

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
2nd DECEMBER 2019

APPLICATION NO:
P/2019 /0369

LOCATION:
LAND AT GWYNANT PLAS MADOC
ACREFAIR WREXHAM
LL14 3HG

DATE RECEIVED:
13/05/2019

COMMUNITY:
Cefn

DESCRIPTION:
ERECTION OF 11 NO. DWELLINGS
COMPRISING 4 NO. ONE BED
APARTMENTS, 2 NO. TWO BED
HOUSES, 2 NO. THREE BED
HOUSES AND 3 NO. FOUR BED
HOUSES AND ALL ASSOCIATED
CAR PARKING, LANDSCAPING AND
HIGHWAY WORKS

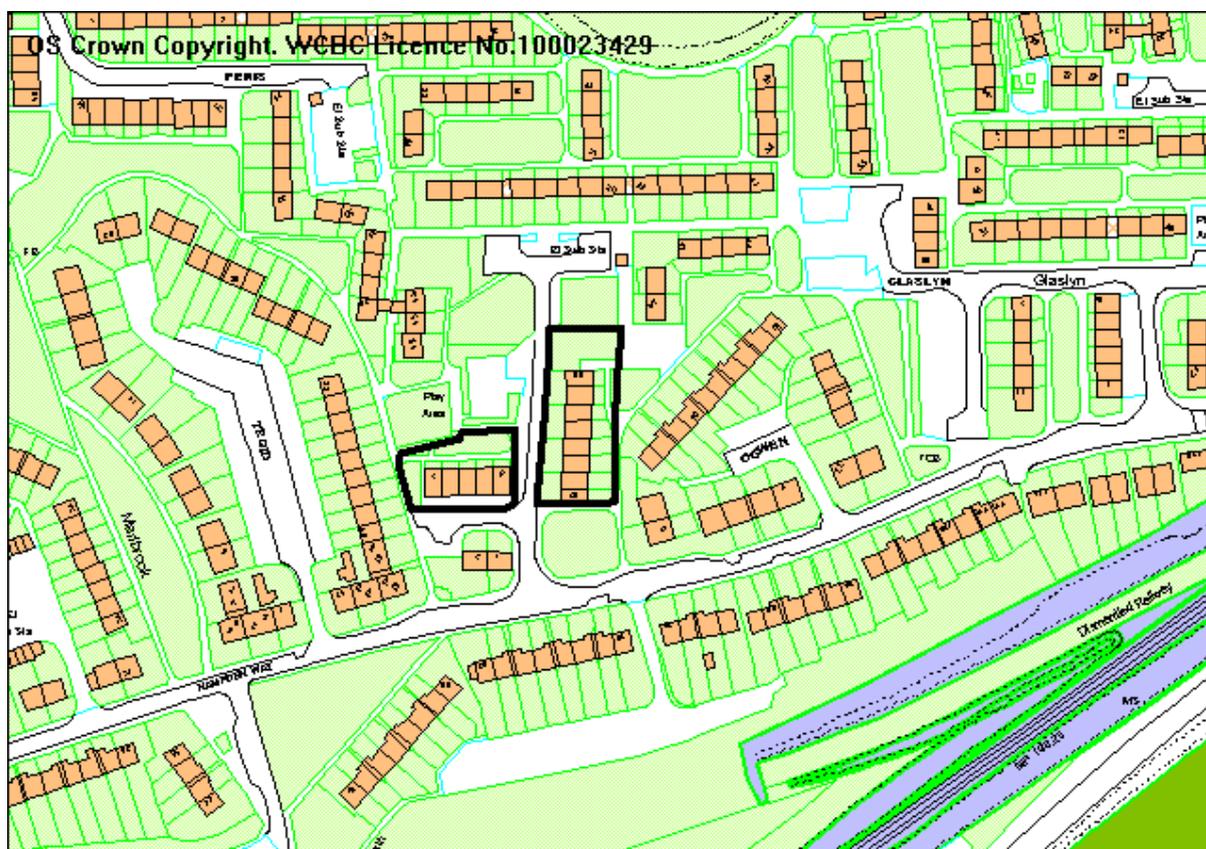
CASE OFFICER:
PF

WARD:
Plas Madoc

AGENT NAME:
JENNINGS DESIGN
ASSOCIATES
MISS RACHEL TAYLOR

APPLICANT(S) NAME:
WREXHAM COUNTY BOROUGH
COUNCIL

THE SITE



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PROPOSAL

Planning permission is sought, in full, for the erection of 11 residential units, consisting of 3 detached, 4 semi-detached and 4 flats. Associated parking provision and amenity spaces are also proposed.

HISTORY

None.

PLANNING POLICY

The site is located inside the Cefn Mawr settlement limit. Policies PS2, GDP1, GDP2, EC12, EC13, H2, CLF5 and T8 of the Wrexham Unitary Development Plan are applicable. Guidance is also contained in Local Planning Guidance Notes 16 – Parking Standards and 21 – Space Around Dwellings.

National planning guidance is contained in Planning Policy Wales (PPW) and Technical Advice Note 15 – Development and Flood Risk (TAN15).

CONSULTATIONS

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| Community Council: | No objections. |
| Local Member: | Notified 15.05.2019 |
| Site notice: | Expired 26.06.2019 |
| Press notice: | Expired 06.07.2019 |
| Highways: | No recommendations. |
| Public Protection: | No objection. Recommends informatives and conditions to control construction nuisance. |
| Highways: | The proposal will not result in any matters of traffic generation. However, the following alterations should be made to make the scheme acceptable in design terms: <ul style="list-style-type: none">• Increase the length of the driveways to the front by 1m to assist visibility and turning provision;• The western most parking space should be moved to assist in turning;• Parking spaces between dwellings should be 3.2 wide to allow car doors to be opened; |

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- The retention of paths is unclear and if they are to be removed may require stopping up as they are considered to be part of the public highway;
- There is a general lack of parking locally – has a scheme of enhanced parking for local residents been considered?

WCBC Education:

Consulted 04.06.2019

WCBC Flood Officer:

NRWs surface water flood map identifies areas at risk of surface water flooding. The applicant has not developed a scheme which demonstrates compliance with SAB approval standards. Whilst this can be done in isolation, consideration should be given at this stage.

Natural Resources Wales:

No objections but offers the following advice:

- Section 6 of TAN 15 and a Welsh Government Dear CPO letter dated 06.01.2014 affirms that highly vulnerable development should not be permitted in zone C2 – approving this scheme will extend that use for a further 100 years;
- Deficiencies and omissions are noted within the FCA and accompanying technical note – however the LPA may consider that there is an established use of the site and betterment can be achieved;
- The applicant should consider raising the proposed FFL of the dwellings by 300mm to account for betterment in the proposed design; and
- The LPA are reminded of that the application will need to be referred to Welsh Government for a potential “call-in” if the Authority is minded to approve the application.

Welsh Water:

A number of public sewers cross the application site to which easements should be provided. A drainage plan is recommended as a pre-condition.

Neighbouring occupiers:

Six neighbouring occupiers notified. One representation received raising the following concerns:

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- The current residents of Gwynant are being overlooked – the parking situation is woefully inadequate and has not been adequately addressed by the council;
 - During property demolition, an additional 6 to 8 spaces could have been provided at minimal effort and cost;
 - The demolition removed a significant number of garages that were required;
 - Existing residents are expected to be able to park in their own streets;
- One representation received raising the following points in support:
- The estate is lacking in homes to cater for a larger families.

SPECIAL CONSIDERATIONS

Background and policy: The site is located within the defined Acrefair/Cefn Mawr settlement limit. In accordance with policies PS1 and H2 of the UDP and the guiding principles in PPW, the development of the land is acceptable in principle.

The site is located within a C2 flood zone as defined by TAN15. In these locations, residential development is considered to be 'highly vulnerable' and is not permitted because of the unacceptable risks that a flood event may pose to this specific use. This matter is discussed in greater detail later in my report.

Up until recently, the application site was occupied by 13 three storey terraced dwellings in two blocks. These were demolished in 2017/18 following a decision to reduce housing stock which was considered inadequate to meet the council's housing need and to release the land for more appropriate developments. For context, the layout of the former dwellings, in comparison to the current application site and proposed layout, is shown below.

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Flood risk: The designation of the land in flood risk terms is wholly acknowledged. This risk is associated with a nearby watercourse that runs north to south, some 160 metres to the west of the site. TAN15 states that highly vulnerable development shall not be permitted in such a designation and there will be no justification that can be presented that will make such new development acceptable.

However, I have approached this proposal on the basis of the recent built development on the site. The recent removal of these dwelling houses occurred because of their undesirable form for the purposes of providing suitable housing stock to meet the modern requirements and demands of the local population. The dwellings were not removed for any purposes associated with their risk of flooding from the nearby watercourse, but to allow for the redevelopment of good quality affordable housing stock. In this instance, I am satisfied that the relatively short time that the land has lain vacant of a residential use and the significant benefit of providing affordable housing stock to meet a local need should be given significant weight.

The application has been submitted with a Flood Consequences Assessment (FCA) and a subsequent technical note. The council have liaised with NRW on the suitability of the FCA and the conclusions within which has ultimately resulted in NRW removing their initial objections.

The FCA has assessed the suitability of the site and the likely risk from a flooding event, based on a modelling exercise of the watercourse. This identified the potential risks from the blockage of the culverted section of the watercourse.

Whilst NRW do not object to the proposal, comments have been made to cast doubt over some methodologies within and interpretations of TAN15 by the applicant's consultants, specifically in terms of consideration of culvert blockage and the designation of garden and parking areas as highly vulnerable development. In this respect, NRW have commented that if the council accept that the highly vulnerable land use, and do not consider the proposed development to be an intensification, then the LPA may consider that the proposal provides betterment of over the previous situation and would be acceptable. The lack of assessment of all flood scenarios is, however, considered to be a missed opportunity and NRW recommends that the finished floor levels of the proposed dwellings be increased from 150mm to 300mm above the adjacent ground levels. I have sought clarification from the applicant as to whether imposing this requirement would have any significant design difficulties. I see no reason why there would be any planning reason on this site as to why this could not be achieved.

Taking the above into consideration, I am satisfied that there is an opportunity redevelopment the site to provide a reduced density scheme, at a higher finished floor level and in a manner that would provide for an improved form of

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housing to meet local need. These matters should carry significant weight in favour of justifying the proposal in this designation.

Where the LPA wish to grant planning permission for residential development of 10 or more dwellings within a C2 flood zone, the application will need to be referred to Welsh Government for a potential “call-in” consideration. This is reflected in my recommendation.

Design and amenity: The proposal consists of a mixture of detached, semi detached and a block of flats and is broadly consistent with the footprints of the previously removed properties. I am satisfied that the layout accords with the settlement pattern of the area and would not result in an incongruous form of development within the street scene. I am satisfied that the habitable window openings within the dwellings accord with the council’s separation standards insofar as they are in the same position as the dwellings which were, until recently, on the same footprints. The proposal therefore considered acceptable in this respect.

Highways: Highways are satisfied that the proposed development is unlikely to result in a highway capacity issues at or surrounding the site and the parking provision which has been designed into the scheme would accord with the requirements set out in LPG16. However, there some design amendments are requested to improve highway safety and provide a more workable parking arrangement.

I acknowledge the awkward positioning of a parking space to the frontage of plot the most westerly plot and this should be altered to provide a useable parking space. This matter can be dealt with by way of a planning condition.

The observations in relation to parking congestion in, and around the application site is noted and this is borne out of the unique design of the wider Plas Madoc housing development. The proposal makes provision for off street parking for each dwelling which accords with the council’s own adopted LPG. Whilst I am sympathetic to the problems experienced by existing residents, the application site is not and never has been a designated public parking space. Areas to the front of the former dwellings could have been wholly occupied by vehicles of the previous occupiers. The proposal therefore will not cause additional parking congestion in the locality.

Planning obligations: I have not sought education contributions or a commuted payment in lieu of open space, effectively because of the previous recent use of the land. This scheme effectively results in a scheme of lesser density and I consider it unreasonable to seek contributions in this respect.

Other matters: The applicant has sought to address the issue of surface water drainage by disposing to a nearby watercourse at an attenuated rate. Welsh Water and NRW have not raised any objections to this proposed methodology which formed part of the FCA. The Council’s LLFA officer

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confirms that no detail has been submitted to which demonstrate compliance with the SAB approval process.

Site drainage is a material planning consideration. However, I have in mind the current condition of the land, laid to hardstanding and the previous extent of built development. I have no reason to believe that the site cannot be drained adequately, and no reason to doubt that a drainage scheme cannot be developed in a compliant manner with SAB legislation and guidance. The developer will be aware that non-compliance with SAB standards may require an amended scheme to be presented.

Conclusion: The site is located in an existing built up area and would represent the redevelopment of a brownfield site where, up until recently, was the site of 13 dwellings. This proposal will result in a reduced density, higher quality form of accommodation and betterment in terms of the previous dwelling in terms of flood risk. I therefore recommend accordingly.

RECOMMENDATION A

Should Members be minded to grant planning permission, due to the highly vulnerable nature and scale of the development within a C2 flood zone, it must be referred to the Welsh Ministers under the terms of the Town and Country Planning (Notification) (Wales) Direction 2012. If the application is referred back to the Local Planning Authority for determination, planning permission should be GRANTED in subject to 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 1045 A 101 Rev A, 1045 A 200 Rev D, 1045 A 201 Rev D, 1045 A A202 Rev D and 1045 A 2014 Rev E and as contained within the application documentation.
3. Prior to their use on the development, a specification 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. Notwithstanding the detail contained on the approved plan, prior to the occupation of the most westerly dwelling, a scheme, to include and implementation timetable, shall be submitted to and approved in writing by the local planning authority which redesigns and relocates the most westerly parking space to an alternative location within its defined curtilage. The development shall be carried out strictly in accordance with the approved plan.

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5. The finished floor levels of all dwellings hereby approved shall be set at 300mm above the adjoining ground level upon which they are built.

6. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority.

Where a SuDS scheme is to be implemented, the submitted details shall:

i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;

ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,

iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

5. To ensure that an element of betterment occurs over and above the current situation in terms of flood risk and to ensure compliance with policy GDP1 and EC12 of the Wrexham Unitary Development Plan.

6. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
