

**REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
27 July 2015**

APPLICATION NO:
P/2015 /0291

LOCATION:
LYNWOOD 57 HIGH STREET
GWERSYLLT WREXHAM
LL11 4LE

DATE RECEIVED:
22/04/2015

COMMUNITY:
Gwersyllt

DESCRIPTION:
ERECTION OF 3 BEDROOM
DWELLING AND ALTERATIONS TO
EXISTING ACCESS

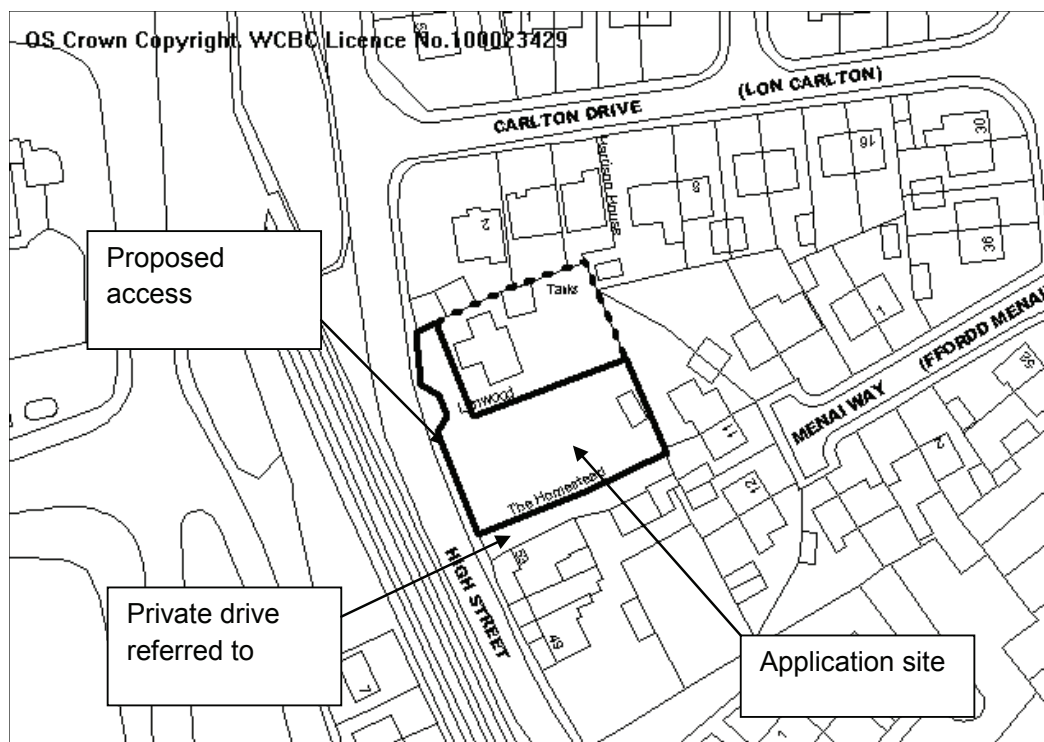
CASE OFFICER:
PF

WARD:
Gwersyllt East & South

APPLICANT(S) NAME:
MRS MARION SUCKLEY

AGENT NAME:
HDS ARCHITECTURAL
SERVICES
MR CARL HUGHES

THE SITE



PROPOSAL

Planning permission is sought in full for the erection of one single dwelling house in the garden area of the existing dwelling known as Lynwood. The proposed two storey dwelling would feature a projecting front feature gable and consist of three bedrooms. A new access is proposed adjacent to the existing access with Lynwood with three parking spaces with turning provision.

HISTORY

None.

DEVELOPMENT PLAN

The site is within settlement. Policies PS1, PS2, PS3, PS4, GDP1, EC4, H2 and T8 are relevant. Guidance is also contained in Local Planning Guidance Notes 16 – Parking Standards, 17 – Trees and Development and 21 – Space Around Dwellings.

CONSULTATIONS

Community Council:	No objection to this application, subject to retention of the traffic calming measures that have been put in place in High Street to reduce speeding (i.e. by the footbridge over the railway line and further along High Street towards the mini-roundabout). Notified 22.04.2015
Local Members:	Expired 27.05.2015
Site Notice:	Standard drainage conditions required.
Welsh Water:	Visibility splays will be achievable but land will be required across the entire site frontage of the application site and Lynwood. Conditions required.
Highways:	Protection of amenity from nuisance, noise survey and land contamination conditions recommended.
Public Protection:	Liaise with Council Ecologist.
NRW:	8 neighbouring occupiers notified. 1
Neighbouring Occupiers:	Representation received raising the following points: • The plans show a 'lane' between No. 53 and southerly boundary of No. 57. Will this still be shown on the plans for the new development or changed? This is a private drive not a lane and there is no mention in the deeds; • Car and vans having been using the access for some time to unload into the garage and should increase use of the drive occur then it could cause safety issues for other users of the drive; • The removal of the trees from the site has resulted in the neighbouring garage becoming visible and has been susceptible to break in.

SPECIAL CONSIDERATIONS

Design and amenity: The site is of an adequate scale for the proposed dwelling and associated parking and amenity space. High Street is characterised by a mixture of dwelling types and materials, and I am satisfied that the external appearance of the dwelling is sympathetic taking design cues from the surrounding dwelling styles. I am satisfied, subject to conditions, that the appearance of the proposed dwelling would be acceptable.

The proposed dwelling would not interfere with the amenity currently enjoyed by the neighbouring occupiers of the site. The position of the dwelling would meet the Council's adopted separation standards. There are windows to the rear of the side elevation of No. 53 but due to the angle of the roof of the proposed dwelling I do not consider that there will be a detrimental loss of natural daylight to this property. There are no side facing habitable room windows in the proposed dwelling.

Highways and parking: Vehicular and pedestrian access is proposed off High Street with a dedicated opening serving the site. This would be located immediately adjoining the existing access with Lynwood. Visibility splays can be achieved in accordance with national guidelines. However the northerly splay would cross the frontage of Lynwood. Suitable conditions can be imposed to ensure that this splay is secured in perpetuity if the ownership of the site is split. Parking and turning provision is achievable in accordance with LPG16.

The plans indicate a form of access between the southern boundary of the application site and No. 53 High Street. This drive is not shown to be within the application site, but there is evidence of some form of opening within the southern boundary to provide access to a detached garage within the application site. The applicant has indicated direct vehicular and pedestrian access to the site off High Street as discussed above. Whilst there may be a right of access along the driveway referred to, this is a private matter between the parties involved and consider that there would be no likely use of the this track that would cause harm to the amenity of the neighbouring occupiers or highway safety. Any issues relating to rights of access are matters for the parties involved and are not material planning considerations.

Trees: The site was previously densely covered with trees and mature shrubs. Clearance has taken place at the time of the site visit, however a Tree Survey has been submitted with the application. This has identified a tree of significant amenity value to the site frontage for retention. Appropriate conditions can be attached to protect this tree during the construction phase and in perpetuity.

Other matters: Whilst the site is fronted by a railway, I consider the impacts of this infrastructure upon the occupants of the dwelling are likely to be minimal. The results of a noise survey would not inform this decision.

CONCLUSION

The principle of a dwelling in this location is acceptable and the proposal meets the Council's general development principles. I recommend 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. Prior to their use on the development samples of all external facing 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.
3. With the exception of those shown on the approved plan and 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 windows or other openings shall be inserted in any elevation of the building facing north.
4. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 43 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.
5. Prior to first use of the development, the proposed vehicular access shall be laid out in strict accordance with approved plan no. CR/00. The visibility splays shall thereafter be permanently retained free of all obstruction in excess of 1 metre in height.
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.
8. 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.
9. The vehicular parking and turning areas as shown on approved drawing(s) No(s). CR/00 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 vehicular access(es) hereby approved shall take the form of a dropped vehicular crossing.

11. The development shall be carried out in strict accordance with the following plans and report(s) submitted and approved as part of this application:

*1) Arboricultural Implication Assessment ref no 15/AIAWXM/166

*2) Tree Protection Plan ref no 15/AIAWXM/166 dwg 03

*3) Arboricultural Method Statement ref no 15/AIAWXM/166

No development or other operations shall take place except in strict accordance with the reports as approved.

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 fully implemented. The fencing shall consist of a scaffold framework in accordance with Figure 2 of British Standard 5837:2012 comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 metres. Onto this, 2.1 metre weldmesh panels shall be securely fixed with wire or scaffold clamps. This fencing shall be erected at the extent of each tree(s) Root Protection Area, as set out in British Standard 5837:2012 or as shown as the Construction Exclusion Zone on the approved Tree Protection Plan Ref. 15/AIAWXM/166 dwg 03. 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. The existing trees, shrubs and hedges shown on drawing(s) No(s). CR/00 to be permanently retained shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.

15. 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.

16. No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring. Alternatively, gas protection measures should be installed in all new buildings. A methodology of these works (including specification details, design plans, installation, inspection and validation details etc.) should be submitted in writing to the Council for approval prior to any works commencing on site.

17. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 16 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.

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18. 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.

19. Within three months of commencement of development, full details of a hard and soft landscaping scheme as well as boundary treatments together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

20. The landscaping scheme approved as part of this application shall be fully implemented in all respects within the agreed timescale and in strict accordance with approved drawing no. 20 including the paving and footpath areas.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
3. To protect the amenities of the occupiers of nearby properties.
4. To ensure that adequate visibility is provided at the proposed point of access to the highway.
5. To ensure the formation of a safe and satisfactory access.
6. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.
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.
8. In the interests of highway safety.
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.
10. In the interests of highway safety.
11. To protect trees which are of significant amenity value to the area.
12. To ensure that the retained trees are adequately protected during development in the interests of amenity.
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15. To protect the amenities of the occupiers of nearby properties.
16. In the interests of the amenities of the future occupants of the buildings
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18. 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.
19. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

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NOTE(S) TO APPLICANT

The applicant is advised that compliance with condition no. 16 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

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 Housing and Public Protection Department on 01978 315300.

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

Further advice on compliance with condition no. 16 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site.

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The separate written consent of the Local Highway Authority must be obtained before any work is carried out within the confines of the highway.

A licence should be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to lower the kerbline and cross the footpath at the new access position. Further guidance can be obtained from the Highways Department of Wrexham County Borough Council on telephone 01978 729690.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such

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assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

On the 1st October 2012 the Welsh Government introduced the Welsh Ministers Standards and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on the Developer Services Section of our website - www.dwrcymru.com

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