

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

APPLICATION NO:
P/2015 /0285

LOCATION:
HAFOD HOUSE NEW ROAD
SUMMERHILL WREXHAM
LL11 4TY

DATE RECEIVED:
16/04/2015

COMMUNITY:
Gwersyllt

DESCRIPTION:
OUTLINE APPLICATION FOR
ERECTION OF DWELLING WITH ALL
DETAILED MATTERS RESERVED
FOR FURTHER APPROVAL

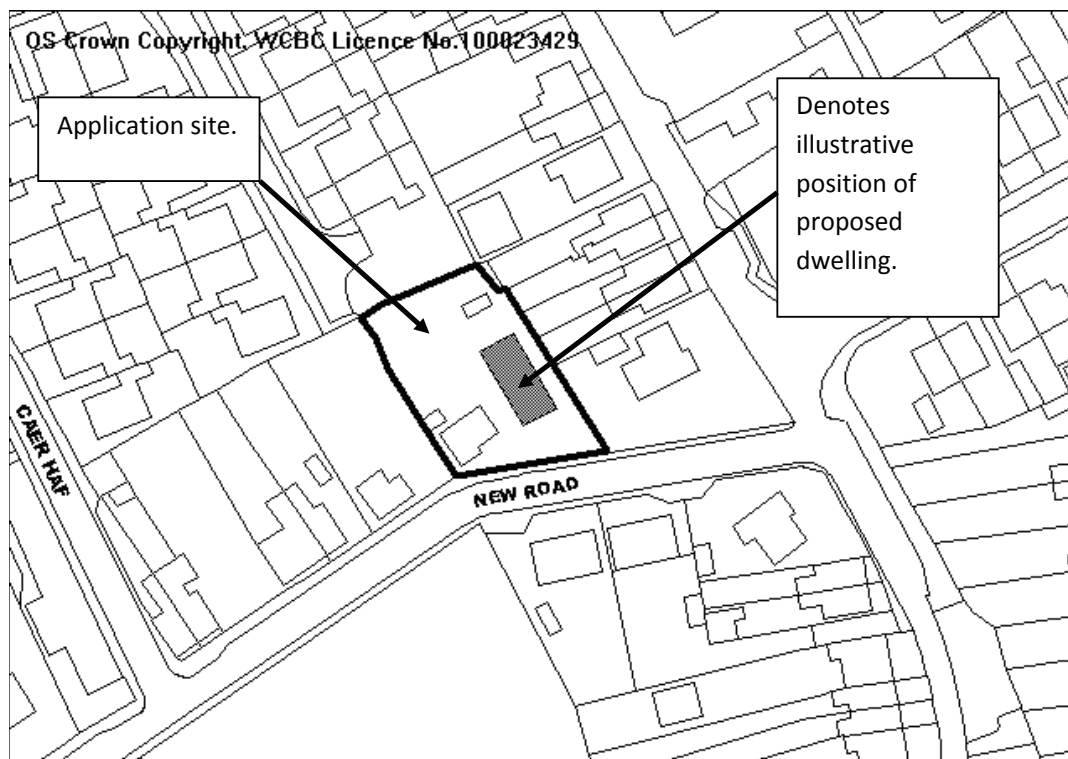
CASE OFFICER:
PF

WARD:
Gwersyllt North

AGENT NAME:
MRS JULIE PARRY

APPLICANT(S) NAME:
MISS CAROLYN WESTHEAD

THE SITE



PROPOSAL

Planning permission is sought in outline for the erection of one dwelling. All detailed matters are reserved for future approval. Whilst for indicative purposes only at this stage, the applicant has provided a series of plans indicating the provision of a bungalow.

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 and 21 – Space Around Dwellings.

CONSULTATIONS

Community Council:	No objection to this application, but would prefer to see a bungalow (rather than a house) built on the site in question as this would be more in keeping with the character of the existing properties in the area.
Local Member:	Notified 20.04.2015
Site Notice:	Expired 27.05.2015
Highways:	The road fronting the site is unclassified. An access could be provided at the site frontage to meet Welsh Government guidelines but would result in the removal of the existing hedgerow and reduction in height of wall fronting Hafod House. Conditions are required as part of any recommendation for approval.
Public Protection:	Protection of amenity from nuisance condition recommended.
NRW:	Liaise with Council Ecologist.
Welsh Water:	Advise standard drainage conditions.
Neighbouring Occupiers:	10 neighbouring occupiers notified. 5 representations received raising the following points: • The building of property in this location would be an encroachment upon the neighbouring occupiers; • The erection of a dwelling in this location will lead to a loss of privacy causing overlooking towards the neighbouring dwellings; • There will be a loss of natural daylight to the neighbouring dwellings as a result of the building; • Parking is already an issue on this road and should this application be approved, WCBC should consider improving the existing parking problems in the locality;

- Parking provision within the site would be adjacent to the neighbouring dwellings cause noise, pollution and dust at all times day and night;
- The existing house is one of the most notable in Summerhill and should be listed. Characteristics of the site would be lost as would the wildlife in the garden area;
- Allowing one dwelling may lead to more dwelling being erected on the site causing issues for the neighbouring occupiers;
- The garden area of the application site has previously been disturbed and should further work be carried out this will create more vermin;
- There is a bus stop to the site frontage which is a hazard;
- The proposed building will be the length of 5 to 6 houses on Bottom Road. It is ugly and out of character with the area.

SPECIAL CONSIDERATIONS

Design: The development of the site as proposed is acceptable in principle as it is located within settlement. The main issues for consideration in this instance are whether the erection of a dwelling would make a positive contribution to the streetscene, have a detrimental impact upon the amenity enjoyed by the neighbouring occupiers and whether the erection of an additional dwelling would have an adverse impact upon highway safety. Members are reminded that whilst a plan has been submitted fully detailing layout and elevations, this is for indicative purposes only at this stage.

New Road is characterised by a mix of architectural styles and there is no particular dwelling type in the immediate locality. I am satisfied that the side garden area of Hafod House is sufficient to cater for a single dwelling house as well as provide for sufficient parking and amenity space.

New Road slopes downwards in an easterly direction towards its junction with Bottom Road. The neighbouring dwellings to the eastern boundary sit at a slightly lower level than the application site (approximately 1-1.5metres). As such careful consideration should be given to ensure that the occupiers of these properties are not unduly harmed by the massing of the proposed dwelling. The applicant has indicated the intention to construct a bungalow on the site. Whilst approval of the scale and layout of the dwelling would be subject to further submissions, given the topography of the site, any recommendation for approval at this outline stage should have a condition to ensure that only a single storey dwelling be built on the site due to the

potential impact upon the amount of natural daylight reaching those neighbouring dwellings.

Any resulting dwelling is likely to be built in close proximity to the eastern boundary. Because of the proximity of the eastern elevation and the possibility for overlooking into those neighbouring garden areas, a condition would be required as part of any approval to ensure that no habitable room and/or clear glazed windows are installed in this elevation.

Highways: New Road is an unclassified highway subject to a 30mph speed limit, although likely speeds would not be in excess of 25mph. Access detail is reserved for future approval. Highways are satisfied that an access can be provided into the site but not as shown on the indicative plan. A more suitable position would be adjacent to the boundary with Hafod House. As visibility splays would be required across the application site and the frontage of Hafod House (land within the control of the applicant), a suitable condition will be required at this stage to ensure that these splays are secured and detail submitted as part of the reserved matters application.

On site turning provision is not a rigid requirement in this instance as New Road is unclassified. Parking provision could be provided for the proposed dwelling and the existing dwelling in line with the requirements of LPG 16 given the scale of the application site, therefore I have no reason to believe that parking problems in the area would be exacerbated.

There is a bus stop immediately to the eastern site boundary on New Road. This facility is noted, however, Highways have raised no concerns about its presence and given the anticipated low traffic movements from the proposed use I do not consider there to be a conflict to the detriment of highway safety.

Other matters: The site boundary to the north, east and south are lined with mature hedging and some smaller trees. On balance, I am satisfied that that this planting is characterised as ornamental garden planting, the loss of which would not harm the visual amenity of the area. The proposed landscaping of the site is a reserved matter which would be controlled at a later stage. Nevertheless, there are trees which are adjacent to the application site which could be harmed by the construction phase. Therefore a condition will be required for additional tree survey work to be carried out.

Hafod House is an attractive traditional property, characteristic of the locality. However, the property is not listed, nor in a conservation area. I consider that careful design of a proposed dwelling adjacent to the property would not cause detriment to the character of Hafod House or the wider streetscene.

CONCLUSION

I am satisfied that the proposal would be acceptable in view of its position within the streetscene and in context with the neighbouring dwellings. I therefore recommend approval.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the means of access to the site and building(s)
 - e. the landscaping of the site.
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
4. Submitted drawings named 'Elevations' and 'Site Plan' have been considered for illustration purposes. The granting of this permission should not be taken as implying approval for the layout shown on that drawing.
5. Any dwelling approved by this planning permission shall take the form of a single storey dwelling only.
6. This permission allows for a maximum of 1 (one) dwelling to be built on the site.
7. Any dwelling approved by this planning permission shall not include any windows on the eastern elevation which are glazed with clear glass or feature any opening casements below 1.8m measured from the finished floor level.
8. The submissions made in respect of Condition 01 shall include details of an off-street parking area that shall be provided within the development site for the approved dwelling and Hafod House. The parking and turning areas as approved, shall be laid out, surfaced and drained prior to the first occupation of the dwelling hereby granted planning permission and thereafter retained, kept free of any obstruction and made solely available for the parking and turning of vehicles at all times.
9. The submissions made in respect of Condition 01 shall include details of a dropped kerb vehicular crossing.
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.
11. 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:

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- 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - 2) 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;
 - 3) 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;
 - 4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - 5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - 6) Method for protecting retained trees during demolition works;
 - 7) Details of all proposed tree works, including felling and pruning.
12. 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.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
2. To comply with Section 92 of the Town and Country Planning Act, 1990.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
5. In the interests of the amenity of the neighbouring occupiers of the site and of the visual amenity of the area.
6. In the interests of the standard of amenity afforded to the occupiers of nearby properties and the appearance of the area.
7. To protect the amenities of the occupiers of nearby properties.
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.
9. In the interests of highway safety.
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.
11. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s).
12. To protect the amenities of the occupiers of nearby properties.

NOTE(S) TO APPLICANT

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.

The applicant is advised that compliance with condition no. 12 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.

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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 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.
