

APPLICATION NO:
P/2021 /0152

LOCATION:
LAND ADAJCENT TO AROSFA
HARWD ROAD BRYMBO WREXHAM
LL11 5BP

DATE RECEIVED:
14/01/2021

COMMUNITY:
Brymbo

DESCRIPTION:
CODI DWYRAU PRESWYL NEWYDD
/ ERECTION OF NEW RESIDENTIAL
DWELLING

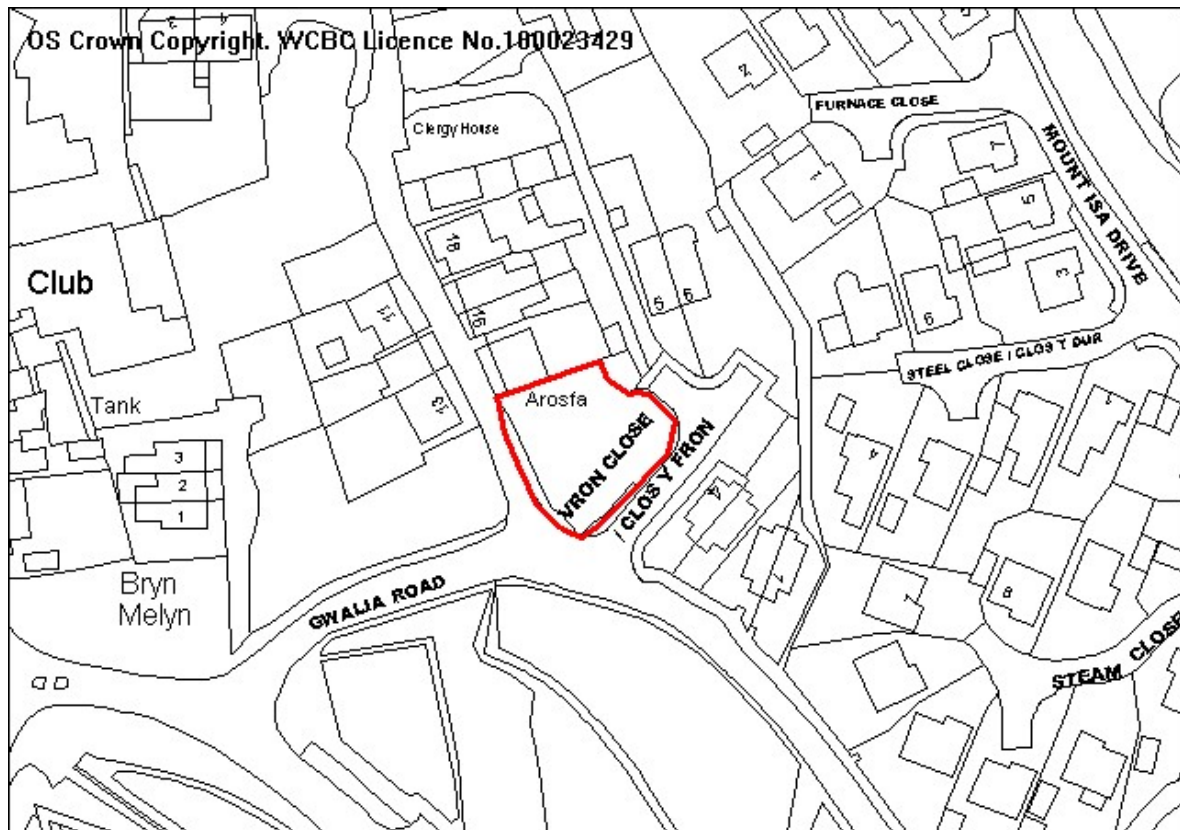
CASE OFFICER:
JK

WARD:
Brymbo

APPLICANT(S) NAME:
MR RICHARD HUGHES

AGENT NAME:
CB ARCHITECTURAL
DESIGN
MR CRAIG BAUGH

THE SITE



PROPOSAL

Planning permission is sought in full for the erection of 1 no. two storey, 3 bed dwelling. Vehicular and pedestrian access is proposed onto Vron Close and parking provision is proposed on site. Another pedestrian access point is proposed from Hawrd Road.

HISTORY

P/2014/0600 Outline Application for the Erection of a Dwelling and Vehicular Access via Vron Close. Granted 10/10/2014.

DEVELOPMENT PLAN

Inside Brymbo settlement limit. Policies EC4, H2, T8, GDP1, PS1, PS2, PS3 and PS4 apply. Local Planning Guidance Notes Nos.16 – Parking Standards, 20 House Extensions, and 21 – Space around Dwellings, are also relevant.

CONSULTATIONS

Community Council:	Consulted 11.03.2021
Local Member:	Notified 11.03.2021
Highways:	No objections subject to conditions (see special considerations below).
Ecology:	Recommends condition ensuring that any vegetation is only removed outside the bird nesting season from September to March.
Tree Officer:	No Comment.
Public Protection:	No objection, amenity nuisance conditions recommended.
Natural Resources Wales:	No objection. Advise developer to consult with the local authority's Environmental Health and Building Control Departments regarding landfill. Consideration to be given to the impact upon the SAC.
Welsh Water:	No objection subject to standard drainage conditions. Recommends condition that no surface water should be allowed to connect directly or indirectly with the public sewerage network. Advisory note also recommended in relation to connection to existing drains.
Contaminated Land:	No Comment.
Neighbours:	6 nearby properties notified. 5 representations (Objections) received from 3 individual households expressing the following comments: • Effect on Living Conditions of Neighbours - Decking area invading privacy of neighbour; - Issues of overlooking into habitable rooms and garden; - Overall height of the dwelling will increase chances of overlooking. • Highways Issues - Issues regarding highway safety of new vehicular access; - New driveway would be located on a dangerous bend;

- Will increase the demand for parking spaces in the street.
- Design
 - Overall design and colour scheme of the dwelling is not in keeping with neighbourhood;
 - Concerns with the overall height of the dwelling.
- Other Matters
 - Access for deliveries/contractors will be affected with fewer parking spaces;
 - Worries of asbestos on the land;
 - Land ownership issues concerning the boundary curtilage.

2 representations (Supporting) received from 2 individual households expressing the following comments:

- Design
 - Will positively enhance the neighbourhood;
 - Designed to a high standard;
 - Will benefit the area by using up waste land.

SPECIAL CONSIDERATIONS

The site has previously benefitted from outline planning permission (P/2014/0600), for the erection of a new dwelling and vehicular access via Vron Close. The principle of development has therefore already been found to be acceptable in conjunction with policies EC4, H2, T8, GDP1, PS1, PS2, PS3 and PS4. The relevant policies have not changed since this permission was granted. I am also not aware that there have been any other changes in circumstances.

Residential Amenity: The neighbours have raised concerns regarding issues of overlooking and loss of privacy into habitable rooms. Taking into account the differing land levels, LPGN 21 recommends separation distances between existing and proposed habitable room windows, which directly face each other, ranging between 24 and 32 metres. Actual separation distances between the existing and proposed property range between 11 and 21 metres.

Whilst the dwelling would be located at a higher level than those to the east and south, due to the orientation of the proposed dwelling the windows in the surrounding properties will not directly face the windows in the new dwelling. This will safeguard against any direct overlooking and the shortfall in separation standards will not therefore lead to a loss of privacy, and the neighbours will not be unduly affected by the development.

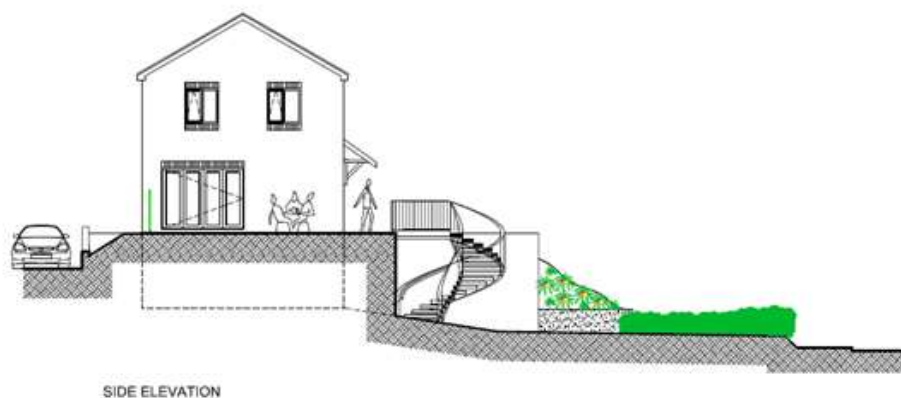
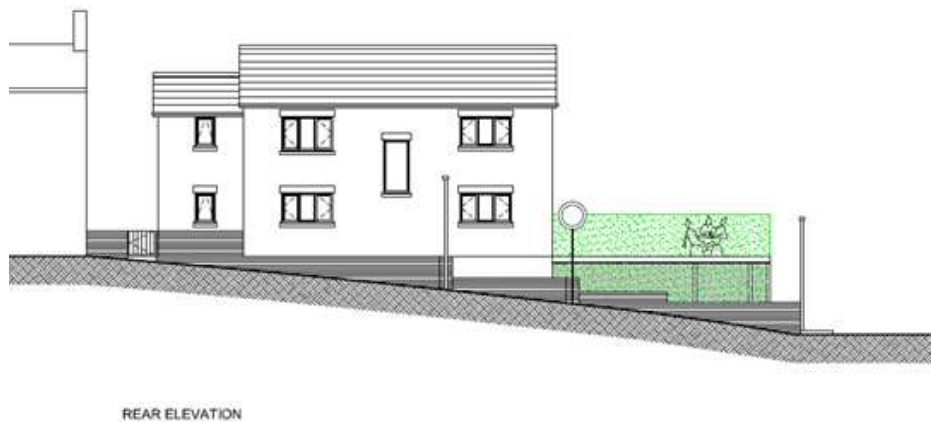
Neighbouring occupiers to the south were also concerned with the decking area which would face their private garden. Given that there is already fencing in place surrounding affected garden space, it is considered that this would provide screening to ensure that the privacy of this garden is not significantly detrimentally affected. As mentioned above, although the dwelling would be located at a higher level than those to the east and south, it is proposed that the decking will have a 1.5 metre high 'living wall' boundary treatment. This will further protect against any instances of overlooking of the surrounding properties when the decked area is in use, and the implementation of this proposed boundary treatment will be secured by planning condition.

The new dwelling will also be situated at the same height as the neighbouring dwelling to the north; therefore, it is considered that this development would not be overbearing. The proposed development satisfies the BRE daylight tests (as set out in LPGN 20) so would not result in any significant loss of light to the property. I am satisfied therefore that the local residential amenity has been protected, and the development accords with the character of the site, as required by Policy GDP1 and the advice contained within LPGNs 20 and 21.



The properties located on Hawrd Road reflect an older appearance with a varied pattern in height. These properties comprise render and brickwork as the dominant materials. The properties located on Vron Close are of a more modern design, again with, render and brickwork as the dominant materials. The proposed dwelling would incorporate Limestone White K-Render facing materials which are considered to be in keeping with the surrounding street scene.

Although the principal elevation of the proposed dwelling would face onto Vron Close, the design of the rear elevation facing onto Hawrd Road is considered to positively enhance the street scene.



Highways: The site is located between two unclassified highways and the required 2.0m x 22m visibility is achievable in both directions. Neighbour objections noted concerns of highway safety on Vron Close. However, the report on the outline application concluded that the site could accommodate parking within the site from Vron Close and a condition was required to ensure that access is only taken from Vron Close.

There are 3 bedrooms proposed for the development. It is also noted that the study/office could also be converted into an additional bedroom. LPGN16 states that there should be a minimum of 3 car spaces for dwellings with 3/4 bedrooms.

Although a parking plan has not been submitted, the gravel drive is more than capable of offering the required parking spaces, therefore complying with LPGN16. Highways have recommended that a condition should be added to the permission stating that no development shall commence until details of the proposed vehicular parking and turning facilities have been submitted to and approved in writing by the Local Planning Authority.

Ecology: A condition was recommended by the ecologist in the outline planning permission that was granted for this site. This condition was carried over, ensuring that any vegetation is only removed outside the bird nesting season from September to March. Having visited the site, the vegetation has already been removed; so this condition is no longer needed.

The site will be served by Five Fords Waste Water Treatment Plant. This has capacity to serve the development as well as having a phosphate consent and as such the proposals will not result in an increase in phosphate levels in the River Dee and Bala Lake SAC.

Other Matters: Concerns have been raised in relation to asbestos issues on the land. However, the Contaminated Land Team had no comments to make on any issues concerning this matter. Concerns were also raised relating to access for deliveries/contractors. There may be some limited disruption during construction, however, this is likely to be relatively short term and this is not considered to be a valid reason to withhold permission.

CONCLUSION

The proposal presents the opportunity to regenerate a disused piece of land and make a contribution, albeit small, to the housing land supply in a sustainable location within a defined settlement limit. On-site parking accords with LPGN 16 and a safe and satisfactory vehicular access is proposed. The level of amenity that will be afforded to the occupiers of the proposed and existing houses is acceptable and it is considered that the development will make a positive contribution to the appearance of the area. The development accords with relevant UDP policies 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. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 832/Sk01, 832/Sk02, 832/Sk03, 832/Sk04, 832/Sk05, 832/Sk06, 832/Sk07, 832/Sk08, 832/SK09 and as contained within the application documentation.
3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
4. 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.
5. 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.
6. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.
7. The vehicular access hereby approved shall be a minimum width of 3.2 metres.
8. The vehicular access hereby approved shall take the form of a dropped vehicular crossing.
9. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.0 metres x 22 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 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.
11. Prior to first use of development, a pavement crossing to the site shall be constructed in strict accordance with Highway Authority adoptable standards.
12. No part of the development shall commence until further details of the proposed vehicular parking and turning facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities as are approved shall be fully laid out, surfaced and drained prior to first use of the development, and 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.

13. The 1.5 metre 'living wall' boundary treatment shall be fully implemented in strict accordance with site plan ref: 832/Sk06, prior to first use of the decked area hereby approved. The boundary treatment as erected shall thereafter be permanently retained and shall not be reduced to a height below 1.5 metres. The boundary treatment shall only be replaced on a like for like basis.

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 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 in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
5. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. 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 in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. In the interests of highway safety in accordance with Policy GDP1 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. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. In the interests of pedestrian safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. 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.
13. To protect the amenities of the occupiers of both the application site and the nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

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 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.

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

A licence must 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 in connection with condition no. ZJ13. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.

Your attention is drawn to Highway Supplementary Notes Numbered 1, 3, 4 and 5 - Refer to Statement of Applicant's Rights and General Information on our planning web site at:
http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided.

In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavation for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
