

Item 4i

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Date – 6 January 2020

APPLICATION NO:

P/2019 /0822

LOCATION:

14 PENDWLL ROAD MOSS
WREXHAM LL11 6EU

DATE RECEIVED:

01/11/2019

COMMUNITY:

Broughton

DESCRIPTION:

DEMOLITION OF EXISTING
DWELLING AND ERECTION OF NEW
3 BED BUNGALOW

CASE OFFICER:

MR

WARD:

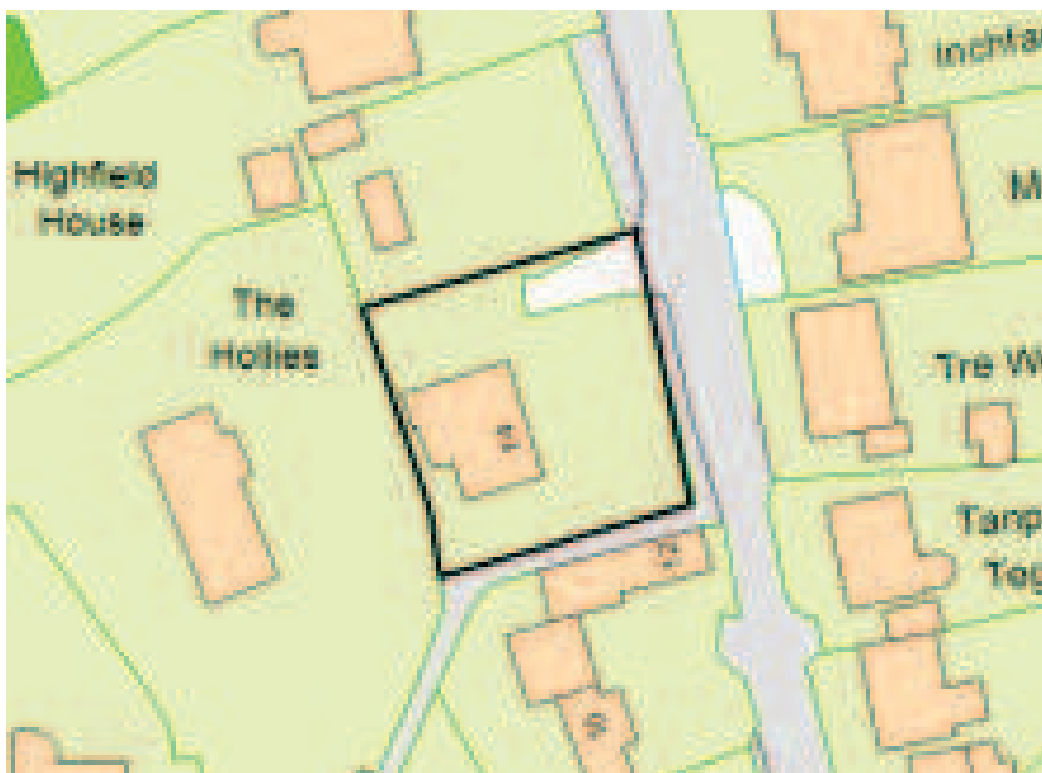
Bryn Cefn

APPLICANT(S) NAME:

MR PAUL SHEPHERD

AGENT NAME:

CULLIS
ARCHITECTURAL
DESIGN
MR S CULLIS

SITE

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PROPOSAL

The application seeks planning permission for the demolition of an existing dwelling and construction of a replacement dwelling.

HISTORY

None relevant.

DEVELOPMENT PLAN

Within Broughton Settlement Limit. UDP policies GDP1, EC4, EC6 and H2 apply.

LPG 16 – Parking Standards, LPG 21 – Space Around Dwellings.

CONSULTATIONS

Community Council:	No comments received at the time of writing.
Local Member:	No comments received at the time of writing.
Welsh Water:	No objection subject to a condition to prohibit surface water from connecting to the sewerage network.
Highway Authority:	No objection subject to a condition to secure parking and turning within the site.
Public Protection:	No objection.
Ecology:	No objection subject to conditions to secure a lighting scheme and recommendations set out in the Ecology Report are adhered to.
Trees:	No objection.
NRW:	No objection subject that the Ecology Reports are included in the plans condition.
PROW:	Requested that the circular landscaped area shown on the original submitted Site Plan was omitted to ensure the public right of way was not obstructed. This has been undertaken. No objection.
Ramblers Association:	Proposal should not block or divert footpaths Broughton 21 and 22.
Neighbours:	1 no. representation received objecting to the proposal. Concerns raised include overdevelopment of the site, out of keeping with the character of the area, future implications regarding the size of the dwellings which have outline planning permission granted opposite the site, loss of hedgerow habitat, no elevations of the garage submitted, the garage and replacement dwelling is in close proximity to the boundary to the neighbour to the north, no information submitted

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on the stability of the retaining wall, overlooking between existing dwellings and the proposed dwelling.

Site Notice:

Expired 06.12.2019

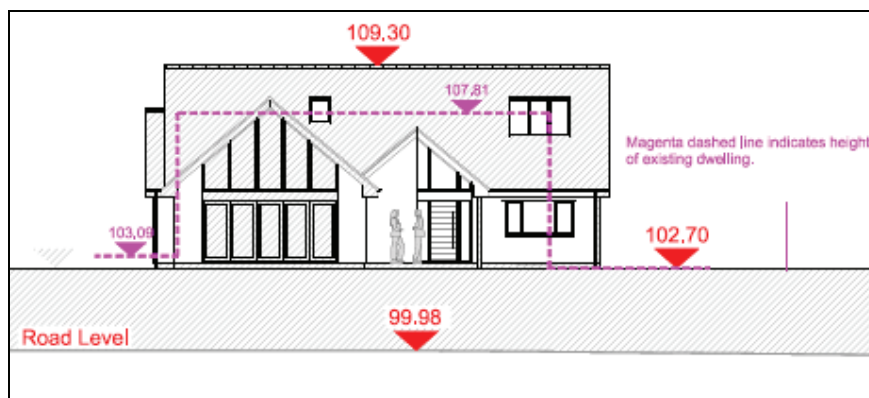
SPECIAL CONSIDERATIONS

Principle: The application site is located within Broughton Settlement Boundary as identified on Policy Map 3 INSET 5.

The proposal would involve the demolition of the existing dwelling and its replacement with the construction of a new dwelling.

The principle of development is acceptable.

Design and Layout: The replacement dwelling is considered to be an improvement to the existing which is dated and offers no particular contribution to the visual amenity of the area. The proposed elevation plan is shown below:



The footprint of the replacement dwelling is marginally larger than the existing dwelling.

The replacement dwelling would be higher than the existing by approximately 1.85m. This is not considered to be significant in the context that the replacement dwelling is a dormer bungalow and its maximum height would be approximately 6.6m which is considered to be relatively limited overall.

The difference in land levels between the property to the south and the application site would mean that the replacement dwelling would exceed beyond the ridge height of the existing by approximately 0.95m. However on the basis of the submitted Street Scene Elevation, the replacement dwelling is not considered would appear as excessive or overly dominant in this context.

There is no particular vernacular along this section of Pendwl Road. The proposed palette of materials is considered to be acceptable.

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Hard and soft landscaping shown on the submitted Proposed Site Plan is considered to be acceptable, however a close board fence along the site frontage would not be considered appropriate and further details of a new boundary treatment would be required in this position.

The proposal would comply with UDP Policy GDP1.

Residential Amenity: The side elevation of the replacement dwelling would measure 9m away from the nearest facing upper floor window of the neighbouring property to the south. Verbal confirmation on site during the officer site visit indicated that this window was a landing.

Furthermore, given its limited width and narrow size, the window appears to be secondary in nature therefore already suffering from restricted day light and to this effect the proposal is not considered would result in such adverse impacts over and above the existing situation.

The proposal would be served by an opening serving the kitchen/dining room on the south elevation. However, there is already a bedroom window in this elevation as existing, therefore already resulting in some overlooking between properties (in the absence of a defined boundary treatment).

Whilst there is a difference in land levels between both sites, provided a sufficient boundary treatment is secured between both properties, this is considered would help to screen any overlooking which may occur as a result of the opening serving the kitchen/dining room in this elevation.

The proposed living room would measure 20.6m from the nearest part of the front elevation of the dwelling directly east known as Tre Wern, which would be a shortfall of 1.4m as set out in guidance.

However the shortfall is considered to be limited and some overlooking between front elevations of properties along a lane or unadopted road is not uncommon and there are instances along Pendwll Road where the guidance appears to be already breached. The proposal is considered to be acceptable in this respect.

The window serving Bedroom 3 would be located approximately 19m away from the facing wall of the neighbouring property to the west known as The Hollies, resulting in a shortfall of 3m.

However, the existing dwelling has a rear conservatory which is located approximately 17.6m away from the facing wall of the neighbour, resulting in a shortfall of approximately 4.4m. The window position of the kitchen/dining room would indicate that these rooms may be viewable through the conservatory.

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Therefore the proposal is considered would result in betterment over the existing situation, given the increased distance between the proposed bedroom window and facing wall of the neighbouring property.

Whilst outline planning permission was granted for the construction of 2 no. dwellings on land to the north of the application site in January 2016 under P/2015/0831, this permission has since lapsed.

Having regard to the above, the proposal is not considered would result in such adverse overlooking impacts to neighbouring properties as to warrant refusal of the scheme.

Access and Car Parking: Highway Authority raise no objection subject to a condition to secure parking and turning within the site curtilage.

Ecology: Wrexham Ecology raises no objection subject to conditions to secure a lighting scheme and the recommendations set out in the Ecology Report.

Trees: No trees of significance which would be considered a constraint to the proposal.

PROW: No objection.

CONCLUSION

The principle of development is considered to be acceptable and no adverse impacts would result to visual and residential amenities of neighbouring properties.

The proposal would comply with UDP Policies GDP1, H2 and T8.

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 1:100 Proposed Elevations, 1:50 Proposed Ground and First Floor Plans, 1:100 Proposed Site Plan (received 10/12/2019), 1:100 Proposed Site Section (received 10/12/2019), 1:200 Proposed Site Plan (received 10/12/2019), 1:50 Proposed Garage Elevations and Floor Plans 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.

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4. The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing no. 1:100 Proposed Site Plan (received 10/12/2019) within three months of the first use of the development with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use.
5. Notwithstanding the approved plans, details of the boundary treatments including siting, design and height shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.
6. No part of the development shall commence until an external bat friendly lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to first use / occupation of the development.
7. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Enfys Ecology and dated 24/09/2019 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.
8. No surface water and / or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
9. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 1:100 Proposed Site Plan (received 10/12/2019) 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.
10. The en-suite window in the west elevation as shown on the approved plan 1:500 Proposed Ground Floor Plan shall be obscurely glazed and thereafter retained for the lifetime of the development.
11. The existing dwelling on the site shall be demolished prior to commencement of development.

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 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.

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5. 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.
6. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
7. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
8. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
9. 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
10. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. For the avoidance of doubt and to specify the plans to which the permission relates.

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 should adhere to the times given above wherever possible. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

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 Housing and Public Protection Department on 01978 315300 for further advice and information.

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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 Environment and Planning Department on 01978 315300 for further advice and information.
