

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT
1 February 2016

APPLICATION NO:
P/2015 /0915

LOCATION:
WREXHAM COUNTY BOROUGH
COUNCIL CAR PARK AND
ADJOINING LAND BONC WEN
RHOSLLANNERCHRUGOG
WREXHAM
LL14 2EE

DATE RECEIVED:
01/12/2015

COMMUNITY:
Rhos

CASE OFFICER:
JS

WARD:
Ponciau

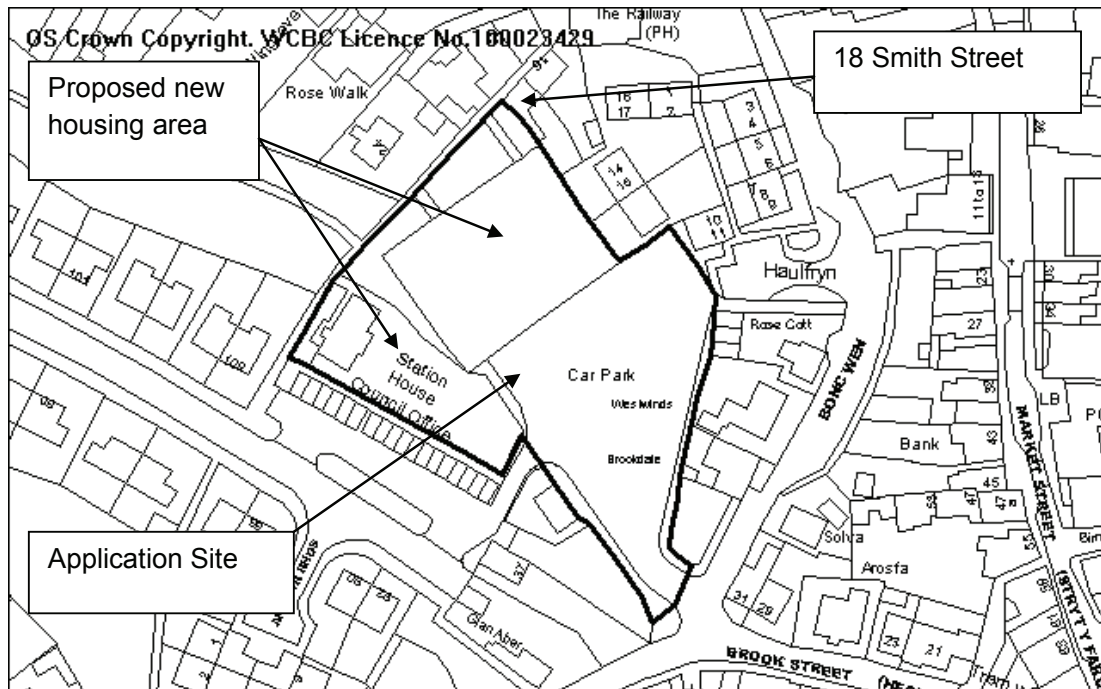
DESCRIPTION:
RESIDENTIAL (SOCIAL HOUSING)
DEVELOPMENT
(11 DWELLINGS - 1 NO BUNGALOW,
1 NO BLOCK OF 4 APARTMENTS, 3
NO PAIRS OF SEMI DETACHED
HOUSES)

AGENT NAME:
T A C P
MR CHRIS EDWARDS

APPLICANT(S) NAME:
MR CHRIS WELLS NORTH WALES
HOUSING ASSOCIATION

THE SITE

The site is located to the west of Bonc Wen, Rhos, and part of the site forms a public car park. Station House has been demolished. A footpath runs along the north west edge of the site.



PROPOSAL

As above. This application is for full planning permission. Amended plans have been submitted to adjust the layout of some of housing plots.

HISTORY

P/2010/0243 Residential development (Outline submission with all detailed matters reserved). Granted 26.7.10. The permission is no longer extant. The indicative layout included a residential development of 9 dwellings – comprising 2 x terraces of 4 dwellings, and a detached house, with access via the existing public car park. The suggested layout also suggested that the existing public car park could be re-modelled to give 48 spaces. [Condition 10 of the permission confirmed that a revised car parking layout for public car parking area was required as part of the reserved matters application, and that scheme was required to include a minimum provision of 42 car spaces, and to include enough room for turning head suitable for coaches to turn]

DEVELOPMENT PLAN

Within settlement limits. Policies PS1, PS2, GDP1, H2 and T8 apply.

CONSULTATIONS

Community Council:	Objects. To lose any further parking spaces could be detrimental to the community and unnecessary, and the initial planning application would suffice in property numbers for the site.
Local Member(s):	Notified 4.12.15
Welsh Water:	Drainage scheme for the site is required. No surface water and/or land drainage is allowed to connect directly or indirectly to the sewerage network.
NRW:	The site is within Zone A as defined in TAN 15 Development and Flood Risk (2004) and the Government's Development Advice Map. Parts of the site are shown to be at risk of surface water flooding in the 3.33% AEP (1 in 30 annual chance) to 0.1% AEP (1 in 1000 annual chance) rainfall events. SuDS and attenuation of surface water prior to discharge into the existing combined sewer is required. A number of other recommendations concerning ground contamination, waste

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	management, biodiversity risks has also been mentioned.
Highways:	The existing parking facility allows approximately 48 vehicles to park in part of the site, and the car park is not delineated adequately and cars park haphazardly and this reduces the capacity of the facility. The site was granted planning permission in 2010, and there were a number of highway related planning conditions, e.g. Condition 10 required retention of 42 car parking spaces; condition 11 required improvements to Bonc Wen junction and Condition 12 required a minimum carriageway width of 5m. These conditions have been satisfactorily demonstrated on the submitted plans. Condition 13 required an emergency access into the site. The Area Fire Safety Compliance Manager has stated that in the remote but possible chance that Brook Street was blocked on both sides of the carriageway for some time, they would seek to gain access to the site by other means. No separate access is required. The site will be served by an adopted highway and the scheme provides adequate room for refuse wagons to turn. Parking provision within the area should be maintained throughout the construction period. Conditions are recommended.
Press Notice:	Expired 8.1.16
Site Notice:	Expired 4.1.16
Other Representations:	14 neighbours notified, and one letter received (including some oral discussions), raising the following concerns: • The garden area of plot 6 is too tight to the side gable wall of 18 Smith Street, and there is concern that the occupants of the new property might use this wall to kick balls against the wall to cause disturbance, or they could cause damage to the side wall. • The construction work will cause noise and disturbance for the adjacent resident.

SPECIAL CONSIDERATIONS

Details: This application follows an earlier planning permission (P/2010/0243) but that permission is no longer extant for the site. That scheme accepted the principle of residential development plus retention of a public car parking area for 42 spaces – even though the submitted plans indicated that a car park of 48 spaces.

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As part of P/2010/0243 the Highways Authority indicated that the existing public car park at this location provided enough room for approximately 48 cars to park, and a parking survey carried out at that time e.g. 2009 indicated that only 29 spaces were actually required within any 15 minute period during the day. It was also considered that the suggested that re-designed layout for car park might not achieve 48 spaces because further design modifications were required as part of the reserved matters – to include a bus turning facility within the car park area, and pedestrian safety facilities. As a result a planning condition was imposed as part of the earlier outline planning permission to ensure that any detailed scheme for the site included replacement parking for at least 42 spaces.

Public car park and protection of existing facility: The application indicates that the new layout for the car park will achieve 42 car parking spaces even though the area for parking is shown to be a bit smaller. Some of this space has been gained for the housing development has been possible because the layout no longer requires a bus turning facility within the car park area. It is also noted that the new housing area contains a full turning facility which will allow room for refuse and re-cycling vehicles to turn, and therefore existing car park area will no longer need to be used as a turning area for larger vehicles.

Highways has examined the layout of the new parking area and is satisfied that the layout for 42 spaces is acceptable, but the re-modelled area will need to be appropriately marked out, to ensure that the spaces are used in more efficient way than currently the case. However there is also a need to ensure that a public parking facility is maintained during the construction phase and it might be prudent for the new parking layout to be formed before the housing development takes place.

Drainage: I am advised that a significant proportion of the site is identified as being at risk of surface water flooding as detailed on the NRW Flood Map for surface water. Therefore it is encouraged that the scheme incorporates flood resistant and resilient construction techniques to minimise risk for occupants of the development. It is also noted that some permeability tests were undertaken and this could require storm water flows to direct either into nearby watercourses, or into a public sewer. But attenuation of run-off is required (SudS), and it is likely that the connection will be required into the public sewer.

This matter has been raised with the developer, and further details should be available as part of the addendum report.

Design and Layout: The general layout of the site is acceptable, and it will maintain a suitable pedestrian link between the car par and adjacent residential areas (Smith Street and Glanrafon), and the wider countryside. The Council's normal amenity separation distances is complied with, although the gap between plot 11 and plot 1 is less than the recommended 22m, i.e. it

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is 18m; this relationship is acceptable in order to maintain an acceptable street scene for development. Also it is noted that the window which faces plot 1 is looking towards a combined kitchen, lounge and dining room, and this room has the benefit of other windows within two separate elevations, including a south west elevation. These other windows also face into private garden areas.

The proposed houses and bungalow will all have off-street parking for 2 cars and the 1 bedroom flats (4no.) will each have 1 parking space. The site occupies a central position within Rhosllanerchrugog, and therefore parking provision is acceptable, and it will not place greater demands of the existing public car park.

The stepped elevations between plots 10 and 11, and the general arrangement of the site in relation to adjacent properties will make it important to control permitted development structures within garden areas. Therefore a condition is required to control this.

Neighbour impacts: The proposed layout will form a private garden area adjacent to the side gable wall of 18 Smith Street, and potentially this blank wall might become used by the occupants of the adjacent plot (e.g. plot 6), and this might cause damage if structures are placed against, or if garden area is used for ball games. To avoid a potential nuisance and amenity issue, it is important for the rear boundary for plot 6 to leave a gap (at least 1m) from this gable wall, and for this boundary to be appropriately contained (perhaps by a 1.8m high fence) to control impacts. As to whether this land remains within the ownership of the applicant or not is not an issue for the application, but the boundary treatment should be controlled by planning condition.

Noise during the construction period is sometimes inevitable, but usual this is temporary. Subject to reasonable timescales, this impact should be acceptable.

POS: The development will exceed the threshold of 10 dwellings, and therefore a contribution either on-site or off-site POS is required for a scheme comprising less than 25 dwellings. The site is immediately adjacent to some existing open space amenity areas, and therefore the need for off-site provision is not entirely necessary for the scale of development. No POS is required on site, but it is noted that the development will involve the re-arrangement of the existing car park area, and therefore some soft landscaping measures are required at the edges to this area which will provide some visual amenity benefit for the area. Therefore the required submission of landscaping scheme for the whole site should in this instance be sufficient to meet any lack of on-site POS.

School contributions: Information regarding the need for this item has been requested, and any information will be supplied in the addendum, and the recommendation may need to be adjusted to deal with this. The previous development did not require any.

CONCLUSION

The principle of housing development on part of the site has been supported previously, and although this area will be slightly larger, the parking facility at this location will not be made worse because it still retains the same number of parking spaces as previously approved. The concern of one neighbour has been addressed by planning conditions.

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 LOC-01, ST-11 Rev A, GA-10, GA-11, GA-12, GA-13, GA-14 Rev A and GA-15 Rev A and contained within the application documentation.
3. Prior to their use on the development samples 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. No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring.
5. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 04 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.
6. Before development commences on the residential element of this development, full design details of the proposed re-configured public car parking area for 42 parking spaces, including details to confirm how the spaces will be delineated and the area drained, shall be submitted to the Local Planning Authority for further approval; and the details as approved shall be fully implemented before any of the dwellings are first occupied.
7. No part of the development shall commence until full details of a hard and soft landscaping scheme, together with design details of any new fences and / or walls shall be submitted to and approved in writing by the Local Planning Authority.
8. The landscaping scheme as approved in connection with condition 7 above shall be fully implemented in all respects within three months of the first use of the dwellings hereby approved, 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.
9. The landscaping scheme as carried out in connection with condition no. 07 shall be retained for a minimum of five years. Within this timescale, any

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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 and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

10. Notwithstanding any details approved in connection with conditions 7, 8 and 9, a 1.8m high fence shall be constructed at the rear boundary of plot 6 and this shall be located 1.0m away minimum from the side gable wall of 18 Smith Street, unless an alternative boundary treatment is first agreed in writing with the Local Planning Authority. The fence shall be permanently retained.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A and E of Schedule 2 Part(s) 1 for plots 6 to 11 as identified on the approved plans, other than the development hereby granted permission.

12. The vehicular parking and turning areas as shown on the approved drawing(s) no(s).ST-11 Rev A for the whole site area edged red shall be fully laid out, surfaced and drained prior to first use of the housing development. These areas shall thereafter be permanently retained and kept free of obstruction, and made available solely for the parking and turning of vehicles at all times.

13. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Detailed layout, design, drainage and construction of the proposed new footway / carriageway.

The scheme as is approved shall be fully implemented prior to the first use of the development.

14. 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.

15. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.

16. No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.

17. 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.

18. 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

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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.

19. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 18. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

20. The site shall be developed in accordance with the ground and / or floor levels indicated on the approved plans. No changes to floor levels or external ground levels shall be made without the prior written approval of the Local Planning Authority.

21. 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.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. To ensure that the development fully complies with the appropriate policies and standards.

3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

4. In the interests of the amenities of the future occupants of the buildings

5. In the interests of the amenities of the future occupants of the buildings

6. To ensure that the re-designed car park area provides a suitable and effective parking layout for the area, both in the interests of highway safety and the amenities of the area.

7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

9. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

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10. To protect the amenities of occupants of the adjacent residential property.
11. The plots are located close to adjacent property and it is important to control future development in the interest of the amenities of adjacent occupants.
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.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. To protect the amenities of the occupiers of nearby properties.
16. To protect the amenities of the occupiers of nearby properties.
17. 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.
18. To ensure satisfactory drainage of the site and to avoid flooding.
19. To ensure satisfactory drainage of the site and to avoid flooding.
20. To ensure that the development fully complies with the appropriate policies and standards.
21. In the interests of highway safety.

NOTE(S) TO APPLICANT

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as "conditions precedent". You should be aware that it is important that you comply with any "conditions precedent". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

The applicant is advised that compliance with condition no. 15 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

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. 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:

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- 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 Housing and Public Protection Department on 01978 315300 for further advice and information.

Applicants are advised that compliance with condition no. 16 does not provide an exemption from the statutory nuisance provisions of the Environmental Protection Act 1990. Under the Act dust from any type of activity can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that the 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.

Further advice on compliance with condition no. 04 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: <https://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

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Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the 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. The separate written consent of the Local Highway Authority must be obtained before any work is carried out within the confines of the highway.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

You are advised to consider the consultation response as received from Natural Resources Wales, which is available to view as part of the application documents on the Council's web site.
