

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 7th OCTOBER 2019

APPLICATION NO:
P/2018 /1047

LOCATION:
NANTCOL 57 BRYN GLAS
RHOSLLANERCHRUGOG
WREXHAM

DATE RECEIVED:
11/12/2018

COMMUNITY:
Rhos

LL14 2EA

CASE OFFICER:
MP

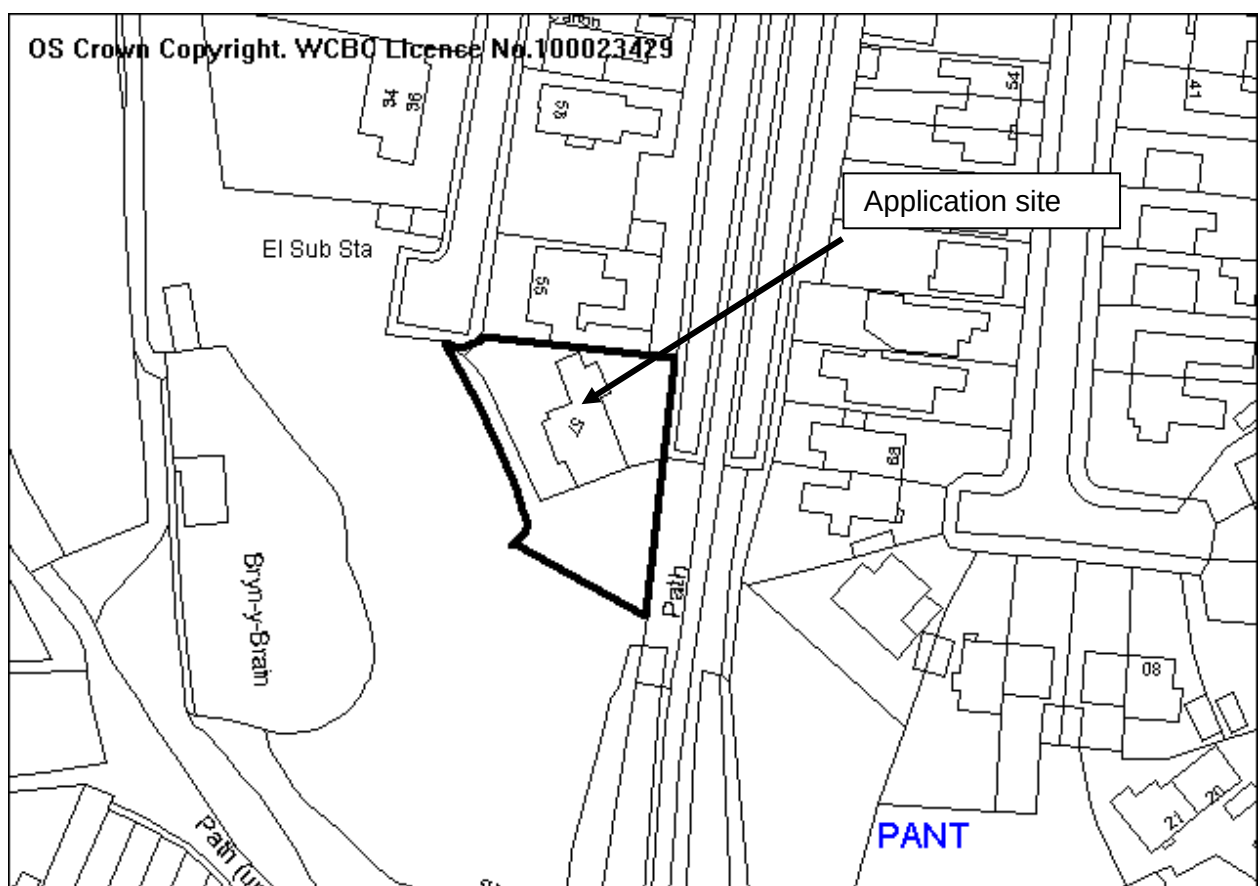
WARD:
Pant

DESCRIPTION:
DEMOLITION OF EXISTING
PROPERTY AND ERECTION OF 1
NO. NEW DWELLING WITH
PROVISION OF ASSOCIATED
ACCESS

AGENT NAME:
BLUEPRINT LTD
MR DAFYDD EDWARDS

APPLICANT(S) NAME:
MR ANDY COTTLE

THE SITE



PROPOSAL

As above.

HISTORY

P/2010/0891	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 3 NO. 2 STOREY 4 BED DWELLINGS. Withdrawn.
P/2011/0779	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 3 NO. 2 STOREY 4 BED DWELLINGS. Granted 3.1.2012
P/2016/0651	DEMOLITION OF EXISTING PROPERTY AND REDEVELOPMENT TO FORM 7 NO NEW DWELLINGS. Withdrawn.
P/2017/0537	DEMOLITION OF EXISTING PROPERTY AND REDEVELOPMENT TO FORM 5 NO. NEW DWELLINGS AND ACCESS. Refused 15.1.2018, appeal dismissed 6.7.2018

PLANNING POLICY

Within settlement limit and within the Johnstown Newts Sites SAC buffer zone. The site is subject to Tree Preservation Order WCBC no.166

Policies GDP1, EC4, EC6, EC12, H2 and T8 apply.

CONSULTATIONS

Community Council:	Object on the following grounds: • Density – number of properties too great for the site – It was suggested that 3 would be advisable on the site and yet this further application is for 4 dwellings. • Flooding – there are a number of inlets of water that come into the stream at this point. The original sizeable culvert in place collapsed at some point and was replaced by a 3ft in circumference pipe. This pipe is not of a size to manage the water that drains into the area and is therefore the reason for flooding. This flooding affects a wider area and will only be exacerbated by the cutting down of trees. Council would question if the recently introduced SuDS for surface water should be adhered to in relation to this or any future development on this site. • Trees – A heavily featured topic on the previous Appeal Dismissal. There are a number of trees to be removed from the site to allow the development of the said properties, if the trees are removed this will not assist the flooding
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issue. Reference was made to an article in the Daily Post yesterday which stated ‘ They are worth millions but we cut them down’.

- Highway – increased volume of cars on a highway with only 1 way in and 1 way out with this development at the end of the cul de sac. The road leads onto the access to a school, which raised concerns at the time of construction being that the T-junction is at the pinch point, which

Local Member:

Consulted regarding amended plans 18.6.19

Notified 11.12.18. Notified about amended plans 18.6.19

Highways:

Have made the following comments:

- The site is at the end of a cul-de-sac on an unclassified highway that is subject to a 30mph speed limit although traffic speed is considered to be no more than 20mph due to the geometry of the road;
- The road is generally 5m wide and serves approximately 37 existing properties. The existing turning head at the end of the cul-de-sac adequately caters for general vehicular use.
- Given the width of the road and the small increase in traffic do not anticipate this having a detrimental impact on the highway;
- The proposed road extension will be of adequate width to serve the dwelling; this road will remain in private ownership. Adequate parking is provided;
- The new access benefits from a turning facility;
- Conditions recommended.

Public Protection:

Measures limit impacts of construction recommended.

Flood Management:

The revised FCA does provide detail of an indicative scheme for the site that would appear to satisfy our normal requirements. If implemented as detailed I have no further comments.

NRW:

No objection but provides the following comments:

Flood Risk

- The amended plan for one dwelling shows a significantly reduced red line boundary and remaining site outlined in blue. There are no existing plans we can identify from the details on the WCBC website to confirm the layout/scale or footprint of the existing dwelling. These comments are made based on the

amended description of the erection of 1 new dwelling.

- The revised flood consequences assessment (FCA) reflects the amended plan and redline boundary.
- The proposed dwelling and flood mitigation measures in terms of a platform and finished floor levels (FFL) shown show the majority of the site to be dry during key events of a 1 in 100 AEP event with blockage and climate change and the 1 in 1000 year event. The FCA identifies no potential flood increases elsewhere and the proposal is therefore compliant with the requirements of TAN15.
- The FCA shows that the risks and consequences could be managed to an acceptable level, provided that the flood mitigation measures detailed in the FCA relating to the development platform and FFL of the dwelling are secured. Should you grant planning permission the FCA should be included in the list of approved plans.
- The Local Planning Authority should note the above comments are based on the review of an FCA and that no review of the modelling study has been undertaken by NRW.

Protected Species

- We note that the bat report submitted in support of the above application (Bat Activity Survey, 57 Bryn Glas, Rhos, Susan Worsfold, 21 October 2018) has identified that bats were not using the application site. We therefore have no comments to make on the application as submitted

Welsh Water: Recommend drainage conditions. Also advise that no development should be carried out within 3m of the centreline of a public sewer crossing the site.

Coal Authority: Initial objections withdrawn subject to the imposition of a condition to secure site investigations prior to commencement of development.

Site Notice: Expired 3.1.2019

Neighbours: The owners/occupiers of 21 nearby properties notified 12.12.2018.

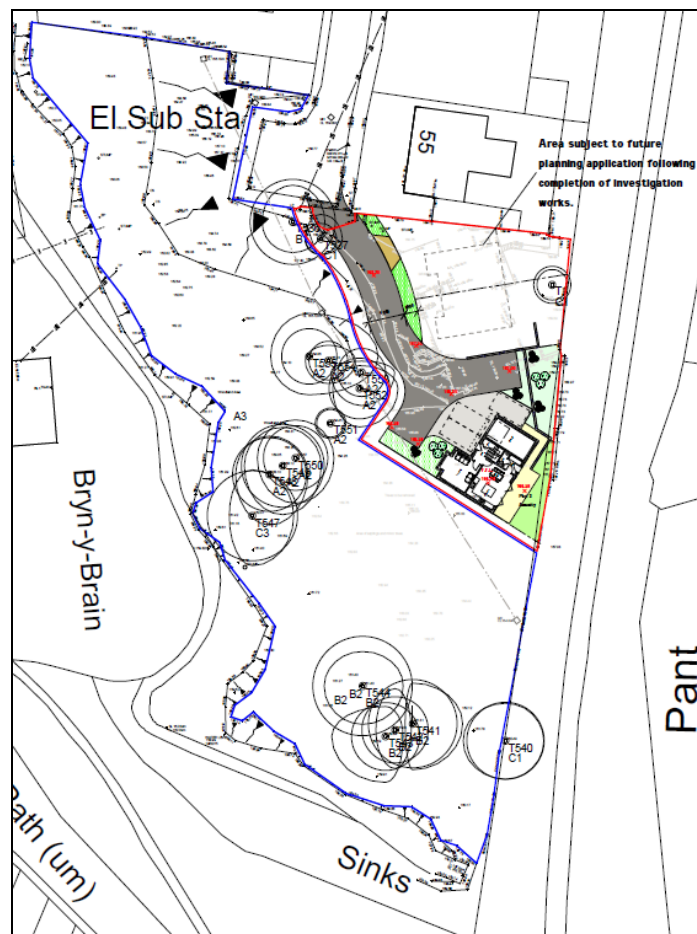
1 objection received expressing the following concerns:

- Increased risk of flooding;
- Removal of trees;
- Increased car noise;

The owners of 21 properties notified in respect of amended plans 18.6.2019

SPECIAL CONSIDERATIONS

Background: The application was originally submitted proposing the demolition of the existing dwelling and the erection of 4 dwellings, a pair of semi-detached dwellings on the site of the existing dwelling and two detached properties to the south. Due to matters raised by NRW and the Coal Authority the application has been amended and now proposes the demolition of the existing dwelling and the erection of a new dwelling on adjoining land immediately to the south.



The submitted plans indicate the applicant's intention to erect a pair of semi-detached properties on the site of the existing dwelling, however the applicant needs to conduct site investigation works in respect of historic mining activities before being able to progress with those proposals. The erection of a new dwelling or dwellings on the site of the existing dwelling will therefore need to be the subject to a separate planning application. In determining this application the Council is not committing itself to the outcome to any future applications.

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Policy: The site lies within the settlement limit so there is no policy objection in principle to the development of the site subject to access, siting, design and the impact upon neighbouring properties being acceptable. The site is also subject to Tree Preservation Order WCBC no. 166. This will be discussed in more detail below.

Layout and Design: The development represents a logical extension to Bryn Glas. The appearance of the dwelling is acceptable and will not appear out place in the context of a cul-de-sac with a variety of house types and styles.

The development has been designed to avoid the need to remove any high quality trees. The proposed access road will pass close to two Category A trees (listed as T552 and T553 in the submitted Arboricultural Impact Assessment). Whereas the proposals submitted under application P/2017/0537 would have resulted in the loss or significant harm to those trees, the access road serving the dwelling now proposed is located sufficiently far enough to the east of the trees to ensure that they can be retained. Protection measures will however have to be put in place for the duration of construction works. These will be secured by condition.

Amenity: The proposed dwelling will 25m from the boundary of no.55 Bryn Glas and in excess of 22 metres from properties in Osbourne Street to the east, with a footpath/cycleway in between. It will also be just under 50m from Bryn y Brain to the west. The latter is on much lower ground than the proposed dwelling, nevertheless I am satisfied that the distances from the proposed dwelling to neighbouring properties is such that the development will not adversely impact upon residential amenity by way of loss of privacy, light or by being overbearing. The development will also not result in a net increase in traffic therefore I am satisfied that there will not be an increase in vehicle noise.

The proposed dwelling will have an adequately sized garden thus ensuring that it will provide future occupiers with an acceptable standard of amenity.

Access and Parking: The development will result no net increase in the number of dwellings served via Bryn Glas so will have a neutral impact in respect of traffic generation.

I recognise that the applicant intends to bring forward proposals for up to two dwellings the site of the extant dwelling in future. Taken together with the current proposals, this would result in a net increase in 2 dwellings. However the impact of any proposals for the site of the existing dwelling will be assessed via a separate planning application. It should be noted however that Highways did not object to the initial proposals for the erection of 4 (net increase of 3) dwellings on the site.

The private driveway serving the dwellings will be 4.8m wide, which Highways have advised is acceptable. It will also include provision for cars to turn at the end. Highways have requested a condition requiring full details of the layout,

drainage and construction of the site access. I do not consider this to be necessary. The submitted plans provide sufficient information to demonstrate that an acceptable means of access to the site will be provided. Where works within the adopted highway are required to construct the access, these will be the subject to a Section 278 agreement under the Highways Act 1980, where such details will need to be provided. It would be an unnecessary duplication of the controls afforded by the Highway Act to require them to also be submitted via a planning condition.

The dwelling will have 4 bedrooms and be provided with 3 off-street parking spaces. This accords with the LPG16 maximum parking provision therefore there is no reason why the development should give rise to on-street parking problems along Bryn Glas.

Flood risk and drainage: The site is located within Zone A, in other words in an area where TAN15 does not advise against residential development on the grounds of flood risk. The application site forms part of a larger land holding owned by the applicant (edged blue on the plan above). The land holding is vulnerable to flooding from a watercourse that runs broadly parallel to the western and southern boundaries. This risk accounts for the decision to amend the application to delete proposals for an additional dwelling to the south-west of the one subject to this application.

The Flood Consequences Assessment (FCA) accompanying the amended plans recommends minimum ground and floor levels to mitigate the risk of flooding within the application site. NRW have confirmed no objection on the basis of the recommendations in the FCA being implemented therefore I have no reason to believe the proposals will be at undue risk of flooding or create an undue risk of flooding elsewhere. I am therefore satisfied the development accords with both policy EC12 and Technical Advice Note 15: Development and Flood Risk.

The FCA details a drainage scheme that the Flood Management Officer has confirmed meets the Council's requirements, as such I am satisfied that surface water drainage from the site can be effectively managed.

Coal Mining Risk: The application is accompanied by a Coal Mining Risk Assessment which identifies the presence of a shaft in the vicinity of the existing dwelling. As already discussed above, the application has been amended to take account of concerns expressed by the Coal Authority. This matter explains the decision to delete the proposals to erect the pair of semi-detached dwellings on the site of the existing dwelling. The applicant still intends to demolish the existing dwelling to further investigations to be carried out that may enable him to bring forward separate proposals for that part of the site at a later date.

Subject to a condition in respect of site investigations to establish the ground conditions beneath the application site, the Coal Authority has withdrawn its objection to the proposals in their current form. I am therefore satisfied that

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the development is not at undue risk of ground stability issues as a result of past coal mining.

Ecology: The existing dwelling has been assessed for the presence of bats. The assessment concludes that the building is not being used by bats and as such its demolition does not pose a threat to the conservation status of bats or of harm to individual bats. No compensatory habitat is therefore required.

Great Crested Newts are known to be present in the wider locality therefore a scheme of Reasonable Avoidance Measures will need to be implemented when the development is carried out. This will be secured by condition.

CONCLUSION

The proposed development is of an acceptable layout and design, will not give rise to unacceptable impacts upon residential amenity, high way safety or in respect of flood risk, land stability and ecology. I am therefore satisfied it accords with the relevant UDP policies.

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 C063/017 Revision F, C063/018 Revision A, C063/021 and C063/022 Revision D and as contained within the application documentation.
3. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:
 - a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;

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- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - f) Method for protecting retained trees during demolition works;
 - g) Details of all proposed tree works, including felling and pruning.
4. Development shall not commence until the following has been submitted to and approved in writing by the Local Planning Authority:
- i) the submission of a report of findings arising from a scheme of intrusive site investigations that shall have been carried out;
 - ii) details of any remedial measures that are necessary, including the submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no-build' zones.
- Where remedial measures are proposed, they shall be implemented in strict accordance with the details as are approved prior to the commencement of any part of the development.
5. Development shall not commence until a scheme of Reasonable Avoidance Measures in respect of Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in strict accordance with the scheme as approved.
6. 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.
7. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 25 metres to the north and 2.4 metres x 15 metres to the west 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 adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
8. The vehicular parking and turning areas as shown on approved drawing(s) No(s). C063/017 Revision F and C063/022 Revision D 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. 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.
10. 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.

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 the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
 4. In the interests of the safety of the future occupiers of the site in accordance with policy GDP1(f) of the Wrexham Unitary Development Plan
 5. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
 6. 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.
 7. 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.
 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
 9. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 10. 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.
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