

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 4 NOVEMBER 2019

PROPOSAL

As above

HISTORY

P/2015/0114 – On land adjacent to the application site at 9b Stanley Road - Outline application with all matters reserved except access and layout for the erection of a single dwelling. Granted on 12/06/2015

DEVELOPMENT PLAN

Within settlement limits of Wrexham UDP. Policies PS1, PS2, PS3, PS4, H2, GDP1 and T8 apply. Local Planning Guidance Notes (LPGN) Nos. 16 'Parking Standards' and 21 'Space around Dwellings' are also relevant.

CONSULTATIONS

Community Council:	Consulted 30.08.2019
Local Member(s):	Councillor Hughes has no observations to make.
Welsh Water:	No objections subject to conditions.
NRW:	No objections. The usual guidance note is also relevant.
Public Protection:	No objections subject to advisory notes.
Highways:	No objections subject to conditions (see special considerations below).
Coal Authority:	No objections subject to a condition securing remedial works.
Site Notice:	Expired 30.09.2019
Neighbours:	One online comment received expressing the following: <ul style="list-style-type: none">• Access would be via Bernfels Court which is a congested cul-de-sac and there is barely room for the existing residents whose car ownership has increased with cars parked on both sides, potentially blocking emergency vehicles. Another dwelling will add to these problems;• The original permission for Bernfels Court was for 12 dwellings, this permission would exceed that;• The proposed access is blind in both directions and would be dangerous.

SPECIAL CONSIDERATIONS

Background: This is an outline application for the erection of 1 no. two storey dwelling, with all matters reserved for subsequent approval. The site is within the settlement limit as defined in the UDP where the residential development is acceptable in principle subject to compliance with Policy

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GDP1. Members may recall granting planning permission for a single dwelling (P/2015/0114) on the adjoining land at 9b Stanley Road. The same material considerations apply in this case and relate to the impact of the development upon highway safety and upon visual and residential amenity.

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, including the dwelling yet to be erected upon the adjoining land, 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.



Figure 1. Indicative Site Layout

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Highways Access: The site is not currently used for any active garden purpose for 9a Stanley Road but as it does form part of its curtilage, this area could be accessed off Bernfels Court and used for off street parking for the existing property without the need for planning permission. As the access road is unclassified, a vehicular turning area is not required. An indicative plan showing potential parking for 2 vehicles has been submitted which accords with the standards contained within LPGN 16 for a two bedroom dwelling.

As mentioned above, the site is located off an unclassified highway which is subject to a 20 mph speed limit. The Welsh Government recommended visibility splays (2 x 25 metres) are achievable from the access, in both directions. The layout of Bernfels Court is quite restrictive and the highway authority has concerns that the road would struggle to cope if there were a large number of dwellings accessing it. Given that this application is just for 1 dwelling, the highway authority has confirmed that it could not justify refusing permission on these grounds and recommends that planning permission is made subject to conditions securing the implementation of the access and on-site parking.

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)
 - 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 hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
4. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.0 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within

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these displays there shall be no obstruction above the level of the adjoining carriageway. The displays shall thereafter be permanently retained clear of any such obstruction to visibility.

5. No part of the development shall commence until further details of the proposed vehicular parking facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities as are approved shall be fully laid out, surfaced and drained prior to first use of the development, and shall thereafter be permanently retained and kept free of any obstruction and made available solely for the parking of motor vehicles at all times.

6. No part of the development shall commence until a scheme detailing the construction of the detailed layout, design, drainage and construction of the proposed new access has been submitted to and approved in writing by the Local Planning Authority. The scheme as is approved shall be fully implemented prior to first use of the development.

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. As part of the reserved matters application, a scheme of intrusive site investigations for shallow coal mine workings to include the following shall be submitted to and approved in writing by the Local Planning Authority:-
- the submission of a report of findings arising from the intrusive site investigations, and
- the submission of a detailed scheme of remedial works for the shallow coal workings.

9. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of Condition No. 8 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.

10. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority.

Where a SuDS scheme is to be implemented, 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.

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11. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 10. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
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. To ensure that adequate parking facilities are provided and maintained within the curtilage of the site in the interests of the free flow of traffic, highway safety and the amenities of the locality in accordance with Policy GDP1 of the Wrexham Unitary Development Plan
5. To provide for the parking of vehicles clear of the highway in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.
6. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
11. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

This planning permission requires that development be carried out in accordance with the approved plans, including the construction of an estate road intended for adoption by the Council under the Highways Act 1980. It is essential therefore that the detailed proposals are submitted to the Highway Authority and confirmed as acceptable BEFORE development commences. Please contact the Highway Authority on telephone no. 01978 729690 for further guidance.

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The applicant is advised that formal submission of the relevant section 38 adoption agreement, between the applicant and the Highway Authority, to the Local Planning Authority will allow the above condition no(s). @@ to be formally discharged in writing.

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 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.
