

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
7th MAY 2019

APPLICATION NO:
P/2019 /0147

LOCATION:
LAND ADJACENT TO 1 ISLWYN
BEECH AVENUE
RHOSLLANERCHRUGOG

DATE RECEIVED:
26/02/2019

COMMUNITY:
Rhos

WREXHAM LL14 1AA

CASE OFFICER:
SEH

WARD:
Ponciau

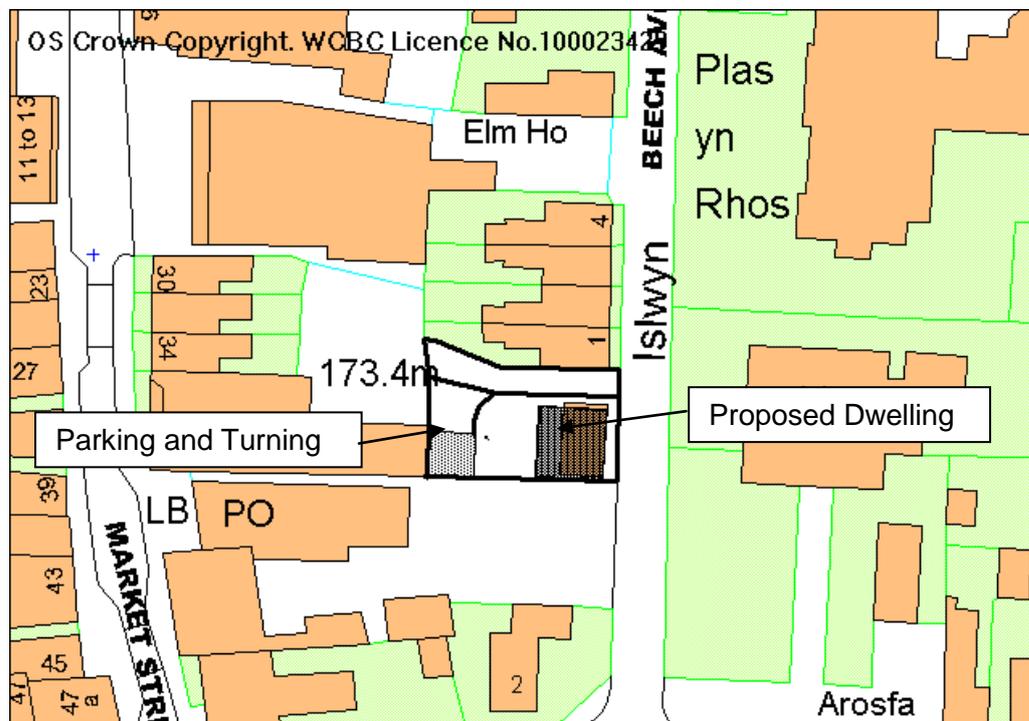
DESCRIPTION:
DEMOLITION OF EXISTING GARAGE
AND REPLACEMENT WITH A
DETACHED DWELLING

AGENT NAME:
HERITAGE PLANNING
CONSULTANCY
MISS ANNE MORRIS

APPLICANT(S) NAME:
VINCENT, GRAHAM HUGH & ANNE
MORRIS

THE SITE

A plot of land measuring approximately 275 square metres currently housing a dilapidated outbuilding / garage.



PROPOSAL

As above

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HISTORY

None relevant

DEVELOPMENT PLAN

Within a defined settlement. UDP Policies GDP1, PS1, PS2, PS3, PS4, H2 and T8 apply. Local Planning Guidance Notes Nos. 16 'Parking Standards' and 21 'Space around Dwellings' are also relevant.

CONSULTATIONS

Community Council:	Re-consulted 08/04/2019
Local Member:	Councillor Pemberton: No observations at this stage. Councillor Hughes: Re-notified 08/04/2019
Public Protection:	No objections subject to the imposition of conditions restricting noise, dust and bonfires.
Highways:	No objections subject to the imposition of conditions relating to access and parking etc. (See Special Considerations below)
Welsh Water:	No objections subject to the imposition of conditions relating to drainage.
NRW:	No comments to make
Site Notice:	Expired 22/03/2019
Neighbours:	One letter received expressing the following concerns: <ul style="list-style-type: none">• Loss of light, view and privacy;• The site of the application property is bounded on both sides by accesses which receive deliveries by large service vehicles, which does not bode well for a satisfactory residential environment – however well designed that dwelling may be;• The access on the far side of the site from my Clients' service compound also doubles as the customer car park for branches of Bargain Booze and the Post Office (located inside the former), from which the application site presently acts as a 'buffer' so far as Islwyn is concerned;• The view of the Council's Environment Service Manager - that removal of the existing garage would be of benefit to the highway – is not a material consideration in determining the merits of the proposed development. Large vehicles accessing adjacent and nearby commercial premises cope with its existence;

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- Residential use is not the only potential use for this site on redevelopment. Further consideration of the best use for this small parcel of land seems desirable;
- The 2m 'setting back' of the intended dwelling from the edge of the highway for the purpose of visibility would still leave the intended dwelling and highway in an extremely tight juxtaposition, especially assuming the dwelling was a two-storey house;
- The proposed development would lead to increased density of use of Beech Avenue by vehicular traffic as well as encourage overcrowding of the subject site by vehicles. Although the plans showing reversing angles for a single vehicle suggest that the vehicle would be able to park within the curtilage of the proposed dwelling, rather than on the shared right of way, I question how realistic it is to expect that the occupiers of a detached house would limit themselves to owning and using only one vehicle. Even if they did, where would the vehicles of their visitors and contractors etc. park?
- It is noted that the response of Dwr Cymru Cyf. is opposed to the discharge of surface water drainage from the proposed new dwelling into the public combined sewerage network: given the limited size of the site, proximity both of my Clients' property, 1 Islwyn and the highway, where is surface water to go without impacting upon any of these 'neighbours' adversely?
- Since the applicant owners of the property are long-term residents either completely outside the area or in distant Glyn Ceiriog - that the Application is not to permit the construction of a dwelling for use by any of the applicants, but to enhance the value of the plot for sale with the benefit of planning permission. The likely outcome – if permission is granted – is that the Sellers will not be personally responsible for the impact of any development as it proceeds on my Clients or other neighbours. I question whether it is appropriate for a

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planning authority to be the means of unlocking the financial potential of land as a primary purpose, when the bringing into use of the land is, at best, only secondary and incidental to that primary purpose.

Re-notified 08/04/2019

SPECIAL CONSIDERATIONS/ISSUES

Background: This is an outline application for the demolition of an existing garage and erection of 1 no. two storey dwelling, with all matters reserved for subsequent approval. The site lies within the settlement limit of Rhos, where residential development is acceptable in principle subject to compliance with UDP Policy GDP1. The main issues to consider therefore relate to impact of the development of the site upon the residential amenities of the occupiers of the surrounding properties in terms of loss of light, view and privacy, and the impact upon highway safety.

Layout and Residential Amenity: The site is considered large enough to accommodate a single dwelling whilst providing on-site parking and outdoor recreation space. Having considered also the properties around the site, it is possible to achieve the erection of a dwelling on this land in accordance with the Council's separation distances and guidance in LPGN. 21 'Space around Dwellings' which protect privacy and daylight.

The applicant has submitted an indicative layout plan which demonstrates that the plot is large enough to accommodate a dwelling which would be of character in relation to the surrounding properties, whilst protecting the visual amenities of the area. Design, appearance and residential amenity will all be properly considered at the reserved matters stage to ensure that there is no significant loss of light or privacy to surrounding properties, and that the development fits in with the existing street scene.

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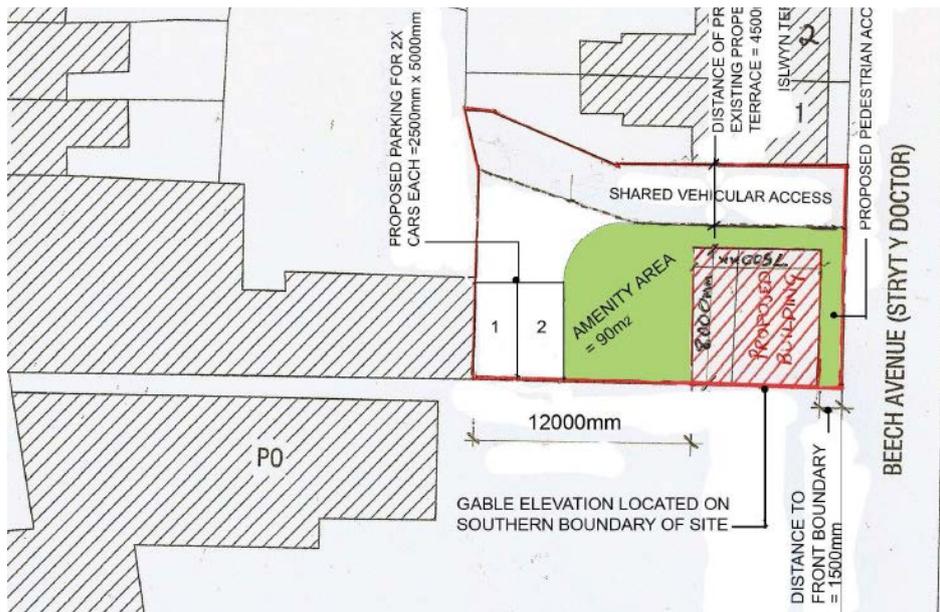


Figure 1. Indicative Site Layout Plan

Highways: The existing garage has its access immediately adjacent to the highway. Users of the garage are likely to reverse out onto Beech Avenue which is considered to be unsafe due to the lack of visibility in either direction. The removal of the garage can only be considered as a benefit in highway safety terms.

The site is to be accessed at the rear from the shared driveway to the north of the site, which also serves the rear of the commercial premises on Market Street. Visibility is restricted from this access in both directions by the existing dwelling known as No.1 Islwyn, and by the existing garage. It is proposed to locate the dwelling further over into the site than the current footprint which will make an (albeit) minor improvement to visibility from the access.

An indicative plan showing potential parking and turning area has demonstrated that parking spaces can be accessed and egressed in a forward gear. There is no reason to believe that the access to the development will interfere with access to service the commercial premises beyond. Two parking spaces are provided which is 1 space short of the maximum standard in LPGN 16 for a 3 bedroom dwelling. However, given the sustainable location of the development within the centre of the Village close to shops, schools, library etc., I am satisfied that the shortfall of 1 space will not lead to indiscriminate parking on the surrounding residential streets to the detriment of highway safety.

Drainage: Welsh Water has been consulted and has confirmed that there are no objections to the proposal subject to a pre-commencement condition securing the submission of a drainage scheme for further approval. However, I do note the comments made by a local resident that the relatively small size of the site makes the managing surface water on site without discharge to the public sewer more difficult. As such, I think it appropriate to request

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submission of the drainage scheme as part of the reserved matters approval application for full consideration part of the site layout arrangements.

Applicant's Statement: The proposal site is within the settlement boundary for Rhosllannerchrugog within which development is allowed subject to conforming with more specific policies. Residential use is a perfectly acceptable use, as Beech Avenue is a residential street which has been increasingly blighted over the years by commercial properties on Market Street using it for their service deliveries.

The proposed dwelling has been positioned on the site of the existing garage in order to ensure that there is minimal change. The position also ensures that there is no loss of light or privacy to any habitable rooms in any neighbouring dwellings. No one has a right to a view, so that is not a planning consideration, but in any case no view from a habitable room within the WCBC recommended distance will be affected by the proposal.

The proposal site is currently an overgrown site, when developed it will still act as a buffer between the rear of Bargain Booze/PO and Islwyn Terrace by virtue of having tidy fencing and a garden. The removal of the garage directly on the street will be a benefit because whenever the garage is in use the car blocks the street while the driver gets out to open and close the garage door upon arrival and departure.

The proposed 1.5 metre set- back of the house from the street follows the established building line along Beech Avenue. It is proposed that the dwelling will have an enclosed private frontage yard with a gate similar to Islwyn Terrace to protect users of the front door access. Surface water drainage will be dealt with via an approved SUDS system.

Other Matters: The concerns expressed in relation to the financial gain of the applicant are not a relevant planning consideration.

Conclusion: The proposal is in accordance with UDP Policy GDP1 and the development of the site will make a positive contribution to the visual amenities of the area. The development will not be detrimental to highway safety or residential amenity and I recommend accordingly.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)

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- d. the means of access to the site and building(s)
- e. the landscaping of the site.
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
3. The development as permitted shall be commenced before the two years from the date of approval of the last of the reserved matters required to be approved.
4. This permission shall provide for a maximum of 1 dwelling.
5. As part of the reserved matters application, a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, and for a Sustainable urban Drainage Systems (SuDS) to manage surface water and land drainage on site shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
 - ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
 - iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
6. No part of the development shall be occupied until the drainage scheme for the site has been completed in accordance with the details approved in connection with condition no. 5. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.
7. 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.
8. 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, D, E, F or G of Schedule 2 Part 1, other than the development hereby granted permission.
9. Nothing shall be planted, allowed to grow or erected to a height greater than 1 metre in height above the level of the nearside edge of the adjoining highway for a distance of 2.4 metres measured back from the adjoining highway along the entire site frontage. The splays shall be provided prior to first use of the development and shall thereafter be permanently retained clear of any such obstruction.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

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2. To comply with Section 92 of the Town and Country Planning Act, 1990.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
6. This is a non-standard reason
7. 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.
8. 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.
To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. 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

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.

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

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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.
