

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Date 05/07/2021

APPLICATION NO:
P/2021 /0343

LOCATION:
LAND TO THE REAR OF 37
HAMPSHIRE DRIVE WREXHAM
LL11 2US

DATE RECEIVED:
08/04/2021

COMMUNITY:
Rhosddu

DESCRIPTION:
CHAI AMLINELLLOL (CEDWIR POB
MATER YN OL) AM 1 ANNEDD /
OUTLINE APPLICATION (ALL
MATTERS RESERVED) FOR 1
DWELLING

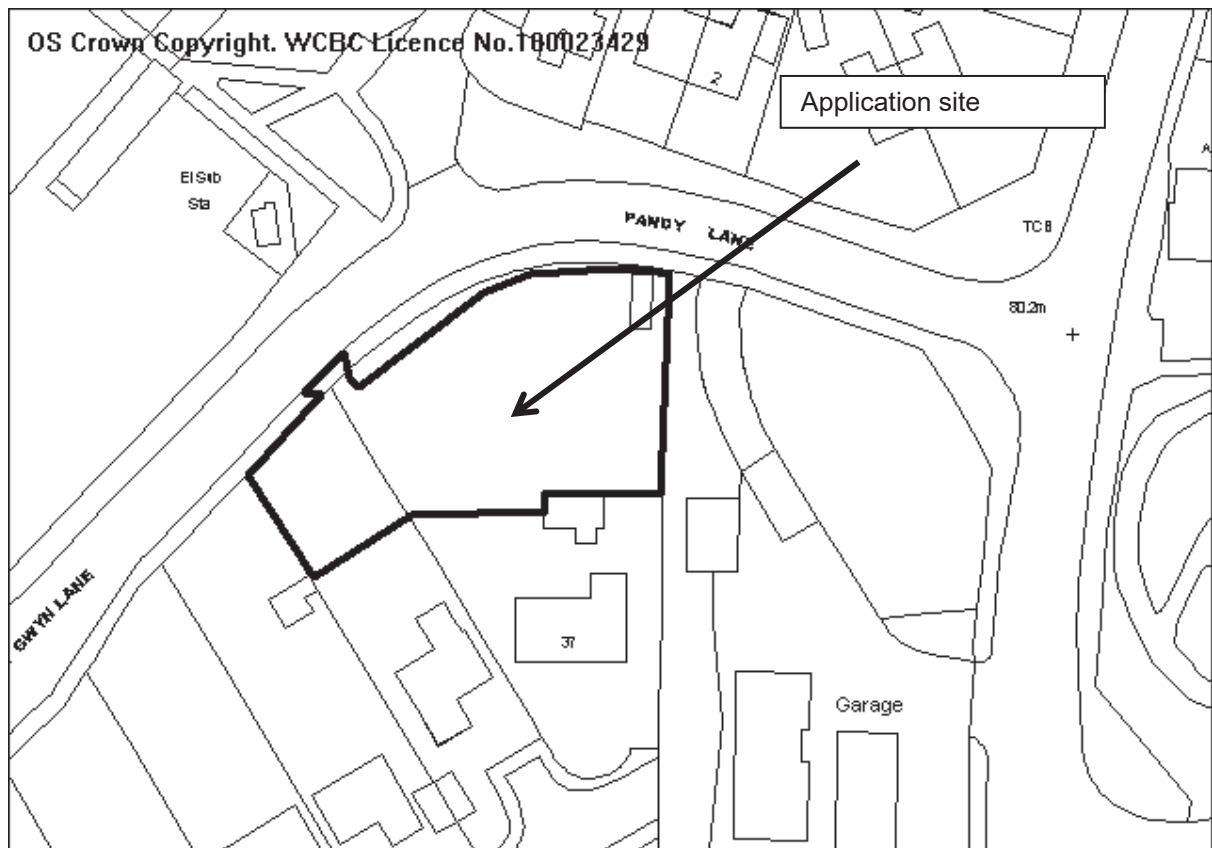
CASE OFFICER:
MP

WARD:
Garden Village

AGENT NAME:
BLUEPRINT LTD
DAFYDD EDWARDS

APPLICANT(S) NAME:
GEORGE HANMER

THE SITE



PROPOSAL

As above.

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HISTORY

P/2008/0606 Outline application for erection of 2 no. 4 bedroom dormer bungalows. Refused 16.7.2008

P/2020/0401 Outline application (all matters reserved) for 2 dwellings. Refused 15.12.2020

DEVELOPMENT PLAN

Within settlement. Policies GDP1, EC4 and H2 and T8 apply.

CONSULTATIONS

Community Council:	Object on highway grounds as there is no visibility for vehicles coming out of the site because it is on a corner, with neighbouring properties having high boundary fences/hedges at the back of the pavement preventing the creation of suitable visibility splays. It is also believed that there is a planning condition on the Ty Gwyn Estate preventing the creation of a new access from the Estate onto Ty Gwyn Lane. Notified 21.4.21
Local Member	
Highways:	Have made the following comments: • Assuming speeds of 30mph, splays of 2.0 x 43m required; • The required splays have been indicated on the submitted layout plan; • The submitted layout plan indicates a 6m wide access which is considered acceptable; • Recommend any proposed access is surfaced with hard bound materials for 5m behind the highway boundary and do not be erected within 5m behind the boundary; • No private water shall be permitted to flow onto the highway; • Layout plan indicates the provision of adequate parking and turning.
Public Protection:	Recommend advisory notes.
Contaminated Land:	No comments.
Welsh Water:	Have made the following comments: • Confirm that Five Fords Waste Water Treatment works has a phosphate permit. • Recommended the developer engage with the Council as SuDS Approval Body in relation for their proposals for SuDS features. • Condition recommended.

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- NRW: No objection. We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.
- Neighbours: The owners/occupiers of 7 nearby properties notified 23.4.21
- comments: 1 objection received expressing the following
- Visibility/highway safety;
 - Construction traffic adding to congestion/risk of accidents;
 - Footpaths heavily used;
 - Sets a precedent for other dwellings to apply for access.

SPECIAL CONSIDERATIONS

Policy: The site lies within the settlement limit and as such residential development accords with policy H2, subject to also complying with policy GDP1.

The site has been subject to two previous applications, both of which were refused. Both previous applications differed from the current application in that they proposed the erection of 2 dwellings. The means of access in both cases also differed in that it would have been via the existing access to no.37 Hampshire Drive. This would have entailed all vehicular and pedestrian traffic to the two new dwellings passing between the eastern boundary and eastern elevation of no.37.

The 2008 application was refused due to concerns that:

1. the dwellings would harm the amenity of nearby occupiers; and
2. that use of the shared access would adversely impact upon the standard of amenity afforded to no.37.

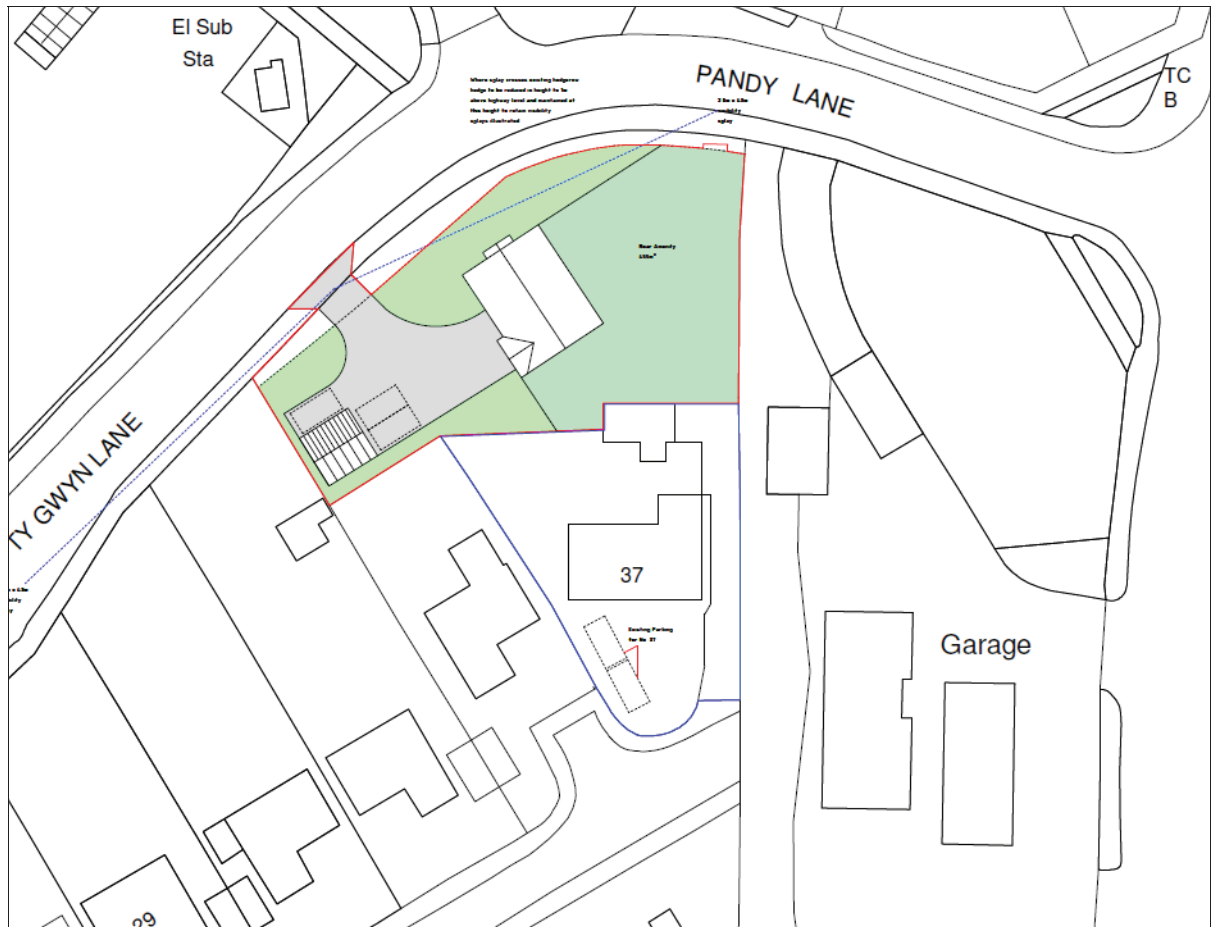
The indicative plans submitted with 2020 application demonstrated that the site could accommodate dwellings without undue impact upon nearby occupiers. However the application was also refused because of concerns that the shared access would adversely impact upon the standard of amenity afforded to no.37.

The current application proposes the erection of 1 dwelling with access shown as being provided off Ty Gwyn Lane.

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Design: Layout and scale are reserved for subsequent approval, although the indicative plans make provision for one single storey dwelling. The indicative layout plan is included below:



The application site has an area of approximately 0.12 hectares. The indicative plan demonstrates that this would be sufficient to accommodate a bungalow of a broadly comparable size to the existing dwellings in Hampshire Drive. The plot is large enough to provide a rear garden of 455 sq.m which is significantly in excess of the minimum of 50 sq.m recommended by LPGN21. The development will leave no.37 with a rear garden of approximately 250 square metres and therefore also in excess of the minimum private garden area recommended by LPGN21.

Whilst the overall plot would be smaller than those occupied by other dwellings on the north-western side of Hampshire Drive, they would be comparable to the size of plots in the wider locality, including those on the south-eastern side of Hampshire Drive.

Back land plots such as this are not found in the immediate vicinity however I do consider this plot to be somewhat exceptional. The land to the rear of 37 Hampshire Drive (which also includes an area of land immediately to the rear of no.35) is significantly larger than the rear gardens of other properties in the locality. The indicative plans also demonstrate that it would be possible to

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accommodate a dwelling in compliance with LPGN21 separation distances and therefore without unduly compromising the amenity of neighbouring occupiers by way of loss of light, privacy or by being overbearing. Depending on the final layout and design, the development would also not be particularly intrusive when viewed from Pandy Lane and Ty Gwyn Lane. These are matters that can be further considered at reserved matters stage.

The provision of the new access will require the removal or reduction in height of the existing hedgerow that encloses the boundary of no.37. Whilst the hedgerow does make some contribution to the visual amenity of the area, such works would not unduly harm the wider street where existing boundaries treatments vary. In any case, the provision of a suitable means of boundary treatment for the plot is a matter that can be given further consideration at reserved matters stage.

Access: Whilst access is reserved for subsequent approval, the indicative plans show the development utilising a new access provided off Ty Gwyn Lane.

I note the concerns expressed by the Community Council and the objector, however the submitted plans demonstrate that an access with adequate visibility can be provided. Highways have confirmed no objections and therefore I am satisfied that the proposals will not prejudice highway or pedestrian safety.

The plot is large enough to provide adequate parking and turning facilities for the proposed dwelling. These matters will be considered further at reserved matters stage. The development will also leave no.37 which sufficient space to accommodate off-street parking.

Drainage: Welsh Water have confirmed that the Five Fords Waste Water Treatment Works (WwTW) has a phosphate consent. I am also aware that it has capacity to cater for the amount of development projected to take place within the settlements it serves in the period up to 2028. As such, the development will not, either alone or in combination with other developments, contribute towards an increase in the phosphate levels in the River Dee and Bala Lake Special Area of Conservation.

In respect of surface water drainage, the developer of the site will need to seek approval separately from the Council as Sustainable Drainage System Approval Body (SAB). It is therefore unnecessary to duplicate the provisions of the SAB requirements by imposing planning conditions in respect of this matter.

Other Matters: I do not consider the granting of this proposal sets a precedent for similar proposals or indeed for any proposals for vehicular accesses off Ty Gwyn Lane. If any proposals for dwellings and/or accesses are submitted they will be considered on their own merits in light of the

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prevailing planning policies and guidance as well as the specific characteristics applicable to the site and its immediately surroundings.

CONCLUSION

I am satisfied that the principle of development is acceptable and that the site could accommodate 1 dwelling without harming the character of the area, adversely impacting upon residential amenity or giving rise to highway safety concerns. As such the proposals accord with the relevant UDP policies.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the means of access to the site and building(s)
 - e. the landscaping of the site.
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
4. This development hereby permitted makes provision for a maximum of 1 single storey dwelling
5. Notwithstanding the provisions Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), there shall be no means of vehicular access to the dwelling hereby granted planning permission other a vehicular access onto Ty Gwyn Lane.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
2. To comply with Section 92 of the Town and Country Planning Act, 1990.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. To define the scope of the planning permission and in the interests of the standard of amenity afforded to neighbouring occupiers in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

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5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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: heathandhousng@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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.

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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 proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
