

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

APPLICATION NO:
P/2015 /0698

LOCATION:
FORMER BANK CRANE STREET
CEFN MAWR WREXHAM
LL14 3AB

DATE RECEIVED:
16/09/2015

COMMUNITY:
Cefn

DESCRIPTION:
ERECTION OF 3 NO. THREE
BEDROOM TERRACED HOUSES
AND 1 NO. DETACHED THREE
BEDROOM HOUSE

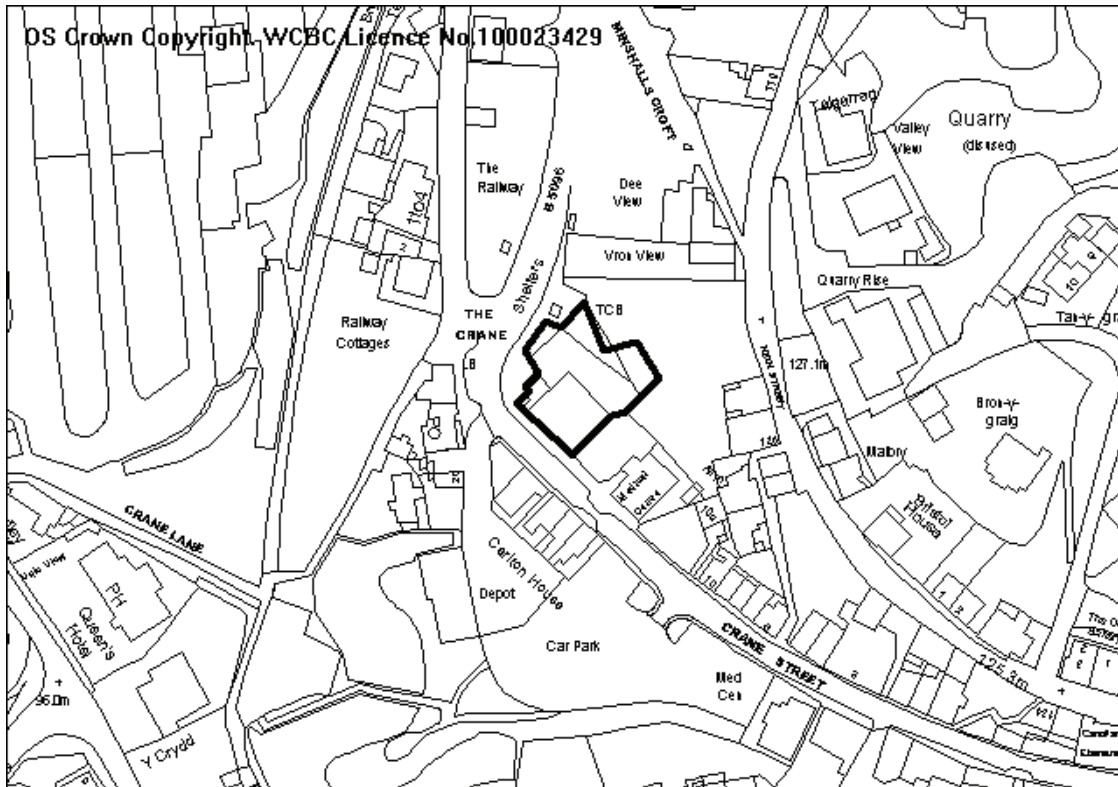
CASE OFFICER:
PF

WARD:
Cefn

APPLICANT(S) NAME:
MR BRIAN DAVIES

AGENT NAME:
PAUL WHALE STUDIO
83
MR PAUL WHALE

THE SITE



PROPOSAL

Planning permission is sought in full for the demolition of the existing former NatWest Bank building and for the erection of 4 no. dwellings with associated vehicular access, parking and turning area.

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HISTORY

P/2008/0238	Erection of 4 no. two bedroom detached dwellings. Granted 17.09.2008
P/2008/0968	Demolition of existing building. Granted 03.11.2008
P/2015/0697	Demolition of former bank building (within Cefn Mawr Conservation Area). Pending

DEVELOPMENT PLAN

The site is located within a defined settlement and also within the Cefn Mawr conservation area and Pontcysyllte World Heritage Buffer Zone. As such, policies PS1, PS2, PS3, PS4, GDP1, GDP2, EC7, H2 and T8 are relevant. Guidance is also contained in Local Planning Guidance Notes 16 – Parking Standards, 21 – Space Around Dwellings, 27 – Developer Contributions to Schools and 30 – Residential Design Guide. The site is also within the HSE inner consultation zone relating to the hazardous installation at the former Flexsys Rubber Chemicals plant.

CONSULTATIONS

Community Council:	Supports the application providing that the buildings are aesthetically pleasing with the rest of the properties in Cefn Mawr.
Local Members:	Cllr D. Taylor – As a member of the planning committee the following concerns (NOT objections) are raised at this stage: - That the construction of the properties fit in with the surrounding area, i.e Ruabon red brickwork and Cefn Stone. - Due to the position of the proposed construction in the village (which has conservation and heritage status), that the finishing of the build is of a suitable high quality and the area aesthetically planted in order to improve the area. - Previous builds by the site owner within the conservation area has not left the surrounding area of the build in a very aesthetically pleasing state which is detrimental to Cefn Mawr's future role within its tourism agenda through links with the World Heritage Site. The proposed build is in a central position of the High Street

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	and therefore gives importance to its general standard of finish not only to the build but also to the grounds surrounding the build.
	- Due to the location of the land being on a bend it is important that sufficient parking on the proposed development is built into the plans in order to deter parking on the road near to the bend.
Site Notice:	Expired 14.10.2015
Press Notice:	Expired 23.10.2015
Highways:	The layout of the site has satisfactorily been amended to ensure circulation is possible. The parking provision is marginally below LPG 16 standards however the site is highly sustainable and a similar level of parking provision was accepted in 2008. Standard conditions required.
Public Protection:	Ground condition report required due to previous commercial use of the site. Standard construction nuisance conditions should also be imposed.
Health and Safety Exec. (HSE):	Advise against approval of planning permission. The site is located within the inner consultation zone in relation to the development hazard Flexsys Rubber Chemicals.
NRW:	The advice from the council's ecologist should be sought in relation to the possibility of bats within the existing building.
Neighbouring Occupiers:	One representation received raising the following points: - Will the buildings be built with appropriate materials to respect their position within the conservation area; - What attention to monitoring throughout the build and also where the building is situated?; - The proposed application makes a nonsense of the conservation area. Has consideration been given to mining workings in the area; and

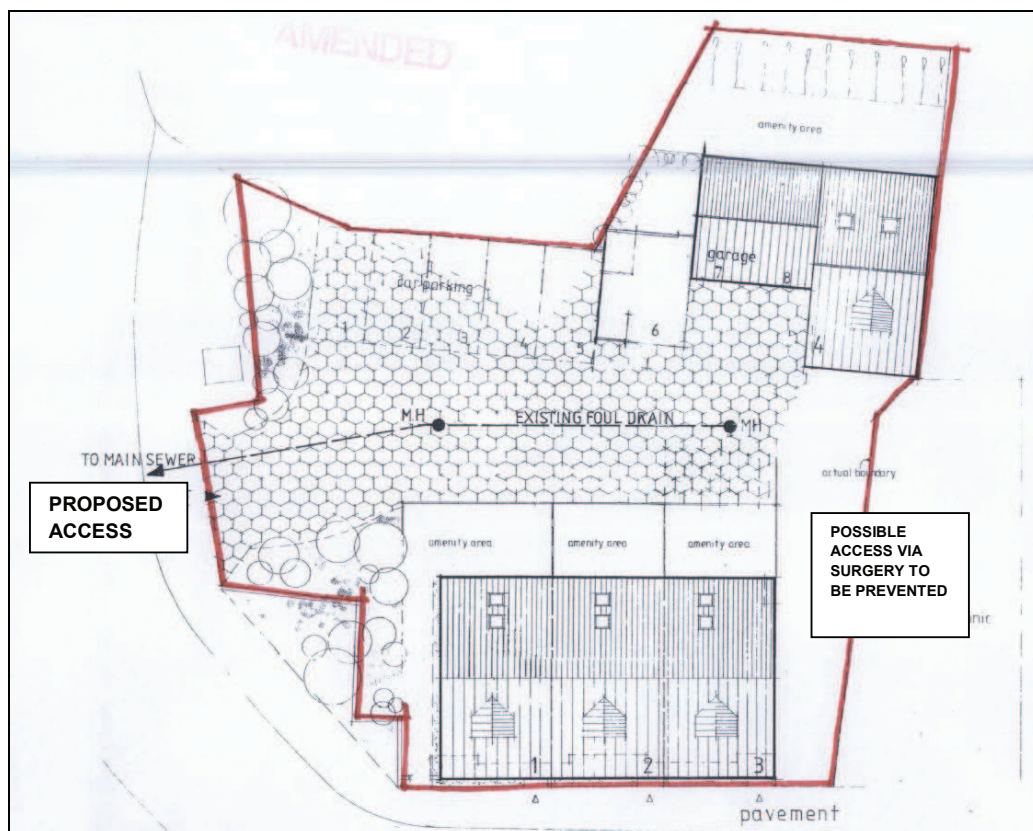
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- What impact will the development have upon existing access and exits and neighbouring buildings.

SPECIAL CONSIDERATIONS:

Background: Planning permission has previously been granted on this site for a similar development. In 2008, the Planning Committee resolved to grant planning permission for the erection of 4 no. dwellings, consisting of two pairs of two bed semi-detached dwellings across the entire frontage of Crane Street.

This scheme now presented amends the layout of the site previously approved so that a terrace of three 3 no. bed dwellings front Crane Street with a single 3 bed dwelling to the rear of the site. Access remains proposed from Crane Street, however, the layout of the site also leaves open the boundary with a car park which also serves the neighbouring doctors surgery. The application documentation indicates that half of this car park falls within the applicant's ownership. For the benefit of members, a proposed layout plan with annotations is shown below.



Visual amenity: I have no objections to the principle of re-development of this site which was subject to a previous planning permission for 4 dwellings. The existing building on the site is considered to be an eyesore and has a

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negative visual impact at a focal point within the Cefn Mawr conservation area. A greater density of development as proposed will reference the historical use of the site.

The form and layout of the proposed dwellings are accepted and broadly respect the layout of the previously approved scheme in 2008. The main change is the provision of a single detached dwelling to the rear of the site and those dwellings to the front of the site pushed up to the rear of the existing footway on Crane Street. I consider that these frontage dwellings better respect the character of the area in this manner.

The site has high visibility within the conservation area and therefore calls for a high quality design and use of materials. The use of a range of local building materials and architectural detailing is a key characteristic of this area and must be reflected in the new build. I have sought additional detail and amendments from the applicant in relation to the finer detail of the facing elevations of the dwellings, more specifically in relation to decorative features such as storey bandings and stone lintels instead of soldier courses. Similarly, more sympathetic boundary and surface treatments are sought. These amendments will not alter the form and position of the dwellings, therefore delegated authority is requested to determine these details when submitted and this is reflected in my recommendation. Subject to the agreement of this detail, I consider that this development will make a significant positive contribution to the streetscene and will seek to enhance the character of the conservation area and will not harm the Outstanding Universal Value of the Pontcysyllte World Heritage Site.

Amenity: The position of the proposed dwellings is such that they will not widely impact upon the existing neighbouring dwellings in terms of loss of daylight and privacy. A property known as Sun House is located on the opposite side of Crane Street directly opposite unit 3 with a separation distance of 10 metres. It is acknowledged that this falls well below the 22 metres set out in LPG21. However, given the settlement pattern in this area, the substandard separation distance accepted by the 2008 approval and the significant improvements that this development will bring about to the area, I consider that this matter does not outweigh those benefits.

Whilst the amenity spaces for the dwellings fall below the requirements of LPG21, again, the character of the settlement pattern in this location is such that other dwellings of similar scale are provided with similar amenity spaces. I do not consider that this should constitute a reason for amendment or refusal in this instance.

Public safety: The site is located within the inner consultation zone for the former Flexsys Rubber Chemicals plant. Whilst it is acknowledged that the chemical works are no longer in situ, a Hazardous Substances Consent remains extant on the site. The extant nature of this consent must be taken into account as a material consideration. The HSE have advised against granting planning permission on the basis of the intensity of the development

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proposed. However, I am mindful that in 2008, the HSE were advised regarding the council's intention to grant planning permission for 4 no. 2 bed dwellings and no recommendation was made to the Welsh Ministers to 'call in' the application. Whilst I appreciate that this proposal now seeks to add an addition bedroom per dwelling, I do not consider that this is a materially significant increase in the number of people who could potentially live on the site and as such I am minded to consider that there have been no significant changes to the proposal since 2008 to warrant a recommendation for refusal on the grounds of public safety.

In accordance with the National Assembly for Wales Circular 20/01, the council are required to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Welsh Ministers call-in the application for their own determination. This is reflected in my recommendation.

Highways: Currently, vehicular access to the former bank building is made from Crane Street. This same access is proposed to be used for the residential development. Highways have raised no concerns regarding this approach and are satisfied that the visibility splays achievable. Minor amendments have been made to the internal layout of the site to ensure that vehicles can park and turn within the site.

Maximum parking standards in LPG16 would require 12 spaces. However the proposal would result in a shortfall of 4 spaces with two of the spaces proposed within a garage. Whilst garage parking is not recommended in LPG16, given the site is in a highly sustainable village location, this, and the shortfall in parking provision can be justified. I propose a planning condition to preclude the garages from being used for purposes other than the parking of motor vehicles.

Highways have raised concerns regarding the proposed layout plan showing the removal of an existing gate on the boundary with the doctor's surgery car park and the implications of this providing for a through route for users of the proposed development and the doctor's surgery. Given the width of the surgery car park access, I consider that this could result in a conflict at the entrance which would be detrimental to public safety. This will be prevented by way of a planning condition.

Developer contributions: In accordance with policy GDP2 and LPG27 a contribution will be required to offset the negative impacts of the development upon the capacity of education provision within the locality. Based on current guidance a contribution of £17,760 is required for both Cefn Mawr Primary and Ruabon Secondary schools. These contributions will be secured by way of a Section 106 agreement.

Other matters: The development is located in an area known for previous coal mining activity. Searches will be carried out through the Building

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Regulations process regarding this matter. A standard Coal Authority note will form part of any decision notice to approve the scheme outlining the developer responsibilities.

It is the developer's responsibility to ensure compliance with any formal planning permission. However, the council have a duty to investigate any instances where it is made aware of non-compliance with a planning approval.

The existing former bank building is not considered to be a suitable habitat for roosting bats therefore no further action is required in this respect. Should any tree removal be required, a condition will be imposed to ensure the tree/scrub removal takes place outside the bird nesting season. This will satisfy the comments of NRW.

CONCLUSION

I consider that there are significant benefits to be achieved from this proposal, enhance the character of the Cefn Mawr conservation area by the removal of a poor quality building and replacing it with a development which respects the character of the village. I therefore consider that the scheme is acceptable and I recommend accordingly.

RECOMMENDATION A

That upon satisfactory receipt of amended plans detailing more sympathetic architectural features and boundary/surface treatments on the development, the Head of Community Wellbeing and Development be given delegated authority to give notice, in accordance with National Assembly for Wales Circular 20/01, to the Health and Safety Executive of his intention to grant planning permission.

RECOMMENDATION B

That if, following a period of 21 days from this notice, the Head of Community Wellbeing and Development has not been informed of any request by the Health and Safety Executive for the Welsh Ministers to call-in the application for their own determination, planning permission be granted, subject to the completion of a planning obligation in relation to education contributions and subject to the following conditions:

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 be carried out strictly in accordance with the approved plans numbered 1210.85.1A, 1210.85.2, 1210.85.3 and 1210.85.4 and dated 20 November 2015 and contained in the application documentation.
3. No part of the development shall commence until samples of all external facing and roofing materials have been submitted to and approved in

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writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

4. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials for a minimum distance of 5 metres behind the adjoining highway.

5. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.

6. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

7. 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.

8. No vehicular access shall be made to the site via the access which serves the Crane Medical Centre. For the avoidance of doubt, vehicular access shall only be made to the site via the access proposed on the north western boundary of the site.

9. 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.

10. 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.

11. 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.

12. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 11 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.

13. 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.

14. The garage proposed for unit 4 hereby approved shall only be used for purposes which would not preclude the parking of 2 no. motor vehicles.

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15. There shall be no clearance of vegetation on site between the months of March to August inclusively in any calendar year.

16. No part of the development shall commence until a scheme has been submitted to and approved in writing by the local planning authority fully detailing all hard surface materials to the parking and turning areas. The scheme shall be fully implemented in accordance with the detail as may be approved prior to the first occupation of any dwelling.

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. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.
5. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. In the interests of highway safety.
7. In the interests of highway safety.
8. In the interests of highway safety.
9. To protect the amenities of the occupiers of nearby properties.
10. To protect the amenities of the occupiers of nearby properties.
11. In the interests of the amenities of the future occupants of the buildings
12. In the interests of the amenities of the future occupants of the buildings
13. 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.
14. In the interests of highway safety.
15. In order to protect wildlife interests, which are afforded special protection.
16. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

NOTE(S) TO APPLICANT

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 292050.

You should ensure that any difference between the plans approved under the Town and Country Planning Acts and under the Building Regulations is resolved prior to commencement of development, by formal submission of amended plans.

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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 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.

Further advice on compliance with condition no. 11 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 applicant is advised that compliance with condition no. 09 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.

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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:

- 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. 10 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.

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

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 we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with

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Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity.

Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - www.dwrcymru.com

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk
