

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY –
DATE 7 SEPTEMBER 2020

APPLICATION NO:
P/2020 /0279

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

DATE RECEIVED:
19/05/2020

COMMUNITY:
Chirk

CASE OFFICER:
MP

WARD:
Chirk North

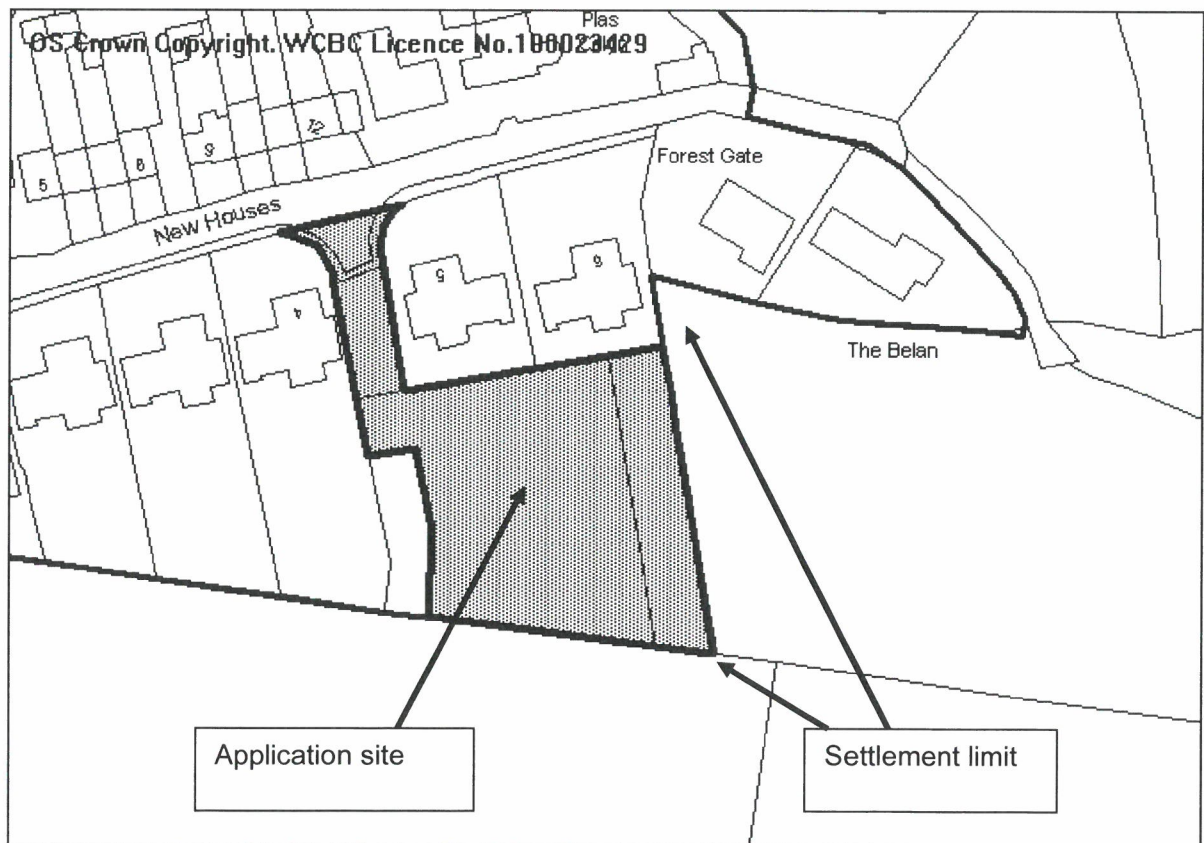
DESCRIPTION:
DAU ANNEDD AC ADDASIADAU
MYNEDIAD / TWO DWELLINGS AND
ACCESS ALTERATIONS

AGENT NAME:
MR GUY TYRRELL

APPLICANT(S) NAME:
MR GUY TYRRELL

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.



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PROPOSAL

As above.

HISTORY

Part of site

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

Whole Site

P/2015/0161	Erection of 2 no. three bedroom bungalows and formation of private driveway. Granted 6.7.2015
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DEVELOPMENT PLAN

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

CONSULTATIONS

Community Council:	16 July 2020
Local Member:	16 July 2020
Highways:	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 two dwellings. 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;

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- 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:

No comments

Welsh Water:

Recommend drainage condition

Neighbours:

The owners/occupiers of 13 nearby dwellings notified on 20.7.20 and 21.7.20

10 objections received 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;
- Traffic;
- More traffic in the village since previous application was granted;
- Highway safety issues;
- Plenty of land being developed elsewhere
- Loss of view;
- Loss of privacy;
- Need for extra lamp posts
- Impact on wildlife
- Negative effect on value of property;
- Over development of the village;
- Noise and disruption from the use.
- Increased stress levels;
- Negative impact upon local services
- Low water pressure;
- Site has been subject to several permissions. If it is renewed it should be limited to 3 years;

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- Access to the fields beyond should be discouraged.

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.

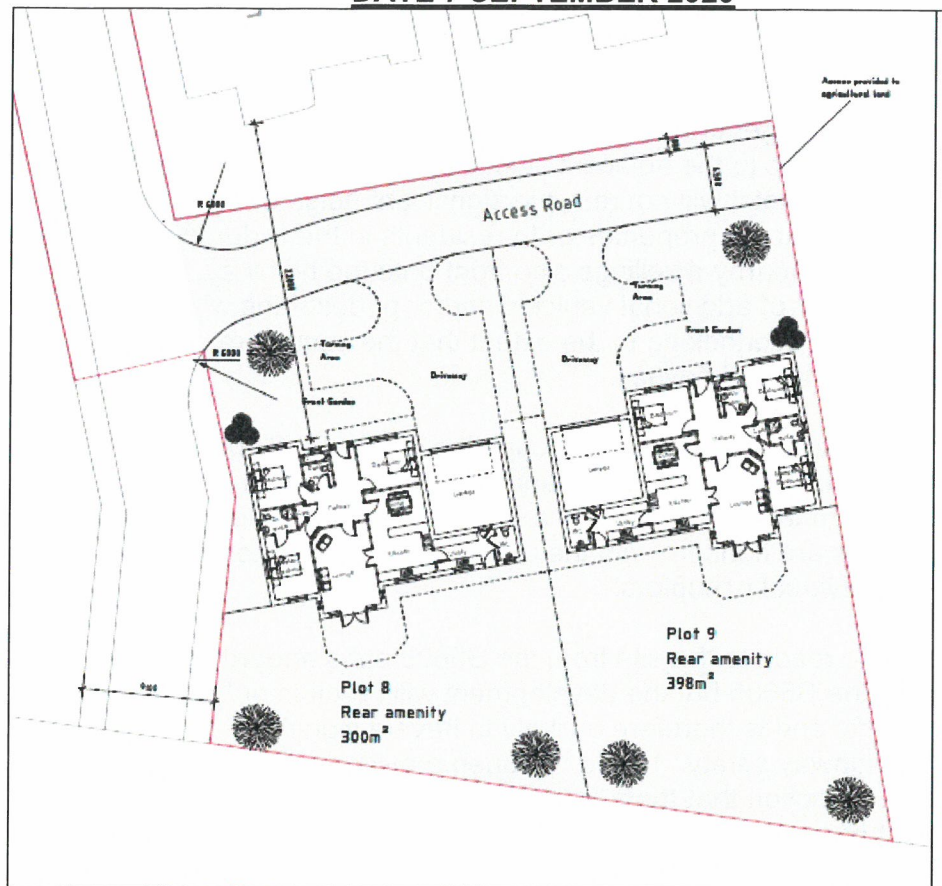
Whilst I will comment on the proposal in detail below, it is worth noting that it is identical to the development granted planning permission on 6 July 2015 under code no. P/2015/0161. There have been no material changes in policy or circumstances since 2015.

Design: The proposed dwellings will be single storey and face the rear boundary of nos.5 and 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, the current proposals have previously been granted planning permission. Furthermore the principle of development on part of the application site has been acceptable on a number of occasions previously.

Only limited views of the site are possible from New House Lane and once the site is developed only the side gable elevation and part of the front elevation of one plot will be visible. Both dwellings will be broadly similar in scale and appearance to the existing bungalows to the front of the site. 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.

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:

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The dwellings will be around 16 metres from the rear boundaries of the immediately adjacent properties, i.e. nos 5 and 6 New Bungalows. Being single storey the proposed bungalows 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 two dwellings 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 dwellings will also enable agricultural access to be maintained to a field to the east of the site currently owned by the applicant. The development also makes provision for access to the fields to the south.

Access to the field to the east of the site is currently made via the south-east corner of the site. I appreciate that the proposals potentially mean agricultural traffic to/from the field passing much closer to the rear of no.5 and 6 New Bungalows than at present. However the field is about two thirds of a hectare in area and is unlikely to generate significant levels of agricultural traffic. The

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proposals also do not make it any more likely that agricultural traffic will visit the adjoining land.

The amount of traffic generated by two dwellings by themselves or in conjunction with traffic to the adjacent field is unlikely to be significant and 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.

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.

Highways: The roads to the site from the B5605 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. I have not been provided with any evidence in support of the objection that there is far more traffic in the village since 2015. There has not been any significant additional development in the village over the past 5 years that will have materially increased traffic.

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 2 dwellings 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.

Whilst I note it has been suggested that access should be prevented to the agricultural land beyond, access already exists and would remain if the site was not developed. As already noted above, the proposals do not make it any more or less likely that there will be agricultural traffic using the site access than is currently the case. The access also presents no highway safety concerns. In any case, it is the traffic generated by the development itself that is material to the consideration of this application. This is likely to be modest.

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

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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: NRW have confirmed they have no comments. The Council's Ecologist has requested that the site be assessed for the presence of badgers before development commences. This matter will be dealt with by way of a planning condition. Subject to this condition being imposed I have no reason to believe that the development poses a risk to statutorily protected species

Other matters: The erection of two dwellings on the site is unlikely to place significant additional pressure on local services and infrastructure. Welsh Water has not 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.

Water pressure is not a material consideration. This is a matter for the relevant statutory undertakers to address.

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

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 since this proposal was previously granted planning permission that would now warrant a difference decision. The development accords with the relevant UDP policies and is acceptable in respect of layout, design, impact upon amenity and highway safety.

RECOMMENDATION: That permission be GRANTED

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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 TO42/004 Revision A and TO42/005 Revision E and as contained within the application documentation.
3. No part of the development shall take place until a scheme of site investigation and mitigation in respect of badgers has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved scheme.
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. 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.
6. 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.
7. 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.
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 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

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provided across the approved access to intercept any such run off prior to first use of the development.

11. 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.

12. 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.

13. The tree protection fencing and ground protection measures approved in connection with condition no. 05 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.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting 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. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
4. 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.
5. 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..
6. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. 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.
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

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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. 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.
12. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. 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..
14. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

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 Planning and Regulatory Department on 01978 292040

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 and 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 and Regulatory Department on 01978 292040 for further advice and information.

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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
