

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

APPLICATION NO:
P/2022 /0914

LOCATION:
CWRT PENTWMPATH LLAY
WREXHAM
LL12 0TT

DATE RECEIVED:
24/10/2022

COMMUNITY:
Llay

DESCRIPTION:
ADEILADU CYNLLUN TAI I RAI
DROS 55 OED GAN GYNNWYS 17 O
ANHEDDAU UN YSTAFELL WELY AC
8 BYNGALO UN YSTAFELL WELY/
ERECTION OF OVER 55'S HOUSING
SCHEME COMPRISING 17 NO. 1
BED DWELLINGS AND 8 NO. 1 BED
BUNGALOWS

CASE OFFICER:
AB2

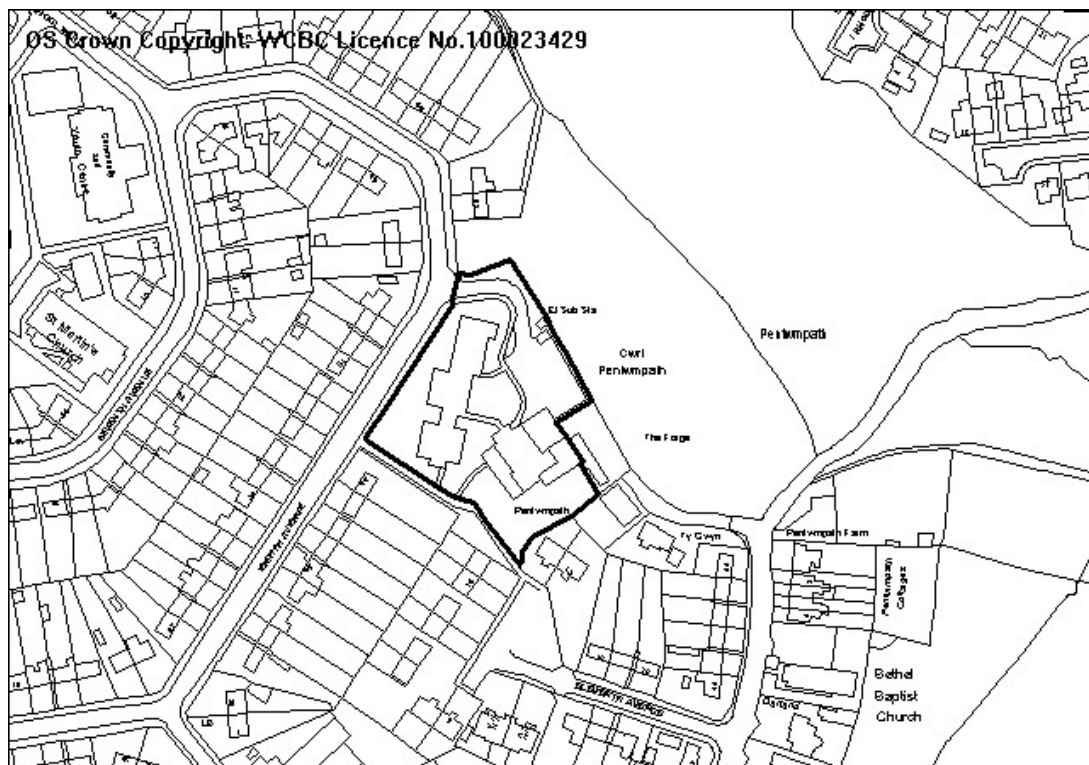
WARD:
Llay

AGENT NAME:
J10 PLANNING LTD
JUSTIN PAUL

APPLICANT(S) NAME:
WALES AND WEST HOUSING

THE SITE

The site is located along Eighth Avenue in Llay. It is surrounded by two storey semi-detached and terraced properties to the North and West, and bungalows to the South. To the East, there is a large area of public open space. A number of trees are sit within the site, adjacent to the site boundary. The site currently includes a complex of two-storey buildings housing 30 flats plus a warden's house and guest room.





Existing Site Fronting Eighth Avenue

PROPOSAL

The application proposes the erection of an over 55's housing scheme comprising of 17 one bedroom apartments and 8 one bedroom bungalows. The proposal also includes landscaping, car-parking provision for 26 cars, cycle shelter, bin store and mobility scooter store. The application will utilise the existing access arrangements.

Amended plans have been received altering the originally proposed North West/front elevation of the apartment buildings. The extent and arrangement of the proposed cedar cladding have been amended to provide a degree of variation to the elevation.

HISTORY

P/2023/0017 HYSBYSIAD CYN DYMCHWEL ADEILAD / PRIOR
NOTIFICATION FOR DEMOLITION OF BUILDING. Pending

DEVELOPMENT PLAN

Inside of a defined settlement limit. UDP Policies PS1, PS2, PS3, GDP1, EC4, CLF5 and GDP2. LPGNs Nos. 21 (Space around Dwellings), 30 (Design) and 16 (Parking Standards).

CONSULTATIONS

Community Council

Supports the application in principle but has concerns regarding the three-storey section the development and the impact it would have on the privacy of residents of properties in Eighth Avenue Llay.

Local Member

No comments received.

Highway Officer

Notes that the development is for 17 one bed dwellings and 8 one bed bungalows and observes that this is not expected to have a significant impact on the highway network. The Highway Officer also notes that the site is located nearby bus stops, facilitating travel by non-car modes.

Observes that the proposed development uses the existing access junction on to Eighth Avenue and advises that the internal road provides appropriate access to the development and allows vehicles to turn within the curtilage of the site.

Observes that existing development provides 21 spaces for the 30 no. flats (1 & 2 bed) than that the proposed development would provide 26 spaces (1 space being an accessible bay) for the 25 no. 1 bed dwellings / bungalows, equating to 69% of the LPGN 16 maximum parking standards. The Highways Officer confirms that the proposed parking provision is adequate given the sustainable location of the site.

Observes that the Council's adopted Parking Standards requires the provision of at least 2 secure cycle parking spaces. 14 cycle parking spaces are proposed, in addition to sheds in each garden and a store for 5 mobility scooters.

The Highways Officer concludes that there are no reasons to object to the proposal on highway safety grounds.

Public Protection Office

Advise of a number of informatives to be included within any decision notice relating to measures to manage construction impacts.

Contaminated Land Officer

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

Ecology Officer

Advises that a scheme for net biodiversity benefit should be required by condition.

Tree Officer

Recommends that the sycamore tree proposed for retention within the boundary of plot 19 should be removed due to the potential for conflict with the development. Advises that a suitable space should be allocated elsewhere within the site for replacement planting.

Welsh Water

Notes that capacity exists within the public sewerage network in order to receive the domestic foul flows from the proposed development site. Advises of a number of informatives to be included within any decision notice relating

to the location of sewers and the process for securing a connection to the public sewer network.

Natural Resources Wales

Raises no objection to the development. NRW recognises the nature of the existing and proposed development and is satisfied that the proposal is unlikely to increase the amount of phosphorus entering the River Dee and Bala Lake SAC.

Press Notice

Expired 14/12/2022

Site Notice

Expired 16/12/2022

Neighbours

The owners/occupiers of 12 properties were notified on 16/11/2022.

1 representation has been received expressing the following concerns:

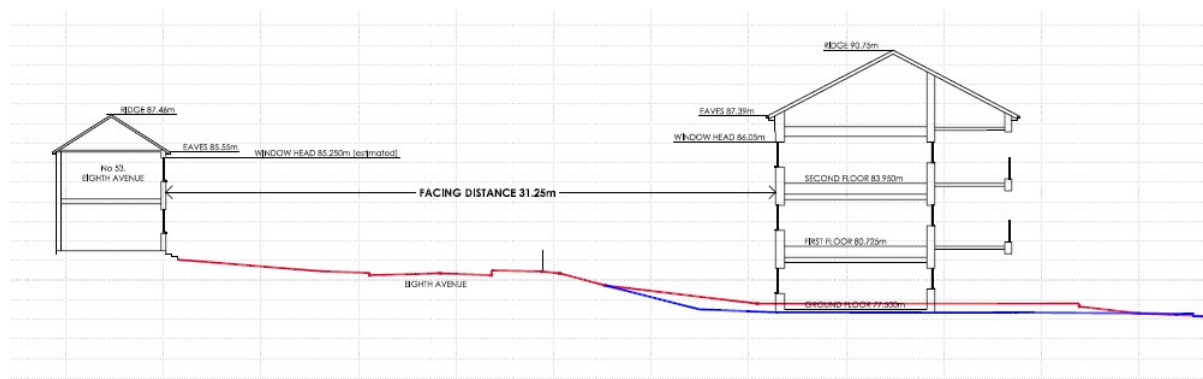
- Size of the building;
- Impact of additional storey on the current levels daylight enjoyed by nearby residents;
- Devaluation of neighbouring property;
- Loss of privacy
- Impact on nearby residents during construction

SPECIAL CONSIDERATIONS

Principle of Development: Policy H2 permits residential development within settlement limits subject to complying with policy GDP1. As such there is no policy objection in principle the redevelopment of the site.

Matters relevant to the UDP policies identified above be discussed later in the report.

Residential Amenity: The proposed apartment block would be parallel with Eighth Avenue. The ground floor level of the development would be approximately 1.7m below the highway and approximately 3m below the ground floor level of the dwellings on the opposite side of the road.



Taking into account the differences in ground level between the apartments and the dwellings opposite, Local Planning Guidance Note 21 (LPGN21) advises a minimum of 30 metres separation distance. The actual distance is just over just over 30m at its minimum and just over 31m at its maximum, thus according with this guidance.

The proposed apartment blocks would have external stairs to the north-east and south-west. The applicants have confirmed that the external stairs are intended for emergency escape only; the primary access route is a central

stairwell within the proposed apartment building. Given that external staircases are not intended for regular use, they would not result in loss of privacy to no.48 Eighth Avenue. There would also be sufficient distance between the apartment blocks and no.48 Eighth Avenue to ensure they would not result in loss of light or have an overbearing impact.

The rear elevations of proposed bungalows would be approximately 7.5m from the boundary with 12 Eleventh Avenue and 9.2m from the boundary with Glyn Allyn. The distance is sufficient to ensure that the levels of natural light available to nearby residents remains acceptable and to ensure that the development would not be overbearing. A 1.8m fence would be erected along the boundary with the neighbouring properties which would also ensure no loss of privacy.

Along the north-east boundary of the application site is a property known as The Forge. There is approximately 3.5 metres between the main rear wall of the Forge and the rear boundary fence of plot 20. This relationship is considered to be acceptable given that the only ground floor window within the rear elevation of the Forge serves a room with additional windows to the front elevation. Adequate daylight would therefore be maintained.

There would be no direct overlooking from the development and it should be noted that the existing development could be enclosed with a tall fence without the need for planning permission. Given the above, it is considered that the proposal would result in no unacceptable impacts upon the living conditions of the occupiers of The Forge.

Having regard to the matters discussed above, the proposal would not adversely impact upon the standard of amenity afforded to occupiers of neighbouring properties and therefore accords with policy GDP1(f).

Design: Existing development along Eighth Avenue comprises a mix of two-storey, terraced or semi-detached properties characterised by hipped roofs, cream/white coloured pebble dash/render and a number of gable features to the front elevations.

The front elevations of the apparent blocks are shown below.



The buildings would be of a contemporary design. Whilst the hipped roofs reflect the prevailing character of the area, both the height and appearance of the development differs from existing development in Eighth Avenue.

Notwithstanding the fact that the existing buildings on the site are two storey they nevertheless also differ in appearance of surrounding properties, thus the site is already set apart from exiting development when viewed in the context of the wider street scene.

As already mentioned above, the ground floor of the apartments will be approximately 1.7m below the level of the adjacent carriageway, with the floor level of the dwellings opposite being higher than the carriageway. There are also ground level differences between existing developments in the wider locality as well. Having regard to this, the development would not detract from character of the area nor be unduly prominent.

The proposed bungalows would be located to the rear of the application site largely surrounded by existing development as well as the proposed apartments. The proposed layout, location, design and materials of the bungalows is broadly in keeping with the character of surrounding area

Overall, it is considered that the development would make a positive contribution to the appearance of the site and would not detract from the wider street scene, thus according with policy GDP1(a).

Highway Safety: The Council's Highway Officer has advised that development would not have a significant impact upon the highway network and given that the development would replace 31 units with 25, it is unlikely to generate an increase in vehicular traffic.

The development would utilise the existing access onto Eighth Avenue. According to Local Planning Guidance Note 16 (LPGN16) the maximum number of car parking spaces required for a 1 bedroom dwelling is 1.5 spaces. This equates to a maximum of 38 spaces for the development. The development would provide 26 spaces. This compares to 21 spaces for the extant development, which accommodates a greater number of residential units. The development also provides spaces for 5 mobility scooters.

Whilst parking provision would be below the maximum requirement outlined above, there is a sufficient number of parking spaces to provide one for each unit. Furthermore, the Transport Assessment (TA) accompanying the application refers around half of households living in social housing in the County Borough as having no vehicles. Furthermore, the site is within walking distance of a convenience shop, GP's surgery and community centre. Directly in front of the site there is also a bus stop with half hourly services between Llay and Wrexham via Gwersyllt district shopping centre on Dodd's Lane. The site therefore enjoys a sustainable location.

Having regard to the above, this proposal raises no highway safety issues and in this regard, it accords with policies GDP1(d) and T8.

Biodiversity: The application is accompanied by an Ecology Report. This concludes that there is no evidence of a bat roost within the buildings. It also advises that ecological enhancements should be considered as part of the

design of the scheme and that the boundaries of the site are considered to be the vulnerable to light pollution as the trees, hedgerows and shrubs along the boundaries provide commuting and foraging habitat for the local bat populations. The Council's Ecologist has no objection to the development subject to a condition to secure a scheme of net biodiversity benefit (NBB).

In light of the above, there is no conflict with policy EC6 and a condition could be imposed to require NBB, thus ensuring compliance with paragraph 6.4.5 of PPW11.

Trees: The application was accompanied by an Arboricultural Impact Assessment. Following comments from the Council's Tree Officer, it was recommended that the a sycamore tree initially proposed for retention be removed to prevent a risk of conflict and nuisance between it and the development, subject to replacement planting taking place. This could be secured by condition.

In light of the above, and subject to the implementation of replacement planting, there is no conflict with policy EC4.

Phosphates: The development proposed would not generate any additional foul water flows entering the River Dee and Bala Lake catchment compared to the extant use of the site. Accordingly and as advised by NRW, the development is not likely to have a significant effect on the SAC.

Open Space Requirements: Whilst policy CLF5 of the Wrexham UDP requires new developments of ten dwellings or more to provide public open space, the proposed development would replace an existing residential development with no on-site public open space and would result in a net reduction in units. Accordingly, in these particular circumstances, it would not be reasonable to require the provision of public open space within the development or a Planning Obligation to secure financial contributions towards off-site provision.

Education: In accordance with policy GDP2 and Local Planning Guidance Note 27 (LPGN27), contributions towards primary and secondary education can be required where there is insufficient capacity to accommodate an increase in pupil numbers generated by a development. LPGN27 advises that this requirement applies to developments of 4 or more dwellings. It also advises, however, that contributions will not be sought for developments of 1 bedroom dwellings or apartments.

The application would replace an existing residential development and result in a net reduction in units. Furthermore all of the proposed apartments and bungalows will have 1 bedroom. Accordingly the requirements of LPGN27 do not apply and there is no conflict with policy GDP2.

Other Issues: The impact of construction in respect of noise and working hours can be controlled by an appropriately worded condition.

Concerns have been expressed about to the potential for the proposed development to devalue neighbouring properties. However, this is not a material planning consideration.

CONCLUSION

The proposal is of an appropriate design and scale and would respect the character and appearance of the local area. It would also safeguard appropriate living conditions for nearby residents, it would not compromise the safety of highway users and nor would it harm ecological interests. It therefore accords with the relevant UDP policies.

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 P01 Revision B, P-105 Revision O, P-110 Revision E, P-111 Revision E, P-112 Revision E, P-130 Revision B, P-120 Revision B, P-113 Revision G 080.01.01 Revision A and 080.01.02 Revision A 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 scheme of Net Biodiversity Benefit has been submitted to and approved in writing by the Local Planning Authority, to include timetable(s) for implementation of the scheme and a scheme of long term management and maintenance. The approved scheme shall thereafter be implemented in full in accordance with the approved timetable(s). The measures for Net Biodiversity Benefit shall thereafter be permanently retained and managed and maintained in accordance with the approved scheme of long term management and maintenance.

6. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:
- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - f) Method for protecting retained trees during demolition works;
 - g) Details of all proposed tree works, including felling and pruning.
7. No development shall commence until a Construction Environment Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during demolition and construction; and
 - v) Hours of work
 - vi) measures to limit the impact of construction works on the Nan Y Gaer and Llay Valley Local Wildlife Site.
8. The external facing and roofing materials of the development hereby permitted shall be installed in accordance with details first submitted to and approved by the Local Planning Authority.
9. Hard landscaping shall be carried out prior to the first occupation of the development and soft landscaping shall be carried out in the first planting season (November to March) or seeding season (April to September) following the occupation of the development in accordance with drawings nos. P-105 Revision O, 080.01.01 Revision A and 080.01.02 Revision A. All soft landscaping shall thereafter be retained for a minimum of 5 years. Within this timescale, any planting becoming severely damaged or seriously diseased, is in poor physiological condition and/or are removed shall be replaced within the next available planting season by trees or shrubs of the same size and species to those originally planted.
10. The development shall be carried out in accordance with Section 5.0: Recommendations of the Anthony Nickson Ecology Preliminary Ecology Assessment dated August 2022.

11. A tree to replace the tree identified as T10 on drawing no. 01 Preliminary Tree Constraints Plan within the Tree Solutions Arboricultural Impact Assessment reference 22/AIA/WXM/289 dated August 2022 shall be planted in the first planting season (November to March) or seeding season (April to September) following the first occupation of the development in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. If the replacement tree is removed, dies, become severely damaged or diseased, or is in poor physiological condition within five years of the date of planting it shall be replaced by a tree of the same species and size of tree originally planted.

12. The vehicular parking and turning areas as shown on approved drawing(s) No(s). P-105 Revision O 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.

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 ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11
6. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
7. In the interests of protecting the amenity of the occupiers of nearby properties and to the Local Wildlife Site 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 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.
11. 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.
12. 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

NOTE(S) TO APPLICANT

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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

The Applicant is advised that under the 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 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 is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at

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

healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.
