

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL AT GARTHWYN, 82 BEECHLEY ROAD, WREXHAM**

COUNCILS STATEMENT OF CASE

**PLANNING REF: P/2018/0772
PINS REF: 3217151**

1.0 THE SITE

1.1 Garthwyn, 82 Beechley Road, Wrexham, LL13 7BA.

2.0 PROPOSAL

2.1 Change of Use to House in Multiple Occupation (HMO) containing 6 No. Bedrooms with 7 No. Occupants in total.

2.2 Planning permission was refused on 16.11.2018 for the following reasons:

1) The development will be detrimental to highway safety due to the inadequate visibility at the point of vehicular access onto Beechley Road as a result of existing on-street parking. The development is therefore contrary to Policy GDP1(d) of the Wrexham Unitary Development Plan.

2) Inadequate provision is made for the parking of vehicles clear of the highway and as a result the development will increase levels of on-street parking in the vicinity of the site to the detriment of highway safety and the amenity of the occupiers of nearby properties. The development is therefore contrary to policy GDP1(f) and T8 of the Wrexham Unitary Development Plan.

3.0 PLANNING HISTORY

3.1 There is no relevant planning history.

4.0 LOCAL PLANNING CONTEXT

4.1 The site lies inside the settlement limit as defined in the current development plan for the area, which is the Wrexham Unitary Development Plan (UDP). Policies GDP1(d) and (f), and T8 of that document are relevant. ***Copies of relevant UDP policies already contained in submitted questionnaire bundle.***

5.0 THE COUNCIL'S CASE

5.1 The access to the site is to be widened in order to access a new parking area which will cater for the additional residents. There is reduced visibility from the access which is regularly blocked by parked cars in both directions, and the increase in intensity of use of this access would be detrimental to highway safety.

5.2 Whilst additional parking is proposed on site, there will not be enough parking spaces for both residents and visitors, and the development will place additional pressure upon on-street parking availability. This will lead to indiscriminate parking on the highway to the detriment of

both highway safety and local residential amenity. Residents on Beechley Road already struggle to find a parking space and this development would exacerbate this problem.

6.0 CONCLUSION

- 6.1 The Council is of the opinion that the development is inappropriate for this location, and the Inspector is therefore respectfully requested to dismiss the appeal.

7.0 SUGGESTED CONDITIONS

- 7.1 Should this Appeal be allowed, I would suggest that the following conditions are attached:

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 001, 002 and 003 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. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. 001.
5. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 001 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 development hereby approved a pedestrian visibility splay shall be established measured from the centreline of the vehicular access 2.4 metres back from the back edge of the footway to points 3.3 metres either side measured along the back edge of the footway. Within these splays there shall be no obstruction in excess of 0.6 metres in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
7. Nothing shall be planted, allowed to grow or erected to a height greater than 1 metre in height above the level of the nearside edge of the adjoining highway for a distance of 2.4 metres measured back from the adjoining highway along the entire site frontage with Beechley Road. The splays shall be provided prior to first use of the development and shall thereafter be permanently retained clear of any such obstruction.
8. 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.

9. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.

10. Notwithstanding the details shown on the approved plans, the existing garage shall be used for household refuse and recycling bin storage, together with secure cycle parking facilities, in accordance with a scheme which has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as is approved shall be fully implemented prior to first use of the development, and bins / refuse shall not otherwise be stored on any other part of the site.

11. The existing copper beech tree to the south west corner of the site shall be permanently retained, and shall not be cut down, grubbed out, lopped or uprooted. Should this tree become severely damaged or diseased, it shall be replaced with a tree of the equivalent size and species.

12. 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.

13. The tree protection fencing and ground protection measures approved in connection with condition no. 12 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. Prior to first use of development a pavement crossing to the site shall be constructed in strict accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

15. The vehicular access hereby approved shall be a minimum width of 5 metres.

16. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:

- 1) Detailed layout, design, drainage and construction of the proposed new access, and
- 2) Relocation of existing street lighting column.

The scheme as is approved shall be fully implemented prior to first use of the development.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To define the scope of the planning permission
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
4. In the interests of highway safety.

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.
6. To ensure that adequate visibility is provided at the proposed point of access to the highway.
7. To ensure that adequate visibility is provided at the proposed point of access to the highway.
8. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.
9. 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.
10. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect the amenities of the occupiers of nearby properties.
11. To ensure the amenity afforded by the trees is continued into the future.
12. To ensure that the retained trees are adequately protected during development in the interests of amenity.
13. To ensure that the retained trees are adequately protected during development in the interests of amenity.
14. In the interests of pedestrian safety.
15. To ensure the formation of a safe and satisfactory access.
16. To secure the creation of a safe and satisfactory access in the interests of protecting highway safety.

