

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 6 NOVEMBER 2023

APPLICATION NO:
P/2021 /0793

LOCATION:
FORMER AIR PRODUCTS SITE
LLANGOLLEN ROAD ACREFAIR
WREXHAM
LL14 3HW

DATE RECEIVED:
27/07/2021

COMMUNITY:
Cefn

CASE OFFICER:
JP

WARD:
Acrefair North

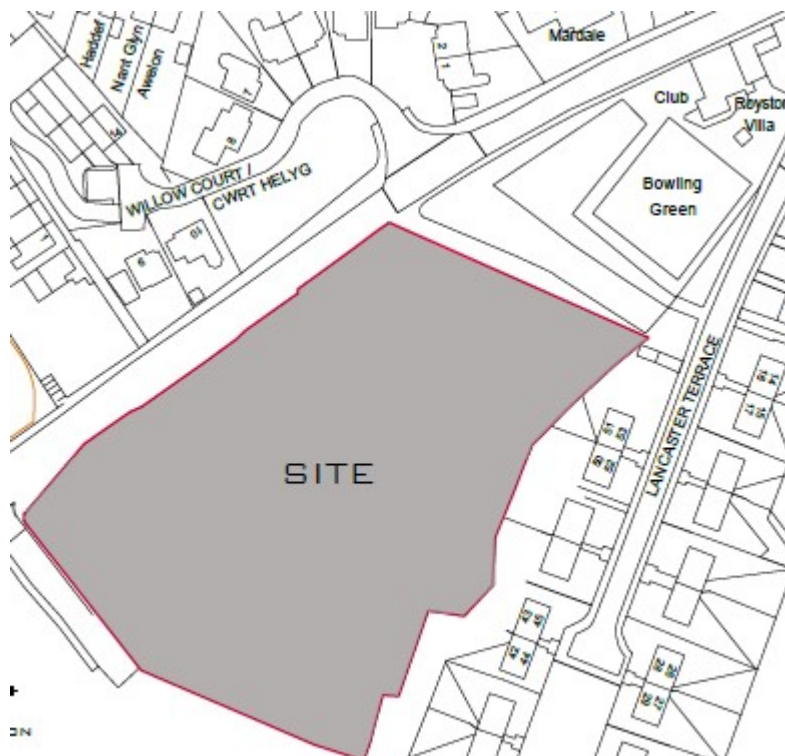
DESCRIPTION:
ADEILADU 21 ANNEDD TAIR A
PHEDAIR YSTAFELL WELY GYDA
GWAITH CYSYLLTIEDIG /
ERECTION OF 21 THREE AND FOUR
BEDROOM DWELLINGS WITH
ASSOCIATED WORKS

AGENT NAME:
MRS KATHRYN
GRATTON

APPLICANT(S) NAME:
MR MICHAEL FORGRAVE

THE SITE

The application site comprises a 1.05ha parcel of land, located off Llangollen Road, Acrefair.



PROPOSAL

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Full planning permission is sought for the erection of 21 no. 3 and 4 bedroom dwellings with vehicular and pedestrian access off Llangollen Road.

HISTORY

Former Air Products Site - Including application site

- | | |
|-------------|--|
| P/2005/0982 | Extension to existing factory building. Granted 25.10.2005. |
| P/2012/0045 | Outline application for mixed use development comprising residential, commercial and leisure uses. Granted 17.04.2013. |

Former Air Products Site - Adjoining Land

- | | |
|-------------|---|
| P/2016/0505 | Outline application for residential development (232 dwellings) and new access. Granted 6.3.2018 |
| P/2021/1202 | AMRYWIO AMODAU 2 A 3 CANIATAD CYNLLUNIO
P/2016/0505 I YMESTYN TERFYN AMSER AR GYFER
CYFLWYNO MATERION A GADWYD YN OL A
CHYCHWYN DATBLYGIAD / VARIATION OF
CONDITIONS 2 AND 3 OF PLANNING PERMISSION
P/2016/0505 TO EXTEND TIME LIMIT FOR TO
SUBMISSION OF RESERVED MATTERS AND
COMMENCEMENT OF DEVELOPMENT. Pending. |

DEVELOPMENT PLAN

Unitary Development Plan

Within a defined settlement limit. Policies PS1, PS2, PS2, PS3, GDP1, EC4, EC6, H2, CLF5 and T8 apply.

Draft Local Development Plan

Within a defined settlement limit and an allocated brownfield development site. Policies SP2, SP11, SP12, SP14, SP15, DM1, H2, BE3, NE1, NE3, NE6 and T1 apply.

CONSULTATIONS

Community Council

Consulted 17.8.2023. No response received.

Local Member

Notified 14.9.2023.

Adjoining Local Member

Cllr Derek Wright supports the application.

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Highway Officer

Raises no objection. Advises that the development not expected to have a significant impact on the highway network and that the site is in a sustainable location.

The Highway Officer advises that the site access would have adequate visibility, that vehicles would be able to turn on site allowing them to both enter and exit in a forwards gear and parking provision complies with LPGN16. The Highway Officer also confirms the submitted swept path details are acceptable

Public Protection Officer

Raises no objection.

Advises that the submitted Noise Assessment Report (NAR) demonstrates that parts of the site adjacent to Llangollen Road will fall within Noise Exposure Category C of TAN11. TAN11 advises that:

Within Category C Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

The Public Protection advises that if the site is identified as needed for housing, for example within the LDP, the mitigation methods proposed in the NAR (Section 6) will provide the required noise attenuation. A condition should be imposed to require the implementation of the noise attenuation measures.

The Public Protection Officer also recommends that a condition be imposed to require a Dust Management Scheme along with advisory notes regarding noise, and burning of waste

Contaminated Land Officer

Recommends conditions be imposed to require the site to be investigated for contamination and subsequent remediation if necessary.

Ecology Officer

Raises no objection subject to a condition being imposed to secure the implementation of the proposed biodiversity enhancements.

Tree Officer

Consulted 20/08/2021. No comments received.

The Coal Authority

Raises no objection.

Welsh Water

Raises no objection and confirms that:

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- There is capacity to treat additional wastewater from the proposed development within revised Environmental Permit limits for the Cefn Mawr Waste Water Treatment Works (WwTW); and
- That the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

Natural Resources Wales

Raises no objection subject to conditions being imposed to secure the implementation of the measures proposed in the Protected Species Surveys and a Biosecurity Risk Assessment.

NRW advise they have concerns regarding the level of information submitted relating to foul drainage. NRW notes that the development would connect to the main sewer and that if Welsh Water have previously advised that a Hydraulic Modelling Assessment is required, this matter will need to be addressed in order to ensure the foul flows from the proposed development site do not cause detrimental impact to existing customers and the environment.

Clwyd Powys Archaeological Trust

Recommends a planning condition be imposed to require an Archaeological Investigation in the south-east corner of the site

Health and Safety Executive

Do not advise against development

Neighbours

The owners/occupiers of 79 dwellings notified on 20/8/2021

1 Objection received on the grounds that there are not adequate amenities i.e village shop to accommodate new residential development and traffic impact.

SPECIAL CONSIDERATIONS

Principle of Development: The site amounts to developed land located within the settlement limit of Acrefair. UDP Policy PS3 supports the re-use of previously developed land. Policy H2 permits residential development within settlement limits subject to complying with Policy GDP1.

The site also lies within the settlement limit in the draft LDP. LDP policy BE3 allocates the site for residential led brownfield redevelopment.

Having regard to the above, the principle of development is acceptable.

Design and Layout: The application site enjoys a prominent position adjacent to the A539, one of the main routes to the Pontcysyllte Aqueduct and Canal World Heritage Site. It is currently derelict and detracts from the appearance of the area as well as the approach to the World Heritage Site.

The proposed site layout is included below:



The proposed development would comprise of 21 two storey dwellings. The site layout would provide for strong built frontages to Llangollen Road and within the site. The use of different house types provide for a varied street scene. The site layout provides for natural surveillance of the internal road, footways and open space.

Existing development within the vicinity is largely two storey in scale but of varying architectural styles and layout. The development would be keeping with this and would significantly enhance the appearance of the site and the immediate locality.

The rear boundaries of the plots adjoining the internal estate road and the side boundaries of the plots either side of the site entrance would need to be enclosed by a high quality means of boundary treatment in order to be visually acceptable. This could be secured by an appropriately worded condition.

Although no trees need be removed in order to accommodate the proposed development, the submitted Tree Report recommends the removal of two low

quality trees. This would allow space for better quality trees to be planted as part of a landscaping scheme. All development works would be located outside the Root Protection Areas of all retained trees and would be clear of canopies or any other constraints.

UDP Policy CLF5 requires new development of ten dwellings or more to provide informal public open space within the site at a minimum level of 0.4 hectare per 50 dwellings. Draft LDP Policy CF2 states that a minimum requirement of 0.25ha per 50 dwellings (50sqm per dwelling) is expected

The development would include an area of open space approximately 0.3ha in area, which exceeds the requirements of the UDP and draft LDP policies. However, the majority of the open space would incorporate an existing wooded area, with the remainder being utilised for a SUDS attenuation. The open space would retain mature vegetation and make a positive contribution to the appearance of the development. However it would not include any provision for formal or informal recreational provision.

Whilst the UDP and draft LDP policies advise that commuted sum payments could be secured to off-site open space provision, this would normally only be required where there is no on-site provision or where on-site provision is less than the policy requirements.

The proposed open space area would exceed the minimum policy requirements so it would not be reasonable to require a commuted sum payment to on-site in this case. The site is also within walking distance of existing recreational facilities, including an existing equipped children's play area to the rear of Lancaster Terrace 400m from the site and Plas Madoc Leisure Centre 1km away. Taking these factors into account, the lack of useable on-site formal play provision is therefore not fatal to the proposal in this particular instance.

Having regard to the above, the proposed development accords with UDP policies GDP1 and CLF5 and draft LDP policies DM1 and CF2.

Residential Amenity: The distances between the proposed dwellings and the existing dwellings accords with LPGN21 advice. As such, it is considered that the proposed development would not adversely impact upon the living conditions of existing residents by way of loss of daylight, privacy or outlook.

Similarly, the proposed site layout accords with LPG21 guidance in respect of separation distances and garden provision. On this basis, future occupiers would be provided with an appropriate standard of amenity.

Having regard to the above, the proposed development accords with UDP policy GDP1 and draft LDP policy DM1.

Noise: The site adjoins Llangollen Road which is a busy highway. A Noise Assessment Report accompanies the application, which considers the impact of traffic noise on the site.

Part of site falls within Noise Exposure Category C as defined by Technical Advice Note (TAN) 11, with 11 dwellings being partly within Category C based on daytime noise levels and 7 within Category C based on night time noise levels.

TAN11 advises that planning permission should not normally be granted for residential development within areas exposed to noise levels that fall within Category C. TAN11 also advises that where it is considered that that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

Paragraph 3.55 supports the re-use of previously developed land in preference to greenfield sites. As noted above, draft LDP policy BE3 allocates the site for residential led brownfield redevelopment. Several draft LDP housing allocations are greenfield sites because there are insufficient previously developed sites to meet the draft LDP housing requirement. However, the former Air Products site is one of the largest previously developed sites in the County Borough. The redevelopment of the site will make an important contribution to meeting the housing requiring in the draft LDP whilst also enhancing the appearance of a key route on the approaches to the World Heritage Site.

Outline planning permission was granted in 2013 for a mixed use development comprising residential, commercial and leisure uses on the former Air Products site, including the application site (reference P/2012/0045). The indicative plans showed the application site being used for commercial and leisure purposes, with the adjoining land being used for residential purposes. That consent has now expired. It is therefore considered unlikely that the site would be redeveloped for non-residential purposes if this application were refused.

The NAR proposes noise mitigation measures including enhanced specification glazing and acoustic fences. The Council's Public Protection Officer has advised these measures would provide an appropriate level of mitigation.

Subject to an appropriately worded condition to require the implementation of a noise mitigation scheme, the development would accord with UDP policy GDP1, draft LDP policy DM1 and guidance in TAN11.

Highway Safety: The Council's Highway Officer raises no objection and advises that the traffic generated by the proposed development is not expected to have a significant impact on the highway network.

The site access onto Llangollen Road would have adequate visibility in each direction and the internal road layout would safely accommodate larger vehicles such as refuse wagons. The proposed parking provision for each plot accords with the maximum provision advised by LPGN16.

Pedestrian footways would be provided to connect to the existing footway on Llangollen Road. The site is a short walking distance from bus stops served by regular bus services to Wrexham, Oswestry (via the centre of Cefn Mawr) and Llangollen. A footway connection is also provided to the south-western boundary. This would enable safe pedestrian access to the adjoining site if that site was developed in future.

Having regard to the above, the proposed development would not have an adverse impact on highway safety and it is well located to encourage non-car modes of travel. In such terms, it accords with policies GDP1 and T8 of the Wrexham UDP and policies DM1 and T1 of the draft LDP

Ecology: The application is supported by an Ecology Report. This identifies the existing woodland to be valuable habitat for bats as well as birds. The woodland will be retained and measures to deliver a net benefit to biodiversity are also outlined in the Ecology Report. These include the provision bat and bird boxes, bat friendly lighting, planting of native hedges, habitat piles within the wooded area at the rear of the site and a wild meadow grassland to the area of public open space. Roosting opportunities for bats would also be provided in the former coking oven arches in the south west of the site. The site layout and the measures proposed would ensure the development avoids a detrimental impact on species and habitats.

The Council's Ecology Officer raises no object to the proposed development subject to the implementation of the measures outlined in the Ecology Report. Having regard to the above, the development accords with UDP policy EC6, draft LDP policy NE1 and the Step-Wise Approach set out in the recently updated Chapter 6 of PPW11.

Affordable Housing: UDP policy H7 only applies to developments of 25 or more dwellings so would not be applicable to the proposed development.

The site is situated in the Cefn Mawr and Rhos sub-market area as defined by draft LDP policy H2. The policy applies a 0% requirement for affordable housing to residential developments in this sub-market area. The proposed development is for market housing and therefore accords with the policy.

Planning Obligation: The Education Department confirms that there is insufficient primary school capacity in locality to accommodate the additional pupils likely to be generated by the development. In accordance with guidance in LPG27, it is necessary to secure a financial contribution towards additional primary school provision via a Planning Obligation.

Phosphorous: In accordance with NRW's advice for proposed developments within river Special Areas of Conservation, the proposed development has been assessed to determine whether it is likely to have a significant effect on the River Dee and Bala Lake SAC.

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The site would connect to the main foul water sewer network. Foul water from the site would drain to Cefn Mawr Waste Water Treatment Works (WwTW). The Environmental Permit for the WWTW has recently been reviewed. Welsh Water have confirm that:

- The WwTWs has the capacity to accommodate the additional wastewater in compliance with revised Permit limits; and
- The sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.

Whilst noting NRW's concerns, Welsh Water have not advised that a Hydraulic Modelling Assessment is required.

Having regard to the above, the proposed development is unlikely to have a significant effect on the River Dee and Bala Lake SAC. In such terms, it accords with policy EC6 of the UDP and policies NE1 and NE6 of the draft LDP

CONCLUSION

The proposed development would secure the regeneration of previously developed land and enhance the appearance an important gateway to the World Heritage Site. The development would not give rise to residential amenity, highway safety or ecology. It therefore accords with the relevant UDP and draft LDP policies.

RECOMMENDATION A

That planning permission be granted subject to completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards primary school provision and the maintenance of the on-site public open space and habitat mitigation areas (with the Chief Officer Economy and Planning given delegated authority to determine the final form and content of the Obligation) and to the conditions below.

RECOMMENDATION B

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act, as detailed above, is not completed within six months of the date of this Committee resolution, the Chief Officer Economy and Planning be given delegated authority to refuse planning permission subject to the reasons below.

1. Inadequate provision is made for additional school capacity. Without this additional provision, existing schools do not have sufficient capacity to cater for the development. As such the development does not accord with policy GDP2 of the Wrexham Unitary Development Plan and policy SP5 of the draft Local Development Plan.

2. The development makes inadequate provision for the long term maintenance of on-site open space and habitat mitigation areas and as such does not accord with policies GDP1, CLF5 and EC6 of the Wrexham Unitary Development Plan and policies DM1, NE1 and CF2 of the draft Local Development Plan.

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 21-DES-001-02C, 21-DES-001-S3, 21-DES-001, 21-DES-0003, 21-DES-0004, 21-DES-0005, 21-DES-0006, 21-DES-0007, 21-DES-0008, 7652-12-1, 7652-12-2, 7652-07, 7652-08-1, 7652-09, 7652-14, 7652-16, 7652-17 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. Development shall not commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in strict accordance with the approved Biosecurity Risk Assessment.
6. Development shall not commence until an Ecological Method Statement and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Ecological Method Statement and Management Plan shall include details of the following:
 - i. A timetable for the implementation of the ecological mitigation and enhancement measures detailed in the Land at Llangollen Road, Acrefair, Further Protected Species Surveys, Updated July 2023, Kingdom Ecology Ltd;
 - ii. A long term management and maintenance plan for the ecological mitigation and enhancement measures.

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The ecological mitigation and enhancement measures shall thereafter be implemented, managed and maintain in accordance with the approved details.

7. No part of the development shall commence, to include ground works or vegetation clearance until a Walk Over Survey for badger has been carried out by a suitably qualified Ecologist and the findings submitted to and approved in writing by the Local Planning Authority and any necessary mitigation is implemented in accordance with its recommendations.

8. Prior to the occupation of each dwelling a scheme of boundary treatment shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

9. 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.

10. There shall be no clearance of vegetation on site between the months of March to August inclusively in any calendar year unless otherwise agreed in writing by the Local Planning Authority.

12. Plots 1-6 and plots 15-21 shall not be occupied until a scheme of noise mitigation for each plot has been implemented in full in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

13. A scheme of tree planting shall be carried out in the first planting season (November to March) or following the occupation of the first dwelling in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter any tree that becomes severely damaged or seriously diseased, is in poor physiological condition or is removed shall be replaced within the next available planting season by trees of the same species to those originally planted.

14. Notwithstanding the details shown on the drawing number 21-DES-001-02C, the estate roads, excluding the private drives, shall be a minimum of 4.8 metres wide.

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.

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.

4. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

5. To control non-native invasive species in accordance with Policy EC6 of the Unitary Development Plan.

6. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan and to ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11

7. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 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 and to protect the amenity of the occupiers of the dwellings hereby permitted in accordance with Policies GDP1 and PS2 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. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
12. To protect the amenities of the occupiers of the dwellings hereby permitted in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. 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.
14. In the interests of highway safety 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 coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine 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

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, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability

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purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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
