

PLANNING APPLICATION ASSESSMENT

CHAPTER COURT, WREXHAM.

Site: Chapter Court
Argyle Street
Wrexham

Clients: Real Planning
Dunmore
Church Street
Penycae
Wrexham
LL14 2RL

Job Ref.: 0990 – Chapter Court Report-V3

1.0 INTRODUCTION

We have been instructed to undertake a planning assessment survey with regard to the proposed development works at Chapter Court, Wrexham. The survey addresses the requirements as set out in the Welsh Assembly Government Technical Advice Note 5, 'Nature Conservation and Planning' to enable an assessment of impacts and mitigation to negate impact as a consideration, material to the determination of planning consent.

A survey was undertaken by a competent ecological surveyor and assistant to conform to the planning requirement on the 11 October 2019.

2.0 SUMMARY

- The site is classed as a brown field site, consisting of a linear two storey development of multiple occupancy, with brick cavity work and pitched roof, formed around a central courtyard of recent construction.
- The buildings are considered to have a very low potential for use as bat roosts due to the construction details and materials.
- The proposed development proposals do not impact on the pitched roof structures
- No invasive none native species have been recorded within the development zone.

3.0 SITE

The site is located in the town center of Argyle Street. The development consists of a two storey 'U' shaped development with outer facing elevations comprising of varying retail outlet units.

The building is continuous around a rear courtyard. The courtyard is closed off on the southern elevation by retail units fronting onto Hope street, which are not part of the application. The Chapter Court is a recent build circa early to mid-80's. The building is constructed from cavity facing brick work, with a modern roof finish of interlocking concrete tiles with a clay ridge. The complex has a rear single storey extensions with goods access to the rear courtyard. The single storey sections of the building are finished with a mix of flat roof finishes, bitumen/felts/dpdm etc. The rear flat roofs have internal guttering with a parapet wall finish to the elevations, with either a felt or brick coping finish. The first storey rear elevation has small hardwood windows to the service areas. The roofs are mitered onto the outer brickwork, with no fascia, the guttering is of an ogee profile directly fixed to the brickwork. The internal side valleys are cut and edge pointed to the valley.

The rear court yard and the frontage of the units are finished in hard landscaping, tarmacadam and pavers.

The adjacent habitats consist of similar developments of varying periods and finishes.

No designated sites are located within the development area or abut the development area.



Fig 1: Aerial Photograph of the survey area

4.0 EXISTING DATA

Surveys:

No previous surveys are available for the site.

Data search:

AMPHIBIAN: - No data is available for the immediate site. No records or water bodies suitable to support a breeding population for this species are recorded within 500 m from the site boundaries.

MAMMAL: - No data was available at the time of survey for the immediate site for either, Badger, Bat, or Hedgehog. However, the following species are to be found within the locality:-

Hedgehog - *Erinaceus europaeus* – records within the housing on the perimeter of the town centre.

Bat *Chiroptera* – no records for the building, the town however does record records for Pipistrelle and Whiskered/Brandt's.

The following species have been recorded locally and at a county level

Pipistrelle *Pipistrellus pipistrellus/pygmaeus*

Brown Long-eared *Plecotus auritus*

Lesser Horseshoe *Rhinolophus hipposideros*

Daubenton's *Myotis daubentonii*

Whiskered/Brandt's *Myotis mystacinus/brandtii*

Natterer's *Myotis nattereri*

Noctule *Nyctalus noctula*

REPTILE: – no site records for this species, single record for grass snake 980 m to the south of the site.

BIRD: – approximately 69 species are recorded within 1km of the site with only a single species that could potentially nest within the habitats identified inside the development boundary.

Designated Sites – None identified within 500 m of the site. The site has no water bodies or linear corridors that directly connect to any locally recorded sites.

5.0 SURVEY AREAS

As outlined in Fig 1

6.0 LEGAL PROTECTION

Under the 1981 Wildlife & Countryside, and the 2000 Countryside Rights of Way (CROW) Act, it is an offence to “intentionally” or “recklessly” kill, injure or take any legally protected species. In some cases, even the species' habitat and places of shelter are protected.

6.1 GREAT CRESTED NEWT/BAT:

Both British and European laws protect the species and its habitat. In Britain it is protected under Section 9 (Schedule 5) of the Wildlife & Countryside Act 1981 (as amended), and by The European Union's “Habitats Directive” (Council Directive 92/43/EEC (a) on the Conservation Of Natural Habitats and of Wild Fauna and Flora. The Habitats Directive is implemented in Britain by the Conservation Regulations 1994. Under this legal protection (and with the minor amendments of the CROW Act 2000 in England & Wales), to be superseded by the introduction

of “The Conservation of Habitats and Species Regulations 2010” which came into force on the 1 April 2010, it is an offence to:

- Intentionally or deliberately capture, kill or injure.
- Intentionally or recklessly disturb them in a place used for shelter or protection.
- Damage or destroy a breeding site or resting place.
- Intentionally or recklessly damage, destroy or obstruct access to a place used for shelter or protection.
- Possess an animal, or any part of it, unless acquired legally.
- Sell, barter, exchange or transport or offer for sale or parts of them.

6.2 BIRDS:

All British birds, their nests and eggs are protected in law. It is an offence under Part 1 of The Wildlife & Countryside Act 1981 *as amended* (and with the minor amendments of the CROW Act 2000 in England & Wales) to intentionally or recklessly kill or injure any wild bird or to take, damage, or destroy any nest or egg of any wild bird. However, Schedule 1 of the Act provides an additional tier of protection so that rare species (e.g. barn owl) are specially protected by increased penalties and cannot be intentionally or recklessly disturbed when nesting.

6.3 MAMMALS:

All of the British species of bat are protected under the W&C Act 1981 (as amended). This protection is also extended to the otter (*Lutra lutra*), and the water vole (*Arvicola terrestris*). The badger (*Meles meles*) is protected under the Protection of Badgers Act 1992. Included in the Act it is an offence to damage any part of a sett or destroy it; obstruct access to any entrance of a sett; or to disturb a badger when it is in its sett.

7.0 LIMITATIONS

7.1 None recorded.

8.0 METHODOLOGIES

8.1 GREAT CRESTED NEWT:

A walkover survey to identify any potential breeding pools and refugia sites within the survey area, followed up by a desktop survey to identify any local records for this species within 500m of the site.

8.2 BADGER:

Search for field signs (paths, latrines, foraging) indicating the presence of this species and if discovered an extended search up to 30m beyond the survey boundary for the presence of a sett(s).

8.3 BATS:

Walkover and internal survey to identify any potential roost sites, evidence of use or foraging habitats within the survey area.

8.4 BIRDS:

An assessment of habitat suitability for nesting sites.

8.5 REPTILE:

A walkover survey to identify any potential refugia sites within the survey area, followed up by a desktop survey to identify any local records for this species within 500m of the site.

8.6 FLORA:

Walkover survey to record floral species and classify the habitats in accordance with the JNCC Phase 1 Habitat Survey methodologies

9.0 RESULTS

9.1 GREAT CRESTED NEWT:

The site and the adjoining areas within 1 km do not record any identified breeding populations for this species.

9.2 BADGER:

The site or the adjacent areas did not record any evidence of use by this species; no records are available for this species within 50 m of the boundaries.

9.3 BATS:

Due to the material used in the construction and the construction detailing the potential for use by bats is considered to be very low. The brickwork finishes tight to the underside of the interlocking concrete tiles, with no fascia's or vents being present. The concrete roof tiles interlock both horizontally and vertically, the side valleys are cut and pointed tight to the valley and the ridge tiles are bedded tight to the top tiles. There is no access to the flat roof voids due to the internal valley construction and parapet wall detailing. The brick work finish is smooth similar to a high glaze engineering brick offering low fractionable surface. The windows and doors are built tight to the structure with no voids being recorded.

9.4 BIRDS:

Due to the construction detailing and lack of access into the structure through either the walls or roof finishes. The only potential nest site are the flat roof areas which could be utilised by Gulls, however no evidence for use by this species was recorded at the time of survey

9.6 REPTILE:

No local records are available for the site or adjacent sites at the time of survey.

9.7 HABITATS:

The site records no floral species and consists of hard landscaping.

10.0 RECOMMENDATIONS

The development proposals consist of the formation of mezzanine decking over the rear flat roof areas and partial development of the courtyard area to create informal space as part of the development proposals by introducing walling. Other development proposals include internal layout reconfiguration. None of the existing loft or roof structures are to be impacted by the development proposals.

10.1 *GREAT CRESTED NEWT:*

All local records are in excess of 1000m of the survey area. It is considered that the site has a very low potential for use by this species.

10.2 *BADGER:*

All local records are in excess of 500m of the survey area. It is considered that the site has a very low potential for use by this species.

10.3 *BAT:*

Due to the finishes and construction methods, and that no evidence of use was identified at the time of survey, we have classed the buildings as having a very low potential for roosting bats in the present configuration.

As good construction practice, a precautionary approach should always be taken during construction works. Most buildings offer some potential for over wintering and single seasonal occupancy for individual bats. This use can be spasmodic during the season and actual presence through emergence survey methodologies cannot be fully confirmed and are more likely to produce false negatives and therefore it is recommended that the following precautionary generic recommendations are undertaken as good working practice during the construction work phase:

1. Abutment flashings should be removed with similar care to ensure that no torpid or hibernating bats are injured during the demolition works.
2. Door frames and window frames should be removed with care to ensure that no torpid bats or hibernating bats are injured during the demolition works.
4. Defects to structural masonry should be lowered to prevent torpid bats or hibernating bats being injured during the demolition works.
4. Structural members, lintel bearings, purlins, or wall plates should be removed with care to ensure that no torpid bats or hibernating bats are injured during the demolition works.

If it is found that at any time during the works torpid or hibernating bats are uncovered, the works must cease immediately and further advice should be sought.

10.4 BIRDS:

At the time of survey, no historic evidence of nest sites was identified, similarly to bat, the potential for nest sites is considered to be low.

As a general note, all wild birds, their nests and their eggs are protected by the Wildlife & Countryside Act 1981. It is an offence (with certain exceptions), to intentionally kill, injure or take any wild bird (this includes chicks); to take, damage or destroy any wild bird's nest while it is use or being built; and to take or destroy the egg of any wild bird. The definition of a wild bird is 'any bird of a kind which is resident in or a visitor to Great Britain in a wild state'.

Generally, the guidance given within the UK with regards to the nesting season is set from March 1st to 31st July each year. Due to climatic change this advise is now seriously out of date. Nesting birds are now recorded as early as January through to late September and in some cases outside of this period. Owls, Doves, Pigeon, regularly nest outside of this period. Brood no's have also seen an increase, in the case of Swallow, Sparrow, 4 broods per year is now quite common.

10.5 REPTILE:

All local records are in excess of 1000m of the survey area. It is considered that the site has a very low potential for use by this species.

10.6 HABITATS:

No habitats or floral species where recorded on site at the time of survey.

The biodiversity species Hedgehog is recorded locally and are a species that are at threat both locally and nationally, however none of the development proposals will impact on the natural range for this species.

Careful consideration to any landscaping (potted) is to be undertaken, to ensure that no INNS (Invasive Non-Native Species) species are inadvertently introduced as part of the scheme.

11.0 CONCLUSION

No major impacts on species or habitats have been identified during the assessment process, It is therefore the surveyor's opinion that the proposed development proposals are considered to have no long term impacts, the development therefore, will have no long term impact on the favorable conservation status of locally recorded protected species, or their ecological functionality if the works are carried out in accordance with the recommendations given within this report

Tim Hodnett
October 2019

12.0 APPENDICES

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12.1 APPENDIX 1:



Photo 1 – Flat Roofs and Rear Courtyard



Photo 2 – Rear Courtyard