

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

APPLICATION NO:
P/2023 /0756

LOCATION:
INGLEDENE WYNNSTAY LANE
MARFORD WREXHAM LL12 8LF

DATE RECEIVED:
19/10/2023

COMMUNITY:
Gresford

DESCRIPTION:
DYMCHWEL GAREJIS PRESENNOL,
CODI ANNEDD A CREU MYNEDIAD
NEWYDD I GERBYDAU /
DEMOLITION OF EXISTING
GARAGES, ERECTION OF
DWELLING AND FORMATION OF
NEW VEHICULAR ACCESS

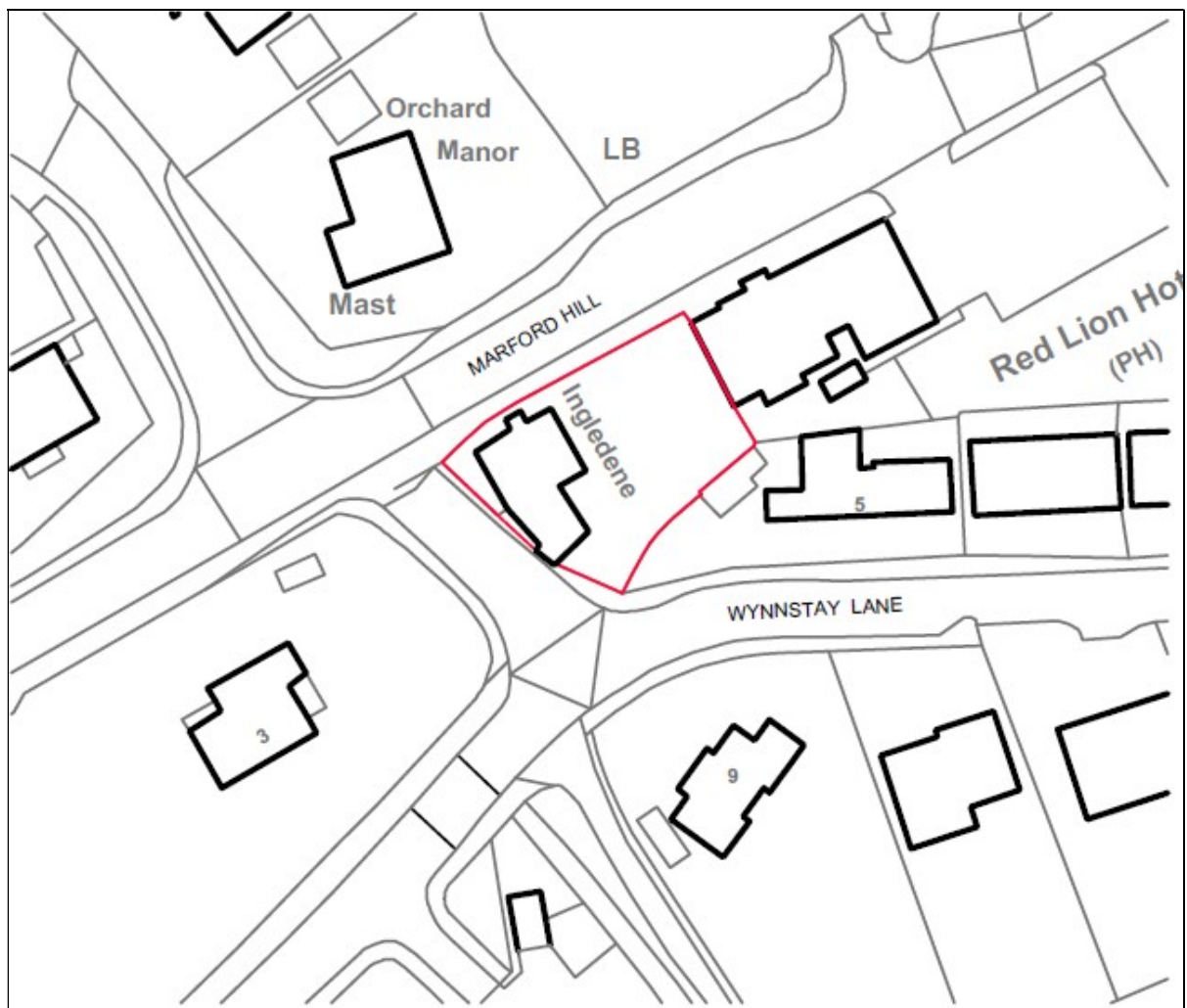
CASE OFFICER:
SEH

WARD:
Marford and Hoseley

AGENT NAME:
MR TOBY SOUTHGATE

APPLICANT(S) NAME:
CAMERON AND PAULINE ROBSON

THE SITE



PROPOSAL

The application proposes to demolish the existing garages and erect a single detached, two storey, two bedroom dwelling, within the garden area of the existing dwelling known as Ingledene.

The original submission proposed that the new dwelling front onto Wynnstay Lane. The application has since been amended so that dwelling would front onto Chester Road.

Both the new and existing dwellings would be served by the existing access onto Wynnstay Lane.

HISTORY

None relevant.

DEVELOPMENT PLAN

Future Wales: The National Plan 2040

Within a defined settlement limit. Policies SP2, SP12, SP14, DM1, T1, NE1, NE3 and NE6 apply. LPGN 16 Parking, 17 Trees and 21 Space around Dwellings are also relevant.

CONSULTATIONS

Community Council

The Council remains concerned about the overdevelopment of the site in a densely packed residential area, close to the primary school.

Local Member

Requests that the application be reported to the planning committee for consideration.

Highway Officer

Raises no objection. Confirms that the proposed vehicular access point and on-site parking are acceptable, and there are no highway safety concerns in this regard.

The parking spaces would access / reverse onto a short section of highway (now blocked off to through traffic – Wynnstay Lane) which is a frequently used pedestrian route to the zebra crossing on Chester Road.

There is little footway provision along this section of the highway. Visibility for pedestrians from the proposed access points would be improved as part of this proposal which is beneficial in highway safety terms.

Ecology Officer

Raises no objection. The conclusions of the Green Infrastructure Assessment are accepted and Net Biodiversity Benefit (NBB) is achievable at the site.

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Planning conditions are required to secure a landscape and management scheme.

Tree Officer

Raises no objection to the development subject to a planting condition. The comments within the Green Infrastructure Assessment are welcomed, as is the proposal to plant six trees.

Public Protection Officer

Raises no objection subject to standard inclusion of Advisory Notes in respect of noise and dust management, and a pre-commencement condition to secure the submission of a noise report and attenuation measures.

Contaminated Land Officer

No comments to make.

PRoW Officer

Marford and Hoseley public footpath 6 runs over the cul-de-sac section of Wynnstay Lane, which is still recorded as vehicular highway. From a public rights of way perspective, raises no issues with the proposed development.

Natural Resources Wales

Raises no objection subject to further information being provided regarding foul drainage, by condition. 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 confirms:

- 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.

Advises that SAB approval will be required in respect of surface water management;

A condition is required to prevent surface water connection to the public sewer.

Neighbours

The owners/occupiers of 6 nearby properties notified. 1 representation received expressing the following concerns:

- The build does not sit comfortably or aesthetically with the adjacent properties and boundaries.

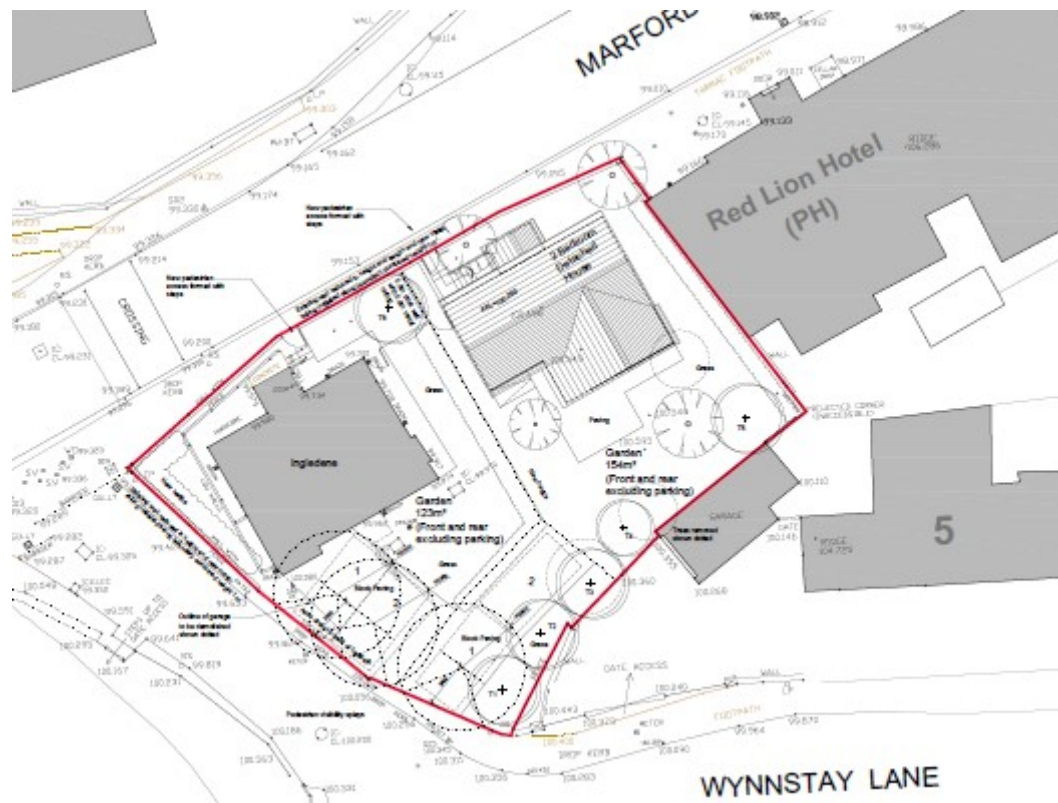
The same owners/occupiers were re-notified of the submission of amended plans. No representations were received.

SPECIAL CONSIDERATIONS

Principle of Development: The application site is located within the settlement limit. As such, the principle of development is acceptable in regards to LDP policy SP2.

Design and visual impact: The site is within a predominantly residential area with a public house and local convenience store located to the north east. There is no dominant style of house in this location, with a mix of single and two storey dwellings of varying mass and scale and use of external facing materials.

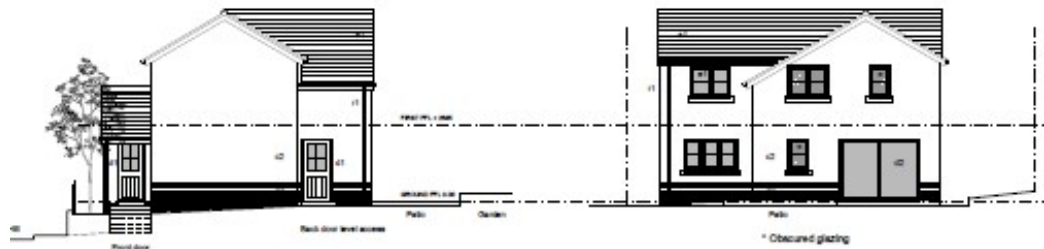
Example existing house types, proposed site, elevation and street scene plans are included below:



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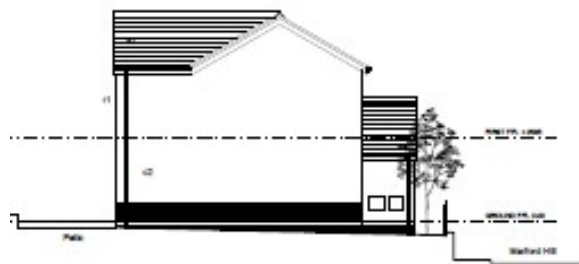


1. Front Elevation - Marford Hill



2. Side Elevation

3. Rear Elevation



4. Side Elevation

The proposed dwelling would be set within a large plot and follow the prevailing building line. Its overall scale and appearance would reflect the varied character of this part of Chester Road. The proposed dwelling would not overwhelm the plot and would assimilate well into the existing street scene. A suitably worded condition could be imposed to require submission of further details of the external materials prior to their use on the development.

The application site forms part of the garden area of Ingledene. The garden is large enough to accommodate the proposed development whilst retaining more than adequate garden space for the existing dwelling.

Having regard to the above, the development would not be detrimental to the character and appearance of the area and accords with LDP policies SP12 and DM1.

Residential Amenity: The development accords with the separation distances recommended in LPGN 21. As such, the development would not

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harm the living conditions of occupiers of the occupiers of surrounding dwellings.

With reference in particular to Ingledene, only secondary or non-habitable room windows face in the direction of the proposed development. The closest affected room being the ground floor living room which will have the benefit of 4 windows on 3 different elevations to provide natural daylight. As such, the proposed development would not restrict daylight to, or outlook from, the habitable spaces within the existing dwelling.

There are no habitable room windows in the side elevations of the proposed dwelling, such that any overlooking between these properties is avoided.

Both the existing and proposed dwellings would have garden space in excess of the minimum 50 sq. private garden space recommended in LPGN21, being 123 and 154 sqm respectively.

The Council's Public Protection Officer has advised that noise attenuation measures are achievable to safeguard the occupiers from any noise associated with the nearby public house and convenience store. These could be secured by a suitably worded condition.

Having regard to the above, the development accords with LDP policy DM1.

Highway Safety: The vehicular access to the existing 3 bedroom dwelling (Ingledene) is off Wynnstay Lane. It provides access to a double garage, with a parking space alongside the garage. The parking space is enclosed by a boundary wall adjacent to the highway.



The existing garage and boundary wall would be demolished, to alter the access to serve both the existing and proposed dwellings. This would improve visibility and be of benefit to highway and pedestrian safety. Two private car parking spaces would be provided for the host dwelling and new dwelling. This would accord with LPGN16.

Having regard to the above, the proposed development accords with LDP policies DM1 and T1.

Ecology: The application is accompanied by Ecological Impact and Green Infrastructure Assessments.

NRW and the Council's Ecology Officer raise no objections subject to the implementation of a scheme of NBB. A landscape scheme could be secured by an appropriately worded planning condition. In this regard, the proposed development would accord with LDP policies SP14, DM1 and NE1.

The tree planting measures referred to above and also below would ensure that any impact on species and habitats arising from the development would be minimised. On this basis, the proposal accords with the Step-Wise Approach outlined in Chapter 6 of PPW12.

Trees: The Council's Tree Officer raises no objection to the proposed development and welcomes the planting of 6 trees to enhance canopy cover locally. A planting scheme could be secured by an appropriately worded planning condition.

Having regard to the above, the proposed development would accord with LDP policies DM1 and NE3.

Phosphorous: In accordance with NRW's advice for proposed developments within river Special Areas of Conservation (SAC), 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 Lavister Waste Water Treatment Works (WwTW).

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

- The Lavister 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 policies NE1 and NE6 of the LDP.

Affordable Housing: The site is within the North Wrexham and Gresford sub-market area sub-market as defined in policy H2. The policy applies a 25% requirement for affordable housing to residential developments of 10 or more dwellings in this sub-market area. It also sets an expectation that this would be provided on site in the first instance, with off-site provision or commuted sums being accepted in lieu of on-site provision in exceptional circumstances.

For developments of less than 10 dwellings, policy H2 sets an expectation that commuted sum contributions towards affordable housing in 3 sub-market areas, including North Wrexham Gresford, in line with details set out in an adopted SPG. The relevant SPG has yet to be adopted. In the absence of an adopted SPG setting out in detail how affordable housing contributions will be calculated for small housing developments, it would not be reasonable to make the granting of planning permission subject to the prior completion of a Planning Obligation to secure a financial contribution towards affordable housing.

Other Matters: Policy 13 of Future Wales requires new development to include provision of Gigabit capable broadband from the outset. This could be secured by a suitably worded condition.

CONCLUSION

The proposed development is of an appropriate design and would not give rise to residential amenity or highway safety concerns. It would accord with the character and appearance of the area and complies with the relevant 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 L01 Rev F, L03 Rev C and L04 Rev C, 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 part of the development shall commence until a noise survey has been carried out, and a detailed report of the survey findings has been submitted to, and approved in writing by, the Local Planning Authority. The noise survey shall determine noise levels for both Day (07:00 - 23:00 hours) and Night (23:00 - 07:00 hours), having regard to Planning Policy Wales

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(PPW) Guidance, Technical Advice Note (TAN) 11 - Noise. The report of the noise survey findings shall include:

- a) Noise levels arising from day / night time activities in the vicinity of the proposed development site and the impact upon the existing or proposed accommodation, and
- b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the existing or occupants of the proposed accommodation hereby approved.

The measures as are approved shall be fully implemented prior to the first occupation / use of the development.

5. 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.

6. No development shall commence until a detailed plan to provide net benefit for biodiversity (NBB) has been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first beneficial use of the development and shall be retained thereafter 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 and 10 year management plan, have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping and boundary treatment scheme shall be fully implemented and managed in strict accordance with the approved plans.

8. The planting and boundary scheme implemented in connection with condition no. 7 shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.

9. Development shall not commence until a scheme to enable the provision of Gigabit capable broadband infrastructure from the site boundary to the dwelling hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the dwelling.

10. 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.

11. The vehicular parking and turning areas as shown on approved drawing no. L01 Rev F 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.

12. Prior to first use of the development hereby approved, pedestrian visibility splays at the access points shall be established, measured from the centreline of the vehicular accesses 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

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metres in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

13. Prior to first use of the development, the vehicular accesses shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.

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

15. 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 points to intercept any such run off prior to first use of the development.

16. 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.

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

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 Policy DM1 of the Wrexham Local Development Plan.

4. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.

5. 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 Policy DM1 of the Wrexham Local Development Plan.

6. To ensure the development delivers net benefit to biodiversity in accordance with Policy 9 of Future Wales and Paragraph 6.4.5 of Planning Policy Wales (Edition 12).

7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.

8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.

9. To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

10. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

11. To provide for the parking of vehicles clear of the highway in accordance with Policies DM1 and T1 of the Wrexham Local Development Plan.

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12. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy DM1 of the Wrexham Local Development Plan.
13. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
14. 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 in accordance with Policy DM1 of the Wrexham Local Development Plan.
15. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
16. 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 Policy DM1 of the Wrexham Local Development Plan.
17. To ensure that the development does not harm the conservation of wildlife in accordance with Policies SP14 and NE3 of the Wrexham Local 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 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

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1980) from the Highway Authority in order to lower the kerblin and cross the footpath in connection with condition no. 15. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 298884.

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.
