

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 6 NOVEMBER 2023

APPLICATION NO:
P/2021 /1037

LOCATION:
COMMUNITY CENTRE KINGSLEY
CIRCLE EATON DRIVE WREXHAM
LL13 9HG

DATE RECEIVED:
25/10/2021

COMMUNITY:
Caia Park

DESCRIPTION:
CHODI BLOC O 19 O FFLATIAU,
MYNEDFA GOFODAU PARCIO /
ERECTION OF A BLOCK OF 19
APARTMENTS, ACCESS AND
PARKING

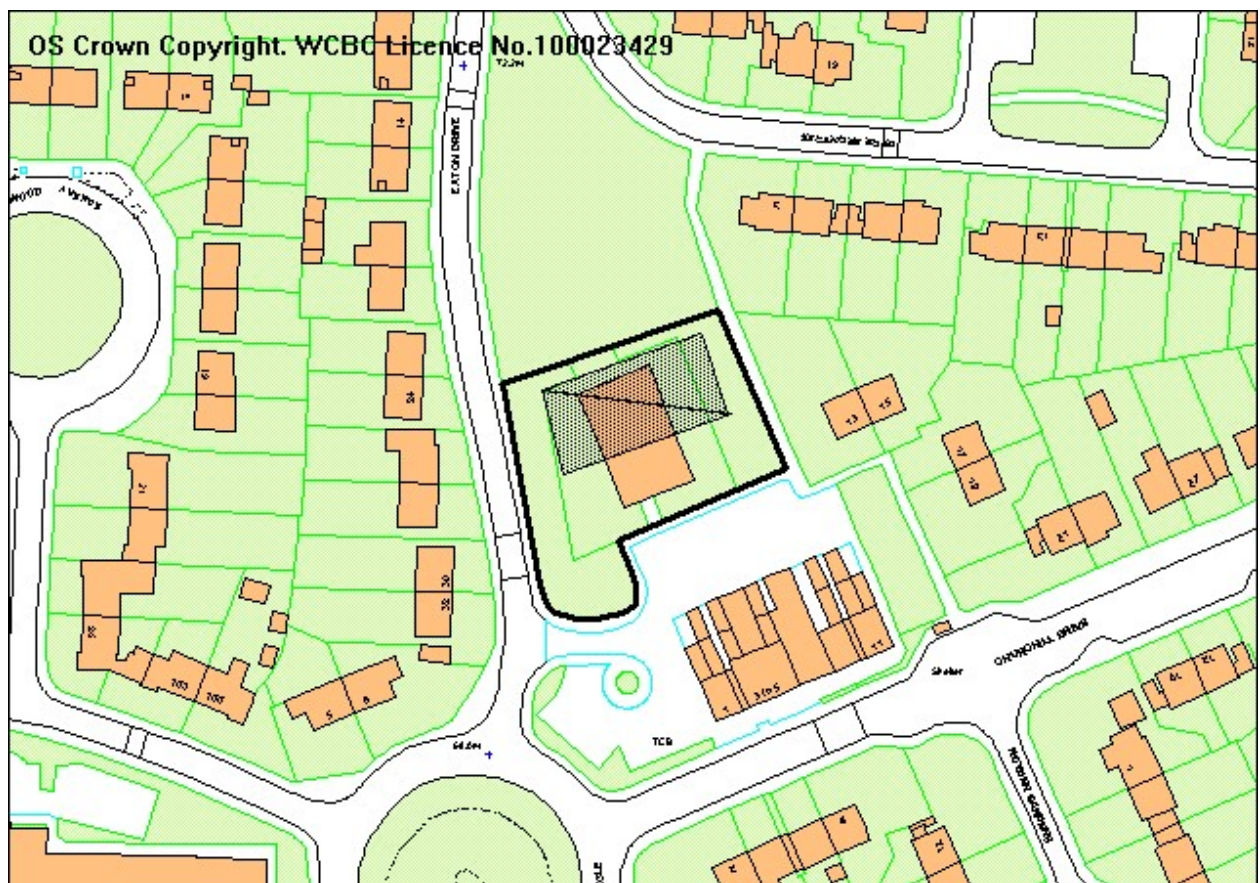
CASE OFFICER:
SEH

WARD:
Cartrefle

AGENT NAME:
MR GARY COOK

APPLICANT(S) NAME:
MR GARY COOK

THE SITE



PROPOSAL

Planning permission was granted in 2021 for the demolition of the redundant community centre and erection of a 2.5 storey building containing 16

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apartments along with associated highway alterations. The community centre has since been demolished.

This proposed development would differ from the extant consent by having 3 storeys and 19 apartments.

HISTORY

P/2019/0792 DEMOLITION OF EXISTING COMMUNITY CENTRE,
ERECTION OF NEW APARTMENT BLOCK
COMPRISING 10 NO. TWO BED APARTMENTS AND 6
NO. 1 BED APARTMENTS – Granted 03/03/2021

PLANNING POLICY

Unitary Development Plan (UDP)

Within a defined settlement limit. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, H2, EC4, EC6, CLF5 and T8 apply.

Draft Local Development Plan (LDP)

Within a defined settlement limit. Policies SP1, SP2, SP5, SP13, SP14, SP18, H2, NE1, NE3, NE6, DM1, CF2 and T1 apply.

CONSULTATIONS

Community Council

Raises no objection.

Local Member

Notified 5/11/2021. No response received.

Highway Officer

Raises no objection. Notes that visibility from the existing access onto Eaton Drive is adequate. Also notes that 19 apartments would normally require a maximum of 25 spaces in accordance with LPGN 16. Advises that as the site is in a sustainable location so the proposed parking provision is considered adequate.

Advises that the proposed internal access way within the development site is wide enough for a refuse vehicle to enter and manoeuvre within the site.

Recommends conditions to secure visibility splays, parking provision, full details of the proposed access and stopping up of an existing footway, the parking area and private drive to be managed by a private management company and a Construction Traffic Management Plan.

Public Protection Officer

Raises no objection. Recommends advisory notes in relation to noise and dust management etc. during the construction phase.

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Ecology Officer

Raises no objection subject to a condition requiring the submission of a scheme of Net Benefit for Biodiversity (NBB).

Tree Officer

No Comments.

Welsh Water

Raises no objection. Welsh Water has confirmed that Five Fords Waste Water Treatment Works has

- Capacity to treat additional wastewater from the proposed development within revised environmental permit limits; and
- That the sewer network and WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

NRW

Raises no objection. Expresses concern about foul drainage and the potential for the development to increase phosphorous levels being discharged from the site. However, this pre-dates the recent review of the Five Fords WwTW Environmental Permit.

Press Notice

Expired 3/12/2021

Site Notice

Expired 29/11/2021

Neighbours

The owners/occupiers of 32 nearby occupiers notified 5/11/2021 and 15/03/2023

4 representations objecting to the application for the following reasons:

- Overlooking of surrounding properties leading to a loss of privacy;
- Development of this kind will lead to crime and antisocial behaviour;
- The building will be overbearing and out of place in the locality;
- Loss of natural daylight and view;
- Traffic generation; and
- Bungalows would be better.

SPECIAL CONSIDERATIONS

Principle of Development: The application site lies within the settlement limit where residential development is acceptable in principle subject to compliance with UDP policy GDP1 and DM1 of the draft LDP.

Layout and Design: The development would enhance the appearance of the site and locality. The building would be 10 metres high where it would be closest to Eaton Drive, rising up to 12 metres high (see figure 1. below) with

apartments on 3 floors (ground, first and second floors). Whilst the building would be taller than the dwellings on Eaton Drive, the land slopes upwards to the north/rear of the site mean, with dwellings in the wider locality built on higher ground. The development would therefore not appear unduly prominent and would sit comfortably within the street scene.

The building would be finished in a mix of brick, render and timber effect cladding. Existing dwellings display a mix of different materials therefore the development is in keeping to the character of the area.

Having regard to the above the development accords with UDP policy GDP1 and draft LDP policy DM1.



Figure 1. Front Elevation

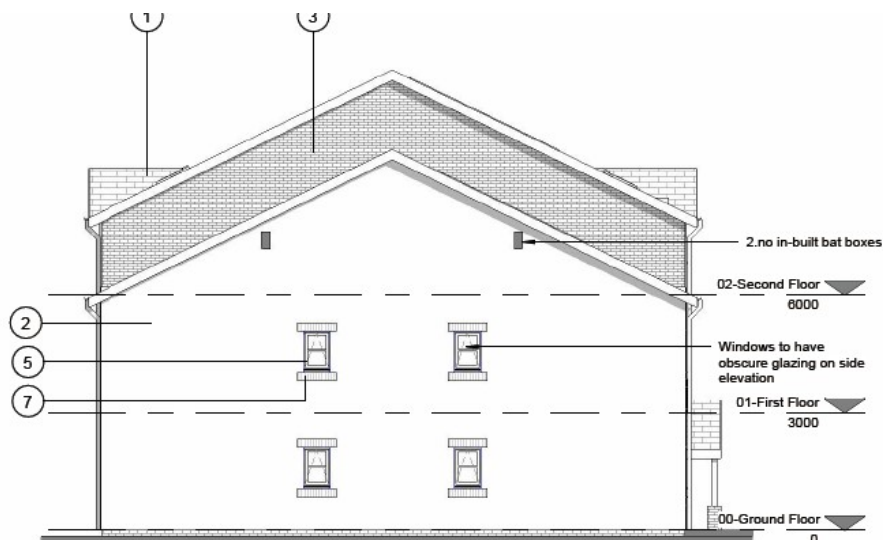


Figure 2. Side Elevation – Fronting Eaton Road

Residential Amenity: LPGN 21 guidance recommends the provision of 190 sqm. of on-site open space (10 sqm. per unit). A communal garden of garden of 180 sq. m would be provided in addition to communal space for bin storage, landscaping and parking. There is also public open space immediately adjacent to the site. In light of this, it is considered that the marginal shortfall in private garden amenity space would not harm the living conditions of the future occupiers of the development.

The principal and rear elevations of the building would face to the north-west and south-east respectively, avoiding any direct overlooking into the properties to the east and west of the site. There would be no windows serving primary habitable rooms within the south-west facing elevations and none above ground floor level in the north-east facing elevation. Small secondary windows serving kitchens in those elevations would be fitted with obscure glazing. As a result, the proposed development would not unacceptably reduce the levels of privacy currently enjoyed by the occupiers of neighbouring dwellings.

Having regard to the ground level differences between the proposed development and the nearest dwelling in Eaton Drive, a minimum separation distance of 15 metres would be required to accord with LPGN21 advice. The actual distance would be 18 metres. This would ensure the development would not be unduly over bearing and would not result in an unacceptable reduction in the levels of natural light available to this property .



Figure 3. Proposed Site Layout

Having regard to the above the development accords with UDP policy GDP1 and draft LDP policy DM1.

Trees and Ecology: The proposed development would require the removal of three low quality trees. Tree planting to mitigate for this loss and provide a net benefit to biodiversity could be secured by a suitably worded condition.

Subject to the above, development therefore complies with policies EC4 and EC6 of the UDP and policies NE1 and NE3 of the draft Local Development Plan. The impact on habitats and species is also minimised, therefore according with the Step-Wise Approach outlined in the updated Chapter 6 of Planning Policy Wales.

POS: The open space to the north of the site has been included in an ongoing project of environmental improvements. It is planned to use the open space to create a circular perennial wildflower meadow.



Figure 4. POS to North of the Application Site

A Planning Obligation would secure financial contributions towards this project in lieu of on-site open space provision.

Subject to the above, the development would accord with UDP policy CLF5 and draft LDP policy CF2.

Highway Safety: The proposed development would be served by the existing access to the car park associated with the Kingsley Circle shopping arcade and the former community centre. This provides adequate visibility in both directions. The submitted Site Layout plan also shows the access being widened to 5.5m and the footway on the northern side of it re-sited.

The Highway Officer has recommended a condition to require full construction details of these works along with details of measures to legally stop up the existing footway. However the developer would need to provide full construction details in order to enter into agreements under Sections 38 and 278. The developer would also need to apply for consent to the Welsh Government to stop up the existing footway under Section 247 of the Town

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and Country Planning Act 1990. Imposing conditions to secure these measures would be an unnecessary duplication of existing controls.

The development would provide 15 parking spaces. This is 10 spaces less than the maximum provision in LPGN16 advice. However, the site adjoins a communal parking area which provides 26 spaces. None of these spaces are allocated/designated parking spaces, although 10 spaces were previously been allocated to the community centre. Having regard to these communal spaces and the sustainable location of the site, the development would not give rise to highway safety or parking problems in the locality.

Having regard to the above, the development would accord with policies GDP1 and T8 of the UDP and DM1 of the draft UDP.

Affordable Housing: UDP policy H7 only applies to developments of 25 or more dwellings so would not be applicable to the proposed development.

The application site is located within the Rural East sub market area for affordable housing as defined in draft LDP policy H2. The policy applies a 30% requirement for affordable housing to residential developments in this sub-market area.

The applicant is proposing a 100% affordable housing development, however a suitably worded condition would be needed to ensure the development accords with the requirements of draft LDP policy H2.

CONCLUSION

The proposal development is of an appropriate design and would not give rise to residential amenity or highway safety concerns. It therefore accords with the relevant UDP and draft LDP policies outlined in this report.

RECOMMENDATION A

That planning permission be granted subject to completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure financial contribution of £19,000 towards the improvement and maintenance of open space the north of the application site (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 1990, as detailed above, is not completed within six months of the date of the Committee resolution, the Chief Officer for Economy and Planning be given delegated authority to **REFUSE** planning permission for the following reason:-

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1. The development does not make provision for public open space and therefore conflicts with policy CLF5 and CF2 of the draft Local Development Plan.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered EDW-TACP-PS-XX-DR-A-704-P09, EDW-TACP-PB-ZZ-DR-A-202-P09 and EDW-TACP-PB-XX-DR-A-102-P011, and as contained within the application documentation.
3. 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.
4. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.
5. No part of the development shall commence until a Construction Management Plan including provisions for contractor parking and builders' compound has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented for the duration of the construction phase
6. No part of the development shall commence until full details of the proposed retaining walls have been 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 approved.
7. Within three months of commencement of development, full details of a hard and soft landscaping scheme, to include a scheme of tree planting, together with a timescale for implementation of works shall be submitted for the written approval of the Local Planning Authority. Landscaping shall undertaking in strict accordance with the approved scheme.
8. The landscape and planting schemes implemented in connection with condition no. 8 and shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.
9. No part of the development shall commence until a scheme for the provision of affordable housing as part of the proposed 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 on the site of the affordable housing provision to be made which shall consist of not less than 30 % 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.

10. With the exception of those shown on the approved plan and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification) no windows or other openings shall be inserted in any elevation of the building.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), any window or opening in the elevations facing north east at first and second floor levels, or south west at ground, first and second floor levels, shall only be glazed or re-glazed using obscure glass and are no opening below a height of 1.7m above the floor level of the room in which it is installed. The windows or openings shall thereafter be retained in accordance with these requirements.

12. Prior to first use of the development hereby permitted the vehicular access shall provide visibility splays of 2.4 metres x 25 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 carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

13. The vehicular parking and turning areas as shown on approved drawing no. EDW-TACP-PS-XX-DR-A-704-P09 shall be fully laid out / marked with white lining materials, surfaced and drained prior to first occupation of the development hereby permitted. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.

14. No part of the development shall commence until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be implemented in full, prior to first occupation of the development hereby permitted, and thereafter maintained for the lifetime of the development.

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 satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
5. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To enable the control of matters not detailed in the application in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. 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.
8. 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.
9. To secure the provision of affordable housing in accordance with LDP policy H2.
10. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. 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.
13. 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 in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
14. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.

NOTE(S) TO APPLICANT

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

The permission hereby granted does not authorise encroachment upon, or

interference with, the adjoining property.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 292050.

The proposed scheme should be constructed to a standard suitable for adoption by the Council for future maintenance at the public expense and the developer will need to enter into an agreement with the Council under s.38 / 278 of the Highways Act 1980. You are advised that the Highway Authority will require such 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.

There are existing sections of adopted highway passing through the development site. These sections of adopted highway / footway will need to be stopped up by the applicant prior to the commencement of any development. The applicant will be required to apply for consent to the Welsh Government to stop up this section of adopted highway under the Town and Country Planning Act 1990 - Section 247.

Any additional lighting columns / re-location of existing columns at the development site and connecting footways will need to be agreed with our Street Lighting Section - contact Paul Rogers on Tel: 01978 729673.

The applicant is advised that compliance with condition no. 25 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

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.

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

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with regard to waste disposal;

- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environment and Planning Department on 01978 315300 for further advice and information.

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

*** Notice of initiation of development**

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.

*** Display of notice**

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty.

The person carrying out development must ensure that the notice is:

- a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- b) Legible and easily visible to the public without having to enter the site; and
- c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from

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the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.
