

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**Date – 6 January 2020****APPLICATION NO:**

P/2019 /0766

LOCATION:FLAT CASTLE INN WREXHAM ROAD
BRYNTEG WREXHAM
LL11 6HP**DATE RECEIVED:**

10/10/2019

COMMUNITY:

Broughton

DESCRIPTION:APPLICATION FOR VARIATION OF
PLANNING CONDITIONS NOS. 5
AND 6 IMPOSED UNDER PLANNING
PERMISSION P/2018/0278
RELATING TO ACCESS, PARKING
AND TURNING AREA
ARRANGEMENTS**CASE OFFICER:**

SEH

WARD:

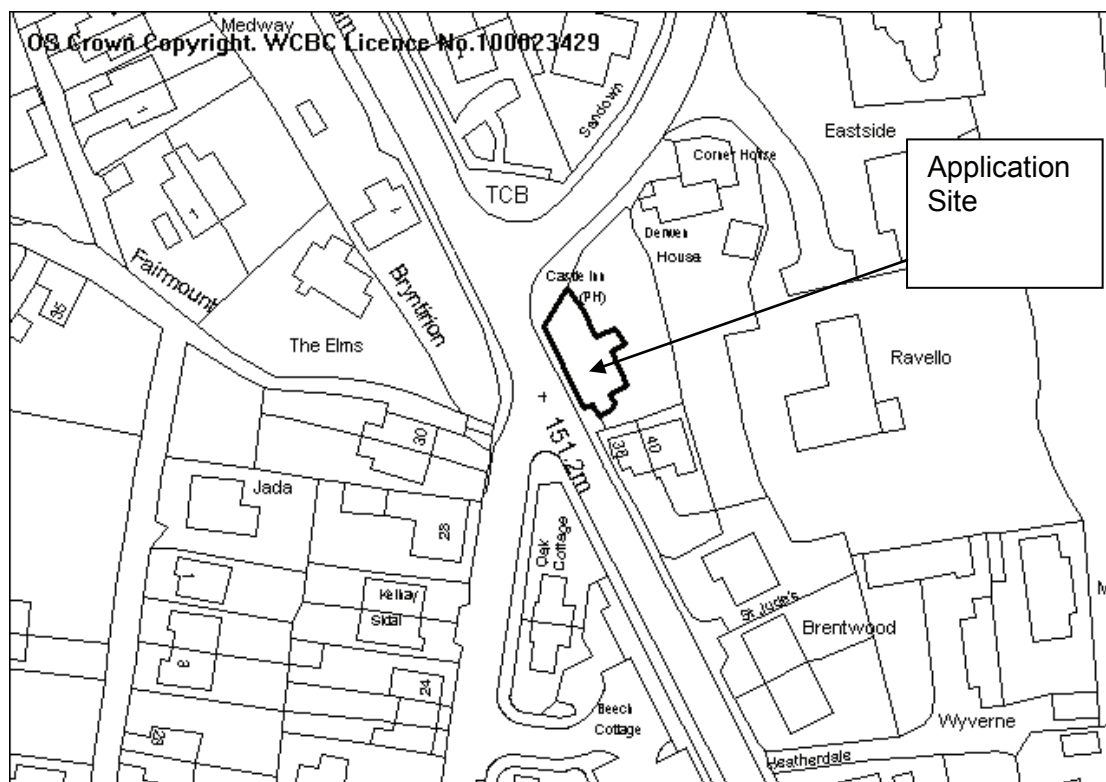
New Broughton

AGENT NAME:

MR Z HUYUK

APPLICANT(S) NAME:

MR Z HUYUK

THE SITE**PROPOSAL**

As above

HISTORY

P/2011/0519	Construction of flue to rear of premises (in retrospect) Granted 05.09.2011
P/2011/0522	Display of illuminated advertisement sign (in retrospect). Granted 05.09.2011
P/2018/0278	Change of use of part of former castle inn public house to form residential dwelling. Granted 02.07.2018

DEVELOPMENT PLAN

The site is within settlement limit. UDP Policies T8 and GDP1 are applicable. LPGN Nos. 16 'Parking' and 21 'Space around Dwellings' are also relevant.

CONSULTATIONS

Community Council:	Council members considered this at their meeting on 13 November. Unfortunately they did not feel that the proposals were outlined clearly enough and therefore could not make a recommendation.
Local Member:	Notified 11.10.2019
Highways:	No objections (see special considerations below).
Site notice:	Expired 01.11.2019
Neighbours:	1 online comment received expressing the following: • To potentially increase the traffic movement onto Wrexham Road would be a mistake. Currently customers park on the double yellow lines outside the take away causing difficulties at the junction. More activity in the area would only lead to a road traffic accident as people exiting the junction seek to avoid parked vehicle and head into oncoming traffic.

SPECIAL CONSIDERATIONS/ISSUES

Background: Planning permission was granted last year to subdivide the property to create a separate dwelling. This involved changing part of the commercial premises on the ground floor to residential, retaining the existing (3) bedroom accommodation above. As there were two potential access points to the rear of the site at that time (one off Wrexham Road and one off Westminster Road), conditions were attached to secure the closure of one access and also to secure adequate garden and on-site parking. These conditions read as follows:

5. No part of the development shall be occupied until a plan showing the vehicular access, parking and turning areas for both the new dwelling and existing hot food takeaway has been submitted to and approved in

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writing by the Local Planning Authority. The site shall be fully laid out, surfaced and drained in strict accordance with the approved plan 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.

6. The existing access onto Wrexham Road, as shown on approved plan ref: 003 shall be permanently closed up prior to first use of the development hereby approved.

As access to the rear of the dwelling is dependant upon crossing the land to the rear of the adjacent takeway, it is now proposed to reinstate the old access onto Wrexham Road and amend the site layout to be independent of the commercial premises (see figure 1 below).

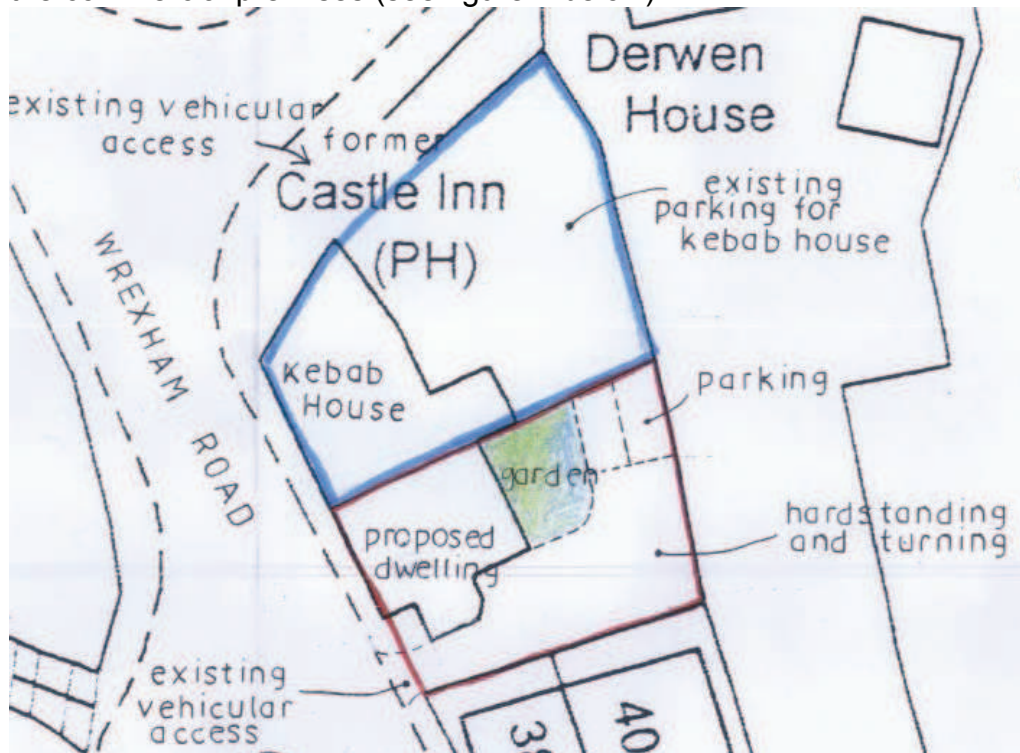


Figure 1. Site and Access Layout

Highway Safety and Parking: The proposed access to the site suffers from poor visibility onto the highway. Evidence has been provided by the applicant which shows that the access has been used historically for vehicular use and this is further ratified by the existence of a dropped kerb crossing over the footway. Given its previous use and the presence of the existing footway crossing there is no justification to refuse permission, and the highway authority therefore raises no objection.

Conclusion: I am satisfied that the development is acceptable in highway safety terms and I recommend that the conditions are amended 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 002 Rev A and as contained within the application documentation.
3. Notwithstanding the details shown on approved plan ref: 002, there shall be no windows or other openings in the elevation of the building facing South / South East at first floor level.
4. 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 extensions or additions to the dwelling or within the residential curtilage hereby approved shall be erected under Classes A, B, C, D or E of Schedule 2 Part 1.
5. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 002 Rev A 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.
6. 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.
7. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.

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 protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
4. Due to the restricted application site and its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
5. 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
6. 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.

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7. 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.
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