

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

**APPLICATION NO:**  
P/2019 /0096

**LOCATION:**  
4 SALEM ROAD COEDPOETH  
WREXHAM  
LL11 3SG

**DATE RECEIVED:**  
08/02/2019

**COMMUNITY:**  
Coedpoeth

**DESCRIPTION:**  
ERECTION OF 1 NO. DWELLING  
AND CONSTRUCTION OF NEW  
VEHICULAR AND PEDESTRIAN  
ACCESS

**CASE OFFICER:**  
PF

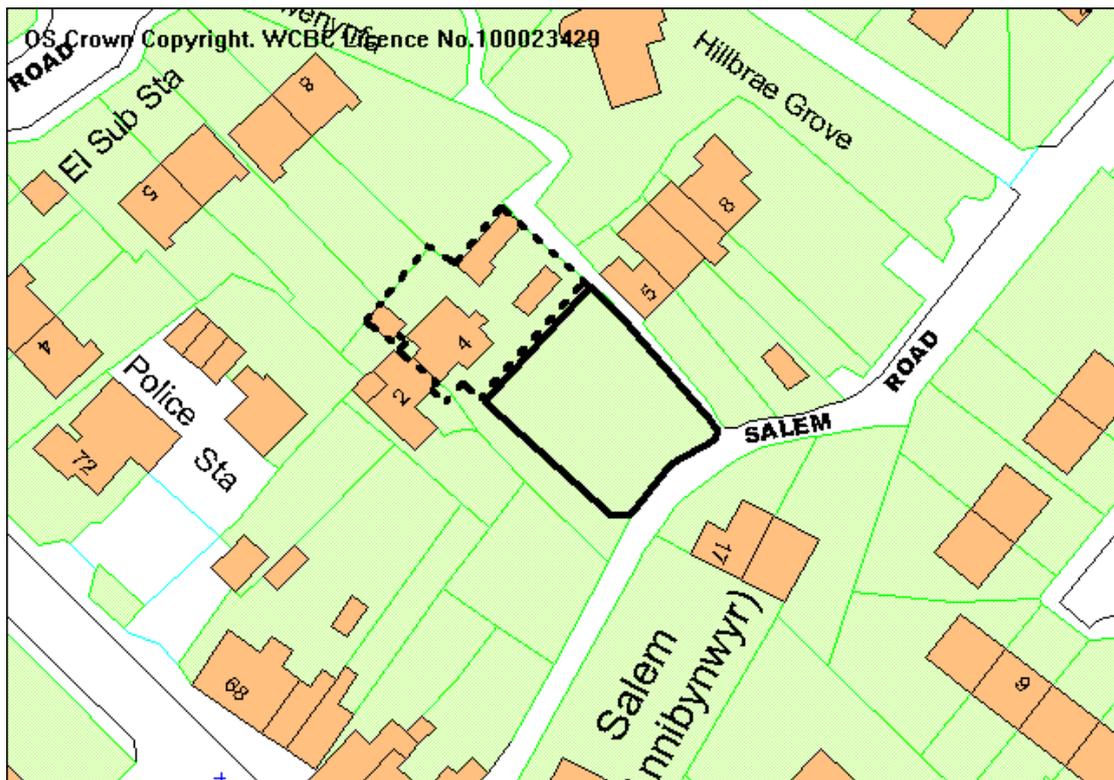
**WARD:**  
Coedpoeth

**AGENT NAME:**  
REAL PLANNING  
MR GERRY KELLETT

**APPLICANT(S) NAME:**  
RYAN AND RHIAN POWELL

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**THE SITE**



**PROPOSAL**

Full planning permission is sought for the erection of one two storey 3 bedroom dwelling with associated access and hardstanding.

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## **HISTORY**

None.

## **PLANNING POLICY**

The site is located with the Coedpoeth settlement as designated in the Wrexham Unitary Development Plan. Policies PS1, PS2, PS3, PS4, GDP1, H2 and T8 are relevant. Guidance is also contained in Local Planning Guidance Notes 16 – Parking Standards and 21 – Space Around Dwellings.

## **CONSULTATIONS**

Community Council:	Consulted 11.02.2019
Local Members:	Cllr M. Dixon – No comments at this stage. Cllr K. Childs notified 11.02.2019
Site notice:	Expired 06.03.2019
Public Protection:	Ground contamination investigations will be required due to historic metal mining in the area. Standard notes to applicant are recommended in relation to construction nuisance measures.
Highways:	Adequate visibility splays can be provided given the likely traffic speeds. Adequate off road parking and turning is proposed.
Welsh Water:	An easement is required in relation to the public sewer which crosses the site. A condition requiring a detailed drainage plan should be submitted as one has not accompanied the planning application.
NRW:	No comments.
Neighbouring occupiers:	5 neighbouring occupiers notified. 10 responses received raising the following objections: <ul style="list-style-type: none"><li>• The site notice was not placed in a prominent enough location;</li><li>• This would represent an over development of the garden area, would be detrimental to the character of Salem Road and the setting of the Grade II Salem Chapel;</li><li>• The neighbouring dwelling would be overshadowed and lose natural daylight;</li><li>• Privacy would be lost as the first floor windows would overlook the neighbouring garden areas;</li><li>• It would hem in the neighbouring occupiers due to its position;</li></ul>

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- Another driveway on Salem Road would result in a safety issue as it is a one way road and narrow;
- The build process would cause disruption to the whole of Salem Road i.e. vans and lorries doing building deliveries;
- The proposed timber screen fence will impact upon the shared driveway of nos. 2 and 4 which is already tight;
- Boundary lines do not appear correct on the submitted plans;
- It will look out of place with other dwellings;
- A neighbour purchased their property due to it having no overlooking. The proposed dwelling will overlook the garden and only the highest summer sun will reach their garden;
- Surface water is likely to run down from the site and affect the neighbouring properties;
- Another dwelling will potentially increase on street parking disputes;
- Visibility on Salem Road will cause a problem for pedestrians;
- The new dwelling is against the current building line along Salem Road;
- The design of the dwelling will not be in keeping with the area;
- The perceived speed of 20mph as concluded by WCBC Highways teams is wrong; and
- There will be disturbance from noise and dust during the construction phase.

### **SPECIAL CONSIDERATIONS**

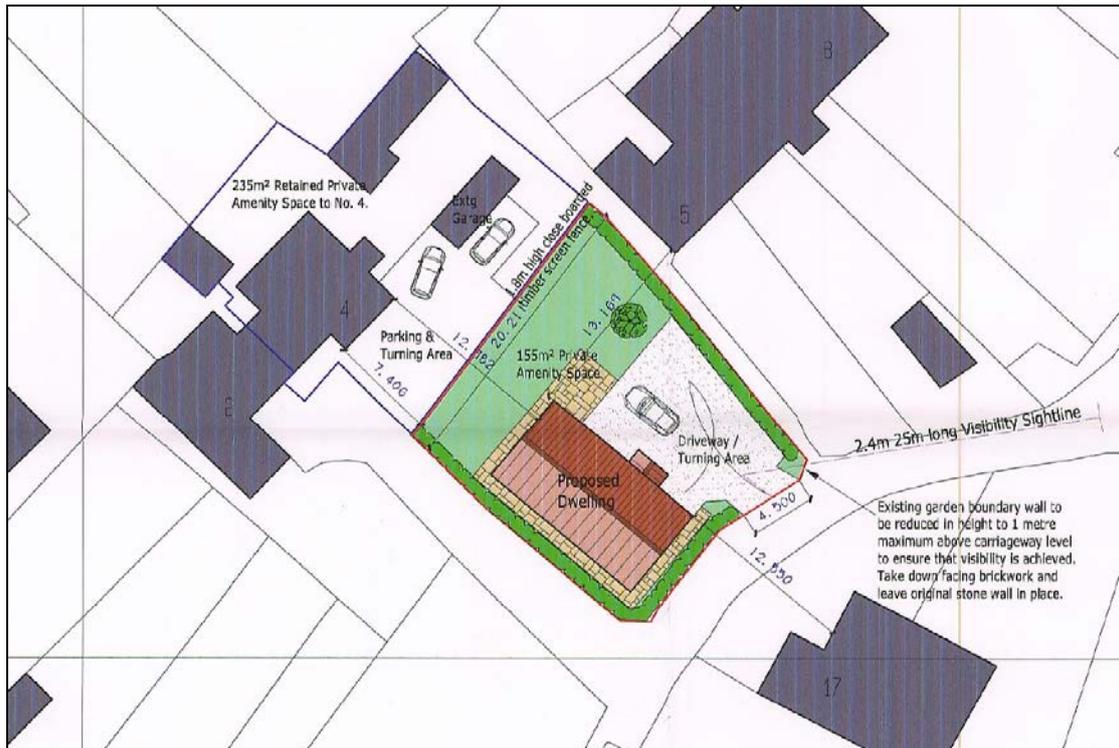
**Policy:** The site is located within the Coedpoeth settlement. Policies PS1 and H2 of the Wrexham UDP establish the principle of residential development in this location. All development proposals must adhere to the council's general development principles (policy GDP1) and parking requirements (policy T8). These matters are discussed in detail below.

**Design:** Salem Road is a one way street which narrows as it leads round to its junction with the main A525 High Street. The general pattern of development in this location is one of a scattered character. Nos. 2 and 4 (the application site) sit some distance from the highway boundary with the

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frontages of nos. 5 to 8 sitting 10 metres closer. Across the road from the application site are nos. 16 and 17 – their semidetached footprint sitting in an isolated position in the overall context of the streetscene.

The proposed dwelling would sit within the front garden area of no. 4. Its principle elevation would sit at a right angle to the orientation of nos. 2 to 8. I have shown the proposed layout in the image below.



**Proposed site plan**

In this instance, I am satisfied that the proposed dwelling would not appear incongruously in the streetscene. On approach from a north easterly direction the principle elevation would be seen in the same context as nos. 16 and 17 Salem Road and it would sit comfortably creating a right angle to the frontages of nos. 5 to 8. It would not appear incongruous in front of nos. 2 and 4 given that they sit a considerable distance from the road frontage. I am satisfied that there is sufficient space between the footprint of the proposed dwelling and the existing properties without it looking hemmed in.

**Amenity:** Concern has been raised by neighbouring occupiers that allowing the proposed dwelling would result in detrimental levels of overlooking and loss of natural daylight. The applicant has annotated the proposed site layout with the key separation distances between the footprint of the proposed dwelling and the neighbouring buildings. Given the position of habitable room windows, which all face in a north easterly direction, I am satisfied that the proposed dwelling accords with the council separation standards as laid out in LPG21. The principle elevation of the dwelling does face directly towards the front garden area of nos. 5 to 8. Given the size of the front garden areas of

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these dwellings, they do appear to use as a mixture of amenity space and frontage access and parking. That said, any overlooking into these areas is likely to be limited. The gardens are not the only amenity spaces associated with the dwellings and in any case, given the proposed layout is generally in accordance with the overall settlement pattern of the area. It is for this reason that I am also satisfied that there will be no detrimental loss of natural daylight to these properties and the mass of the dwelling will not be overbearing.

**Highways:** Highways consider that the likely speed of vehicles using this stretch of Salem Road would be no more than 20mph. On this basis, the applicant is able to demonstrate adequate visibility splays in a north easterly direction commensurate to that speed. Whilst representations have been made to suggest that splays should be provided at the stated speed limit of the road, this would be unreasonable based on the highways engineers observations of likely speeds of traffic. Representations also state that traffic has been witnessed at the point of the application site access in excess of 20mph. Based on my own observations of the geometry of the road, I consider this highly unlikely.

Parking and turning provision can be provided in line with the maximum requirements of LPG16. On this basis, I am satisfied that the proposed development can be implemented without causing detriment to highway safety.

**Other matters:** Contrary to representations made, I have no reason to believe that the development cannot be implemented within land wholly controlled by the applicant as indicated within the application documentation. Any disputes regarding the position of any boundary is a civil matter between the parties involved.

Given the scale of the proposed development, I am of the opinion that construction nuisance will be minimal. It is inevitable that there may be some limited disturbance from materials deliveries, especially given the geometry of the highway. That said, this disturbance is likely to be short term and is not a reason to resist this development.

Whilst Welsh Water have requested the provision of a detailed drainage plan, no indication has been given to suggest that foul water cannot be communicated to the existing infrastructure. Approval of surface water will be required through the Building Regulations and SAB approval process. I therefore do not consider that such a condition is necessary in this instance.

**Conclusion:** I am satisfied that a dwelling can be provided on site in accordance with the council's planning standards and will not detrimentally impact upon the neighbouring occupiers. 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 10361.01.dsj, 10361.02.dsj and 0361.03.dsj and as contained within the application documentation.
3. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.
4. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 3 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.
5. 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.
6. 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.
7. Prior to the first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4m by 25m in a north easterly direction measured to the centreline of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any obstruction to visibility.

**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.

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3. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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5. 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.
6. 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.
7. 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.

**NOTE(S) TO APPLICANT**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:  
[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://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

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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](http://www.groundstability.com) or a similar service provider.

If any 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](http://www.gov.uk/government/organisations/the-coal-authority)

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.

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