

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

APPLICATION NO:
P/2015 /0372

LOCATION:
FORMER SCHOOL BUILDINGS HIGH
STREET BRYMBO WREXHAM
LL11 5BN

DATE RECEIVED:
15/05/2015

COMMUNITY:
Brymbo

DESCRIPTION:
DEMOLITION OF EXISTING
BUILDING AND ERECTION OF 13
DWELLINGS AND CONSTRUCTION
OF NEW ACCESS

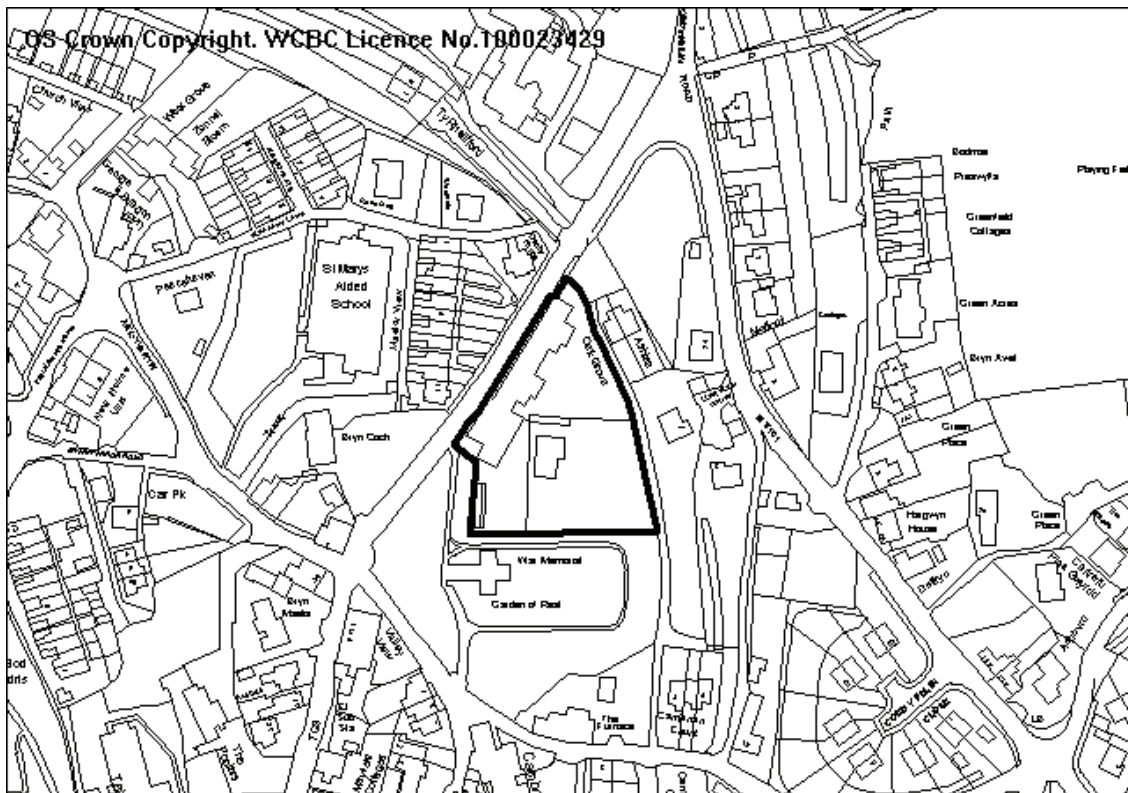
CASE OFFICER:
PF

WARD:
Brymbo

AGENT NAME:
PARRY DAVIES
ARCHITECTS LTD

APPLICANT(S) NAME:
MR G MYTTON

THE SITE



PROPOSAL

Planning permission is sought for the demolition of the former school building and for the erection of 13 no. dwellings with associated parking provision and vehicular access on to High Street. Also, as part of the proposal, a building to the south eastern corner of the site is proposed as part of a bat mitigation scheme.

HISTORY

P/2004/0937 Outline application for demolition of existing building,
outline application for residential development,
construction of new vehicular and pedestrian access and
alteration to existing vehicular and pedestrian access.
Granted 11.10.2004

DEVELOPMENT PLAN

The site is located within a defined settlement limit. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, EC4, H2 and T8 are relevant. Guidance is contained in Local Planning Guidance Notes 10 – Public Open Space in New Housing Development, 16 – Parking Standards, 17 – Trees and Developments, 21 – Space Around Dwellings, 27 – Developer Contribution to Schools and 30 – Design Guide.

CONSULTATIONS

A reconsultation exercise was carried out on 14.10.2015 following the receipt of amended plans principally to relocate the position of the proposed vehicular access to the site.

Community Council:
Local Member:

Consulted 14.10.2015

Offers the following observations:

High Street

- This building has been vacant and the site in a poor condition for many years.

- Any redevelopment of this site should enhance the character of the High Street.

- The majority of other development on this road fronts onto the High Street

- Any development which has properties backing onto High Street would be inconsistent with the remainder of development and potentially detrimental to character.

Highways and Parking

- High Street has a lack of off street parking which often results in back to back parking on one site between the junction of Ael Y Bryn and Pen Y

- Garth Residential Care Home

- It is important that any new development has sufficient off street

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

parking spaces so not to impact the flow of traffic on High Street.

- Access to the proposed development should be at the northern end of the site to limit impact to residents of Maelor View.
- The existing footway fronting the site should be improved and link in with the existing path through the Garden of Rest.

Design

- Any new build should be to a finish similar to the existing semi-detached development adjacent to the site.
- Properties at Maelor View should not have to overlook back gardens of any new development.

Public open space

- Opportunities to enhance the adjacent Garden of Rest should be explored including resurfacing of existing public paths through the site.
- Any section 106 contribution should be linked to the existing open space and play area at Railway Road.

Site Notice:

Expired 02.07.2015

Press Notice:

Expired 10.05.2015

Highways:

- A previous planning permission has been approved with an access in a similar position;
- Adequate off street parking is proposed;
- A bus stop pole and highway sign in the footway to the north of the access will require moving within a 2m wide footway;
- Standard conditions are recommended.

Parks and Rights of Way:

Advises that any of site contribution towards open space upgrades/improvements would be best utilised on the Cheshire View play area.

Public Protection:

Standard construction nuisance conditions required in terms of noise and dust.

NRW:

Nb: The following comments were made prior to the submission of bat compensation measures. A full

- scheme of compensation measures are currently being considered by NRW and are discussed below.*
- The proposal has the potential to cause disturbance to bats and/or loss or damage to their resting places.
 - In principle the development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the bats affected by the proposal;
 - Detailed avoidance, compensation and mitigation measures should be provided; and
 - A surface water drainage strategy should be provided;
- Neighbouring Occupiers: 20 neighbouring occupiers notified. 8 representations received raising the following issues:
- The development will result in an increase traffic and resulting highway safety issues;
 - There are a sufficient number of houses in Brymbo already;
 - Vehicles that already park along the road on High Street will cause issues for vehicles attempting to pass the site which will cause traffic issues;
 - If the access is centrally located, those who live on Maelor View will not be able to park opposite the new access. The existing access opening should be considered;
 - The installation of a soakaway may cause issues with water seeping away towards the rear garden of no.1 and 2 Llewellyn Court;
 - Rear garden areas facing the street is not acceptable;
 - High Street will become busier when the Plas Brymbo link road opens which could cause major road safety issues if the site is developed;

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

- Concerns about the nature of the boundary treatments in relation to existing properties in the locality.

SPECIAL CONSIDERATIONS:

Design and amenity: The site consists of a former school building which has remained unoccupied for some time. As a result, the curtilage of the site has become overgrown and the school building suffered damage through weathering. The building sits in a prominent position adjacent to High Street.

The proposed layout of the site has been negotiated to better reflect the current built form of the site and the prominent position of the site within the street scene. A line of 8 dwellings consisting of two terraces of three and a pair of semi-detached face onto High Street creating a strong street frontage. These dwellings are staggered in terms of their finished floor level to take into account of the sloping nature of High Street rising north east to south west. The remaining 5 dwellings are positioned within the site fronting on to a hammerhead cul-de-sac. This consists of a further pair of semi-detached dwellings and three detached.

The proposed development will result in a strong street frontage with some additional interest in the dwellings provided by their staggered nature. Brymbo is made up of a mixture of architectural styles and materials, however there is prominent presence of red brick and render. I am satisfied that the dwellings represent a simple appearance and are not dissimilar to the style of newer properties in the locality. Conditions will be required to ensure full approval of facing materials as well as boundary treatments given their prominence within the streetscene within the site. Consideration should also be given to the re-use of materials on site following the demolition of the building.

I am satisfied that the position of the dwellings are such that there would be no detrimental impact upon the neighbouring occupiers and the scheme accords with principles set out in LPG21 in terms of amenity spaces and separation distances.

Public Open Space: Open space provision on site is required for new developments in excess of 10 dwellings. However, LPG10 does suggest that on sites of 20 dwellings or less, consideration can be given to the provision of a financial contribution towards the improvement of off-site provision where, for design reasons, the provision of on-site open space would not be acceptable. I have liaised with the local member the Parks and Rights of Way Manager regarding this issue and it is considered acceptable to make a contribution towards improvements at the open space on Cheshire View. Whilst this is not the closest provision to the site, it does fall within the community and is considered to be in significant need of improvement above that of the closest provision which is relatively new. A financial contribution is reflected in my recommendation.

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

Highways: Amendments to the scheme were submitted following concerns from neighbouring occupiers and highways regarding the position of the access and the possible impact this would have upon those neighbouring occupiers who currently park on the highway. The majority of those residents live along Maelor View where there is no off street parking provision. The amended layout, which has been the subject of reconsultation, has resulted in the access been relocated from a central position on the site frontage to the north eastern corner of the site, minimising any potential obstruction of the junction from parked motor vehicles. Highways are satisfied that this is a significant improvement in the interests of the existing site context. On site parking provision is acceptable, as is the layout of the internal access road. I am satisfied that, on the basis that the scheme accords with the maximum parking requirements of LPG16, and that there is no specific evidence to support the notion that this development will result in dangerous levels of additional traffic in Brymbo, the scheme is acceptable in highway safety terms.

Ecology: The site has been the subject of a thorough ecological assessment. Bats have been identified within the existing building. As such, a scheme of compensatory measures have been proposed, predominantly consisting of a 'bat house' in the far south eastern corner of the site to allow for the continued roosting of bats following the demolition of the existing school building. These measures are currently under the consideration of NRW given that a species derogation license will be required. Therefore delegated powers are sought to allow the Head of Community Wellbeing and Development the authority to grant planning permission upon the receipt of a satisfactory response from NRW and the imposition of any additional appropriate conditions.

There are two trees in the neighbouring Garden of Rest which are the subject of TPOs. I am satisfied that the development is unlikely to have significant harm upon these trees, nor will the trees hinder the amenity of the future occupiers of the dwellings. The application is accompanied by an Arboricultural Report which proposes the installation of tree protection fences. This can be conditioned as part of any approval.

Drainage: The applicant has proposed the use of surface water attenuation methods within the south eastern corner of the site. It is acknowledged that NRW have raised concerns regarding the lack of submission of any pre-application testing for suitable ground conditions. However, given the nature of the current site in terms of the existing building and hardstanding to the yard area, I am satisfied that this proposal has the potential to allow for a significant amount of surface water to be dealt with on site. Therefore I consider a condition to require the submission of a comprehensive drainage scheme prior to the commencement of development will be acceptable in this instance.

Developer contributions: The proposal will require a contribution of £32,240 towards a shortfall in capacity Gwersyllt Bryn Alyn Secondary School. This

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

will be secured by way of a legal obligation and this is reflected in my recommendation.

CONCLUSION

I am satisfied that the proposed development would be acceptable in terms of its built form in the context of the existing village location. Subject to appropriate protected species mitigation I consider this proposal represents an acceptable reuse of the site. My recommendation reflects this.

RECOMMENDATION A

That the Head of Community Wellbeing and Development be given delegated powers to grant planning permission upon the receipt of a favourable response from Natural Resources Wales to their reconsultation on the proposed protected species compensatory measures and subject to a planning obligation.

RECOMMENDATION B

That the council enters into an obligation under Section 106 of the Town and Country Planning Act 1990 requiring:-

- Education contribution towards a shortfall in provision at Gwersyllt Bryn Alyn Secondary School - £32,240
- Contribution towards off site open space improvements - £13,000
- Management of ecological mitigation and compensatory measures in perpetuity.

The final form and amount shall be determined by the Head of Community Wellbeing and Development.

RECOMMENDATION C

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990, as detailed above, is not completed within six months of the date of the Committee resolution, the Head of Community Wellbeing and Development be given delegated authority to REFUSE planning permission for the following reasons:

- Lack of contributions towards a shortfall in education provision in the locality.
- Lack of contribution towards the provision of open space.
- Lack of continued care towards the provision of compensation measures for statutorily protected species.

The Head of Community Wellbeing and Development be given delegated powers to determine the final form and content of the refusal.

RECOMMENDATION D

Subject to the completion of the Section 106 obligation, planning permission be GRANTED subject to the following conditions and any others which are deemed necessary following completion of the reconsultation exercise with NRW.

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 13.5550/SL1 Rev A, 13.5550/RL1 Rev B, 13.5550/1, 13.5550/2 Rev A, 13.5550/5, 13.5550/6, 13.5550/7, 13.5550/8 and 13.5550/bat 1 and contained within the application documentation.
3. Prior to the commencement of development detail of all facing materials including all proposed bricks, roofing materials, facia and barge boards and dormer window materials shall be submitted to an approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the detail as may be approved.
4. Prior to the commencement of any demolition works on site, the following details shall be submitted for the further approval of the local planning authority:
 - i. an audit of all existing building materials
 - ii. the potential re-use and recycling of those materials for incorporating into an agreed, replacement site development, and
 - iii. where relevant, the recipient of remaining building materials.The approved audit shall form part of the building contract agreed for new building development for the site, a copy of which shall be submitted for record purposes for the Local Planning Authority.
5. No development shall commence until full detail of all boundary treatments, to include their position, elevational design and use of materials, have been submitted to and approved in writing by the local planning authority. The scheme as submitted shall be implemented strictly in accordance with the details as may be approved.
6. No part of the development shall commence until full details of both hard and soft landscape works, to include some native planting has been submitted to and approved in writing by the local planning authority. The plan shall include a timescale for the implementation of works, a maintenance plan and shall provide for ecological improvement and habitat creation and enhancement in the soft landscape areas for the benefit of bats which are known to be on site.
7. The landscaping scheme submitted and approved in connection with condition no. 6 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
8. The landscaping scheme as carried out in connection with condition no. 06 shall be permanently retained. 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

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

replaced with trees or shrubs and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

9. The approved landscaping scheme shall be maintained in strict accordance with the five year Maintenance Plan as approved in connection with condition no 6.

10. Prior to first use of the development, the proposed vehicular access shall be laid out in strict accordance with approved plan no. 13.5550/RL1 Rev B. The visibility splays shall thereafter be permanently retained free of all obstruction in excess of 1 metre in height.

11. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 43 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.

12. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 13.5550/RL1 Rev B 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.

13. Prior to the commencement of development, detail of a 2 metre wide footway across the entire site frontage on to High Street fully linking in to the existing footway into the Garden of Rest on the south western site boundary, shall be submitted to and approved in writing by the local planning authority. The footway shall be installed strictly in accordance with the details as may be approved prior to the occupation of any dwelling.

14. 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:

- a) Detailed layout, design, drainage and construction of the proposed internal carriageway and footways; and
- b) Relocation of existing bus stop pole and crossroads sign.

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

15. 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.

16. 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.

17. 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.

18. No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the

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

Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.

19. 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 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.

20. No equipment, machinery, plant or materials of any kind in connection with the development shall be brought onto the site until tree protection fencing and ground protection measures have been fully implemented. The fencing shall consist of a scaffold framework in accordance with Figure 2 of British Standard 5837:2012 comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 metres. Onto this, 2.1 metre weldmesh panels shall be securely fixed with wire or scaffold clamps. This fencing shall be erected at the extent of each tree(s) Root Protection Area, as set out in British Standard 5837:2012 or as shown as the Construction Exclusion Zone on the approved Tree Protection Plan Ref. 15/AIA/WXM/173 Dwg No. 03 Rev A. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.

21. The tree protection fencing and ground protection measures approved in connection with condition no. 20 shall be kept in place until all external site works have been completed and the removal of the fencing has been approved in writing by the Local Planning Authority.

22. The development shall be carried out in accordance with Appendix 5 of the approved document 15/AIA/WXM/173 Rev A.

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.

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

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 the development involves a sustainable approach.
5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
6. In the interests of the visual amenity of the area and to ensure that species which are afforded statutory protection are not disadvantaged by the development.
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. In the interests of the visual amenity of the area and to ensure that species which are afforded statutory protection are not disadvantaged by the development.
10. To ensure the formation of a safe and satisfactory access.
11. To ensure that adequate visibility is provided at the proposed point of access to the highway.
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. For the safety and convenience of all pedestrians and in the interests of the visual amenity of the area.
14. In the interests of highway safety and the free flow of traffic.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. To protect the amenities of the occupiers of nearby properties.
18. To protect the amenities of the occupiers of nearby properties.
19. To ensure satisfactory drainage of the site and to avoid flooding.
20. To ensure that the retained trees are adequately protected during development in the interests of amenity.
21. To ensure that the retained trees are adequately protected during development in the interests of amenity.
22. To ensure that the retained trees are adequately protected during development in the interests of amenity.

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.

You should check carefully that the levels agreed as part of this permission are complied with. Any divergence from these levels is likely to invalidate your permission and could result in enforcement action which could require

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

demolition of the building(s).

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.

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.

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.

The accuracy of the detailed plans and drawings forming part of the application documents hereby approved shall remain the responsibility of the

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

applicant/developer.

The applicant is advised that compliance with condition no. 17 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:

- 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. 19 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.

Any waste excavation material or building/demolition waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted sites. Transfer notes shall be kept for each load for a minimum of 2 years.
