

REPORT OF THE HEAD OF ENVIRONMENT AND PLANNING

5th MARCH 2018

APPLICATION NO:

P/2017 /0967

LOCATION:

LAND SOUTH OF NANT COTTAGE
LOWER ROAD COEDPOETH
WREXHAM
LL11 3TP

DATE RECEIVED:

23/11/2017

COMMUNITY:

Coedpoeth

CASE OFFICER:

SEH

WARD:

Coedpoeth

DESCRIPTION:

ERECTION OF 2 NO. DETACHED
DWELLINGS WITH ASSOCIATED
GARAGES AND PARKING

AGENT NAME:

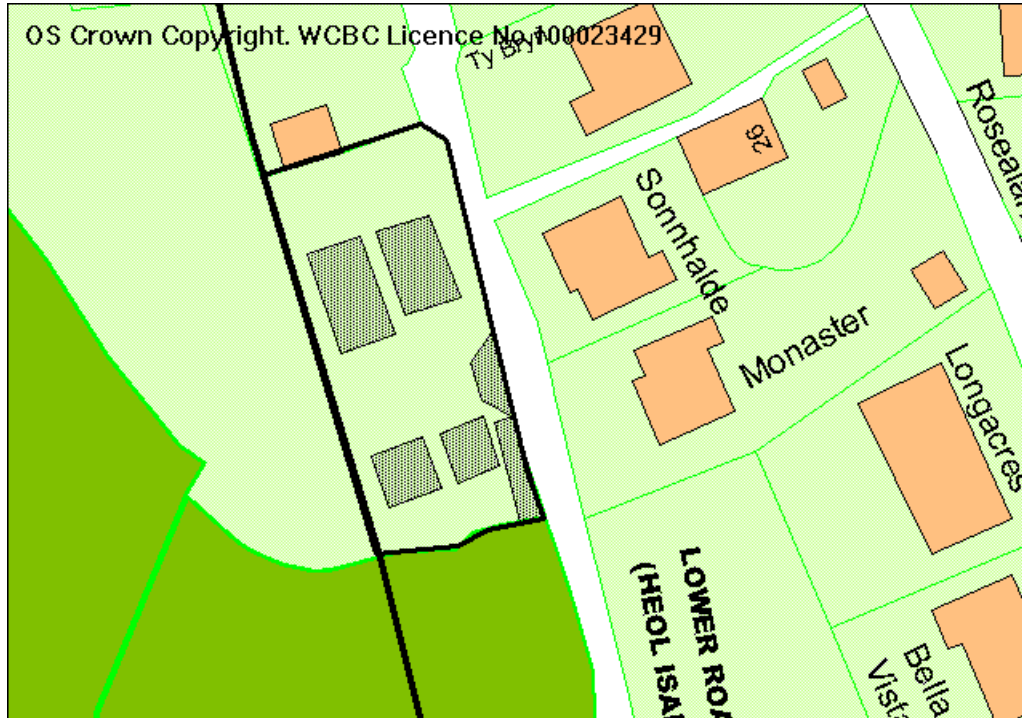
BLUEPRINT LTD
MR DAFYDD EDWARDS

APPLICANT(S) NAME:

MR M DAVIES

THE SITE

Site lies to the south of Nant Cottage and adjoins Lower Road Coedpoeth. The land directly opposite to the east and to the north of the site consists of residential properties and the remaining boundaries are surrounded by open countryside. The site lies considerably lower than the land to the east.



PROPOSAL

As above

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RELEVANT HISTORY

P/2004/1374	Erection of dwelling and attached garage. Approved 10/01/2005;
P/2006/1029	Erection of dwelling with detached garage. Approved 09/10/2006;
P/2010/0743	Erection of dwelling with detached garage. Approved 07/10/2010;
P/2014/0331	Erection of dwelling with detached garage. Approved 18/06/2014.

DEVELOPMENT PLAN

The site is within settlement limit. Policies PS1, PS2, PS3, PS4, H2, T8, T9, EC4, EC6 and GDP1 apply. Local Planning Guidance Notes Nos. 16 'Parking' and 21 'Space around Dwellings' are also relevant.

CONSULTATIONS

Community Council:	Objects on the following grounds: <ul style="list-style-type: none">• the access road is narrow and cannot accommodate 6 additional cars;• Lower Road is not a through road and all the traffic will have to come back up Middle Road;• Erection of 1 no. dwelling is more in keeping.
Local Member:	Notified 24/11/2017
Highways:	No objections subject to conditions (see Special Considerations below).
Public Protection:	Recommend conditions regarding construction noise, dust and contamination.
NRW:	No objections.
Welsh Water:	Recommend drainage conditions.
Site Notice:	Expired 18/12/2017
Neighbours:	4 online comments received raising the following matters: <ul style="list-style-type: none">• Loss of view;• Loss of light,• Loss of privacy;• Visually overbearing /obtrusive;• Buildings are too high;• Noise and vibrations;• Ground stability;• Houses will be an eye sore;• Impact upon wildlife – hedgehogs and squirrels etc;• Dwellings will be out of character with the appearance of the locality;

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- The previously approved dwelling was less intrusive;
- Heavy plant machinery will damage nearby properties;
- Amended scheme does address the concerns raised.

SPECIAL CONSIDERATIONS/ ISSUES

Background: This is a full application for the erection of 2 no. dwellings and associated new vehicular access off Lower Road. Planning permission has been granted on 4 previous occasions for 1 no. dwelling (see history above). The main issues to consider relate to the impact of the development upon highway safety, residential amenity and upon the character and appearance of the area.

Design: The site is a rectangular piece of land with levels falling from east to west. Access to the site would be from Lower Road with side gable facing this highway. The dwellings located within the area and along Lower and Middle Road vary considerably in design, type, size and use of materials and there is no particular pattern of development. The proposed development reflects several housing layouts of the area and there are a variety of houses types with individual properties orientated to address the street scene. The proposed dwellings are unique and do not particularly reflect the design and appearance of existing buildings within close proximity. This is however appropriate for the characteristics of the area. Most properties in the locality have an aspect to the west and south, and this proposal reflects this taking advantage of the solar gain, topography of the site and the available views, successfully dealing with the sloping nature of the site.

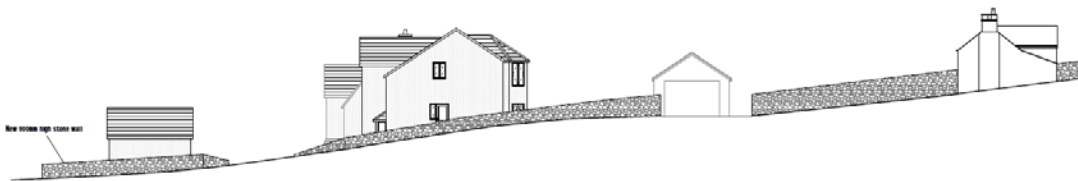


Figure 1 – Street Scene

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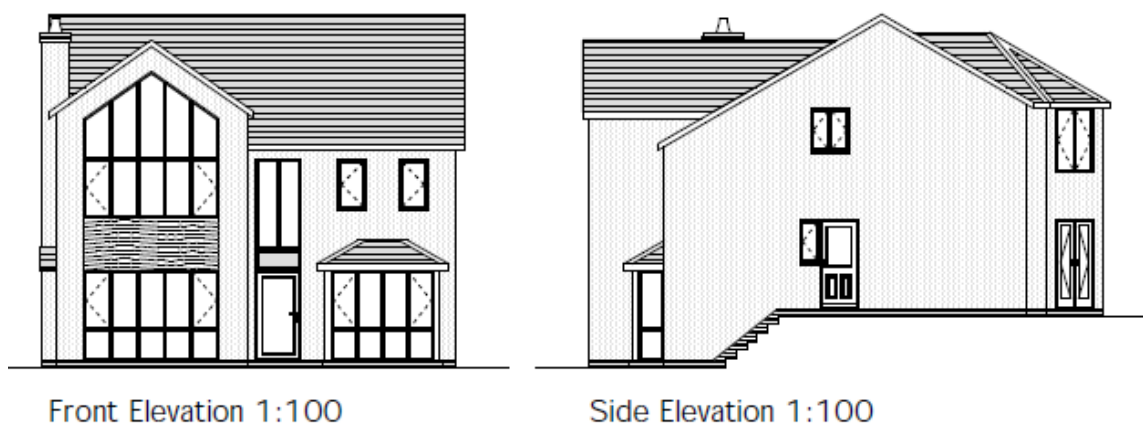


Figure 3 – Plot 1 (adjacent to highway)

Residential Amenity: The site is considered large enough to accommodate 2 no. dwellings together with outdoor space of adequate size in accordance with LPGN No.21 'Space around Dwellings'. Having considered also the properties around the site, the proposed development is in accordance with the Council's separation distances and guidance on 'Space around Dwellings'. As such no significant loss of light or privacy (subject to a condition securing obscure glazing in the side elevation of Plot 1) would occur to existing surrounding properties.

Highways: The site is situated on a narrow unclassified road where vehicular speed is no greater than 15 mph due to the geometry of the road. The recommended visibility splay (2.4 x 17m) is achievable at the site as is the gradient required to facilitate a safe vehicular access. Construction details will be required by planning condition for further approval. Ground investigation works will also be required prior to commencement of development. Given the restricted width of Lower Road it is considered that a passing place should be provided along the site frontage, located south of the proposed access. Submission of a detailed scheme is also required by condition.

Other Matters: Concerns raised in relation to the potential loss of view are not relevant planning considerations. Although the impact of the construction phase is not a relevant planning consideration (as it is covered by other legislation) a condition will be attached to the permission to restrict working hours in the interests of protecting the amenities of the local residents.

Conclusion: The proposed dwellings are acceptable in terms of scale and design, and adequate onsite parking has been provided together with safe and satisfactory vehicular and pedestrian access. The creation of a passing place will be to the benefit of all road users. The residential development of the site would not be significantly detrimental to residential amenity in terms of loss of light or privacy and I recommend accordingly.

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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 D086/008 Rev C, D086/005 Rev B, D086/006 Rev B and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing 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. With the exception of those shown on the approved plan and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification) no windows or other openings shall be inserted in any elevation of the building.
5. Any garage erected under this permission shall be used only for a purpose incidental to the use of the dwelling as a single dwelling house provided that such use shall not preclude the garaging of a private motor car.
6. The vehicular parking and turning areas as shown on approved drawing(s) No(s). D086/008 Rev C 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.
7. The gradient access from the edge of the existing carriageway shall be a maximum of 1:8.
8. The proposed access shall have visibility splays of 2.4 x 17 m in both directions measured to the centre line of the adjoining highway within which there shall be no obstruction in excess of 1.0m in height.
9. The proposed access shall be surfaced using hard bound materials for a minimum distance of 5 metres behind the highway boundary. Any gates to be erected at the proposed access shall be a minimum of 5m from the edge of the adjacent carriageway.
10. No part of the development shall commence until further details of site investigation works in relation to the stability of the embankment and wall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with any measures as approved.
11. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:
 - 1) Passing bay
 - 2) Retaining wallThe scheme as is approved shall be fully implemented prior to first use of the development.

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12. Each part of the site subject to the remediation under the scheme approved as part of condition 11 and 12 of planning permission ref: P/2014/0331 shall not be occupied / used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.
13. 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 unless the prior written approval of the Local Planning Authority has been obtained.
14. 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.
15. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.
16. The landscaping scheme submitted and approved in connection with condition no. 15 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
17. The landscaping scheme as carried out in connection with condition no. 16 shall be permanently retained. Any planting becoming 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 with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.
18. The vehicular access hereby approved shall be a minimum width of 4.8 metres.
19. 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), any window or opening in the elevation facing East (Plot 1) shall only be glazed or re-glazed using obscure glass which shall thereafter be permanently retained.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To define the scope of the planning permission.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
4. To protect the amenities of the occupiers of nearby properties.
5. To ensure that the garage is not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties and to ensure that facilities for the garaging of a car remain available at this address at all times.

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6. 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.
7. In the interests of highway safety.
8. In the interests of highway safety.
9. In the interests of highway safety.
10. In the interests of highway safety.
11. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
12. In the interests of the amenities of the future occupants of the buildings
13. To protect the amenities of the occupiers of nearby properties.
14. 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.
15. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
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18. To ensure the formation of a safe and satisfactory access.
19. To protect the amenities of the occupiers of nearby properties.

NOTE(S) TO APPLICANT

Further advice on compliance with condition no. 12 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site.

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

The applicant is advised that compliance with condition no. 13 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

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deemed necessary, and failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environment and Planning Department on 01978 315300 for further advice and information.

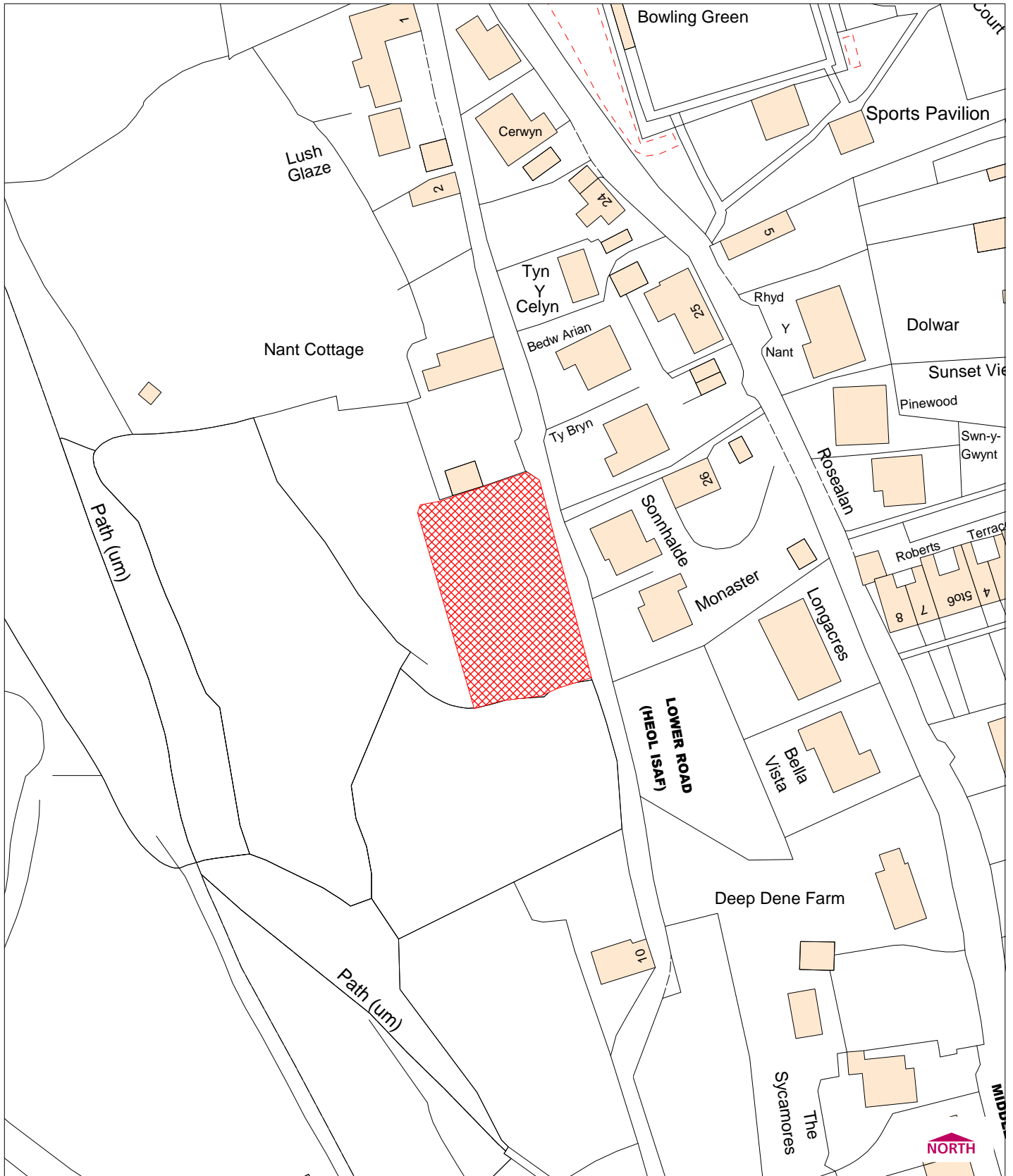
The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with 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.

Some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water, the applicant is advised to contact the Operations Contact Centre at Dwr Cymru on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

PLANNING COMMITTEE - 5 MARCH 2018
ADDENDUM

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Land South of Nant Cottage, Coedpoeth
SPEAKER: FOR – Stuart Hatherall (Agent)



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HEAD OF ENVIRONMENT AND PLANNING
 16 LORD STREET
 WREXHAM
 LL11 1AY

07/03/18
 Scale 1:1250

Town & Country Planning Act 1990
Appeal Site Location Plan



P/2017/0967
 LAND SOUTH OF NANT COTTAGE, LOWER ROAD
 COEDPOETH, WREXHAM
 COUNCILLOR KRISTA CHILDS
 COUNCILLOR MICHAEL DIXON

