

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER
2021**

APPLICATION NO:
P/2021 /1005

LOCATION:
RUABON RECREATION GROUND
PARK STREET RUABON WREXHAM
LL14 6LE

DATE RECEIVED:
14/10/2021

COMMUNITY:
Ruabon

DESCRIPTION:
DARPARU CYFLEUSTER GOFAL
DYDD TRI DOSBARTH / PROVISION
OF A TRIPLE CLASSROOM
DAYCARE FACILITY

CASE OFFICER:
SJG

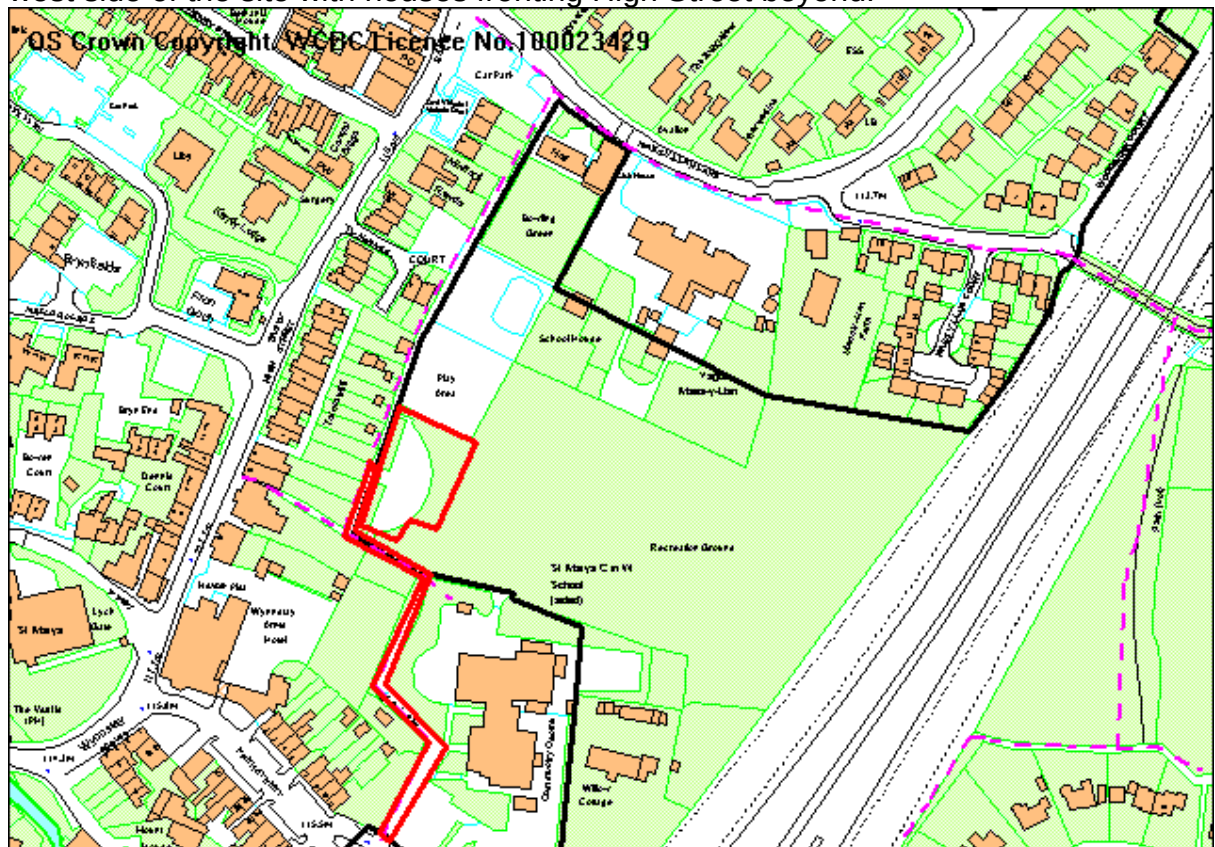
WARD:
Ruabon

AGENT NAME:
MR ROEL CARBONEL

APPLICANT(S) NAME:
REBECCA ROBERTS

THE SITE

The site is part of recreation and school open space land on the west side of the village, currently occupied by a skate park. There is a footpath on the west side of the site with houses fronting High Street beyond.



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Proposed location of new building

PROPOSAL
As above

2021

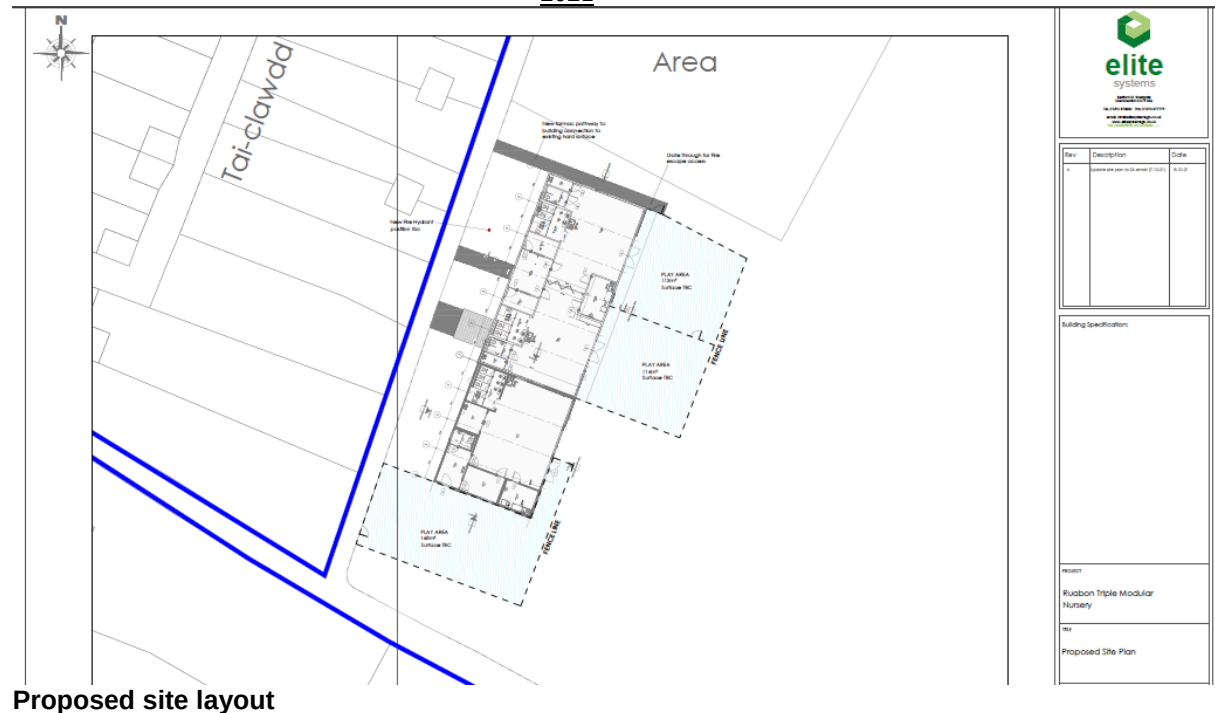


Location Plan

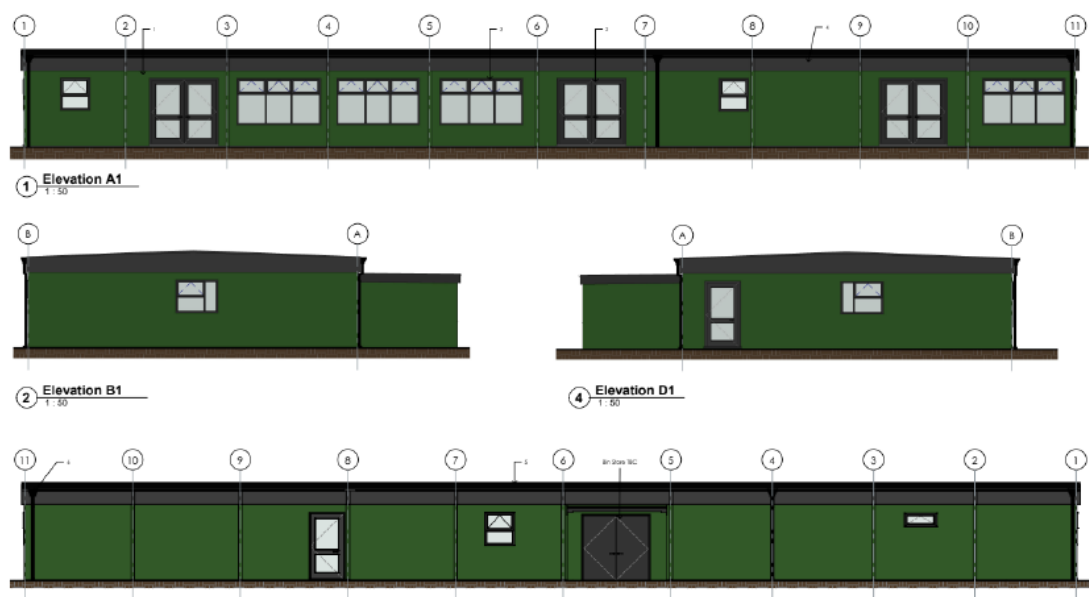
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Proposed site layout



Proposed elevations

Supporting information

Need for the development

The Welsh Government recognises that childcare is one of the biggest challenges facing working families in Wales. Supporting families with quality, flexible and affordable childcare supports economic regeneration, can reduce pressures on family income and help parents to participate in work, thus reducing a family's risk of poverty. It also supports the wellbeing of children through positive and rich childcare experiences. There are therefore clear

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social and economic benefits arising from the provision of this important nursery / pre-school provision.

Wrexham CBC are working with the school and their local communities to support this initiative and deliver new pre-school spaces for local children.

The proposed modular buildings are designed for pre-school children and will deliver an attractive indoor learning and play environment together with access to outdoor playspace. The buildings will also include necessary welfare (wc and cloaks) kitchen, store and office space for the effective operation of these childcare spaces.

Funding for this pre-school project is provided by the Welsh Government as part of its commitment to improving childcare in the wider community.

Pre-application Consultation / Information

In 2017 the applicants met with local residents, members of the community council and the two schools to discuss childcare accommodation in Ruabon and committed to finding a permanent solution to the lack of the same.

In 2019 the applicants put information about the Childcare Offer capital programme onto the WCBC website.

2019 – 2021 the applicants have met and communicated regularly with the Community Council over all issues relating to the building project.

In 2020 the applicants met with the two schools and all the childcare providers operating in Ruabon to tell them about the building project and answer question.

In 2020 the Community Council put information out into the local community and schools about the scheme with details of the location and the type of build etc. Consultation documents were prepared and an online consultation meeting was arranged but cancelled as we had no attendees. They were unable to run a face to face consultation at the time because of lockdowns.

The local elected member is a member of the project steering group and has been involved throughout, from day 1.

Play Space

The applicant is seeking further information from Ruabon Community Council about the mitigating actions the community council is taking with regard to the loss of the skateboard park.

Parking and access

All daily access to the childcare building will be walking access along 3 paths. Staff car parking will be in the public carpark next to the community centre on

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the corner of Maes y Llan Lane and the High Street. Deliveries will be able to access the building along the path next to St Mary's School, for which the Community Council hold the key to the bollard.

It is envisaged that the staff will park in the free car park that is to the North of the site (on Maes-y-Llan Lane). The children can be dropped off on any of the surrounding streets or free car park, cars will only be parked temporarily. It is also envisaged that many of the children that use the facility will live in walking distance and will be walked there rather than driven by vehicle.

The walkways are all 1200mm min and have a slope of less than 1:20 (to comply with DDA regulations). There is no change in levels on site.

Design

The proposal involves the installation of a 10.20 x 33.00m triple classroom modular with a kitchen, store, office, unisex and disabled WC and a lobby. The building will have a floor to ceiling height of 2.4 metres.

The building will be of modular type construction, it will be built off site in a controlled factory and logistically transported to site, and craned into position. The building will then be connected together and finished by the erection team. Services to the building will then be connected and any commissioning required will take place. The full-on site construction process to take approximately 4-5 weeks. The boundaries of the building will be the same boundaries that currently exist for the recreational ground owned by the council.

The design intention was to make the new building as unobtrusive as possible. The general superstructure will be a single storey hybrid timber/steel frame.

The external wall is Tata Colorcoat LG plastic coated steel. The colour for the external walls will be Heritage Green RAL 6002. The material choice of the external cladding (Tata Colorcoat LG leather grain plastisol bonded to 9mm plywood) has been made with a view keeping the cost appropriate to the budget, but still providing an aesthetically pleasing finish, which is easy to maintain, sturdy and resilient to impact/vandalism.

HISTORY

P/2014/0049 Mobile classroom granted 2014, permission expired 2019

DEVELOPMENT PLAN

The site is outside settlement limits and adjoins Ruabon Conservation Area as set out in the Wrexham Unitary Development Plan. Policies GDP1 PS1 PS2 PS3 PS4 EC7 T8 EC4 EC13 EC6 CLF2 and CLF4 are relevant, together with Local Planning Guidance Notes 4 Conservation Areas, 6 Access to buildings, 16 Parking, 17 trees and 32 biodiversity.

The site is not designated as open space.

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CONSULTATIONS

Ruabon community Council:	Consulted 28/10/2021 and also notified as landowner
Local member:	Consulted 28/10/2021
Highways:	No objection subject to conditions
Rights of way:	No objections
Ramblers:	Footpath Ruabon 102 should not be diverted or blocked by the development, nor during construction
Public protection:	No objection subject to comments
Contaminated Land:	No comments
Sports Council:	Consulted 1/11/2021
Welsh Water:	No objection subject to comments and conditions
Natural Resources Wales:	No objects subject to comments regarding impact of phosphates on the river Dee SAC
Conservation Officer:	No objections
Ecology Officer:	Ecological enhancement is required
Adjoining residents notified:	28/10/2021
4 Objections received:	1. Building is too close to existing houses and gardens. 2. Development will create a corridor that will give rise to nuisance, vandalism and drug abuse. 3. Flat roof will be climbed on by youths to look into gardens. 4. Other locations available 5. External lighting will cause nuisance

SPECIAL CONSIDERATIONS

Principle of the development

The development is considered to be acceptable in principle notwithstanding its location outside settlement limits, as it is a building for community use serving an educational need in the village. It is also located close to the two primary schools serving Ruabon. Therefore it is considered to be acceptable under the terms of policies PS1, PS2, PS3 and PS4.

Loss of open space: The site is laid out as a skate park, and falls to be considered under the terms of policy CLF4 which states:

The redevelopment of sports grounds, playing fields, children's play areas and informal open spaces and allotment gardens for uses other than sport and recreation will not be permitted unless:-

a) redevelopment of only a small part of the site would allow the retention and enhancement of that existing facility; or

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*b) the long term requirement for the facility has ceased and it would not lead to, or increase an existing shortfall of that facility in the immediate locality; or
c) the loss can be replaced with an equivalent or greater provision in the immediate locality. Alternative sites should be within settlement limits or, in exceptional circumstances, adjacent to settlement limits provided that associated buildings, lighting, and parking facilities are not intrusive in the landscape and user accessibility is not reduced.*

The most recent assessment of open space provision County Borough is the Open Space Audit and Assessment of Need Report dated March 2016. This did not identify the site as being open space. Furthermore there would be no adverse impact on the adjoining play areas and playing fields. Therefore there is no conflict with the aims of policy CLF4.

Design and Conservation: The site of these proposals is immediately adjacent to Ruabon Conservation Area which is subject to an Article 4 (2) direction. This seeks to protect the special character of the Conservation Area by suspending certain permitted development rights, often resulting in the retention of important original features and traditional materials.

Whilst there are no objections to these proposals in principle to assist in minimising the impact of the development a condition will be imposed to require alternative colour and materials palette to the green cladding. Subject to this condition there is no conflict with policy EC7.

Residential amenity: The proposed building is over 35 metres from the nearest dwellings in Tai Clwyd High Street and is single storey, and no significant loss of amenity would result. The issue of access to the site during evenings has been raised with the applicant, to see if additional open mesh fencing is required along the back of the footway. The building is set back 6 metres from the footway and is not considered to create an alleyway. Overall the proposal is considered to be acceptable in terms of residential amenity under Policy GDP1.

Access and parking: The building is in a sustainable location where walking to school is the norm. The highway authority raises no objection to the proposals subject to conditions requiring agreement of construction traffic and service delivery management plans.

Ecology: The site has no ecological designations and a screening process has been carried out to confirm that the proposed development is unlikely involve significant additional pupil or staff numbers, and would not have any adverse impact on the River Dee in terms of phosphates.

The application does not contain any ecological enhancement. Both an ecologically sympathetic landscaping scheme and a scheme of ecological enhancement should be conditioned.

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Drainage: The development will be subject to approval of storm water drainage details under the SAB regime and conditions are required.

Lighting: LED lighting is proposed and details of any external lighting would be required as a condition.

CONCLUSION

The proposal complies with adopted policies and guidance.

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:
2003-15 ELT-00-00-DR-A-1002C Location Plan
200315-ELT-00-00-DR-A-1001A Proposed site layout
2003 15-ELT-00-00-DR-2000E Proposed elevations
2003 15-ELT-00-00-DR-A-1000G Proposed floor plan
and as contained within the application documentation.
3. Notwithstanding the details shown on the elevation drawing, prior to their use on the development details of all external facing 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.
4. Within 3 months of commencement of development on site, full details of both hard and soft landscape works, to include some native planting for the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide for ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features. The works shall be carried out prior to the occupation of any part of the development, with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use.
5. The landscaping scheme submitted and approved in connection with condition no. 4 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
6. The landscaping scheme as carried out in connection with condition no. 5 shall be retained for a minimum of 5 years. Within this timescale, any planting becoming 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 with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

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7. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.
8. Within 3 months of commencement of development details of any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting as is approved shall be installed in strict accordance with the scheme prior to first use of the development and shall thereafter be permanently retained in a fully operational condition.
9. No development shall take place until a Service and Delivery Management Plan (SDMP) to include (but not limited to) the details of frequency of deliveries, type of delivery vehicles to be used, management of car parking to facilitate delivery vehicles has been submitted to and approved in writing by the local planning authority.
10. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.

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. 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.
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7. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
8. To safeguard residential amenity
9. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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10. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

Your attention is drawn to Highway Supplementary Notes - Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
[http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)

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 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 works outside of the specified times, permission to proceed may be sought by contacting Environmental Health and Housing Standards at: healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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

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on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Planning & Regulatory Department on 01978 292040 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 Planning & Regulatory Department on 01978 292040 for further advice and information.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Lighting has the potential for classification as a statutory nuisance under the Environment Protection Act 1990. If lighting is found to be causing a nuisance than an Abatement Notice may be served, and the applicant is advised to consider this when designing the installation of any lighting.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

The development is adjacent to a public right of way and the applicant should ensure that the footway is not interfered with. Further guidance can be obtained by contacting the Council's Rights of Way Officer on 01978 792761.
