

Item 4c

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 4 NOVEMBER 2019

APPLICATION NO:
P/2019 /0354

LOCATION:
LAND OFF BLAST ROAD BRYMBO
WREXHAM
LL11 5BB

DATE RECEIVED:
08/05/2019

COMMUNITY:
Brymbo

DESCRIPTION:
RESIDENTIAL DEVELOPMENT OF
18 NO. SOCIAL HOUSING
DWELLINGS, NEW ACCESS AND
ASSOCIATED WORKS

CASE OFFICER:
PF

WARD:
Brymbo

APPLICANT(S) NAME:
KAREN THORLEY BREINIG
CONSTRUCTION

AGENT NAME:
BASE ARCHITECTURE
AND DESIGN
MR JAMES SMITH

THE SITE



PROPOSAL

Planning permission is sought in full for the erection of 18 residential units with associated access. The development would consist of 12 dwellings and 6 flats. The application has been submitted on the basis of a 100% affordable housing provision.

HISTORY

CB03378 Residential development (outline). Granted 06/09/1999
P/2003/0787 Extension of time for submission of details.
Granted 08/09/2003
P/2005/0014 Outline for residential development. Granted 07/03/2005
P/2008/0184 Reserved matters for erection of 17 dwellings and new access.
Granted subject to section 106 agreement 3/9/2009
P/2010/0733 Variation of condition no. 3 of planning permission P/2005/0014
and condition 1 of P/2008/0184 for the erection of 17 dwellings
and associated works to extend period of time within which to
commence development. Granted 14/10/2011
P/2016/0871 Relaxation of condition 1 imposed under planning permission
P/2010/0733 To extend the period within which to commence
development for a further period of three years (erection of 17
dwellings and associated works). Pending.

PLANNING POLICY

The site is located inside the Brymbo settlement limit. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, EC4, EC13, H2, CLF5 and T8 are relevant. Guidance is contained in Local Planning Guidance Notes 10 – Open Space, 16 – Parking Standards, 17 – Trees and Development and 27 – Developer Contributions to Schools.

CONSULTATIONS

Community Council:	Consulted 09.05.2019
Local Member:	Notified 09.05.2019
Site notice:	Expired 25.06.2019
Press notice:	Expired 6.07.2019
Highways:	No objection subject to conditions.
Public Protection:	Recommends amenity nuisance conditions and informatives.
Flood officer:	No objection subject to the improvement of the existing highway network to take surface water flow. This should be controlled by way of a planning condition. The drainage strategy would be SAB compliant.
Education Officer:	Confirms that the proposal will result in the need for a contribution towards a shortfall in primary infrastructure provision in the locality.
NRW:	Has significant concerns with the proposal if an appropriate great crested newt mitigation proposal is not presented.
Welsh Water:	Only foul water should be directed to the main sewer system.

- Neighbouring occupiers: 29 neighbouring occupiers notified. 3 neighbouring occupiers notified raising the following concerns:
- As a neighbouring occupier, the privet hedge will not be able to be maintained if the garden areas of the new dwellings;
 - The land was gifted for the children of Brymbo to play on and whilst overgrown, the children of Brymbo still play on it;
 - There is no assessment of the local wildlife in the area, on the site or the wider impact of the development upon the unbroken green barrier;
 - Residents requests to create off road parking on the land were refused on the grounds of poor visibility and insufficient distance from other junctions so this application raises questions about the health and safety of children on this bad stretch of road – a school bus stop was recently removed;
 - New houses already struggle with poor infrastructure, including drainage, and there are already localised flooding issues with blocked drains
 - Dwellings to the rear of existing raises questions such as: who will maintain the existing fence; what compensation will be offered to existing residents for their loss of views given a drop in property value; and how will existing residents gain access to maintain their fences;
 - There remains a lack of local amenities such as shops, schools and doctors which does not appear to have been addressed.

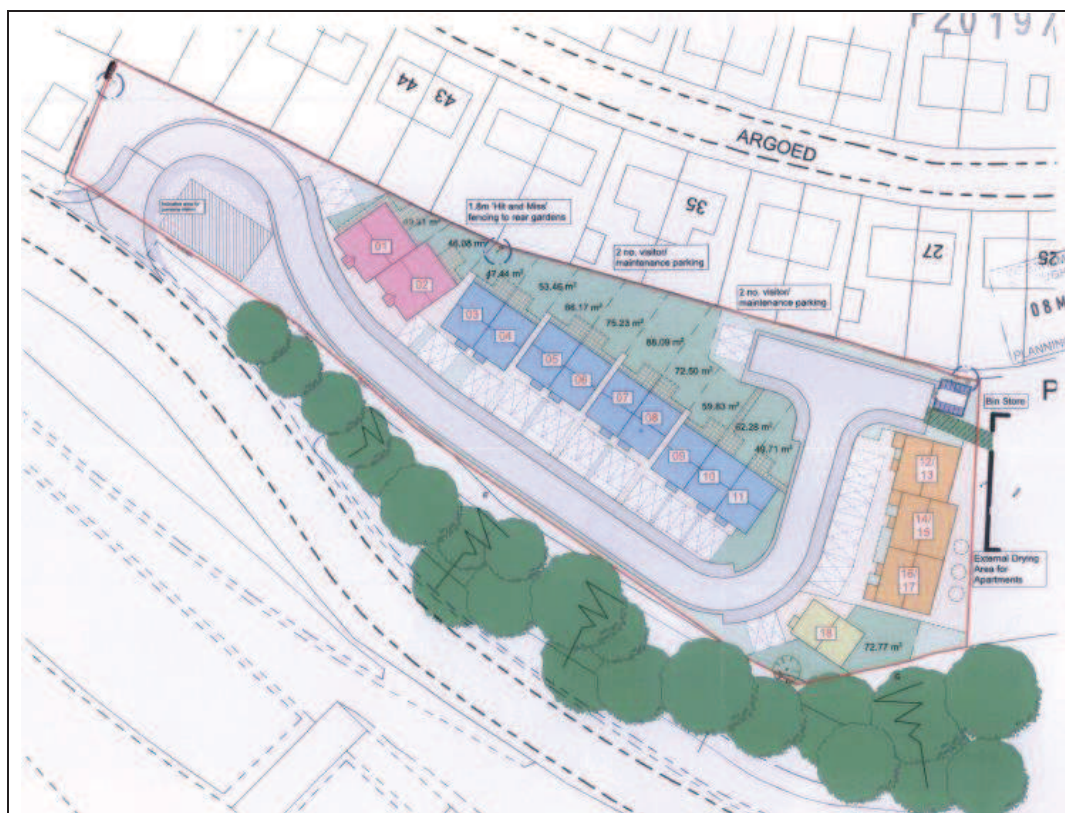
SPECIAL CONSIDERATIONS

Background: The site is located within the Brymbo settlement limit as defined by the Wrexham UDP. The development is acceptable in principle in accordance with policies PS1 and H2 of the Wrexham UDP. The site has a long planning history which has effectively established the principle of residential development on the site. The main issues for consideration relate the condition of the land and whether any site specific constraints which may hinder such development of the land.

Design and amenity: The parcel consists of a linear strip of land between Blast Road and the rear of dwellings on Argoed. The proposed development

will consist of two distinct elements. These being a collection of single and two storey, semi-detached and a small terrace of three dwellings on a significant proportion of the site. At the head of the site towards the eastern boundary and the turning head are 6 flats in a terraced block with a single detached dwelling sitting in the southern corner.

For the benefit of Members, the proposed site layout is shown below.



Proposed site layout

The southern site boundary has a strip of thick mature vegetation in front of Blast Road. This falls outside the applicants control and is not intended to be removed. Because of this vegetation, the site is relatively screened. The only noticeable change from the street scene will be the provision of the site access to the north western end of the site.

The proposed linear layout is largely dictated by the sloping nature of the land down from the northern boundary with the access road running from west to the turning head at the eastern boundary. I am satisfied that the mass of frontage parking is offset by the strong building line of the smaller semidetached and terraced properties and the dense vegetation to the southern boundary. There is an area of open space on entering the site and views will be terminated when travelling along the road by the single detached property. On this basis, whilst there is a significant amount of frontage parking, the site constraints and context with existing site features renders this acceptable in design terms.

The properties located along Argoed are those which are likely to be impacted by the development in terms of loss of privacy. Proposed units 1 to 7 (west to east) are those which fall deficient of the council's separation standards in LPG21. However, this deficiency must be taken into consideration against the need to locate the road at the southern part of the site for gradient reasons. Plots 1 and 2 are bungalows. The applicant proposes a 1.8m high hit and miss fence on the boundary which would result in their being minimal instances of overlooking. The separation between the rears of plots 3 to 7 ranges between 19m and 21m with a difference of land levels (shown by submitted topographical survey). Again, the presence of a 1.8m high boundary fence will largely eliminate overlooking at ground floor level. The difference in land level should result in an increase over the normal 22m LPG21 requirement i.e. an additional 3m for every 1.5m difference. In this instance I am satisfied that the site constraints dictating the road position and the size of the deficiency (on average approx. 6m) is not so significant that this should carry significant weight in favour of refusal. For this reason I consider the amenity impact acceptable in this instance.

The council cannot prevent the development of land where it abuts a boundary with existing residential properties. Existing access to any existing boundary features are likely to be occurring over third party land. Post development, this would continue to be the case and is a matter between the parties involved.

Highways: Highways are satisfied that the access position can provide for the required Welsh Government visibility requirements and a suitable condition can be imposed. The traffic generation is also considered insignificant in terms of any impact upon the local highway network capacity. The internal layout is also considered acceptable.

Reference has been made to the suitability of the site for residential use taking into account footway provision and the existing road network. Highways have raised no pedestrian safety concerns. The site is fronted in its entirety by a footway which links north to Pen-y-Graig Road and the adjoining residential area and south around to the Enterprise Centre. Reference has been made to the refusal of a request previously to use of the land for parking and the relocation of a school bus stop. These matters are not considered material and have not been provided in representations with any context. I am satisfied in this instance that the development will be accessed onto a pathed and well-lit road. Any previous bus stop is likely to have been moved on the basis of a risk assessment of a large group of people standing in an inappropriate location given the geometry of the road.

Drainage: The applicant has submitted a drainage strategy following detailed negotiations with the council's highways and Lead Local Flood Authority officers. This effectively details a scheme where surface water from non-permeable areas drains directly to the highway network. Of particular concern is known issues of surface water flooding leading from the site in a southerly direction. It is known that there are problems with the adjacent highway

drainage network which are in need of repair which, if carried out, would likely alleviate this surface water flooding problem and provide a compliant drainage strategy for the site. The applicant has indicated an intention to improve and repair the known faults to allow the development to occur. I am satisfied that that a condition can be imposed in this instance to ensure that the works are carried out to a satisfactory design and standard which will make the development acceptable and compliant with policy EC13 of the UDP. Welsh Water have confirmed that they have no objection to accepting foul water flows into the public sewer network

Ecology and landscaping: A license will be required from NRW before any works can commence due to the presence of great crested newts. NRW have raised some concerns with the detail of the methodology presented and have laid out measures that can make the scheme acceptable. Given the scale and nature of the concerns, I consider that this matter can be dealt with by way of a condition to seek additional information in the form of mitigation and management methodologies. One of these mitigation measures, the principle of which is deemed agreeable to NRW, is for the provision of a commuted sum for off-site newt habitat works. This would require securing via a planning obligation.

In terms of landscaping, I am satisfied that the development can occur without having a detrimental impact upon the band of trees off site to the south. No method statements have been submitted, but this can be provided by way of a planning condition in accordance with the Tree Officer's advice. However, concern has been raised regarding the lack of additional tree planting on site. Scope for additional planting is limited due to the density of the development and the use of open space for the provision of a soakaway. The recommendation to remove a plot to provide for planting is not considered appropriate in this scenario, mainly because of existing tree coverage and the need to maximise the land value of this 100% affordable scheme.

Planning obligations: The scale of the proposal will result in a requirement for the following planning obligations to comply with policies GDP2 and CLF5:

Open space

The development will result in more than 10 dwellings, therefore a requirement for either on site open space provision or a commuted sum for off-site improvements will be required. It is accepted, in this instance, that the proximity of the MUGA and play area directly adjoining the site and the provision of a pedestrian link to it means that the provision of on-site open space would not be appropriate. The applicant has accepted to the provision of a commuted sum in lieu of on-site provision. Ongoing maintenance of the site's open areas will require control via a private management entity.

Education infrastructure provision

Education has responded to confirm that there is a requirement for a contribution towards primary education provision. Black Lane primary school is currently oversubscribed and the development will result in the need for a contribution to cater for 3 places.

Conclusion: I am satisfied that the residential development of the site would be acceptable in principle and there are no site specific constraints that cannot be mitigated or would carry significant weight to justify refusal of the planning application. I therefore recommend accordingly.

RECOMMENDATION A

That the Chief Officer Planning and Regulatory be given delegated authority to GRANT planning permission upon the completion of a planning obligation to secure the following:

- i) A financial contribution to offset the impact of the development upon a shortfall in education infrastructure provision;
- ii) A financial contribution in lieu of the on-site provision of open space; and
- iii) A financial contribution for an off-site project to offset the impact of the development upon great crested newts.

The Chief Officer Planning & Regulatory shall negotiate the final form and content of the planning obligation.

RECOMMENDATION B

If within a period of six months the planning obligation is not formulated and signed, the Chief Officer Planning and Regulatory be given delegated authority to REFUSE planning permission for the following reasons:

- i) That the development would have a detrimental impact upon the ability to deliver local education services;
- ii) That the development would provide inadequate open space facilities for future occupiers of the development; and
- iii) The development would have an adverse impact upon protected species.

The Chief Officer Planning and Regulatory shall formulate the final form of the reasons for refusal.

RECOMMENDATION C

That upon the completion of the planning obligation, planning permission is GRANTED in accordance with 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 only be carried out in strict accordance with the details shown on the approved drawing(s) numbered PL-003 Rev B - Proposed site plan, PL-004 - Proposed unit type A/01, PL-005 - Proposed unit type A/02, PL-006 - Proposed unit type B, PL-007 - Proposed unit type C, PL-008 - Proposed unit type D units 12/13 and PL-009 - Proposed unit type D units 12/13 and as contained within the application documentation.
3. No part of the development shall commence until a specification of all facing and roofing materials has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.
4. No part of the development shall commence until a detail scheme of boundary treatments has been submitted to and approved in writing by the local planning authority. In respect of the northern boundaries of plots 1 to 8, the enclosure shall consist of a 1.8 metre high close boarded or 'hit and miss' style. The development shall be carried out in accordance with the detail as approved.
5. No development shall commence until a compressive surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the detail as may be approved.
6. No part of the development shall commence until a scheme of highway surface water drain improvements has been submitted to and approved in writing by the local planning authority. The scheme shall include the following elements:
 - i) A detailed specification of the extent and specification of the highway drain improvement works which takes into account the comprehensive drainage design required by condition 5;
 - ii) A timescale for its implementation; and
 - iii) A methodology for a post completion inspection and validation of the highway drain improvement works.
7. No part of the development hereby approved shall be occupied until an inspection and validation report of the highway drain improvement works as required by condition 6 has been submitted to and approved in writing by the local planning authority.
8. No development shall commence, to include any site clearance, until a scheme of great crested newt reasonable avoidance measures and habitat compensation creation, including an implementation timetable, has been submitted to and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the detail as may be approved.
9. A compliance audit shall be carried out by a qualified ecologist, independently of the appointed principal ecologist. A copy of the completed audit reports should be submitted to and approved in writing by the Local Planning Authority within one month of the first occupation of the development.

10. The vehicular access hereby approved shall be a maximum gradient of 1 in 24 for the first 10 metres measured back from the highway, and a maximum of 1 in 12 metres thereafter.

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. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- f) Details of all proposed tree works, including felling and pruning.

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 ensure a satisfactory form of development in the interests of the visual amenity of the area and to secure the amenity currently enjoyed by the neighbouring occupiers in compliance with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.
- 5. In order to prevent the hydraulic overload of the existing public sewer system and to prevent the development contributing to any pre-existing surface water flooding off the site in compliance with policies PS2, GDP1 and EC13 of the Wrexham Unitary Development Plan.

6. In order to prevent the hydraulic overload of the existing public sewer system and to prevent the development contributing to any pre-existing surface water flooding off the site in compliance with policies PS2, GDP1 and EC13 of the Wrexham Unitary Development Plan.
 7. In order to prevent the hydraulic overload of the existing public sewer system and to prevent the development contributing to any pre-existing surface water flooding off the site in compliance with policies PS2, GDP1 and EC13 of the Wrexham Unitary Development Plan.
 8. In order to ensure that the development does not cause harm to species which are afforded protection through planning system and to comply with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.
 9. In order to ensure that the development does not cause harm to species which are afforded protection through planning system and to comply with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.
 10. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 11. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 12. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
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