

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
2nd DECEMBER 2019

APPLICATION NO:
P/2019 /0314

LOCATION:
YEW TREE COTTAGE SINGRETT
HILL LLAY WREXHAM
LL12 0NR

DATE RECEIVED:
24/04/2019

COMMUNITY:
Llay

DESCRIPTION:
CONSTRUCTION OF NEW
VEHICULAR ACCESS AND
CLOSURE OF EXISTING

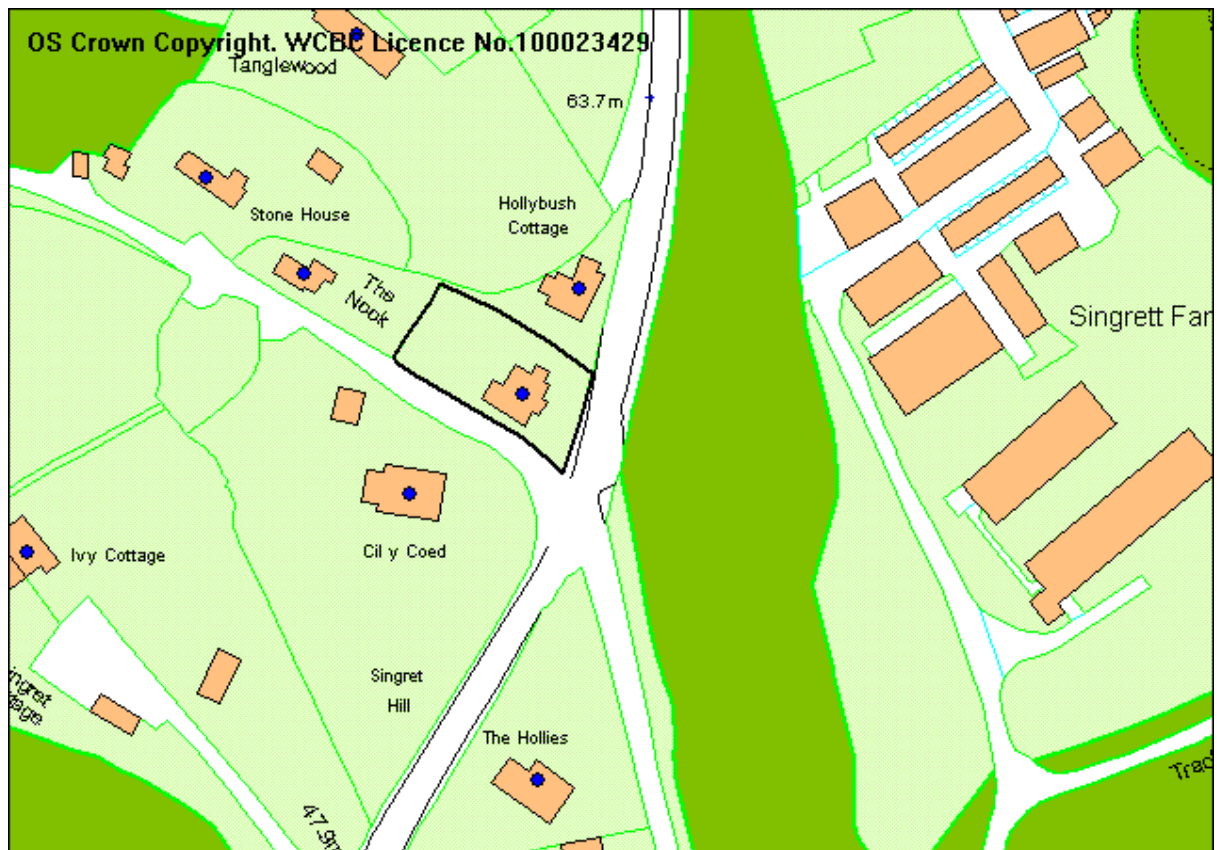
CASE OFFICER:
SEH

WARD:
Llay

APPLICANT(S) NAME:
MS SHARON BAGBY

AGENT NAME:
DESIGN MIX LTD -
ARCHITECTS

THE SITE



PROPOSAL

As above

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PLANNING HISTORY

P/2009/0980 Demolition of existing dwelling and construction of replacement dwelling with garage and garden shed. Granted 12/01/2010

DEVELOPMENT PLAN

The site is outside settlement. UDP Policies GDP1 and T8 apply.

CONSULTATIONS

Community Council:	No comments.
Local Member:	Re-notified 13.11.2019
Highways:	No objections subject to conditions (see special considerations below).
Ramblers:	This is near footpath Llay 6 which should not be diverted or blocked by the development, nor during its construction.
PRoW:	<p>Advisory - To use the new vehicular access the applicant will need to drive over Public Footpath Llay 6. The applicant will need to satisfy themselves that they have a lawful authority to drive over the footpath. Section 34(1)(b) of the Road Traffic Act 1988 states:</p> <p><i>‘Subject to the provisions of this section, if without lawful authority a person drives a mechanically-propelled vehicle on any road being a footpath, bridleway or restricted byway, he is guilty of an offence.’</i></p> <p>It would be up to the parties asserting a right to drive over the footpath to prove they are doing so with lawful authority. Also if in using the new access the applicants cause any damage to the surface of the public footpath, such as the creation of potholes etc., they will be liable for the cost of repairing any such damage. This applies to all users of the unadopted lane.</p>
Site notice:	Expired 30.05.2019
Neighbours:	<p>6 letters received expressing the following concerns:</p> <ul style="list-style-type: none">• The proposed access onto the unadopted access lane will be dangerous;• The applicant does not have the legal right to access onto the unadopted road;• Crossing the PRoW which runs along the unadopted access road could cause an accident;

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- The lane already serves 6 dwellings and another access would increase traffic movements and obstruct the free flow of traffic in the lane which is unacceptable;
- Storm water will run onto the lane which will cause it to deteriorate;
- Alterations to the boundary to create the access will result in land stability problems;
- The new access will increase lane maintenance issues.

Re-notified 13.11.2019

SPECIAL CONSIDERATIONS

Background: Planning permission was granted in 2010 for a replacement dwelling with access onto Singrett Hill. The dwelling has now been built and occupied and it is now proposed to close the existing vehicular access from Yew Tree Cottage onto Singrett Hill and create an alternative new access onto the adjacent unadopted access road which runs alongside the property to the south. The main issue to consider relates to the impact of the development upon highway safety.

Design:

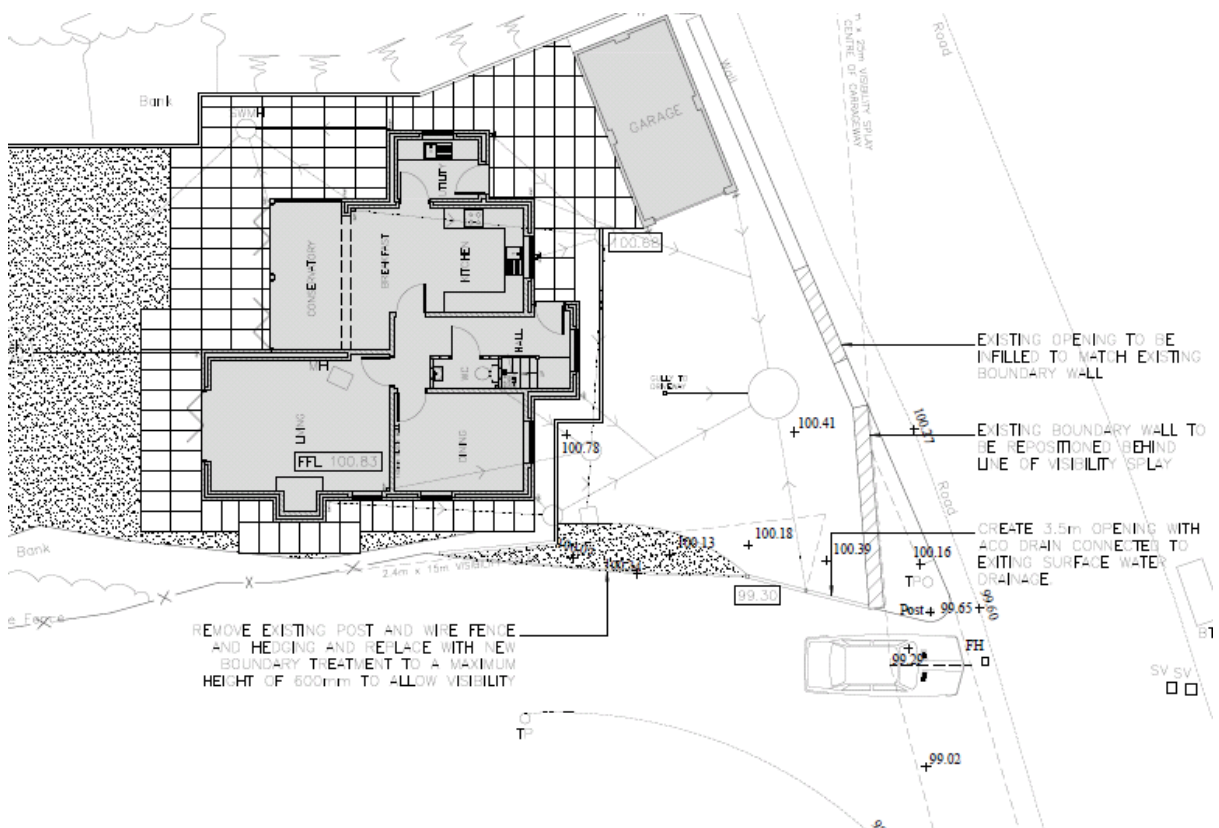


Figure 1. Proposed Site Layout

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Highway Safety: The highway authority has confirmed that the existing access is on to the B5373 Singrett Hill, a classified highway subject to a 40 mph speed limit. Visibility at the existing access to the site is below recommended standards in both directions. To the north it is approximately 2.0 x 25m to the nearside kerb edge. To the south visibility is approximately 2.0 x 25m.

The proposed access will result in vehicles from the dwelling accessing Singrett Hill from the unadopted road to the south of the property. Visibility from the unadopted road on to Singrett Hill is also below standard in both directions. To the south it is approximately 2.0 x 20m; to the north it is approximately 2.0 x 10m.

There is a level difference of approximately 1.2 metres between the unadopted road and the existing parking area for Yew Tree Cottage. Current council policy recommends a maximum gradient of 1 in 8 on private driveway access.

The applicant has now submitted a revised plan which demonstrates improvements to visibility from the unadopted road onto Singrett Hill. By relocating the front boundary wall and removing the existing vegetation it is possible to achieve splays of 2.4 x 25m which although still below recommended standards will be of benefit to all vehicles using this junction.

Adequate visibility will also be provided for vehicles entering the unadopted road from the application site. The access will be constructed at a maximum gradient of 1 in 8 which is concurrent with WCBC standards and adequate drainage will be provided to prevent surface water flowing from the site on to the unadopted road.

Subject to planning conditions to secure the improvements to the access described above, the highway authority does not object to the proposal.

Other Matters: Matters of land ownership, the legal right to cross the PRoW (see location at figure 2 below) and land maintenance are all matters between the applicant and landowners, and are not relevant planning considerations for this application. If planning permission is granted then access rights over the road is a matter for the applicants to resolve with the owners of the private drive.

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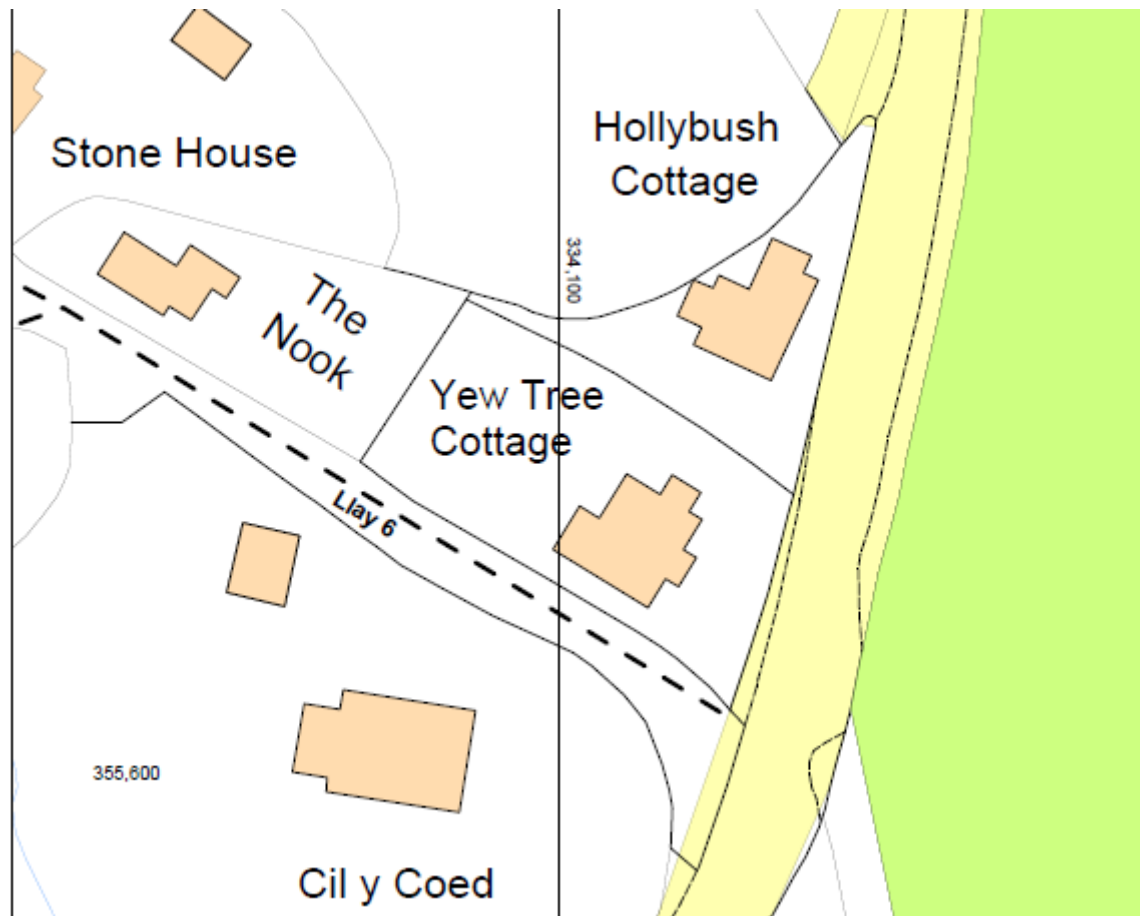


Figure 2. PRoW shown as dashed line.

Conclusion: The proposed new access is acceptable in terms of highway safety and I recommend accordingly.

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 vehicular parking and turning areas as shown on approved drawing(s) No(s). C1539 10 Rev D 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.
3. 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 to intercept any such run off prior to first use of the development.

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4. The existing vehicular access shall be permanently closed up prior to first use of the new access hereby approved in accordance with the details shown on plan no. C1539 10 Rev D approved as part of this application.
5. The vehicular access hereby approved shall be a maximum gradient of 1 in 8 (12.5%).
6. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.
7. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. C1539 10 Rev D.
8. There shall be no vegetation removal within the bird nesting season, March to August inclusively.
9. Prior to first use of the access hereby approved, full details of a hard and soft landscaping and boundary treatment scheme together with a timescale for implementation of works, shall be submitted to and approved in writing by the Local Planning Authority.
10. The landscaping and boundary scheme submitted and approved in connection with condition no. 9 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
11. The scheme implemented in connection with condition no. 10 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. No other fences, walls or other means of enclosure shall be erected within the area forward of the principal elevation of the dwelling.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. 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 in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
3. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
4. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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8. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
9. 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.
10. 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.
11. To ensure a satisfactory standard of appearance of the development in the interests of protecting the visual amenities of the area and highway safety in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

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

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 292050.

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.

The application site is close to footpath Llay 6 which should not be diverted or blocked by the development, nor during its construction.

To use the new vehicular access the Applicant will need to drive over Public Footpath Llay 6. The Applicant will need to satisfy themselves that they have a lawful authority to drive over the footpath. Section 34(1)(b) of the Road Traffic Act 1988 states:

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'Subject to the provisions of this section, if without lawful authority a person drives a mechanically propelled vehicle on any road being a footpath, bridleway or restricted byway, he is guilty of an offence.'

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