

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

APPLICATION NO:
P/2015 /0370

LOCATION:
TURKEY PAPERMILL LAND
OPPOSITE PEN Y DDOL BERSHAM
ROAD BERSHAM WREXHAM
LL14 4HL

DATE RECEIVED:
20/05/2015

COMMUNITY:
Esclusham

CASE OFFICER:
PF

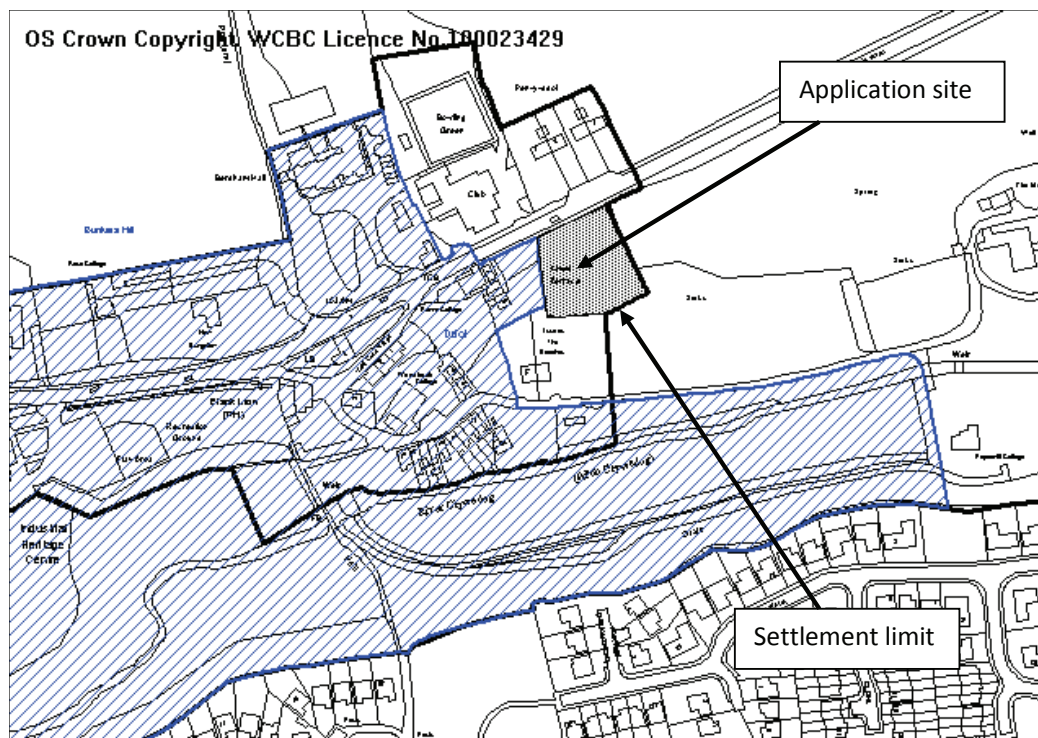
WARD:
Esclusham

DESCRIPTION:
RESIDENTIAL DEVELOPMENT
COMPRISING 2 NO TWO-STOREY /
PART THREE-STOREY DETACHED
DWELLINGS (RENEWAL OF
PLANNING PERMISSION
P/2010/0535)

AGENT NAME:
LOVELOCK MITCHELL
ARCHITECTS
MR NEIL MITCHELL

APPLICANT(S) NAME:
MR PAUL WOOLLAM

THE SITE



* Hatching denotes Conservation Area

PROPOSAL

Permission is sought to renew planning permission P/2010/0535. This permission allowed for the erection of 2 detached dwellings. The elevation facing Bersham Road would be 2 storey and three storeys facing the rear. The dwellings would have 4 bedrooms.

Separate accesses are proposed onto Bersham Road with the frontage hedge to be retained between the two access points. A section of stone wall is to be removed to provide for the western access.

HISTORY

P/2005/1471	Outline application for 2 no. dwellings. Granted 6.2.2006
P/2008/0980	Reserved matters pursuant to P/2005/1471. Granted 3.11.2008
P/2010/0535	Residential development comprising 2 no. 2 storey/part 3 storey detached dwellings and construction of vehicular accesses (renewal of planning permission code no. P/2005/1471). Granted 16.08.2010

DEVELOPMENT PLAN

The site lies within settlement limits as defined in the Wrexham Unitary Development Plan and adjoins Bersham Conservation Area. Policies PS1, PS2, PS3, PS4, GDP1, EC7, H2, and T8 are relevant. Local Planning Guidance Notes 16 – Parking Standards and 21 – Space Around Dwellings are also relevant.

CONSULTATIONS

Community Council:	The original application regarding this site was granted consent in 2010, with, at the time, neighbouring properties opposing the plans. The height of the proposed development was a major concern, as was access and visibility together with the question of displacement of vehicles. This application was discussed at the last Community Council meeting and it is felt by members that sufficient time has been given for the planned development to go ahead but, despite the lengthy period since the original application was granted, there has been no attempt to commence construction.
Local Members:	Notified 26.05.2015
Site Notice:	Expired 24.06.2015
Highways:	Conditions imposed under existing planning permission should be imposed again.

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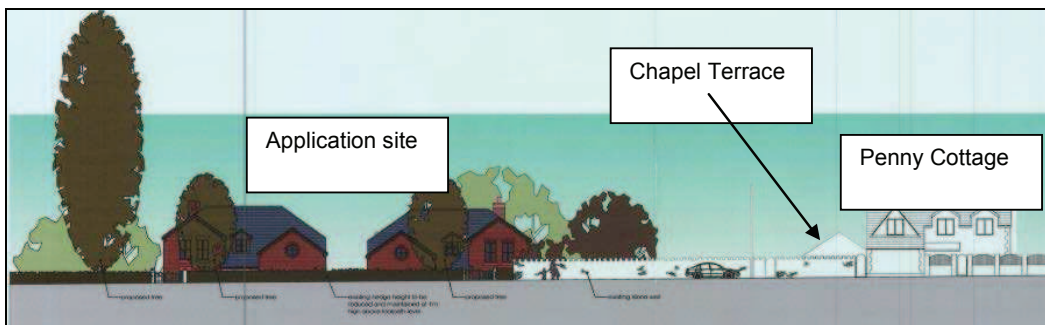
Public Protection:	No further comments to those made previously.
Neighbouring Occupiers:	19 neighbouring occupiers notified. 7 representations received raising the following points: • The dwellings will spoil views from the existing properties; • There is already a huge amount of traffic in the village with parked cars on either side of the road from existing uses in the village; • This is a historic village that does not need any more houses; • The buildings should not be set back from the road frontage as this has resulted in the scale of the buildings being vastly increased. If they were brought forward they would not match the neighbouring dwellings and would need to be reduced in scale; • Why isn't the ridge line of the properties in line with those of Chapel Terrace as they should not be compared to those on Bersham Road?; • The ridge lines of the properties are higher than the trees further increasing their scale; • Overlooking will occur as a result of a balcony/veranda invading neighbouring occupier privacy in relation to lounge and roof light windows; • The proposed dwellings are disproportionate to the plot sizes; • This will create a precedent for other giant houses and Bersham will become an estate and not a rural village; • The trees should remain along the boundary line as these will block the horrific scale of the properties; • Wildlife will be impacted; • Conservation walls will need to be removed. This cannot be right in accordance with the conservation Area Management Plan goals regarding boundary treatments; • The highway bollard should not be removed as this helps slow drivers down as they leave the village;

- The development may disrupt the land due to historic coal mining in the area;
- Noise and dirt would be detrimental to occupiers of Chapel Terrace;
- The dwellings will not be affordable which is what this village needs;
- Where will villagers who park outside the application park once the development takes place; and
- The development site is on agricultural land which is in ever decreasing numbers.

SPECIAL CONSIDERATIONS

Background: The site is within the existing settlement limit of Bersham. The principle of development is accepted by reason of policy H2 of the UDP which allows for the residential development of land within settlements subject to satisfying policy GDP1. The site benefits from planning permission which expires on 06.09.2015. This application seeks to allow for a further period of time to allow the commencement of development to occur.

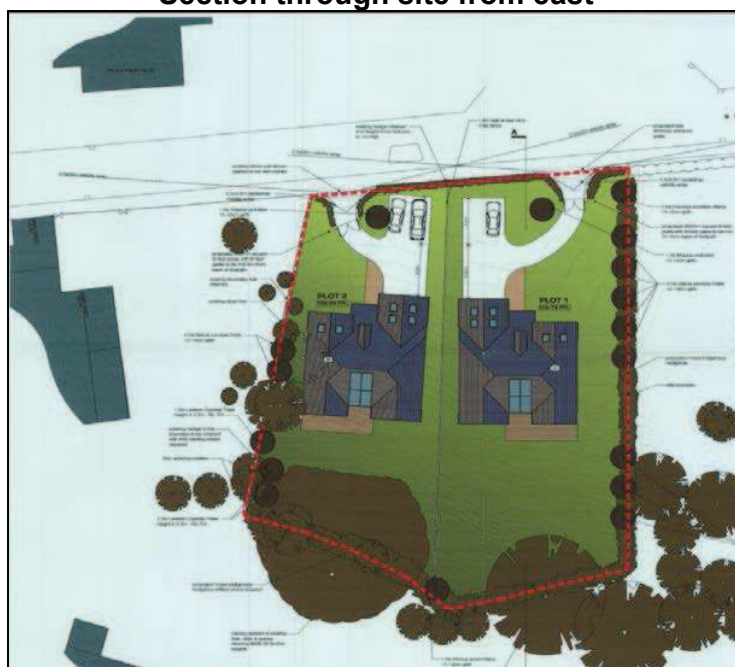
Design: The dwellings are considerably larger than other dwellings in the immediate locality, however their appearance from Bersham Road is quite modest as the land falls away to the south. Concerns have been made in representations regarding the scale of the dwellings. The scheme was previously considered in light of the Council's separation standards and I am satisfied that there have been no material changes in circumstances since 2010 that would lead me to change this opinion. Full consideration was given to the impact of the development upon the occupiers of 1 to 5 Chapel Terrace in previously accepting the design of the proposal. Separation distances have been met and the floor levels of the new dwellings will be below the floor levels of the dwelling opposite on Bersham Road. The ridge levels are comparable with Penny Cottage which also fronts Bersham Road, however that of 1 to 5 Chapel Terrace does fall away with the slope. Nevertheless, I do not consider that this is detrimental and would not impact upon the character of the area. There are no specific design policies which state that ridge heights must match. For the benefit of Members, I have shown a selection of the approved plans below for comparison.



Bersham Road streetscene



Section through site from east



Proposed site layout

Whilst the site falls outside the Conservation Area, there may be the opportunity for limited views. The impact upon the Conservation Area has also previously been accepted. Reference has been made to a conservation wall fronting the site. This is not the case and is afforded no special designation.

Landscaping: The details supplied under the extant permission identified that the significant trees to the south of the site would not be affected. Some trees along the western boundary were recommended for removal with replacement planting conditioned as well as tree and hedge protection measures. I am satisfied that there have been no significant changes to the

situation on site that would prevent conditioning the mitigation measures proposed in this previous report.

Highways: The agreed layout for the site involves two access points located either side of the existing traffic island. Concerns were raised previously regarding the compatibility of an existing cycle lane, traffic islands, parked cars on the road and the proposed uses. However, Highways did not previously consider that the development would make the situation any worse. I have no reason to believe that circumstances have changed in any way to alter this assessment.

CONCLUSION

I am satisfied that this development is considered acceptable and that there have been no significant changes in national and local planning policies since the previous planning permission was granted. I therefore 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. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered
07-51:001 Rev P4
07-51:002 Rev P5
07-51:003 Rev P4
07-51:004 Rev P2
07-51:005 Rev P5
07-51:006 Rev P2
07-51:007 Rev P1
and contained within the application documentation.
3. 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.
4. All hard and soft landscape works shall be carried out in accordance with the approved details as set out on drawing(s) No(s) 10/AIA/WXM/49 05. The works shall be carried out within 3 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. Additional tree planting shall be carried out to the west and south west of plot 2 to compensate for tree removal shown on drawing 10/AIA/WXM/49 03, in accordance with details to be submitted to and approved by the Local Planning Authority within three months of commencement of work on site.
5. All trees, shrubs and hedge plants supplied shall comply with the requirements of the current BS 3936 Specification for Nursery Stock. All pre-

planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirement of the current BS 4428 Code of Practice for General Landscape Operations (excluding hard surfaces). All new tree planting shall be carried out in accordance with guidance contained in Section 13 of the current BS 5837 A guide for Trees in Relation to Construction - Recommendations.

6. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased from completion of the approved landscaping scheme shall be replaced by trees or shrubs of similar size and species to those originally required to be planted unless otherwise approved in writing by the Local Planning Authority. The approved landscaping scheme shall be permanently retained.

7. The erection of fencing for the protection of trees and shrubs shall be undertaken before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. The above mentioned fencing shall consist of a scaffold framework in accordance with detail contained in 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 trees Root Protection Areas, as set out in British Standard 5837:2012. 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 without the written permission of the Local Planning Authority.

8. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include a specification for tree protection fencing and ground protection measures that complies with British Standard 5837:2012; a plan showing the location of retained trees' with their crown spreads, Root Protection Areas' and the location of protective fencing plotted. A full specification for any access, driveway, path, underground services or wall foundations within retained trees' Root Protection Areas', including any related sections, details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires; details of the frequency of supervisory visits and procedures for notifying the finding of such visits to the Local Planning Authority and method statement for protecting retained trees during demolition works should also be included. Works shall be carried out in accordance with the approved method statement.

9. No trees either existing or planted in accordance with this or a previous permission shall be lopped, topped, felled or uprooted without the prior written permission of the Local Planning Authority, nor shall any trees be wilfully damaged.

10. No part of the development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule

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shall include details of the arrangement for its implementation. Development shall be carried out in accordance with the approved schedule.

11. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed in its entirety before the development is occupied.

12. The new access to plot 1 shall have minimum visibility splays of 2 metres by 33 metres in a westerly direction to the centre line of the adjoining highway, and 2 metres by 56 metres in an easterly direction to the nearside edge of the adjoining highway, within which there shall be no obstruction to visibility above 1 metre in height.

13. The new access to plot 2 shall have minimum visibility splays of 2 metres by 33 metres in a westerly direction to the centre line of the adjoining highway, and 2 metres by 56 metres in an easterly direction to the nearside edge of the adjoining highway, within which there shall be no obstruction to visibility above 1m in height.

14. From a point on the centre line of the accesses 2.4 metres back from the edge of the footway, to points 3.3 metres to both sides of that point measured along the edge of the carriageway, all obstructions to visibility shall be reduced to and thereafter maintained at a height not exceeding 0.6 metre above the level of the adjacent carriageway.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no gate or other barrier shall be erected across the access within 5 metres of the boundary of the highway.

16. The accesses shall be hard surfaced for a distance of 5m behind the highway boundary before the development is brought into use.

17. The vehicle parking and turning areas indicated on the approved plans shall be laid out, surfaced and drained prior to the first use of the building hereby granted and shall thereafter be retained for those purposes.

18. 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 further development shall take place under Classes A, B, C, E or G of Schedule 2 Part 1, other than the development hereby granted permission.

19. The site shall be developed in accordance with the ground and floor levels indicated on the approved plans. No changes to floor levels or external ground levels shall be made without the prior written approval of the Local Planning Authority.

20. Any windows to be formed in the western elevation of plot 2 shall only be glazed or re-glazed with obscure glass which shall thereafter be permanently retained in this condition thereafter.

21. Timber privacy screens shall be erected and thereafter retained on the sides of the rear balconies, in accordance with details to be submitted to and approved by the Local Planning Authority prior to occupation of any dwelling on the site.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure that the development fully complies with the appropriate policies and standards.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
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7. To protect trees which are of significant amenity value to the area.
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9. To protect trees which are of significant amenity value to the area.
10. To ensure landscape features are properly considered and protected.
11. To ensure satisfactory drainage of the site and to avoid flooding.
12. In the interests of highway safety.
13. In the interests of highway safety.
14. For the safety and convenience of all pedestrians, but in particular, the elderly, the disabled and wheelchairs, pram, and pushchair users.
15. In the interests of highway safety.
16. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.
17. 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.
18. To protect the amenities of the occupiers of nearby properties.
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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

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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. Your attention is drawn to Highway Supplementary Notes Numbered 1, 3, 4 and 5 on the enclosed "Applicants' Rights and General Information".

A licence will need to be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to lower the kerblin and cross the footpath at the new access position. The licence is a separate form and will need to be obtained from the Highways Department, Wrexham County Borough Council, telephone 01978 297158.

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.