

REPORT OF THE CHIEF PLANNING OFFICER – 7 June 2010

APPLICATION NO:
P/2010 /0272

LOCATION:
LAND AT BRYNYCABANAU ROAD
HIGHTOWN WREXHAM
LL13 7BS

DATE RECEIVED:
31/03/2010

COMMUNITY:
Offa

DESCRIPTION:
OUTLINE APPLICATION FOR
RESIDENTIAL DEVELOPMENT

CASE OFFICER:
MP

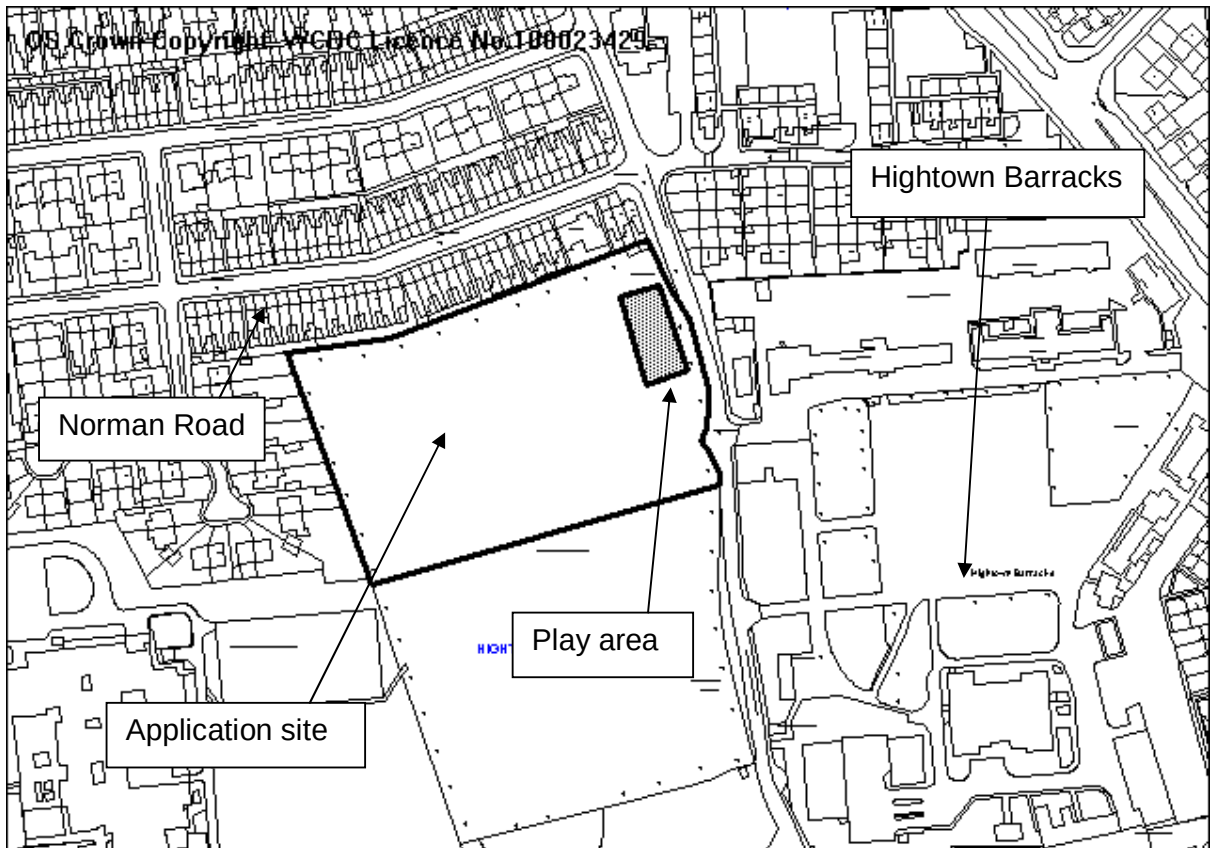
WARD:
Hermitage

APPLICANT(S) NAME:
WREXHAM COUNTY BOROUGH
COUNCIL

AGENT NAME:
ISP ARCHITECTS
MR MATTHEW HOARE

SITING

The site is an area of green space located immediately to the south of properties on Norman Road. The site access is located on Brynycabanau Road.



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PROPOSAL

As above – all matters reserved for subsequent approval. The Design and Access Statement suggests a maximum of 47 dwellings could be accommodated on the site.

HISTORY

- P/2005/0249 Outline application for residential development and construction of new vehicular and pedestrian access. Granted 9.5.2005
P/2005/1429 Construction of access onto highway to serve proposed future development. Granted 6.2.2006
P/2005/1433 Erection of steel bow-top boundary fence. Granted 1.2.2006
P/2007/1087 Residential development (25 no. Dwellings). Committee resolution to grant pending completion of section 106 agreement 7.1.2008. Application subsequently withdrawn 7.1.2009.

DEVELOPMENT PLAN

Inside settlement limit. Policies PS2, GDP1, GDP2, H2, CLF4, CLF5 and T8 apply. The site also contains a number of mature trees, including some protected by Tree Preservation Orders. EC4 therefore also applies.

CONSULTATIONS

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|--------------------|--|
| Community Council: | No objection to affordable social housing. Strong concerns over loss of recently refurbished play area. This was completed last year and funded via private sector grants and money from Community Council and WCBC. There may be conditions attached to private sector grants stipulating future use of play area. A great deal of community involvement and planning went into the refurbishment. Should proposals be granted, it will be necessary to relocate the play area and equipment in the immediate local area to the same high standard. |
| Local Member: | Notified 1.4.2010 |
| Public Protection: | Recommend measures to limit impact during construction works. Also recommend drainage to be to appropriate standards. |
| Highways: | Part of Bryncabanau Road is adopted, but it is not adopted in front of the site. Further residential development can only be supported if the road is brought up to adoptable standard, to include widening of the carriageway to 5.5m, street lighting, upgrade of drainage system, re-surfacing and a 3.0m wide footway / cycleway link |

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	across the site frontage. Visibility splays of 2.4m x 33m are required.
	The illustrative layout plan does not conform to adoptable standards. Any scheme serving in excess of 24 dwellings will require 5.5m wide road and 2.0m wide footways.
	Also the turning heads are inadequate.
Environment Agency:	No objection. Advise on a number of regulations that need to be taking into account when the site is developed.
Education:	Contribution to primary school required.
Welsh Water:	Recommend drainage conditions.
Other representations:	Nearby occupiers notified 8.4.10.
Site Notice:	Expired 28.4.10.
Press Notice (Major Dev):	Expired 7.5.10.

SPECIAL CONSIDERATIONS

Background: This is one of a number of applications which have been submitted as part of a Joint Venture Initiative with the Welsh Assembly Government to provide affordable housing within Wrexham County Borough. This initiative was approved by the Council's Executive Board on 19th November 2009. This partnership has identified potential sites within Council ownership and will seek reputable experienced developers/builders and/or Registered Social Landlords (RSL) capable of delivering the maximum number of affordable housing units. Upon completion, ownership of the affordable housing units will transfer to an RSL/RSLs to provide housing for social rent and low cost home ownership.

Policy: No specific designations apply to the majority of the site and as such there is no objection in principle to residential development. The 2009 POS survey only identifies part of the area as being occupied by a children's equipped play area of just over 600 square metres. The Design and Access Statement indicates that this area will be relocated to the Hightown Flats site when that area is redeveloped. However public open space provision will still be required on the site in accordance with policy CLF5, and there should be no net loss of open space.

Accessibility: The indicative plan shows vehicular access being gained directly off Brynycabanau Road in a similar position to the 2007 reserved matters submission. There is ample scope to provide adequate provision for pedestrians both within the site and to the surrounding area.

Environmental Sustainability: The site can easily accommodate more than 5 dwellings and as such the development must achieve Code for Sustainable Homes Level 3 and score 6 credits under the issues Ene1 – Dwelling Emission Rate. Details submitted with the application suggest that level 4 would be achievable, exceeding the minimum requirements set out in Planning Policy Statement 01/2009 'Planning For Sustainable Buildings'. Whilst achieving a higher standard is not mandatory, it is certainly to be supported and would ensure a high standard of sustainability is achieved.

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Character: Detailed design issues will be considered at reserved matters stage, however the Design and Access Statement assumes a maximum of 47 dwellings and anticipates this could consist of a mix of bungalows, terraced housing and flats.

Scale: The 2007 reserved matters submission included a mix of 2, 2.5 and 3 storey dwellings. This application covers an area larger than the previous scheme however there have been no changes in circumstances that would mean properties of similar scale (height) would not now be acceptable. Existing dwellings in the locality are predominantly 2 storey and I am confident the site can accommodate a mix of property types without compromising the amenity of nearby occupiers or appearance of the locality.

Amount: The submitted details demonstrate that whilst it may be physically possible to accommodate 47 dwellings on site, if it were developed in accordance with the indicative layout plan it would result in a poor and unattractive built form.

The application site is approximately 50% larger than the 2007 scheme however 47 units would represent an 88% increase in the number of dwellings as previously proposed. Whilst I am confident that the site can accommodate more than 25 dwellings the total number built may well be less than 47. There are a number of trees protected with Tree Preservation Orders adjacent to the boundaries of the site and ensuring they are not harmed will limit the number of dwellings that can be built. Requirements for parking areas, private garden areas, adequate separation distances and provision of public open space will also impact upon the number the site can accommodate.

Layout: If development proceeded along the lines of the indicative layout plan, the site would consist of long rows of dwellings with large communal parking areas which would be unattractive. It would also result in mature trees being close to dwellings with the trees and/or the dwellings being subject to damage resulting in pressure for them to be removed. This would not be acceptable; however I am confident that an acceptable scheme can be designed – although as already explained above, the total number of dwellings built may well be less than 47.

A site of this size will need to include on-site public open space to accord with policy CLF5 and ensure an attractive form of development. This will be required by planning condition.

External appearance: The external appearance of buildings will be considered at reserved matters stage. There is no uniform character of dwelling in the locality so there will be no requirement for the dwellings to conform to any one architectural style.

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Movement to/from within the development: There is adequate space to provide off-street parking for dwellings by way of communal parking courtyards and/or individual driveways.

The site is approximately 1 kilometre from Wrexham Town Centre although there are also some retail premises with just over 500 metres from the site, including the Farmfoods shop and the shop attached to the petrol station on Kingsmills Road. The Lidl supermarket on Salop Road is approximately 700m from the site. There are regular bus services along Kingsmills Road some 300 metres from the site. The site is therefore well located for residents who do not have access to a car and to allow those who do to use them less frequently.

The illustrative layout does not indicate a suitable highway arrangement for the development, but there is scope for these matters to be addressed as part of the reserved matters. Conditions are required.

Affordable Housing: The application does not propose 100% affordable housing. It is likely that this Council owned site will be marketed differently, to help fund some of the other 100% affordable housing sites that have appeared on this agenda, and the last committee report. However until all prospective housing sites have been assessed under the joint Venture Initiative as identified in the 'Background Information' section above, it is unclear whether this site will actually be promoted with any affordable housing element. This will clearly conflict with UDP Policy H7 whereby a minimum of 25% dwellings are required to be affordable. As a result, I would be very reluctant to support this policy relaxation without clear evidence that the 25% minimum for this site has been appropriately delivered on other sites. Therefore a condition is required to allow this evidence to be assessed, and for those other sites are being delivered within a suitable time frame.

Conclusion: There is no policy objection in principle to the site being developed and I am satisfied the site can be developed in accordance with UDP policies.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the means of access to the site and building(s)
 - e. the landscaping of the site.
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are thereby

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approved.

3. The development hereby permitted shall be begun before the expiry of five years from the date of this permission or two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

4. Vehicle parking and turning facilities for each dwelling shall be provided within the development in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. The parking and turning areas as approved shall be laid out, surfaced and drained prior to the first occupation of any dwelling built under this permission and shall thereafter be retained for those purposes free of all obstructions.

5. Foul and surface water discharges shall be drained separately from the site.

6. No surface water or land drainage run-off shall be allowed to connect (either directly or indirectly) to the public sewerage system.

7. Notwithstanding the indicative site plan no. 6681/L(9) 01 Revision G this permission does not confer approval of the siting, layout or landscaping for any part of the site nor does it confer approval for the number of dwellings referred to in the Design and Access Statement.

8. The details to be submitted in conjunction with condition 01 shall be informed by and take account of the findings of an arboricultural implication study and method statement that shall be submitted with the reserved matters application. The statement shall include a specification for tree protection fencing and ground protection measures that complies with British Standard 5837:2005; a plan showing the location of retained trees' with their crown spreads, Root Protection Areas' and the location of protective fencing plotted. A full specification for any access, driveway, path, underground services or wall foundations within retained trees' Root Protection Areas', including any related sections, details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires; details of the frequency of supervisory visits and procedures for notifying the finding of such visits to the Local Planning Authority and method statement for protecting retained trees during demolition works should also be included. Works shall be carried out in accordance with the approved method statement.

9. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 6 credits under category Ene1 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009.

10. No development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority shall otherwise consent in writing.

11. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, a Final Code Certificate has been issued for it certifying that Code Level 3 and 6 credits under Ene1 have been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.

12. The development shall not begin until a scheme for the provision of

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affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN2 or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location of the affordable housing provision to be made which shall consist of not less than 25% of the dwellings to be built;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider/the long term management of the affordable housing;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

13. The site layout and landscaping details required by condition 01 shall include an area or areas of public open space together with a scheme that includes the following details:

- i) hard and soft landscaping of the open space area(s);
- ii) the timing of the construction and landscaping of the open space area(s);
- iii) the arrangements for the long term management and maintenance of the public open space area(s)

Public open space shall be provided on site in accordance with the scheme as approved and thereafter permanently retained.

14. Development shall not begin until a scheme to address a shortfall in primary education provision has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details

- i) details of measures to address the shortfall in primary education provision;
- ii) time for the delivery of those measures.

Development shall thereafter proceed in strict accordance with the details as approved.

15. As part of the reserved matters, details shall be submitted to verify improvements to Bryncabanau Road to bring this road up to highway adoption standards before any new dwellings are first occupied.

16. Any proposed access serving the development shall have a visibility splays of 2.4m x 33m in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the applicant and/or the Highway Authority. Within the splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining carriageway. The splay shall be provided prior to commencement of use/occupation of the development hereby approved and shall thereafter be retained clear of such obstruction.

17. A 3.0m wide cycleway / footway shall be constructed along the entire site frontage of the site with Bryncabanae Road.

18. Where some or all the affordable housing provision required under condition 12 above is to be provided off site, no dwellings built under this

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permission shall be occupied until off-site a number of affordable dwellings equivalent to 25% of the total number of the dwellings built under this permission have been built and are occupied.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (General Development Procedure) Order, 1995 (as amended).
2. To comply with Section 92 of the Town and Country Planning Act, 1990.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. 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.
5. To protect the integrity of the public sewerage system.
6. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
8. To ensure the amenity afforded by the trees is continued into the future.
9. To comply with the requirements for sustainable buildings published by the Welsh Assembly Government in May 2009 (MIPPS 01/2009).
10. To comply with the requirements for sustainable buildings published by the Welsh Assembly Government in May 2009 (MIPPS 01/2009).
11. To comply with the requirements for sustainable buildings published by the Welsh Assembly Government in May 2009 (MIPPS 01/2009).
12. To ensure the delivery of affordable housing.
13. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
14. To cater for a shortfall in education provision in the locality
15. In the interests of highway safety.
16. To ensure that adequate visibility is provided at proposed point(s) of access to the highway.
17. In the interests of highway and pedestrian safety.
18. To ensure the delivery of affordable housing

NOTE(S) TO APPLICANT

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.

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- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. 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 Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Your attention is drawn to Highway Supplementary Notes Numbered 1, 3, 4 and 5 on the enclosed "Applicants' Rights and General Information".

Dust mitigation measures should be implemented for the duration of the construction phase.

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All works, ancillary operations and the use of plant and machinery which are audible at the site boundary shall be carried out only between 07.30 hours to 18.00 hours Monday to Friday, between 08.00 hours to 14.00 hours on Saturdays, and at no time on Sundays and Bank Holidays.

There shall be no fires on site; to include the prohibition of the burning of cleared vegetation.

Proposed modifications to the existing highway / footways fronting the development site should be constructed to a standard suitable for adoption by the Council for future maintenance at the public expense, and you will need to enter into an agreement with the Council under s.38 / 278 of the Highways Act 1980.

You are advised that the Highways Authority will require adoption works to be completed to their satisfaction before they will formally adopt the relevant Highway works for public use and to be maintained at public expense. This will include the provision of a bond to cover the estimated value of such works. The appropriate fees will become due to the Council when the Highways Authority approve the proposed works to be carried out.

Details of any proposed modifications to existing street lighting or provision of additional street lighting shall be submitted to the Council's Street Lighting Section (for further information liaise with Council's Infrastructure Manager, on telephone no. 01978 729730)
