

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 6 NOVEMBER 2023

APPLICATION NO:
P/2022 /0617

LOCATION:
2 BELGRAVE ROAD WREXHAM
LL13 7ES

DATE RECEIVED:
01/07/2022

COMMUNITY:
Offa

DESCRIPTION:
ADEILADU 2 ANNEDD / ERECTION
OF 2 DWELLINGS

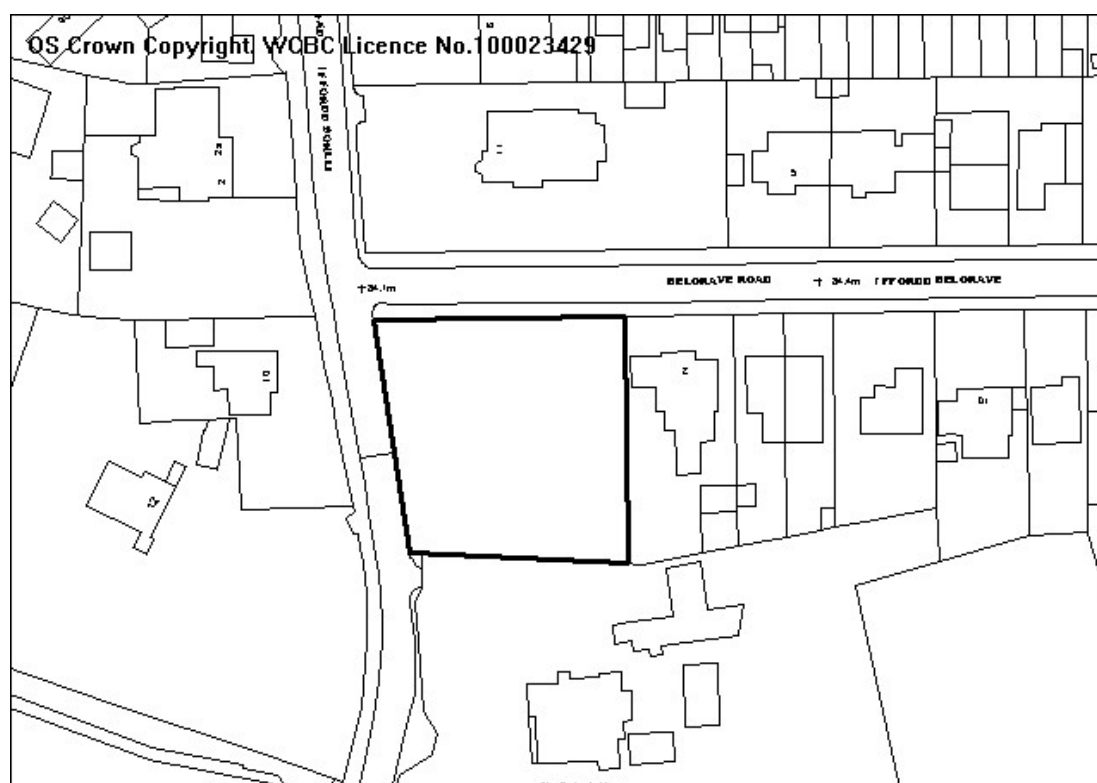
CASE OFFICER:
SEH

WARD:
Erddig

APPLICANT(S) NAME:
MRS S JEFFREYS

AGENT NAME:
BLUEPRINT LTD
DAFYDD EDWARDS

THE SITE



PROPOSAL

The application proposes the erection of two detached, two storey dwellings, within the side garden area of No. 2, Belgrave Road with their own vehicular and pedestrian accesses.

HISTORY

P/2022/0003 ERECTION OF 8 APARTMENTS – WITHDRAWN

DEVELOPMENT PLAN

Unitary Development Policies (UDP)

Within a defined settlement limit and Conservation Area. Policies PS1, PS2, PS3, PS4, GDP1, T8, EC4, EC6 and EC7 apply.

Draft Local Development Policies (LDP)

Within a defined settlement limit and Conservation Area. Policies SP1, SP2, SP14, DM1, NE1, NE3 and NE6 will apply.

CONSULTATIONS

Community Council

Supports the application subject to the following comments:

1. A more detailed plan of the Belgrave Rd frontage showing the wall and greenery is required. This needs to show how the pillars will be reset further back to allow for a splay in order to comply with Highways requirements. The hedge will also be required to be replanted further back.
2. Asks why so many trees need to be removed and asks that the Arboricultural Officer visit the site to ascertain how many can be retained keeping any tree removal to an absolute minimum.
3. Subject to the use of suitably approved materials to complement the Conservation Area.

Local Member

Notified 17.12.22. No response received.

Highway Officer

Raises no objection. Confirmed that the proposed accesses, parking and turning areas are acceptable.

Advises that H-bars should be painted on the highway fronting the access points.

Recommends that a Construction Traffic Management Plan is required along with a condition to require any gates to be installed to be set back by 5 metres from the accesses.

Conservation Officer

Raises no objection subject to a condition being imposed to require the use of appropriate external facing and roofing materials. Notes that the proposed new dwellings fit in well with the character and appearance of the Conservation Area. Advises that the design follows the guidance within LPGN 4 regarding new development within Conservation Areas.

Ecology Officer

Raises no objection subject to planning conditions being imposed to secure:

- No shrub or tree removal taking place between March and September (inclusive);

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- Detailed reasonable avoidance measures (RAMs); and
- Submission of a scheme of Net Biodiversity Benefit (NBB).

Tree Officer

Raises no objection to the development subject to conditions to secure the submission and implementation of an Arboricultural Method Statement and landscaping plan.

Public Protection Officer

Raises no objection subject to standard advisory notes in respect of noise and dust management.

Contaminated Land Officer

No comments to make.

Natural Resources Wales

Raises no objection subject to further information being provided regarding foul drainage. NRW notes that the development has the potential to increase the amount of phosphorus being discharged from the site.

Welsh Water

Raises no objection and confirm that:

- There is capacity to treat additional wastewater from the proposed development within revised Environmental Permit limits; and
- That the sewer network and associated WWTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

Press Notice

Expired 10/08/2022

Site Notice

Expired 04/08/2022

Neighbours

The owners/occupiers of 10 nearby properties notified 18/7/22

1 representation supporting the scheme provided that the dwellings are appropriately designed.

2 representations received from local residents and 3 from persons residing outside of the County Borough, objecting to the development and expressing the following concerns:

- Insufficient parking onsite parking and inadequate vehicular turning and visibly at the access points;
- Construction will cause disturbance;
- Inappropriate construction materials for the Conservation Area;
- Impact upon wildlife and trees;
- Increase in phosphorus discharge to the sewers;

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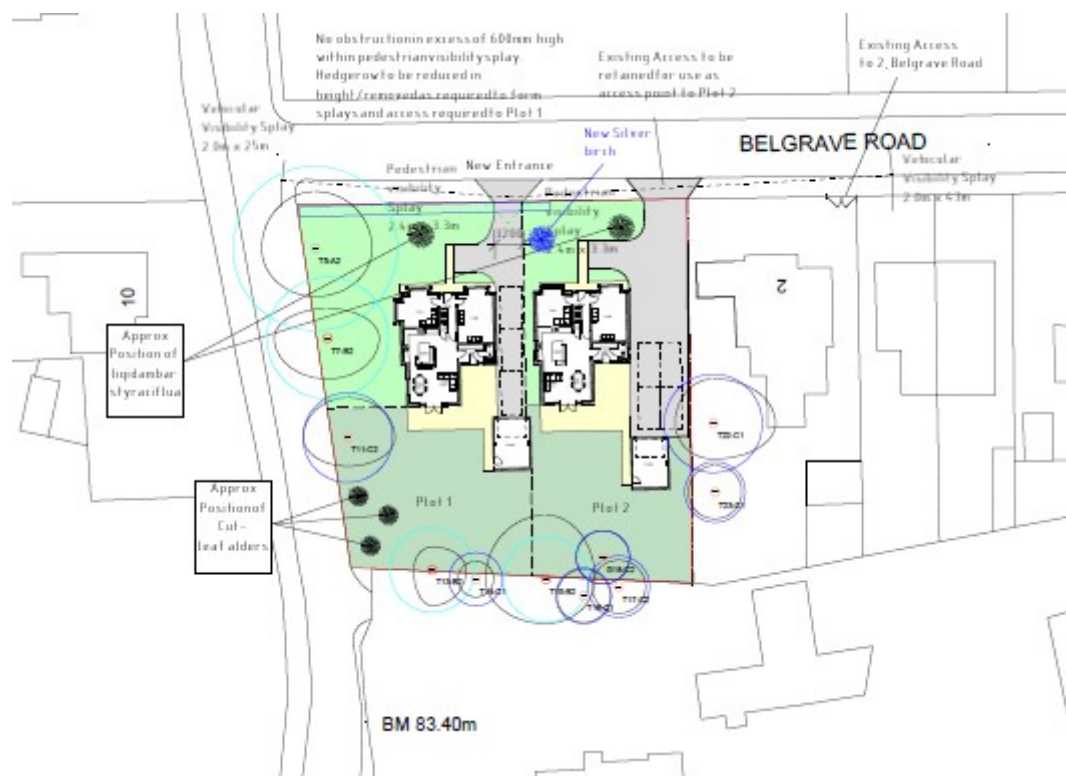
- This large plot is part of the character of the Conservation Area that should not be lost;
- Belgrave Road is low density and should remain as such;
- Design of the dwellings is not consistent with the existing houses; and
- Negative visual impact upon Belgrave and Sontley Roads.

SPECIAL CONSIDERATIONS

Principle of Development: The application site is located within the settlement limits of Wrexham. UDP policy H2 allows for residential development on unannotated land within settlement limits subject to compliance with policy GDP1. The site also lies within the settlement limit in the draft LDP. As such, the principle of development is acceptable.

Design and visual impact: The application site lies within the Fairy Road Conservation Area. In this particular sub-area the dominant house types are detached or semi-detached houses of Victorian character, set within substantial plots and predominately constructed using red brick.

The proposed site plan and elevation plans are included below:



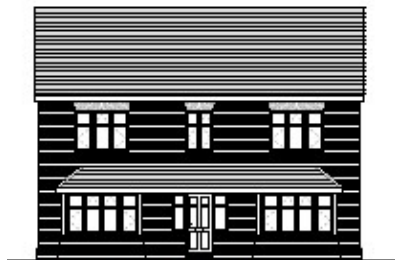


Front Elevation 1:100



Side Elevation 1:100

Plot 1 front and side elevation



Front Elevation 1:100



Side Elevation 1:100

Plot 2 Front and Side Elevation

The proposed dwellings would be set within substantial plots and follow the prevailing building line. Their overall scale and appearance would reflect the character of built development in this part of the Conservation Area. The side elevation of Plot 1 has additional fenestration and detailing than Plot 2, reflecting its more prominent corner position adjacent to the junction with Belgrave Road and Solely Road. The submitted plans propose the use of facing brickwork and natural slate roofing, although full details have not been provided. A suitably worded condition would require further details of the external materials to be submitted for approval prior to their use on the development to ensure their acceptability.

The application site forms part of the garden area of No.2 Belgrave Road. However it is large enough to accommodate the proposed development whilst still retaining a generous garden space for the existing dwelling.

The formation of the proposed accesses would result in alterations to the existing northern boundary. To ensure these alterations are carried out sympathetically to the character of the Conservation Area, a suitably worded condition could be imposed to require a detailed scheme of boundary treatment.

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Having regard to the above, the development would preserve the character of the Conservation Area and accords with policy UDP policy GDP1 and EC7 and draft LDP policies NE6 and DM1.

Residential Amenity: The development accords with the separation distances recommended in LPGN 21. As such the development would not harm the living conditions of occupiers of existing neighbouring dwellings.

Both dwellings would have significantly in excess of the minimum 50 sq. private garden space recommended in LPGN21. The retained garden area of No.2 Belgrave Road would also be in excess of 50 sq.m,

Having regard to the above, the development accords with policy UDP policy GDP1 and draft LDP policy DM1.

Highway Safety: No.2 Belgrave has two existing access, one to the east of the dwelling and one to the west. The western access would serve one of the proposed dwellings, with the other served by a new access onto Belgrave Road.

The Council's Highway Officer raises no objection to the proposed development and has confirmed that the proposed site access would provide adequate vehicular and pedestrian visibility in both directions. Visibility to the existing access is substandard, however the development would not materially increase traffic using compared to the existing situation. Each dwelling would also be provided with parking in accordance with the LPGN16 maximum.

The Highway Officer has recommended that no gates should be erected across the site access within 5 metres of the boundary with the footway. This would be at odds with the prevailing character of the area, where numerous residential accesses are enclosed by gates adjacent to plot boundaries with the footway. Furthermore any vehicle waiting on the highway to enable a gate to be opened or closed would cause obstruction for only a limited period of time. There is no indication that this currently causes significant congestion or highway safety issues elsewhere in the locality, therefore the condition would be unnecessary.

Having regard to the above the proposed development accords with UDP policies GDP1 and T8 and draft LDP policies DM1 and T1.

Ecology: The application is accompanied by an Ecological Impact Assessment. The report recommends Reasonable Avoidance Measures (RAMs) in respect of badgers.

NRW and the Council's Ecology Officer raise no objections subject to the implementation of NBB and RAMs scheme and vegetation clearance taking place outside of the bird nesting season. These matters could be secured by appropriately worded planning conditions.

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Having regard to the above, the proposed development would accord with UDP policy EC6, draft LDP policy NE1. The measures referred to above and also below in respect of tree planting ensure the development would minimise any impact on species and habitats and therefore accords with the Step-Wise Approach outlined in the revised Chapter 6 of PPW11.

Trees: The Council's Tree Officer raises no objection to the proposed development. The substantial trees adjacent to the western boundary and the trees along the rear boundary of the site would be retained. Trees along the northern boundary and in the centre of the site would be removed, the majority are poor quality. Only 1 tree of moderate quality would be removed. The removal of these trees would not be detrimental to the street scene or wider Conservation Area.

The size of each plot would minimise the risk of excessive shading and crown encroachment across the proposed dwellings or their gardens from the retained trees.

Tree protection measures would be required during construction, as would a scheme of replacement tree planting. The measures could be secured by appropriately worded conditions.

Having regard to the above, the proposed development would accord with UDP policy EC4 and draft LDP policy NE3.

Phosphorous: In accordance with NRW's advice for proposed developments within river Special Areas of Conservation, the proposed development has been assessed to determine whether it is likely to have a significant effect on the River Dee and Bala Lake SAC.

The site would connect to the main foul water sewer network. Foul water from the site would drain to Five Fords Waste Water Treatment Works (WwTW).

The Environmental Permit for the WwTW has recently been reviewed. Welsh Water has confirmed that:

- The Five Fords WwTW has the capacity to accommodate the additional wastewater in compliance with revised Permit limits; and
- The sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.

Having regard to the above, the proposed development is unlikely to have a significant effect on the River Dee and Bala Lake SAC. In such terms it accords with policy EC6 of the UDP and policies NE1 and NE6 of the draft LDP.

CONCLUSION

The proposal development is of an appropriate design and would not give rise to residential amenity or highway safety concerns. The development would

preserve the character of the conservation area and therefore accords with the relevant UDP and draft LDP 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 JCI 79 / 004 Rev A, JCI 79 / 005 Rev A, JCI 79 / 006 Rev D and JCI 79 / 077, and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing materials (including windows, doors, ridge tiles etc.), and all hard landscaping and boundary treatment 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. 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.
5. No part of the development shall commence until details of proposed Reasonable Avoidance Measures (RAMs) in respect of Badgers has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with the RAMs as are approved.
6. No part of the development shall commence until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be implemented in full, prior to first occupation / use of the development, and thereafter maintained for the lifetime of the development.
7. No part of the development shall commence until full details of a hard and soft landscaping scheme, to include details of all boundary treatment and tree planting, together with a timescale for the implementation of works have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be fully implemented in strict accordance with the approved scheme. Thereafter, any trees which becomes severely damaged or seriously diseased, is in poor physiological condition or is removed shall be replaced within the next available planting season by trees of the same size and species to those originally required to be planted.
8. 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

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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;

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.

9. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.

10. No external lighting shall be installed until full details of bat friendly lighting have been submitted to, and approved in writing by, the Local Planning Authority. Lighting shall thereafter shall be installed in accordance with the approved details.

11. The development shall be carried out in strict accordance with the findings and recommendations contained within the Preliminary Ecology Appraisal as carried out by Tyrer Ecological Consultants and dated April 2022, approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

13. No shrub or tree removal approved as part of this application shall take place between the months of March and September (inclusive).

14. Prior to first use of the development hereby approved the vehicular access to Plot 1 shall provide visibility splays of 2.4 metres x 25 metres to the west and 2.4 metres x 43 metres to the east, measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

15. Prior to first use of the development hereby approved a pedestrian visibility splay shall be established measured from the centreline of the vehicular access to Plot 1, 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.

16. The vehicular access to Plot 1 hereby approved shall take the form of a dropped vehicular crossing.

17. 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.

18. 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.

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 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.
4. 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.
5. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
6. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.
7. 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.
8. 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.
9. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
11. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
13. To ensure that the development does not harm the conservation of wildlife in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
14. 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.
15. 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.
16. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

17. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

18. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

The applicant is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water maps; some sewers 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 assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The applicant may also need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 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 is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same

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contact details for any other enquiries regarding construction / demolition site noise.

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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

The Applicant is advised that under the 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.

A licence must 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 in connection with condition no. 23. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.
