

REPORT OF THE CHIEF PLANNING OFFICER – 2 OCTOBER 2023

APPLICATION NO:
P/2022 /0181

LOCATION:
LAND TO THE REAR OF 120
RHOSNESNI LANE WREXHAM
LL12 7NB

DATE RECEIVED:
22/02/2022

COMMUNITY:
Acton

DESCRIPTION:
DYMCHWEL STRWYTHUR AC
ADEILADU 7 UNED FASNACHOL
(B1) / DEMOLITION OF STRUCTURE
AND CONSTRUCTION OF 7
COMMERCIAL UNITS (B1)

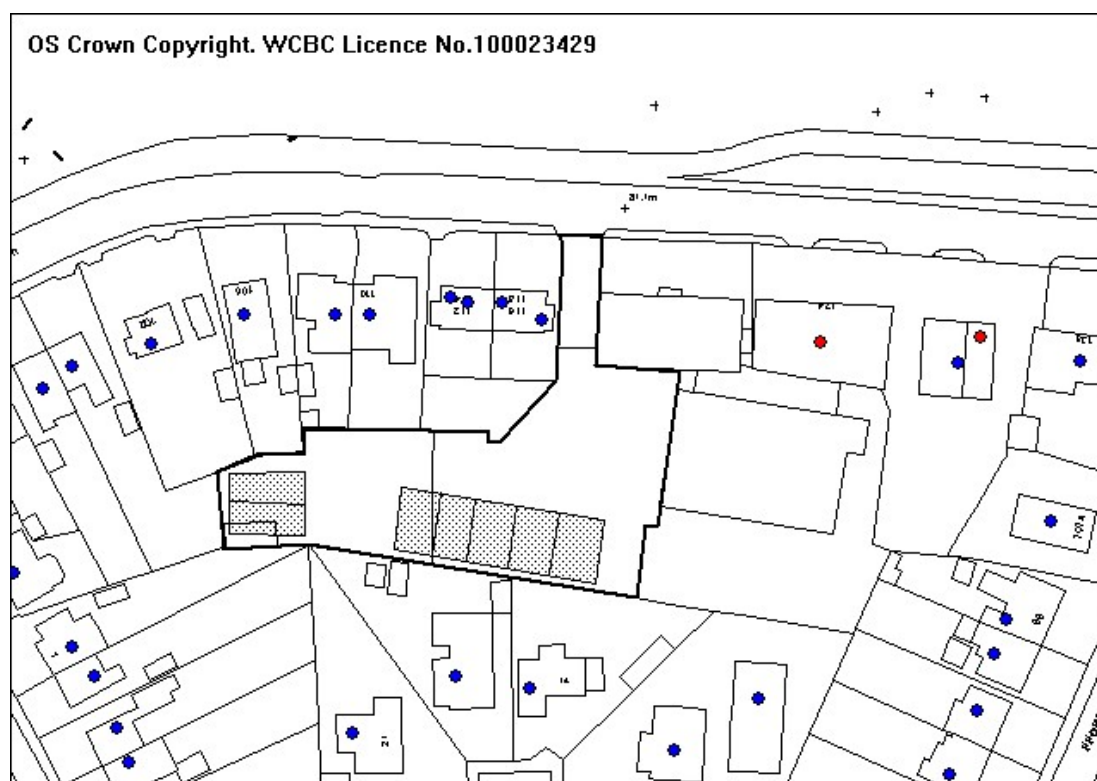
CASE OFFICER:
SEH

WARD:
Maesydre

AGENT NAME:
BLUEPRINT LTD
DAFYDD EDWARDS

APPLICANT(S) NAME:
MR PAUL CLIFTON

THE SITE



PROPOSAL

The land is currently used for parking, deliveries and outdoor storage, in connection with the existing businesses at the site. A builders' compound is also located at the western portion of the site.

The application initially proposed the erection of 7 no. industrial units (Class B2 use), however this has since been amended to Class B1.

RELEVANT HISTORY

P/2018/0588 DEMOLITION OF EXISTING SHOP AND STORAGE UNIT AND
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
(13 DWELLINGS) – Granted 03/12/2018

P/2022/1082 SUB-DIVISION OF UNIT TO CREATE ADDITIONAL
BUSINESS UNITS (IN RETROSPECT) – Decision Pending

DEVELOPMENT PLAN

Unitary Development Plan Policies

Within a defined settlement limit. UDP Policies GDP1, T8, E4 and EC6 are applicable.

Local Planning Guidance Note (LPGN) No. 16 'Parking' is also relevant.

Draft Local Development Plan Policies

Within a defined settlement limit. LDP Policies DM1, SP14 and T1 are applicable.

CONSULTATIONS

Community Council

Objects to the development because the site is within a predominantly residential area. The Community Council are also concerned that the proposed units would have a detrimental impact upon the amenity of the area.

Local Member

Objects to the development and has expressed concerns about additional traffic, noise and light pollution.

Highway Officer

Raises no objections.

The Highway Officer advises that

- The size of delivery vehicles should be restricted to a transit van and therefore scheme of 'No access to HGV' signage is required to ensure manoeuvrability within the site; and
- The proposed on-site parking meets the standards required by LPGN 16;
- The development would increase traffic using the site access. A S106 agreement will be required to reduce the height of an adjoining boundary wall to achieve the required visibility at the access.

Public Protection Officer

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Raises no objection, but advises that because the development is situated in a primarily residential area it has the potential to detrimentally change the noise environment.

The Public Protection Officer recommends that conditions be imposed to limit the operating hours, to restrict the use to Class B1 and to set noise limits.

Contaminated Land Officer

Raises no objection subject to a condition being imposed to require the site to be investigated for contamination and, if necessary, the implementation of remediation.

Welsh Water

Raises no objection. Welsh Water advises that capacity exists within the public sewerage network to receive the foul flows from the proposed development. Welsh Water also recommends a number of informative notes relating to surface water, the location of sewers and the process for securing a connection to the public sewer network.

Natural Resources Wales (NRW)

Raises no objection to the development. NRW recognises the nature of the existing and proposed development and is satisfied that the proposal is unlikely to increase the amount of phosphorus entering the River Dee and Bala Lake SAC.

Neighbours

The owners/occupiers of 36 properties have been re-notified on 21/06/2023. 1 letter of support received. 11 representations have been received expressing the following concerns:

- Noise, fumes and vibration;
- Increase in traffic in and out of this commercial unit complex both into and from Rhosnesni Lane. This concern is increased during Rhosnesni High School opening and closing times;
- Units should be limited to hours of 9am until 5pm, Monday to Friday;
- Security lighting be placed sympathetically;
- Trees (not conifers) should be planted along the boundary line between the Rhosnesni Lane properties and the proposed commercial site;
- Overlooking and loss of privacy;
- Disturbance to boundary treatments;
- Restriction of access to rear of properties on Rhosnesni Lane;
- Units are too close to houses;
- Site security; and
- Houses would be better than commercial development.

SPECIAL CONSIDERATIONS

Principle of Development: UDP Policy E4 permits commercial development within settlement limits subject to complying with policy GDP1. The site also lies within the settlement limit in the draft LDP. There are no draft LDP

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policies that would prevent employment development within a settlement limit subject to compliance with other relevant policies, notably DM1. As such the proposal is acceptable in principle.

Matters relevant to the UDP and LDP policies identified above are discussed later in the report.

Design: The site is occupied by a builders' yard and compound, parking and storage. The site is bounded by residential and commercial properties.

The proposed units are single storey, akin to the height of a domestic garage. The units would be arranged in 2 blocks (see site layout plan below). The walls and roof would be steel clad and the units will be accessed through pedestrian doors and painted roller shutters. Subject to a suitably worded planning condition requiring further details of the proposed materials, the development would not detract from the character of the area. In such terms, it complies with UDP policy GDP1 and draft LDP policy DM1.

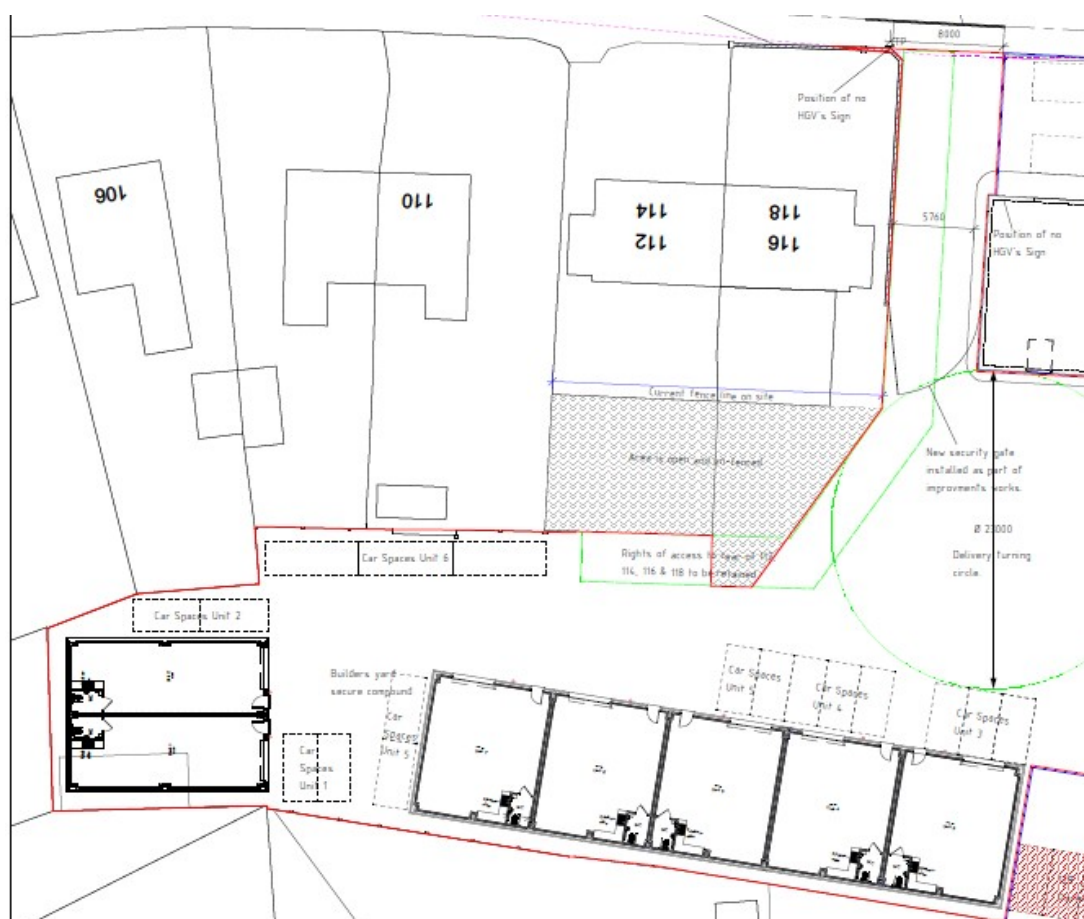


Figure 1 – Site Layout

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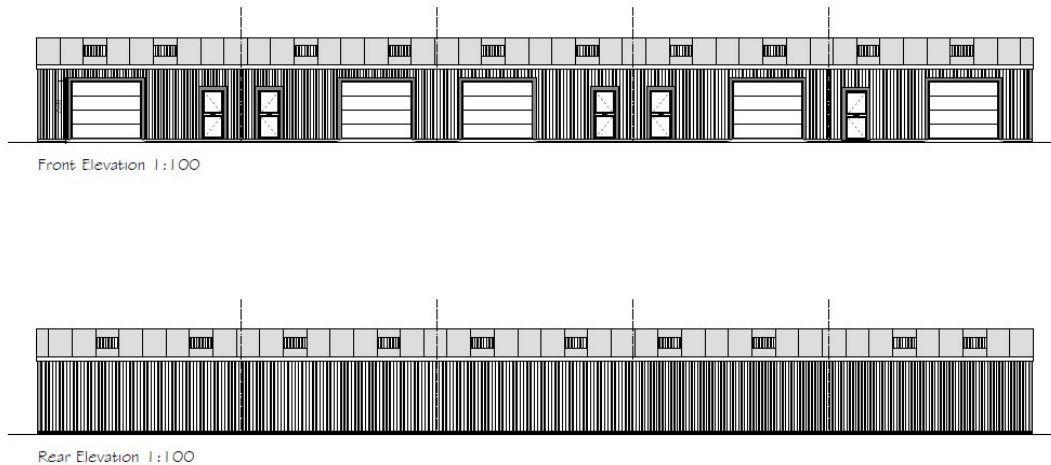


Figure 2 – Proposed Elevations

Residential Amenity: The nature of use of the site would not change significantly, however the addition of 7 no. commercial units would undoubtedly increase the intensity of use of the land. Concerns have been raised by neighbouring occupiers that the development would harm their living conditions.

The proposed use is Class B1 and would allow the buildings to be used for any of the following purposes:

- Offices where no services are to be provided to visitors to the site;
- Research and development (R&D); and/or
- Light industry which is appropriate within a residential area. Such use must not be a detriment to the amenity of an area by way of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) it would normally be possible to change the use of the buildings to Class B8 (Warehousing and Distribution) without planning permission. However given the close proximity to nearby properties, the potential for larger vehicles required to service the site and the potential for greater noise to be generated by external loading and unloading that could be associated with a Class B8 use, a suitably worded condition could be imposed to limit the use of the buildings to Class B1.

The Public Protection Officer has recommended that the hours of use be restricted to protect the amenity of nearby occupiers. Given the intended use of the proposed new development and the range of new uses introduced onto the adjoining site (P/2022/1082), it would be appropriate to impose a condition to limit the hours of use to 8.30 am and 5.30pm Monday to Saturday and at no time on Sundays or Bank Holidays. These hours of use would coincide with times of reasonable level of activity within the locality, with traffic passing along the adjoining highway.

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There would be no windows in the proposed buildings directly facing the boundaries of the site. The implementation of a scheme of boundary treatment would also assist in minimising any overlooking and maintain the security of adjoining properties. This could be secured by a suitably worded condition.

The closest window serving a habitable room that faces the proposed development is 10 metres away. However due to the height of the buildings the BRE daylight test would be met. As such, the proposed development would not reduce the level of daylight to the habitable rooms of the surrounding properties to an unacceptable level.

Due to the orientation and size of the adjacent domestic gardens, the single storey buildings would not over dominate these areas or unduly impact upon the amenities of their occupiers.

Subject to the conditions referred to above, the development would not adversely impact upon the standard of amenity afforded to occupiers of the neighbouring properties. In such terms, it accords with policy UDP Policy GDP1 and draft LDP Policy DM1.

Highway Safety: The Highway Officer raises no objections to the proposed development.

The proposed parking provision of 17 spaces accords with LPGN16 guidance. A right of access across the land two neighbouring properties would be unaffected by the proposed development.

The submitted plans provide for signage advising that HGVs are not permitted to enter the site. A planning condition could be imposed to ensure that this is in place prior to first use of the development.

The Highway Officer advises that the proposed development would generate additional traffic. The development site would be accessed via an existing vehicular access onto Rhosnesni Lane. Adequate visibility splays are achievable to the east. However, to the west the visibility splays require the lowering of an existing boundary wall to the front of nos.116 &118 Rhosnesni Lane. These properties are not owned by the applicants therefore a Planning Obligation would be required to secure the provision and maintenance of the splays before the development became operational.

Having regard to the above, and subject to the conditions and Planning Obligation referred to above, the proposal does not give rise to highway safety concerns. In such terms it accords with UDP Policies GDP1 and T8, along with draft LDP Policies DM1 and T1.

Phosphorous: The site would connect to the public sewerage network which in turn drains to Five Fords WWTW. The Environmental Permit for the WWTW has recently been reviewed. As a result, the proposed development

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is unlikely to increase the amount of phosphorous entering the SAC and is not likely to have a significant effect on the SAC.

CONCLUSION

The proposed development is acceptable in terms of scale and design, and would not harm residential amenity or give rise to highway safety concerns. The proposal therefore accords with relevant UDP and draft LDP policies.

RECOMMENDATION A

That planning permission be granted subject to the following conditions and the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure visibility splays across the frontage of Nos.116 & 118 Rhosnesni Lane, with the Chief Officer Economy and Planning given delegated authority to determine the final form and content of the Obligation.

RECOMMENDATION B

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 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** the application for the following reason:-

1. Due to reduced visibility at the access to the site, the proposed development would have a detrimental impact upon highway safety in the locality and therefore conflicts with policy GDP1(d) of the Wrexham Unitary 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 REFS: CI39/004, CI39/005, CI39/006 1 of 2 Rev F and CI39/006 2 of 2 Rev G, and as contained within the application documentation.
3. No external illumination within the site shall take place before a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall be installed and operated in accordance with the approved details. No other lighting shall be used on any external part of the development.
4. Prior to their installation on the development hereby permitted 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 approved.

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5. 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 shall be maintained thereafter.

6. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

7. Each part of the site subject to the remediation under the scheme(s) approved as part of condition no. 6 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

8. 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 within a timescale agreed with the Local Planning Authority and shall be maintained thereafter for the lifetime of the development.

9. No part of the development shall commence until details of a boundary treatment scheme for the whole of the site, including a timescale for implementation, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be implemented in all respects within the agreed timescale and shall thereafter be permanently retained and not reduced in height.

10. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority. The plan as approved shall be fully implemented for the duration of the construction phase.

11. No part of the development shall be first occupied until a Service Delivery Management Plan (SDMP) including the details of the frequency of deliveries, type / size of vehicle and management of car parking to facilitate delivery vehicles has been submitted to, and approved in writing by, the Local Planning Authority. The SDMP as is approved shall be fully implemented before any unit is first occupied and shall be retained for the life of the development.

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12. No use of the development shall be made before 0830 hours or after 1730 hours Monday to Saturday. No part of the development shall be used on a Sunday or Bank Holiday.
13. The vehicular parking and turning areas as shown on approved drawing nos. CI39/006 1 of 2 Rev F and CI39/006 2 of 2 Rev G shall be fully laid out, surfaced and drained prior to first use 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 motor vehicles at all times.
14. There shall be no gates or other means of enclosure across the vehicular access point to the highway boundary.
15. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.
16. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.
17. The building shall not be illuminated outside of the opening hours referred to in condition 12.
18. No storage shall take place in the open on any part of the site.
19. Demolition of the building subject to this grant of planning permission shall only be carried out in a precautionary manner to include the following:
 - Any weather boarding, hanging tiles, soffits, fascia and barge boarding shall be removed by hand, and
 - Should any bats be discovered all works on the building shall cease and Natural Resources Wales contacted for further advice.
20. Notwithstanding the provisions of Part 3, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any statutory instrument revoking and re-enacting that Order with or without amendment) not part of the development hereby permitted shall be used for any purpose other than one falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent Class or Classes in any statutory instrument revoking and re-enacting that Order with or without amendment).
21. 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.
22. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 43 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 highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

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23. The vehicular access hereby approved shall take the form of a widened dropped vehicular crossing.

24. No part of the development shall be occupied / first used until the HGV restriction signage, as shown on approved plan ref: C139/006 2 of 2 Rev G have been erected at the site. The signage shall thereafter be permanently retained.

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 and residential amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
4. 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.
5. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
6. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.
9. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. To ensure that the premises is not used at a time which would be likely to cause nuisance or disturbance to nearby residents 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. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
15. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

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16. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
17. To ensure a satisfactory standard of appearance of the development in the interests of the visual and residential amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
18. 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.
19. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
20. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
21. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
22. 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.
23. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
24. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary 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;
- 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

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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.

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

A written agreement must be obtained (as required by section 278 of the Highways Act 1980) from the Highway Authority in order to make any changes to the adopted highway in connection with condition no. 12. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.

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.

Further advice on compliance with condition nos. 6 and 7 may be obtained by contacting the Council's Contaminated Land Officer on 01978 298771 or 298333, or contaminatedland@wrexham.gov.uk

Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Council's Contaminated Land Officer prior to commencement of works on site.

A licence must be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to lower the kerbline and cross the

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footpath in connection with condition no. 22. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.

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 298884.
