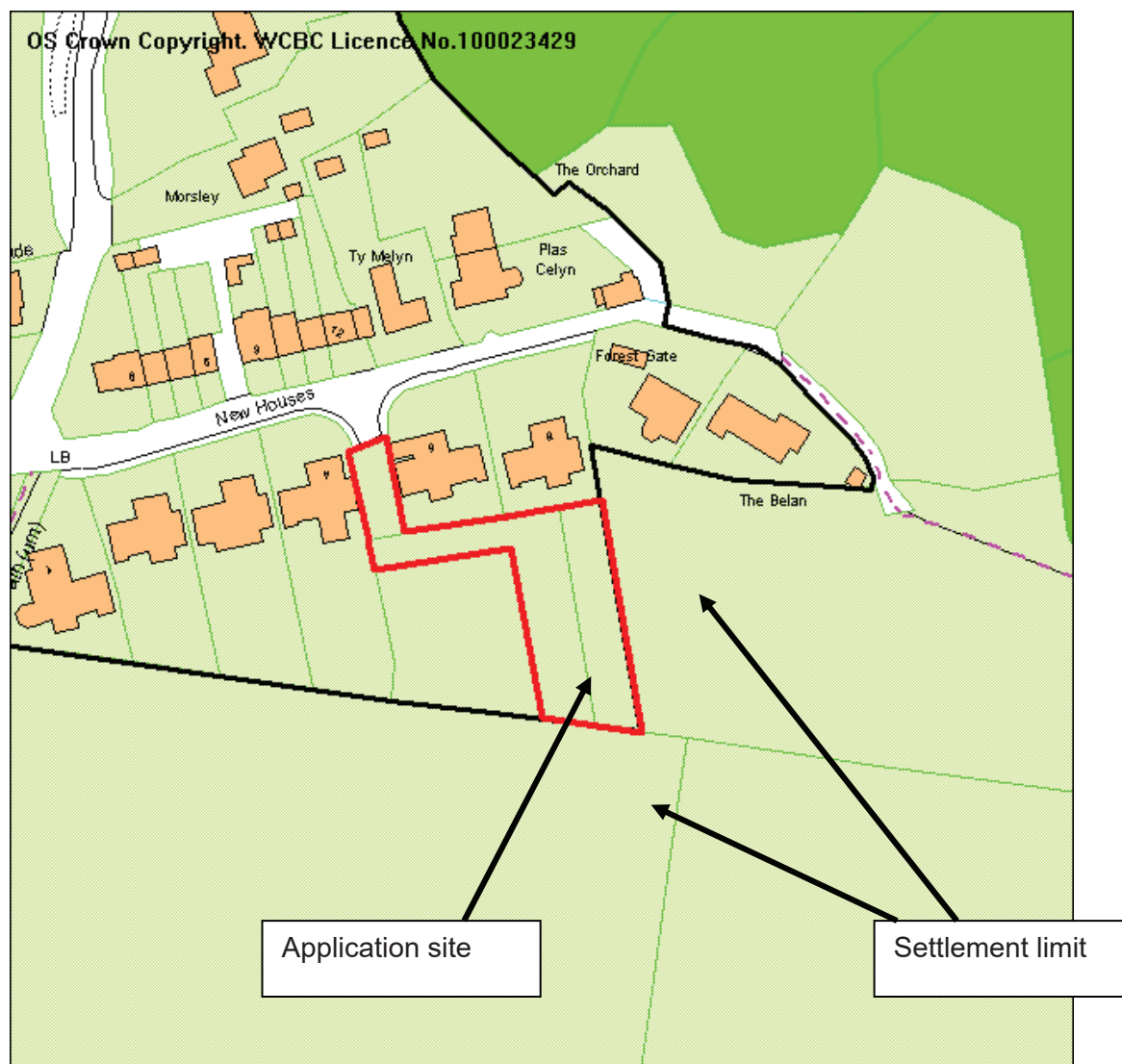
DESCRIPTION:
CODI BYNGALO / ERECTION OF
BUNGALOW

AGENT NAME:

APPLICANT(S) NAME:
MR MICHAEL COPPELL

THE SITE

Located on the southern fringe of the village with open countryside to the south. To the north is a row of modern bungalows.



PROPOSAL

As above.

HISTORY

Relevant applications at both the application site and the adjacent vacant parcel of land to the west

CB1199	Erection of bungalow. Granted 7.7.97
P/2002/0266	Outline application for the erection of one single-storey dwelling. Granted 13.5.02
P/2007/0630	Outline application for single storey dwelling (previously granted under code no. P/2002/0266). Granted 2.7.2007.
P/2010/0720	Outline application for single storey dwelling (previously granted under code no. P/2007/0630). Granted 4.10.2010
P/2014/0134	Outline application to erect 1 no. single storey dwelling. Granted 6.5.14
P/2015/0161	Erection of 2 no. three bedroom bungalows and formation of private driveway. Granted 6.7.2015
P/2020/0279	Erection of 2 no. three bedroom bungalows and formation of private driveway. Granted 7.9.20

DEVELOPMENT PLAN

Within the settlement limit. Policies PS1, PS2, EC6, GDP1 and H2 apply.

CONSULTATIONS

Community Council:	Objections raised regarding the size and scale of the development in relation to the plot and the change from the original outline permission. Concerns over the potential residential use of the adjacent paddock.
Local Member:	Notified 20.05.21

Highways:	No objections. Refer to comments made in respect of P/2015/0161 • The site is accessed off a private driveway from the turning head on the unclassified highway (New House Lane); • Visibility onto the adopted highway is concurrent with Welsh Government guidelines; • There is an existing permission on this site for the erection of one dwelling. It is acknowledged that the roads in the vicinity are below current design standards and visibility on to the B5605 is substandard. However it is considered that the construction of one extra dwelling is unlikely to cause any significant additional detriment to highway safety; • The proposal appears that a 5.5m wide road (with 1.8m wide footway on both sides) will be constructed for some 55m beyond the turning head. This is well beyond what we would require for the erection of two dwellings and is clearly intended to provide future use as an access to potential development on land to the rear. I would not be willing to support any further development beyond what is proposed due to the substandard nature of the existing highway network; • The access road leading off the turning head should therefore be reduced in width to 4.5 and the proposed footways deleted; • Adequate off road parking and turning are provided within the curtilage of the site. • Recommend conditions.
Public Protection:	Recommend advisory notes.
NRW:	Highlighted the proximity of the site to the Area of Outstanding Natural Beauty (AONB), potential for protected species to occupy the site and potential issues regarding phosphates and foul drainage.
Welsh Water:	Notified 02.07.21
Ecology: survey.	No objection following submission of Badger
Neighbours:	The owners/occupiers of 13 nearby dwellings notified on 25.5.21

8 objections received from expressing the following concerns:

- Existing access/parking issues;
- Access to the site is used for parking. Alternative provision should be made.
- Drainage problems;
- Pressure on utilities;
- Property would be larger than previously approved and would be too large for the plot;
- Traffic;
- Highway safety issues;
- Loss of view;
- Loss of privacy;
- Impact on wildlife
- Negative effect on value of property;
- Over development;
- Noise and disruption from the use.
- Increased stress levels;
- Inaccurate plans;
- Location of waste bins;
- Unsustainable development.

SPECIAL CONSIDERATIONS

Policy: The site lies within the settlement limit for Pentre so there is no policy objection in principle to it being developed subject to compliance with policy GDP1 in respect of design, amenity, access and parking. There are no proposed changes to the settlement limit in the forthcoming LDP.

Whilst I will comment on the proposal in detail below, it is worth noting that planning permission had been granted for two houses on both the application site and the adjacent parcel of land (to the west) in 2020 (P/2021/0279). This application differs as it relates to a single dwelling house within the eastern plot only. The dwelling differs in scale and design to that previously approved.

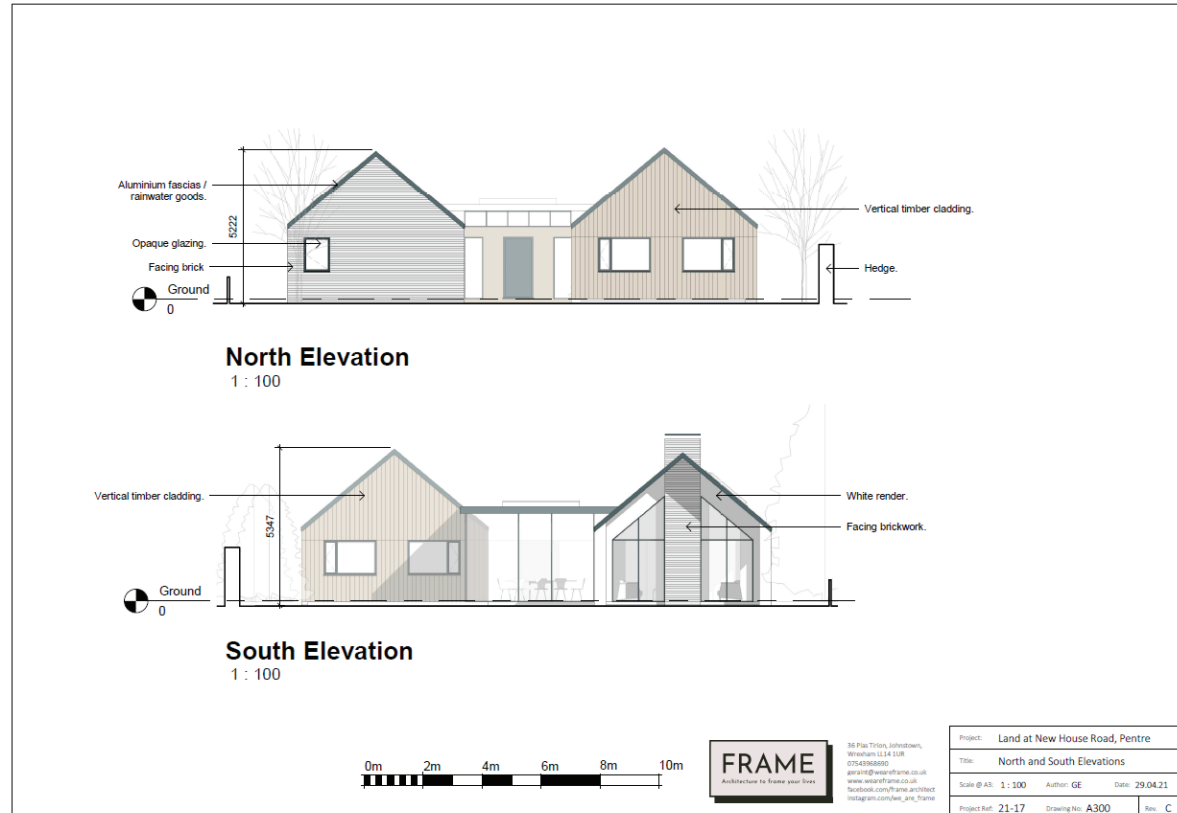
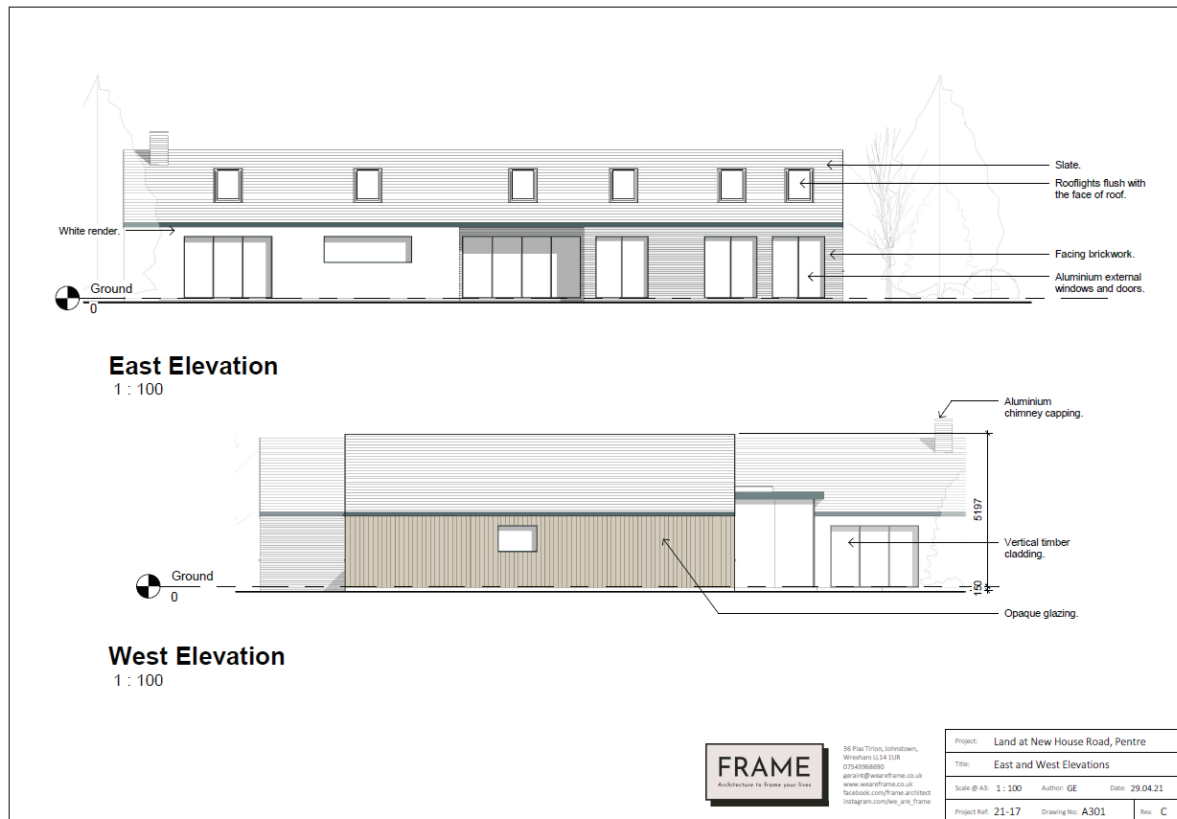
Design: The proposed dwelling will be single storey and would face the rear boundary no. 6 New House Lane. Whilst this departs from the established pattern of development in the immediate vicinity by being located behind the existing built frontage, proposals have previously been granted planning permission which are orientated in the same direction and broadly in the same location. Access to the site is also broadly on the same footprint as the extant permission. Furthermore, the principle of development on part of the application site has been acceptable on a number of occasions previously.

Only limited public views of the site are possible from New House Lane as the proposal would be sited behind nos. 5 and 6. Concerns have been raised over the scale and appearance of the proposal.

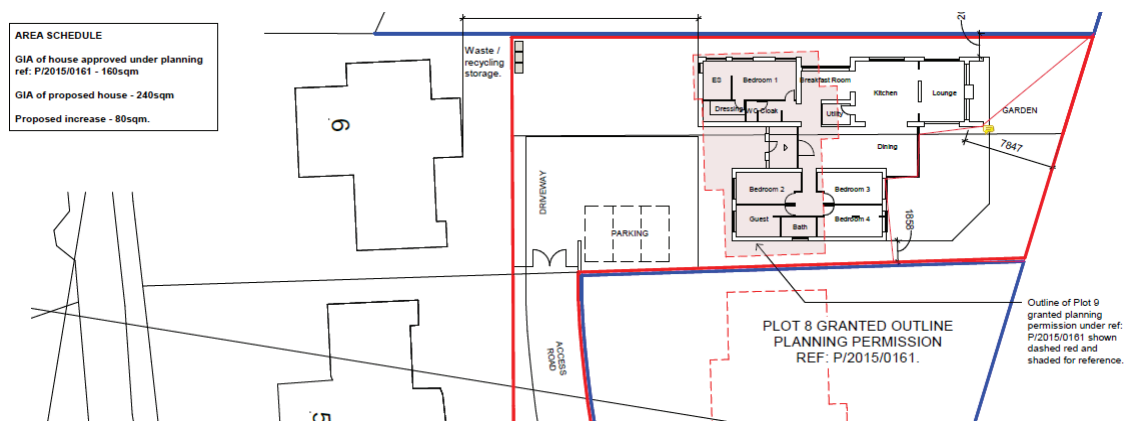
It is noted that this property would measure, approximately, an additional 80sq.m in floor area than that of the house with extant permission on this site. The floor area would measure approximately 240sq.m in total. Given its location where only a limited section of the side elevation would be visible from New House Lane it is not considered that the property would detract from the street scene. Additionally, the property would remain at single storey level in height and boundary treatments would partially obscure the house from long distant views. The dwelling would be of a reduced width than the dwelling approved and as such when seen from private views from nos. 5 and 6 its impact is not considered to be materially greater than that of the approved houses. The dwelling would sit in a large plot, and whilst it is accepted that this proposal would have a reduced garden area than the extant permission (approximately 180sq.m to the rear excluding side passages and areas to the front), it would still comfortably exceed the minimum garden area (50sq.m) as required by LPGN 21. The garden area would be similar in dimensions to those present on New House Lane.

The site is located on the edge of the settlement limits and would be viewed from wider afield (footpath to the west/south west and north east). Within this context, given the backdrop of existing built development, long distance views would be similar to those of the approved scheme. As such it is not considered that the proposal would have an unacceptable impact on the setting of the AONB which is located 180m away. Subject to appropriate boundary treatment being provided to the sides and rear of the site I am satisfied the development will not detract from the character of the area or the rural landscape beyond the site.

The detailed design of the property is considered to be acceptable. The property would be of a contemporary design and for the reasons noted above it is considered that in this particular location, a design differing from those on New House Lane, is considered to be acceptable. The proposed materials are not uncommon within the wider locality. The use of brick, glazing, timber cladding and glazing is considered to result in an acceptable and contemporary crisp finish. The proposed elevations can be seen below:



Amenity: The separation distances between the proposed dwellings and the existing dwellings to the north accords with LPG21 advice. As such I am satisfied the development will not adversely impact upon residential amenity by way of loss of light, privacy or by being visually overbearing. A copy of the proposed site plan is included below:



The dwelling will be around 16 metres from the rear boundaries of the immediately adjacent properties, i.e. nos. 5 and 6 New Bungalows. The nearest window to window separation distance would be approximately 21m. Whilst this would represent a shortfall of 1m over the desired 22m outlined within LPGN21 this window is shown to be opaque. Being single storey the proposed bungalow will not result in significant overlooking of the gardens of those properties, particularly if existing boundary treatment is maintained or replaced by hedges, walls and/or fences of a similar height.

The development will result in the loss of the views that the occupiers of the existing dwellings are afforded over the site and of the countryside beyond. However there is no right to a view over private land.

Access to the dwelling will pass between the dwellings Llwyn Onn and no.5 New Bungalows and then along the rear boundary of nos 5 and 6 New Bungalows. The driveway serving the dwelling will enable agricultural access to be maintained to a field to the south of the site currently owned by the applicant. This application differs from the previously approved applications, as access is no longer shown to the field to the east. Concerns have been raised over the amenity space now abutting this boundary. With a boundary fence and vegetation in place the impacts to the amenities of this property are not considered to go over and above that possible from any typical residential

garden, including that of no. 5. Additionally, the proposal site would have ample amenity space surrounding the house, there is no reason why any future occupants would be drawn to the boundary with this property for any great lengths of time. I have no reason to believe that the occupation of the dwellings will give rise to significant levels of noise or disturbance. In any case, this would be a matter arising from the behaviour of the occupiers and not the use of the land. Planning controls are concerned with the use of the land and not with the behaviour of individual occupiers. Should a statutory noise nuisance occur, Public Protection legislation is in place to enforce against this.

Whilst it is noted that the property is larger than previously approved, and as such may result in more vehicle movements, the amount of traffic generated by the dwelling by itself or in conjunction with traffic to the adjacent field is still unlikely to be significant. Additionally, as access to the field to the east is no longer proposed there would not be the same number of agricultural vehicles entering the site which had previously been found to be acceptable. As such I am satisfied that it will not result in significant noise or disturbance to the occupiers of adjacent properties or to residents in the wider locality. Given that the majority of nearby dwellings also front onto the highway, the passage of a modest number of additional vehicles and/or pedestrians will also not materially increase overlooking to the extent that the occupiers of those properties suffer a loss of privacy.

Concerns have been raised over the layout of the property, the layout is considered to be acceptable for future occupants. All habitable rooms would receive adequate daylight/sunlight and outlook. The house would be dual aspect.

Highways: The roads to the site from the B5605 are substandard as are the junctions onto the B5605 but the development will result in only a modest increase in traffic and is therefore unlikely to have a significant or detrimental impact upon highway safety.

The submitted plans show a 5.5m wide road with 1.8m wide footways extending from New House Lane up to a driveway giving access to the dwellings and then continuing up to the southern boundary of the site, significantly beyond what is required to serve as access to a single dwelling and some agricultural land. It would therefore seem appropriate to impose a condition requiring further details of the road to be submitted for approval. I would expect the road to be designed with regard to the comparatively modest amount of traffic and pedestrian use it is likely to cater for.

Concerns have been raised over the number of parking spaces shown to serve the property. It is noted that the unit could accommodate 5 bedrooms this would require 4 parking spaces. However, whilst only three bays have been shown, the front driveway is large enough to accommodate more cars whilst providing room to turn within the site. Additionally, this area could be increased in area, in future, under permitted development rights should this be needed.

Concern has been expressed that the access to the site is currently used as a parking area and that alternative provision should be made if the development proceeds. The site access is not a formal parking area and is not owned or controlled by adjoining occupiers so local residents have no right to park their cars on the land. In any case I estimate that no more than 2 cars could park in the access at any one time and therefore the development is unlikely to exacerbate local parking problems to any great degree.

World Heritage Site: Whilst approximately half of Pentre lies within the Pontcysyllte World Heritage Buffer Zone the application site is situated outside of it. There is no specific policy requirement to consider the impact a development will have on the WHS if it is proposed on land outside of the buffer zone. This does not mean that the potential impact upon setting of the WHS should automatically be discounted in such cases, however given the relatively small size of the application site and limited amount of development proposed I am satisfied it will not impact upon the setting of the World Heritage Site.

Ecology and sustainability: NRW have assumed that the site has been screened by the Local authority. The Council's Ecologist had previously requested that the site be assessed for the presence of badgers before development commences. A survey had been conducted and the Council's Ecologist is satisfied with the findings within the submitted report and consequently has no objections.

Impacts to trees are not considered to be greater than that possible should the 2020 approval take place. Additionally, the same conditions imposed with the extant permission relating to tree protection measures will be imposed again.

NRW had raised concerns over additional volumes of phosphates from waste water. The applicant has confirmed that the dwelling would connect to the mains sewer. Pentre is served by the Five Fords WwTW which has the capacity and associated phosphorus stripping facility to accommodate additional wastewater within the existing discharge consent.

Concerns have been raised over the sustainability of bungalows. There are no national or local policies which specifically discourage bungalows. Whilst higher density development is encouraged, this would need to factor in the character and appearance of the site and impacts to neighbours. In this case, any other form of development (e.g. two storey property) would not be appropriate in design terms. The building would need to meet current building regulation standards in terms of energy efficiency and wall insulation. The property is within settlement limits and as such is considered to be in a sustainable location.

Other matters: The erection of an additional dwelling on the site is unlikely to place significant additional pressure on local services and infrastructure. Welsh Water has not previously objected to the development, therefore I have no reason to believe that foul drainage from the site cannot be accommodated

by the existing drainage infrastructure. Drainage conditions as previously imposed in 2020 will be imposed again. If new comments from Welsh Water are received these will be reported within the committee addendum.

The impact upon neighbouring property prices is not a material planning consideration.

Concerns have been raised over the potential for the adjacent paddock to be used as amenity space and other activities. A change of use of this land would require separate planning permission and hypothetical scenarios should not prejudice the assessment of this proposal.

Concerns have been raised over inaccuracies in the locations of the boundaries of the site. The proposed site plans are considered to correspond with the OS mapping data available to officers and are adequate for assessment. Furthermore a site visit has taken place to assess potential impacts of the scheme.

Concerns have been raised over location of waste bins. Bins are shown to abut the boundary with no. 6. Wheelie and general waste bins are not development and as such their location within the curtilage of the site cannot be controlled.

Concerns have been raised over the comparison in floor area with the extant permission. Objectors refer to the fact that the proposal does not include a garage. A garage is not a necessity and there is no reason to believe a garage will ever be constructed. Should any future occupiers wish construct a garage planning permission would be required.

Time limit: Whilst the proposals subject to this application have benefitted from planning permission once before, part of the site has a long history of unimplemented planning permissions. Under the circumstances, to encourage the implementation of the current proposals it would seem appropriate to reduce the time period for commencement from the normal 5 years to 3 years.

CONCLUSION

There have been no material changes in circumstances when assessing the principle of development since dwellings had previously been approved on this site. The development accords with the relevant UDP policies and is considered acceptable in respect of layout, design, impact upon amenity, drainage and highway safety.

RECOMMENDATION: That permission be APPROVED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of three 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:
A100 Rev A
A101 Rev C
A102 Rev C
A103 Rev C
A300 Rev C
A301 Rev C
and as contained within the application documentation.
3. 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.
4. No equipment, machinery, plant or materials of any kind in connection with the development shall be brought onto the site until tree protection fencing and ground protection measures have been implemented in strict accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details should include specification and location for the fencing. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.
5. Notwithstanding the approved plans development shall not commence until full details of the access road and driveway serving the dwellings has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the access road and driveway have been laid out, surfaced and drained in strict accordance with the details as approved.
6. Within three months of the commencement of development a scheme of boundary treatment, to include a timescale for implementation shall be submitted to and approved in writing by the Local Planning Authority. Boundary treatment shall thereafter be provided in strict accordance with the details as approved.
7. The vehicular parking and turning areas as shown on approved drawing(s) No(s). A101 Rev C 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. The vehicular parking and turning areas as shown on approved drawing(s) No(s). TO45/005 Revision E 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.

9. Prior to first use of the development hereby approved the vehicular access on to New House Lane shall provide visibility splays of 2.4 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

10. 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.

11. 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 unless the prior written approval of the Local Planning Authority has been obtained.

12. The tree protection fencing and ground protection measures approved in connection with condition no. 04 shall be kept in place until all external site works have been completed and the removal of the fencing has been approved in writing by the Local Planning Authority.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, reenacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected, constructed or placed across the access within 5 metres of the highway boundary under Class A, of Schedule 2 Part 2

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.

4. To ensure that the retained trees are adequately protected during development in the interests of amenity in accordance with Policies GDP1 and EC4 of the Wrexham Unitary Development Plan..

5. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6. 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.
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 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
9. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. 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 in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
11. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. To ensure that the retained trees are adequately protected during development in the interests of amenity in accordance with Policies GDP1 and EC4 of the Wrexham Unitary Development Plan
13. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

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 Planning & Regulatory Department on 01978 292040 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 Planning & Regulatory Department on 01978

292040 for further advice and information.

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.
