

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Date 05/07/2021

APPLICATION NO:
P/2021 /0297

LOCATION:
LAND AT 83 AND 85 HEOL OFFA
JOHNSTOWN WREXHAM
LL14 2BB

DATE RECEIVED:
23/03/2021

COMMUNITY:
Rhosllanerchrugog

DESCRIPTION:
CODI 6 FFIAT / ERECTION OF 6
APARTMENTS

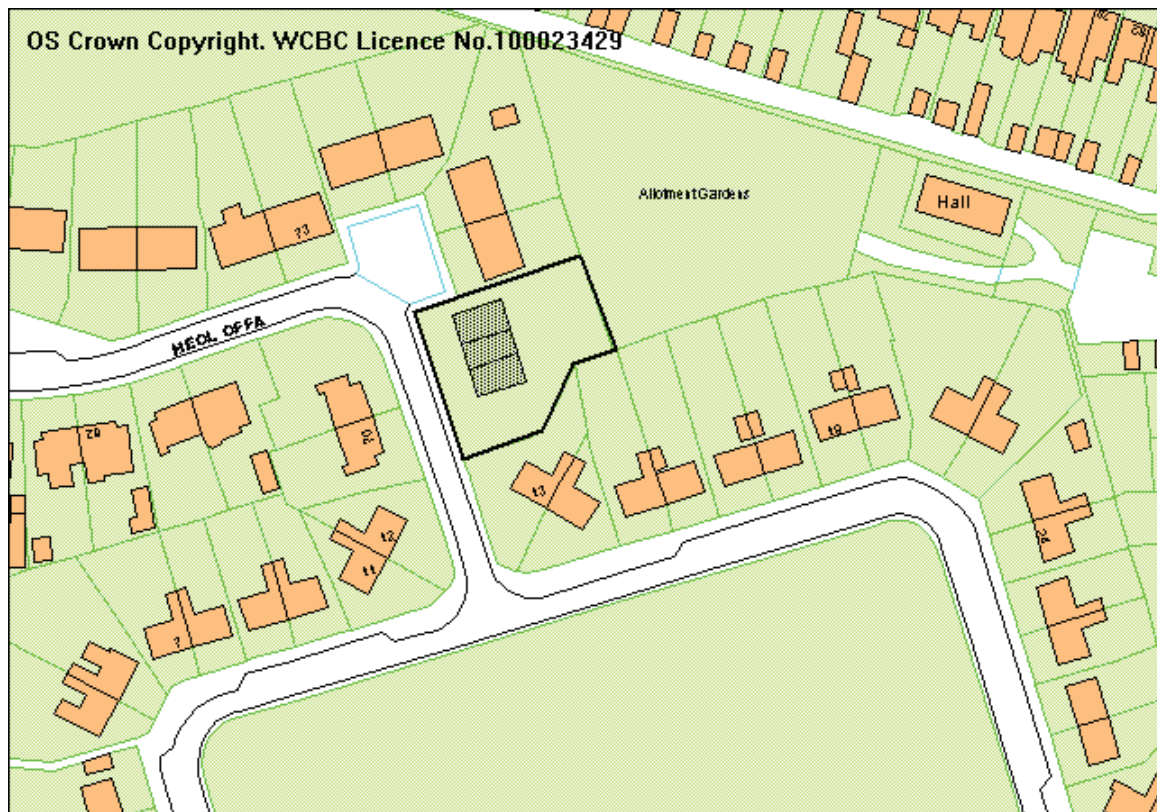
CASE OFFICER:
SEH

WARD:
Johnstown

APPLICANT(S) NAME:
MARK JOWITT

AGENT NAME:
LAWRAY ARCHITECTS
KEITH O HANLAN

THE SITE



PROPOSAL

As above

HISTORY

P/2015/0547 Prior Notification of Proposed Demolition of 83 and 85 Heol Offa.
Granted 11/08/2015.

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P/2010/0985 Outline Application for Erection of Two Bungalows to Replace Existing Bungalows. Application Withdrawn on 15/12/2010.

PLANNING POLICY

Within defined settlement limit. The site is Brownfield land and lies within the Johnstown SAC and SSSI Buffers. Policies PS1, PS2, PS3, PS4, GDP1, H2, EC4, EC6, EC13 and T8 apply. Local Planning Guidance Notes (LPGN) Nos. 21 'Space around Dwellings' and 16 'Parking Standards' are also relevant.

CONSULTATIONS

Community Council:	Raises concerns over the drainage in the area, being aware that there is also another planning application for a new development pending in the same area, and possibly using the same drainage system. Members are aware that drainage is not a material planning issue but if not fully investigated by SUDs, could have a detrimental impact on the area. This must be fully investigated and the concerns be given full consideration when making your decision.
Local Member:	I am pleased that these potential proprieties will be undertaken using Modern Methods of Construction in line with Welsh Government requirements, to boost the economy opportunities. The new build housing project of 6 no. one bedroom apartments in Heal Offa, Johnstown is proposed to be constructed utilising the Beattie Passive model. The scheme is currently awaiting planning permission and has been approved for the technical scrutiny element of Social Housing Grant by Welsh Government. The largest Council Housing Register and demand within Johnstown, is for one bedroom properties. This development will contribute to meeting this growing demand and provide lifetime, energy efficient homes which will benefit our tenants and in supporting a reduction in potential fuel poverty by reducing energy costs. In terms of parking the proposed development also incorporates 9 car park spaces to address some of the concerns raised over adequate parking, and the local area is within a 20mph speed limit.
Highways: proposals.	No recommendations objections or to the
Public Protection:	Recommend advisory notes to control noise, dust and the burning of waste, during the construction phase. (See the Advisory Notes)

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Contaminated Land:	Conditions are required so as to ensure that any potential contamination issues are adequately dealt with. (See condition nos. 8 and 9)
NRW:	No direct impact upon the Hafod Site SSSI. The development is not likely to be detrimental to the maintenance of the population of the Great Crested Newts, including breeding sites and resting places at the site provided that the avoidance measures described in the ecological report are implemented. (See condition no.17) Improvements are required to mitigate against 'recreational pressure' within the Johnstown SAC. (See condition no. 7)
WW:	No objection to the development connecting to the surface and foul water public sewerage system. We would accept proposed attenuated surface water discharge of 2 l/s coming into the 150mm surface water sewer running close to the Western boundary of the site. (See condition no. 10). A comprehensive drainage scheme is required by condition, along with a condition ensuring that the development does not come within 3 metres of the public sewer which crosses the site. (See condition nos. 11 and 12)
Ecologist:	The submitted ecology report has been carried out to a high standard: • A condition is required to secure the recommendations contained within the report including native planting, and bird and bat boxes etc. as shown on the submitted landscaping scheme. (see condition nos. 5 and 17) • Welsh Government Planning Policy Wales requires development to provide a net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped. This has been secured through the submission of a landscaping scheme. Implementation must be secured by planning conditions. (see condition nos. 5 and 7) • Johnstown Newt Site SAC is a nearby outdoor recreation area. The site suffers from problems exacerbated by 'over use' by the public. The applicant is required to secure improvements to the recreation facilities within the SAC in order to mitigate for the development. 3 projects will be implemented which are all to improve the

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public entrances around the SAC, including footpath improvements at Ffordd Offa, replacement gates, and repairs at the Stryt Las entrance. The works will deter antisocial behaviour on site and reduce damage to newt habitat. Submission of the final details must be secured by planning condition. (see condition no.7)

Tree Officer:

No response or comments.

Neighbours:

5 letters of objection received:

- 9 extra cars on this road, which is not very long or wide, is madness and will make the road (which is close to a school) more dangerous;
- The two storey development will not blend in with the adjacent bungalows;
- To replace 2 dwellings with 6 is ridiculous;
- Traffic volumes are already high;
- There are parking problems already locally with occupants of the existing houses having carers, and users of the football pitches parking here;
- Water pressure will be an issue;
- Added pressure on existing drainage pipework;
- Possible disruption of underground asbestos.

SPECIAL CONSIDERATIONS

Background: The application site lies within the settlement limit where residential development is acceptable in principle, subject to compliance with UDP Policy GDP1. 2 bungalows were removed from site in recent years due to their being empty and deteriorating in condition. This application proposes 6 no. 1 bedroom apartments within a 2 storey, mews style building. The matters to consider relate to the impact of the development upon the character and appearance of the area, residential amenity, drainage and highway safety.

Design: The shape of the building and layout of the site has been strongly influenced by the existing features of the site, including the mains sewer which crosses the site and pattern of the surrounding bungalows and houses. The flats have been designed to appear as a block of mews style properties, of similar scale to the houses opposite and to the south.

Whilst the building is taller than the bungalows to the north, the new development will not over dominate these existing bungalows and the proposed building will sit comfortably within the street scene. The development proposes a mix of materials common to the area to ensure that the built development is sympathetic to the locality. A landscaping scheme has been submitted for the site including tree and native hedge planting, and the regeneration of this vacant site will visually enhance the general appearance of the area, in accordance with UDP Policies GDP1, H2, EC4, PS2 and PS3.

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Figure 1. Front Elevation



Figure 2. Streetscene Perspective

Residential Amenity: LPGN 21 recommends a minimum level of onsite outdoor space of 60 m/sq. The proposed communal outdoor space to the rear of the site is well in excess of this minimum, at 180 m/sq, with additional drying space adjacent to it. A bin store is proposed to the south of the site to cater for the development, which will be screened to protect the visual amenities of the area. The development is sufficient distance away from the nearby private gardens to avoid any over dominance, and the scheme as proposed complies with Policy GDP1 and the supporting LPGN 21 'Space around Dwellings'.

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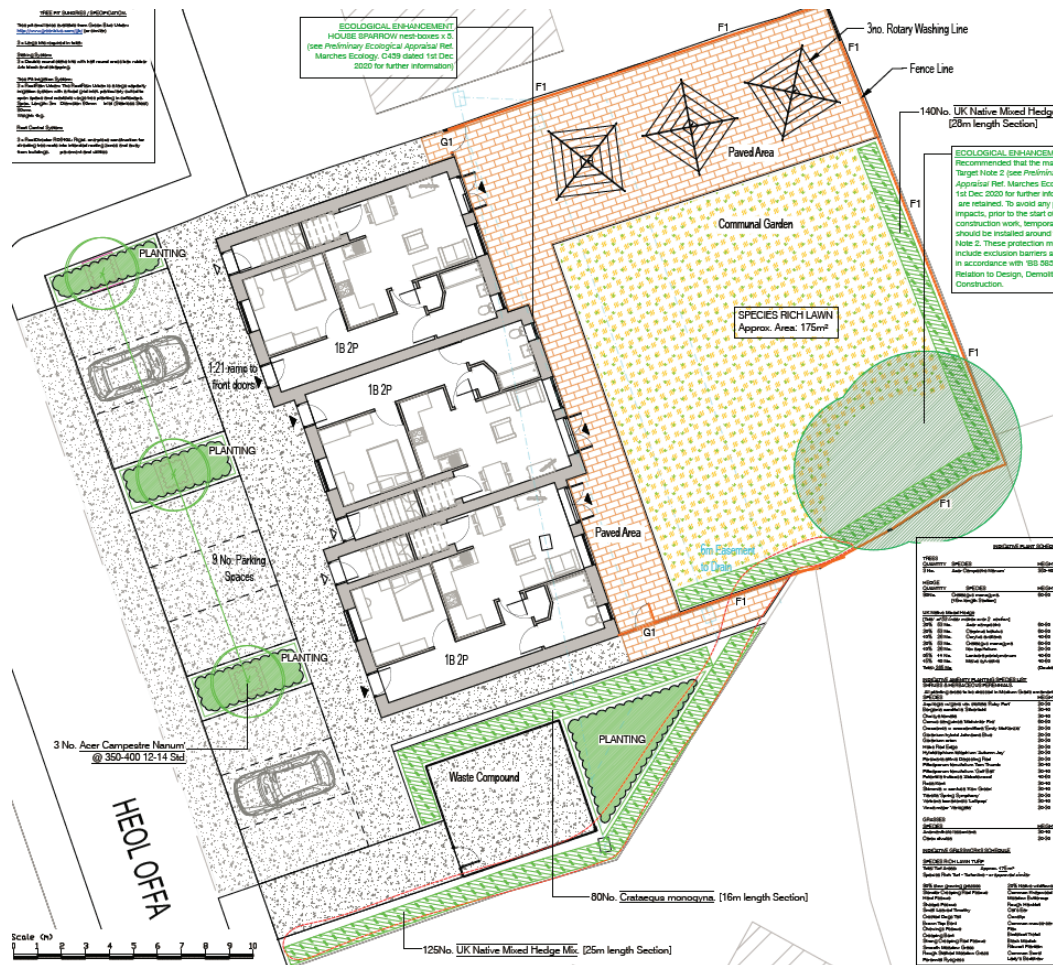


Figure 3. Proposed Site Layout

Highways: The highway authority has been consulted and has confirmed that there are no recommendations or objections to this application. The proposed onsite parking provision of 9 no. spaces is in accordance with the maximum requirements of LPGN. 16, and the development complies with UDP Policies PS4 and T8. The layout of the site, implementation of the parking provision, and the access arrangements will all be secured by planning condition nos. 13, 14 and 15.

Drainage: Foul / wastewater will be drained to the public sewer and WW has confirmed that this is acceptable. The site is served by Five Fords Wastewater Treatment Works (WwTW) which has both a Phosphate consent, and the capacity to treat the additional wastewater flows from this development. This will ensure that any increase in the Phosphate levels will be properly managed, and safeguard against any damaging effects to the SAC.

The submitted Flood Risk Review and Drainage Strategy report confirms that soakaway testing at the site failed. Following the SAB hierarchy, the next available location would be the surface water sewer adjacent to the site. WW has accepted an attenuated flow of surface water to the public sewer.

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Approval of the final details will be secured by condition nos. 10, 11 and 12, and the proposed development complies with UDP Policies EC6 and EC13.

Other Matters: Concern expressed in relation to water pressure is not a relevant material planning consideration. Any potential for disturbance of contaminated land will be dealt with the planning condition nos. 8 and 9.

CONCLUSION

The current proposal offers the opportunity to provide 6 residential units, within a defined settlement limit, and on Brownfield land. There are no highway safety or surface/foul water drainage concerns, and the proposal accords with the character of the site, and makes a positive contribution to the appearance of the nearby locality. The proposed development accords with all of the applicable UDP Policies mentioned above, and I recommend accordingly.

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 PJC-1040-001, A-061001 Rev P12, A-062001 Rev P08 and A-069001 Rev P10, and as contained within the application documentation.
3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
4. With the exception of those shown on the approved plan and 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 windows or other openings shall be inserted in any elevation of the building.
5. The hard and soft landscaping scheme, ecological enhancements and boundary treatments approved as part of this application shall be fully implemented in strict accordance with approved drawing no. PJC-1040-001 within three months of the first use 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.
6. The planting and ecological mitigation measures implemented in connection with condition no. 5 shall be permanently retained. Any planting or mitigation which becomes 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 within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.

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7. No part of the development shall be occupied until a scheme of improvements to the entrance to the nearby Johnstown SAC has been fully implemented in strict accordance with a scheme which has been submitted to, and approved in writing by, the Local Planning Authority.
8. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.
9. Each part of the site subject to the remediation under the scheme(s) approved as part of condition no. 8 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.
10. The attenuated surface water discharge to the 150mm surface water sewer running along the western boundary fronting the development site, shall not exceed a rate of 2 l/s.
11. 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.
12. No development shall take place within 3 metres either side of the public sewer which crosses the site.
13. Prior to first use of the development the site shall be laid out in strict accordance with layout plan no. A-069001 Rev P10.
14. The vehicular parking area as shown on approved drawing number A-069001 Rev P10 shall be fully laid out, surfaced and drained prior to first use of the development. This parking area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.
15. Prior to first use of development, a pavement crossing to the site shall be constructed in strict accordance with Highway Authority adoptable standards.
16. Prior to the first occupation of the residential development hereby approved, the amenity, drying and bin storage areas shall be laid out in strict accordance with the approved drawing no. A-069001 Rev P10 and shall thereafter be permanently retained for those uses.

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17. The development shall be carried out in strict accordance with the methodology, findings and recommendations contained within the Preliminary Ecological Appraisal Report (by Tom Knight), C439/1.0, dated 1 December 2020, approved as part of this application.

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.
4. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. 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.
6. 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.
7. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
8. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. To protect the integrity of the public sewer and avoid damage thereto in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. 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.
12. To protect the integrity of the public sewer and avoid damage thereto in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. To provide for the parking of vehicles clear of the highway in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
15. In the interests of pedestrian safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
16. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
17. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in

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accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

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: heathandhousing@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 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

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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.

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 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

Further advice on compliance with condition nos. 8 and 9 may be obtained by contacting the Council's Environmental Protection Team on 01978 298989 or contaminatedland@wrexham.gov.uk

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.
