

Report of the Chief Officer Economy and Planning

Application Reference

P/2024/0187

Applicant

MR BEN OWEN

Agent

MR BEN OWEN BEN OWEN SERVICES LTD

Site Address

54 MINERA HALL ROAD MINERA WREXHAM LL11 3YD

Description of Development

LLEOLI CYNHWYSYDD MORGLUDIANT AC ADEILADU SIED / STORFA(ÔL-WEITHREDOL) / SITING OF SHIPPING CONTAINER AND ERECTION OF SHED/LEAN TO (IN RETROSPECT)

Ward

Minera/Mwynglawdd

Community

Minera/Mwynglawdd

Recommendation

Grant

Officer Report

Site Description

The site is triangular parcel of land located to the rear of 54 Minera Hall Road in Minera. The site benefits from Lawful Development Certificate for Existing Use for the servicing and repairs of trailers. The site is located within a residential area and is flanked by dwellings on 3 sides. Directly to the east of the site is a public right of way leading to a playing field to the north.

Proposal

Planning permission is sought partly in retrospect for the siting of a shipping container and for the erection of a shed. The shipping container is already in situ although is not currently in use. The proposed shed would measure 7.50m x 8.20m with a maximum height of 3.80m. It would be faced with metal cladding and onduline roofing sheets.

Reason for Committee Determination

Individual letters of objection received from the owners/occupiers of 3 or more properties.

Site History

P/2024/1066 Lawful development Certificate for existing use - use of land for trailer service / repair. Granted 6.11.2024

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Development Plan

Wrexham Local Development Plan (2013-2028)

SP2 – Location of development

SP12 – Design Principles & Masterplanning Framework

SP14 – Natural Environment

SP19 – Green Infrastructure

NE1 – International and National Nature Conservation Designations

NE3 – Trees, Woodlands and Hedgerows

NE6 – Waste Water Treatment and River Water Quality

DM1 – Development Management Considerations

T1 – Managing Transport impacts

Local Planning Guidance Notes:

LPGN30 - Design

LPGN32 - Biodiversity and Development

Relevant National Policy

Planning Policy Wales (Edition 12, 2024)

Future Wales: The National Plan 2040

Technical Advice Notes (TAN):

TAN 5 – Nature conservation and planning

TAN12 – Design

Consultation Responses

Minera Community Council:

Raises no objection. Comments that a gate has been installed by the applicant across the access to Minera football field. This should be included in this application.

Local Member:

Notified. No comments received at the time of writing this report.

Natural Resources Wales:

No comments to make.

Dwr Cymru Welsh Water:

Recommends that a condition be imposed to require that no surface water from buildings or impermeable surfaces shall drain to the public sewer system.

Highway Officer:

Raises no objections.

Contaminated Land Officer:

No comments to make.

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Public Protection Officer:

Raises no objection. Advisory notes recommended: Dust management, burning of waste, demolition construction noise.

National Gas Transmission (Asset Protection)

Advises that no National Gas assets are affected in this area.

National Grid Electricity Transmission

Advises that no NGET assets are affected by the proposal.

Publicity Undertaken:

Site Notice: Expired 26.04.2024

Notification Letters: 8 neighbouring notification letters sent out. Expired 24.04.2024

Responses to Publicity:

4 neighbouring letters of objection have been received from 3 different addresses. The objections can be summarised as follows:

- Site resembles an industrial estate;
- Noise issues;
- Gate installed along access road to football field;
- Questions of land ownership;
- Unsightly views of containers, caravans, trailers;
- Trees removed from the site;
- Parked vehicles on access track make it difficult to take bins out of neighbouring properties; and
- Antisocial behaviour at the site.

2 letter of support have been received and can be summarised as follows:

- Applicant works tirelessly in all weathers, a shelter would be of great benefit; and
- Supports a local business.

Principle of Development

The site relates to an existing trailer service/repair unit located within the settlement limits of Minera. Policy SP2 of the LDP seeks to focus new development within the defined settlement limits. Therefore, subject to compliance with other relevant planning policies, the principle of development is considered acceptable.

Design

The proposal includes the shipping container (retrospective) and a shed with the lean to element constructed out of corrugated metal. The total structure would measure about 8.20m x 7.20m with a maximum height of 3.80m.

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The structure would be used to provide covered shelter for the applicant to conduct his trailer servicing / repair business which is run from the site. The footprint and overall scale of the structures are considered commensurate with this use. The site rises relatively significantly from south to north and as such the structure would be seen in an elevated position from Minera Hall Road. That said, the maximum height of the structure would only be 3.80, and the development would be viewed against the context of the bungalows on Min-Y-Grug and the two storey dwellings on Maes Meillion which are located to the rear (North). Consequently, the overall structure would not have an unduly harmful impact upon the street scene.

Whilst the use of corrugated metal for elevations is more akin to an agricultural or industrial use rather than within a built up residential area, the lawful use of the site is a servicing yard. Noting the overall scale of the building, it is not considered that the use of such material would result in an unduly harsh appearance. Furthermore, the overall structure would provide storage for some vehicles that are currently parked within the wider site and as such, some of the visual clutter and paraphernalia associated with the business would be consolidated within this structure.

Overall, it is considered that the scale, design and location of the proposed structures are acceptable and would not, when fully complete, detrimentally impact upon the immediate site or the wider street scene. On this basis the proposal accords with Policy DM1 of the LDP.

Impact on Neighbouring Amenity

Policy DM1. ii of LDP states that development must not have an unacceptable effect on the amenity of the occupiers of nearby properties/land.

The development is located adjacent to the rear garden of 54 Minera Hall Road which is also within the ownership of the applicant. No.54 is a semi-detached property adjoined No.53. The latter has a mature hedge on its rear boundary. The lowest part of the development would sit adjacent to the rear boundary with No.54 and as such it is not considered that the physical presence of the structure would result in any significant loss of light or overbearing impact to either of these properties. To the northwest and southeast are residential dwellings. However, noting the separation distance from these properties, the physical presence of the structure would not impact upon the levels of natural light afforded to their occupiers or result in an overbearing impact.

The existing use at the site is for the servicing / repair of trailers. This use has been ongoing, without planning permission for a period in excess of 10 years and is now lawful. The business operates without planning conditions in terms of opening hours or noise generation. The applicant has confirmed that the provision of container and building would not increase the capacity or intensity of the operations at the site. The applicant has also confirmed that the machinery on site used is a compressor with a 85dB noise level. This compressor would be sited inside the container, which would be insulated. On this basis the Council's Public Protection Officer raises no objection.

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The proposed development would not result in any greater noise or disturbance to neighbouring residents than currently occurs. If anything, the development may reduce level as a result of the activities being carried out inside the building.

Having regard to the above, the impact to neighbouring properties are considered acceptable and in accordance with Policy DM1 of the LDP.

Highway Considerations

The site is already used for commercial purposes and the shipping container is already in situ although not currently in use. The container and the proposed building would not result in any increase in traffic generation to and from the site. Furthermore no alterations to the existing access arrangements are proposed. The Council's Highway Officer raises no objection.

Having regard to the above, the proposed development accords with policy DM1.

Natural Environment

The application has been accompanied by a Green Infrastructure Statement outlining that the site is occupied by an area of established hard standing. There is an established hedge on the western boundary which will remain in situ. No additional green infrastructure is proposed. However, biodiversity enhancement is proposed by way of sparrow terrace boxes to be fitted to the elevation of the proposed building. It is considered that the proposed biodiversity improvements would be appropriate and commensurate with the scale of development.

Having regard to the above, the proposed development accords with paragraph 6.4.5 of Planning Policy Wales 12.

Drainage

The proposed development would not generate any foul water flows from the site. NRW and Dwr Cymru/Welsh Water raise no objections.

Having regard to the above, the development would not increase phosphate levels within the River Dee and Bala Lake SAC and therefore accords with Policies NE1 and NE6.

Other Considerations

A number of neighbouring residents and the Community Council have commented on the installation of a gate over the public footpath leading to the football fields. However, the gate falls outside application site and therefore outside of scope of the application.

Conclusion

The site is located within the settlement limit where the principle of development is considered acceptable. The general scale, location and design of the shed structures are considered acceptable and would not result in a detrimental impact to the visual amenity of the immediate site or the wider street scene.

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Neighbouring properties will not be unduly impacted by the proposal and given the lawful status of the site, it is considered that should any noise issues arise, these would be more appropriately dealt with by the Environmental Protection Act 1990.

The NBB measures proposed are considered proportionate for the scale of development. As a result of the above the proposal accords with Policy SP2, SP12, DM1, NE1 and NE6 of the LDP.

Conditions

1. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

0035/005 Rev A - Proposed plans and elevations

0035/003 Rev A - Proposed site and location plan

Received by the local planning authority on the 27.09.2024
2. The external surfaces of the building(s) shall be constructed of the materials specified on 0035/005 Rev A - Proposed plans and elevations received on the 27.09.2024.
3. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) shown on 0035/005 Rev A - Proposed plans and elevations have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development
4. No surface water from any increase in the roof area of the building / or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

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2. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.
3. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
4. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Notes

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.

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Notes

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;
- 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.

Notes

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.

Notes

Welsh Water Informative:

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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