

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 June 2024

APPLICATION NO:
P/2023 /0662

LOCATION:
BERSHAM SPORTS AND SOCIAL
CLUB BERSHAM ROAD BERSHAM
WREXHAM
LL14 4HS

DATE RECEIVED:
15/09/2023

COMMUNITY:
Esclusham

CASE OFFICER:
JP

WARD:
Esclusham

DESCRIPTION:
ADEILADU 9 ANNEDD / ERECTION
OF 9 DWELLINGS

AGENT NAME:
BLUEPRINT LTD
DAFYDD EDWARDS

APPLICANT(S) NAME:
MR PALETTA
TRAILWALK

THE SITE

The application site comprises Bersham Sports and Social Club and bowling green, located off Bersham Road. The site is situated within the settlement of Bersham and sits on the edge of the Bersham Conservation Area. The area is predominantly characterised by two storey dwellings of varying finishes.



PROPOSAL

Permission is sought for the demolition of the existing club and bowling green and for the erection of 9no. detached, two-storey dwellings

HISTORY

None relevant

NATIONAL POLICIES AND GUIDANCE

Planning Policy Wales Ed. 12
Future Wales Plan (20-40)
Future Generations Act 2015
Technical advice note (TAN) 2: planning and affordable housing
Technical advice note (TAN) 12: design
Technical advice note (TAN) 18: transport
Technical advice note (TAN) 24: the historic environment

LOCAL DEVELOPMENT PLAN

Within a defined settlement limit. The following policies are relevant:
Policy SP2: Location of Development
Policy SP11: Transport and Accessibility
Policy SP12: Design Principles & Masterplanning Framework
Policy SP13: Health and Wellbeing
Policy SP14: Natural Environment
Policy SP15: Historic and Cultural Environment
Policy H2: Affordable Housing, Non-Strategic Housing Allocations and Windfall Sites
Policy DM1: Development Management Considerations
Policy T1: Managing Transport Impacts
Policy T2: Active Travel
Policy T3: Passenger Transport
Policy NE6: Waste Water Treatment and River Water Quality
Policy R7: Loss of Local Services

LOCAL PLANNING GUIDANCE NOTES (LPGNs)

LPGN 04 – Conservation Areas
LPGN 07 – Landscaping and Development
LPGN 10 - Public Open Space in New Housing Development
LPGN 16 – Parking Standards
LPGN 21 – Space around Dwellings
LPGN 27 – Developer Contributions to Schools
LPGN 30 – Design
LPGN 32 – Biodiversity and Development

CONSULTATIONS

Community Council

Raises no objections. However, request that the development be respectful of Bersham's Conservation Area.

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Local Member

No response received

Highway Officer

Raises no objection and confirms that the proposed access would be provided with adequate visibility in both directions.

Raises concerns regarding the following matters:

1. Provision/retention of safe access to the existing substation;
2. The need to relocate the existing bus stop;
3. The dimensions of the estate road turning head requires a minor adjustment to meet Highways adoptable standards.

Conservation Officer

Raises no objections. Welcomes the revisions made in response to initial comments. Advises that the changes made to Plots 1 and 2 ensure that they fully front and interact with the main road instead of showing their side elevations.

Recommends that suitably worded conditions are imposed to secure details of all external facing materials, doors, windows and boundary treatments.

Ecology Officer

Recommends conditions to secure the following:

- The submission and approval of details of an Ecological Clerk of Works;
- If demolition does not occur before April 2025, that a new ecological survey be submitted.
- A scheme of net benefit to biodiversity; and
- An appropriate scheme of soft landscaping.

Public Protection Officer

Recommends the inclusion of standard condition and Advisory Notes relating to construction noise and dust management and to the burning of waste.

Contaminated Land

No Comments.

Tree Officer

Raise no arboricultural objections. Recommends precautionary protection measures are required to reduce risks of direct damage to retained trees or trees under third party ownership, both during the development and landscaping phases of the scheme.

Natural Resources Wales

Raises no objection subject to further information being provided regarding foul drainage. NRW notes that the development has the potential to increase the amount of phosphorus being discharged from the site.

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NRW advise that the Reasonable Avoidance Measures recommended by the Ecology Report should be secured by condition.

Education Department

Advises that there is insufficient primary and secondary school provision in the locality to accommodate pupils generated by the development. Recommends that financial contributions be secured towards additional primary and secondary school provision.

Dwr Cymru/Welsh Water

Confirms capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site and advises that Five Fords WwTW has an Environmental Permit.

CPAT

Advises that information held within the Regional Historic Environment Record indicates that the development is located, at least partially, on the site of a large residence shown on the 1st edition Ordnance Survey mapping of the area and labelled Plas-Pen-y-Ddol. Considers that this building, and a range of related buildings to the north, may have survived and that foundations, floor materials, cellars and accompanying artefacts may lie as sub-surface archaeology.

Recommend the imposition of a condition to require groundworks, service trenching and levelling for the new dwellings (plots 2-5) to be completed with a qualified archaeologist present.

Publicity

The application was publicised by way of letters sent to 19 adjacent occupiers. A total of 11 representations have been received, a summary of the material planning issues raised is provided below:-

- Adverse increase in traffic;
- Loss of parking for the school leading to parking on the highway;
- Loss of “Uniqueness”;
- Bersham becoming 1 big housing estate;
- The new dwellings should align with existing building frontage;
- Lack of pedestrian footways linking to village;
- Loss of community facility;
- Design of houses not in keeping;
- Foul Drainage methods;
- Impact upon access to Y Ddol;
- Impact upon the Local schools and facilities;
- Surface water run- off into River Clywedog; and
- Flood risk and increased flooding.

SPECIAL CONSIDERATIONS

Principle of Development: The site is within the defined settlement limit for Bersham. Policy SP2 directs new development to within established settlement limits, and in this respect, the principle of residential development is acceptable.

Loss of Community Facility: Policy R7 requires that outside of Wrexham City Centre, District, Local, Village and Neighbourhood Centres, proposals that entail the loss of a community facility, including village halls/community centres will only be supported where:

- i. The use is no longer viable and all reasonable attempts to sell or let the business have proved unsuccessful; or
- ii. A similar service is available within reasonable walking distance; or
- iii. It can be demonstrated that the existing provision is surplus to the needs of the community.

The application is accompanied by financial evidence demonstrating that the existing facility has been in difficulty for some time. Business Rates Relief during the Covid Pandemic appear to have assisted. However, increases in the cost gas/electric and general products together with the cost of Business Rates have had a profound effect on continued viability of the Sports and Social Club.

The Esclusham Bowling Club and the adjacent Rhostyllen Parish Hall are within a 10 minute walk the site. The Parish Hall (Rhostyllen) offers room hire/function room hire. The Black Lion public house is a short distance from the application site.

Having regard to the above, it is considered that the requirements of Policy R7 are satisfied.

Layout and Design: The existing social club buildings would be demolished and replaced with 9no. two-storey, detached dwelling houses.

The proposed site layout plan is included below:



Plan 1: Proposed Site Layout

Bersham Village comprises a variety of dwelling styles and finishes ranging from single and two storey dwellings finished in render, brickwork, and stone, with either tiled or slate roofs. A variety of window styles are visible in the area ranging from both double and single hung windows, and fixed casement windows. Materials such as timber and uPVC are also evident in the street scene. Within the vicinity, gable structures are the predominant roof type. The existing flat roof social club buildings do not contribute positively to the overall character of the area.

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The elevation plans of the proposed dwellings that would face onto Bersham Road are shown below:



Plan 2: Plot 1



Plan 3: Plot 2

The proposed dwellings are considered to be of appropriate scale and design and would not detract from the character of the area. The development has been sympathetically designed to assimilate into the site and surroundings and include a facing brick façade with stone headers and cills, a brick plinth, slate roofs and gable features reflective of some existing dwellings in the area. The proposed development would make a positive contribution to the street scene as well as to the setting of the adjacent Conservation Area.

A detailed scheme of soft and hard landscaping would be required to ensure the use of appropriate boundary treatments and features. This could be secured by an appropriately worded condition.

Having regard to the above, the proposed development would accord with Policy DM1.

Residential Amenity: Having regard to the guidance contained in LPG 21, the proposed site layout would provide adequate separation distances between the proposed dwellings together with ample private amenity areas.

Immediately east of the site are two pairs of semi-detached dwellings Nos. 1 and 2 Pen y Ddol. The dwellings are separated from the site by an established mature hedge. The proposed layout would ensure adequate separation distances and would ensure that the new houses would not harm the living conditions of the occupiers of the existing dwellings in terms of loss of privacy, daylight or visual over dominance, in accordance with guidance in LPGN 21.

To the west of the site is Bersham Hall and associated buildings which form part of Prospect School. It is considered that there would be sufficient separation from those buildings to avoid any significant overlooking.

A certain level of noise could be expected from the school, during periods of play for example. However, this is restricted to daytime hours and is not unusual in a village environment. The Council's Public Protection Officer has not raised any concerns in respect of residential amenity.

Having regard to the above, it is considered that the development would not have an unacceptable effect on the living conditions of the occupiers of nearby dwellings and would provide a satisfactory standard of amenity for future occupiers of the development itself, in accordance with policy DM1.

Trees and Hedges: The Council's Tree Officer raises no arboricultural objections but advises that tree protection measures would be required to reduce risks of direct damage to retained trees or those under third party ownership, both during the development and landscaping phases of the scheme. The submission and implementation of an Arboricultural Method Statement could be secured by an appropriately worded condition.

Mitigation and additional enhancement tree planting would be required to offset the loss of trees and vegetation within the site. This could also be secured by an appropriately worded condition.

Subject to the conditions discussed above, the proposed development would not cause unacceptable harm to trees or hedgerows of significant value. It therefore accords with policy NE3.

Highway Safety: Access to the proposed development would be from Bersham Road. The proposed access would provide adequate visibility in both directions.

The parking provision for each dwelling would accord with the maximum standard set out in LPGN16 guidance.

It is considered that the use of the site for residential purposes has the potential to generate fewer vehicular movements than the current use of the site and would not have a detrimental impact upon the highway network.

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Public transport links to Wrexham, Oswestry and Llangollen are available on Rhosyllen which is approximately 15 minute walk from the site.

The Council's Highway Officer has raises concerns regarding:

1. The provision/retention of safe access to the existing substation situated in the south eastern corner of the site;
2. The need to relocate an existing bus stop situated immediately in front of the site; and
3. The dimensions of the existing turning head being marginally below the standard suitable for adoption by the Highway Authority.

Addressing the first matter would require further information about the type and frequency of vehicles visiting the substation and potentially some minor amendments to the site layout. Only minor changes to the site layout would be needed to address the third matter. The relocation of the bus stop could be secured by a suitably worded condition.

Subject to the above matters being addressed, the proposed development accords with policies DM1 and T1 of the LDP.

Drainage: The surface water drainage arrangements for the site would need approval separately from the Council as Sustainable Drainage Systems Approval Body (SAB) before development commences on site. The need to obtain SAB approval means that there are adequate controls in place to ensure surface water is properly managed.

Phosphorous: Foul water from the site would drain to Five Fords Waste Water Treatment Works (WwTW) which has an up to date Environmental Permit. Welsh Water have confirmed that:

- The WwTW has the capacity to accommodate the additional wastewater in compliance with revised Permit limits; and
- The sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.

Having regard to the above, the proposed development is unlikely to have a significant effect on the River Dee and Bala Lake SAC. In such terms it accords with policies NE1 and NE6 of the LDP.

Ecology: The application is accompanied by a Preliminary Ecology Assessment (PEA) which identifies the following:

Great Crested Newts

The application site itself provides poor habitat for GCN. The majority of the site consists of hardstanding, much of which is utilised as parking. The grassland on site is largely modified and used for amenity purposes. Very limited potential foraging/commuting habitat exists in the form of hedgerows and the adjacent woodland edge, however, these areas are subject to regular

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management and heavy traffic. The presence of GCN within the site is highly unlikely.

Badger

No signs were identified to suggest the presence of badgers, including any setts, latrines, pathways, hairs, footprints or feeding signs such as snuffle holes and scratched trees/logs. The site is considered to be generally unsuitable for this species and their presence is unlikely.

Bats

All trees present are categorised having negligible bat roost potential.

All taller vegetation, namely the small area of woodland to the north-east and eastern boundary hedgerow has value to commuting and foraging bats.

The existing buildings have also been determined to offer negligible bat roost potential. Whilst no further surveys in the form of dusk/dawn emergence / re-entry surveys are recommended, two buildings offer potential ingress points that could be utilised opportunistically by singular bats. As a precautionary measure, the PEA recommends the removal of these structures be completed under supervision by a suitably licenced ecologist, or Ecological Clerk of Works (ECoW).

The report recommends that reasonable avoidance measures (RAMS) are implemented onsite to minimise the risk of affecting bat. NRW concur with the recommendations made within the report. Provided these avoidance measures are implemented, NRW has advised that the proposed development is not likely to be detrimental to the maintenance of the population of the bat species concerned at a favourable conservation status in its natural range.

The Council's Ecology Officer recommends that a suitably worded condition be imposed to require details of an Ecological Clerk of Works. Additionally, should demolition of the main building not occur before April 2025, a new bat and nesting bird survey should be undertaken. This could also be secured by a suitably worded condition.

The Council's Ecology Officer has suggested that the garages proposed on eastern side of the site should be sited a minimum of 5m from the existing hedge. The proposed site plan proposed does not indicate this distance would be achieved. However, a suitably worded condition could be imposed to require that any part of the hedge which may become damaged during the construction phase be replaced and maintained in perpetuity.

Subject to the inclusion of the conditions recommended above, it is considered that the proposal would not cause an adverse impact upon protected species nor their habitats and as such is compliant with Policy NE1 of the LDP.

Affordable Housing: The site is within the North West Settlements sub-

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market area sub-market as defined in policy H2. The policy applies a 0% requirement for on-site affordable housing to residential developments of 10 or more dwellings in this sub-market area. For developments of less than 10 dwellings, the policy does not set any expectation for commuted sum contributions to affordable housing.

Education Contributions: The Education Department has confirmed that financial contributions towards additional primary and secondary school capacity would be required. This could be secured by a Planning Obligation.

Flood Risk: The site does not fall within a designated flood zone and subject the implementation of a surface water drainage scheme, the development would not give rise to unacceptable flood risk.

Other Matters: Policy 13 of Future Wales requires new development to include provision of Gigabit capable broadband from the outset. This could be secured by a suitably worded condition.

CONCLUSION

The proposed development is considered to be appropriate for the location and would not give rise to residential amenity, highway safety, ecology or flood risk concerns. It therefore accords with relevant national and local planning policies.

RECOMMENDATION A

That the Chief Officer Economy and Planning be given delegated authority to grant planning permission subject to the submission of additional information and amended plans that address the concerns raised by the Highway Officer, subject to completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure contributions towards additional primary and secondary education provision (with the Chief Officer Economy and Planning given delegated authority to determine the final form and content of the Obligation) and to the conditions below.

RECOMMENDATION B

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act, as detailed above, is not completed within six months of the date of this Committee resolution, the Chief Officer Economy and Planning be given delegated authority to REFUSE planning permission subject to the reason below.

1. In the absence of a mechanism to ensure that the proposed development makes an appropriate contribution towards the provision of secondary education, it conflicts with policy SP5 of the Local Development Plan.

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 P/145 001, P/145 009, P/145 010 REV A, P/145 011 REV A, P/145 012 REV A, P/145 013 REV A, P/145 015 REV A, P/145 016 REV C and as contained within the application documentation.
3. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment ref: (Hesketh, T. (2023). Preliminary ecological Appraisal: Royal British Legion, Bersham Road, Bersham, Wrexham, LL14 4HS. Tyrer Ecological Consultants. (Unpublished)) approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.
4. Prior to the commencement of the development hereby approved, the name and contact details of an appropriate Ecological Clerk of Works shall be submitted to and approved in writing by the Local Planning Authority. The Clerk of Works shall be present during all demolition works.
5. No development shall commence until a detailed plan to provide net benefit for biodiversity (NBB) has been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first beneficial use of the development and shall be retained thereafter for the lifetime of the development.
6. The existing hedges along the eastern boundary shall be permanently retained and shall not be cut down, grubbed out or otherwise removed. If any part of the hedges are removed, die or become diseased within a period of five years from the completion of the development, they shall be replaced by hedges of that same size and species during the next available planting season.
7. No part of the development shall commence until full details of both hard and soft landscape works, to include 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, and shall provide for ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features.
8. The landscaping scheme submitted and approved in connection with condition no. 7 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
9. The landscaping scheme as carried out in connection with condition no. 7 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 replaced with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.
10. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in

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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) Method for protecting retained trees during demolition works;
- g) Details of all proposed tree works, including felling and pruning.

11. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

12. Development shall not commence until a scheme to enable the provision of Gigabit capable broadband infrastructure from the site boundary to the dwelling hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the dwelling.

13. No works to demolish the existing building shall take place later than 1 April 2025 until additional bat surveys and full details of any mitigation measures as may be necessary have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the scheme as approved.

14. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- 1) the parking of vehicles of site operatives and visitors;
- 2) loading and unloading of plant and materials;
- 3) storage of plant and materials used in constructing the development;
- 4) an earthwork balance in respect of materials arising from excavations carried out on site, including measures to ensure those materials are re-used on-site;
- 5) hours of working and deliveries;
- 6) a scheme of dust management; and
- 7) a scheme to manage the impacts of construction noise and vibration.

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 protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and SP14 of the Wrexham Local Development Plan.
4. In order to protect wildlife interests in accordance with Policies DM1 and SP14 and NE1 of the Wrexham Local Development Plan.
5. To ensure the development delivers net benefit to biodiversity in accordance with Policy 9 of Future Wales and Paragraph 6.4.5 of Planning Policy Wales (Edition 12).
6. To protect landscape features which are of significant amenity value in the area and which would ensure a satisfactory standard of appearance the development in accordance with Policies DM1, SP14 and NE3 of the Wrexham Local Development Plan.
7. In order to protect wildlife interests and in the interests the visual amenity of the area in accordance with Policies DM1 and SP14 and NE1 of the Wrexham Local Development Plan.
8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.
9. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.
10. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies DM1, SP14 and NE3 of the Wrexham Local Development Plan.
11. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.
12. To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.
13. In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.
14. In the interests of minimising disruption arising from the development as well as securing a sustainable use of materials excavated during construction in accordance with policy DM1 of the Wrexham Local Development Plan.

NOTE(S) TO APPLICANT

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;

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- 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 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 work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.
