

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 24 JULY 2023

APPLICATION NO:
P/2023 /0008

LOCATION:
THE COOPERATIVE WELL STREET
CEFN MAWR WREXHAM
LL14 3YE

DATE RECEIVED:
21/12/2022

COMMUNITY:
Cefn

DESCRIPTION:
NEWID DEFNYDD ADEILAD O
DOSBARTH A1 (MANWERTHU) I
DOSBARTH B1 (BUSNES) /
DOSBARTH B8 (STORFA A
DOSBARTHU) / CHANGE OF USE OF
BUILDING FROM CLASS A1
(RETAIL) TO CLASS B1 (BUSINESS)
AND B8 (STORAGE AND
DISTRIBUTION)

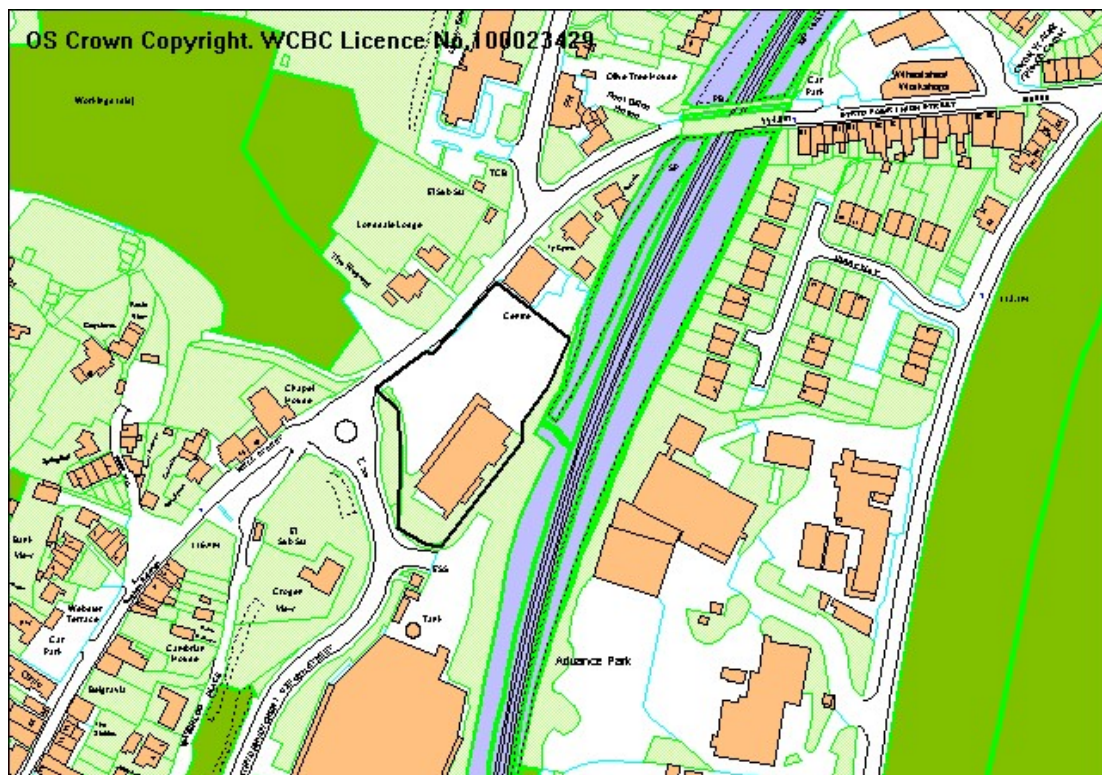
CASE OFFICER:
SEH

WARD:
Cefn

AGENT NAME:
MRS CHERYL PARKER

APPLICANT(S) NAME:
GAROB OSWALD ROAD LTD

THE SITE



PROPOSAL

The lawful use of the site is A1 retail. The site has been vacant for a number of years and the last known use was a local needs convenience store.

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Proposed development for change of use of the site to Use Classes B1 (Business) and B8 (Storage and distribution).

RELEVANT HISTORY

P/2004/1195 Regeneration of existing including re-cladding of lean-to buildings to rear, installation of new ramp, new lighting column with car park and new refrigeration plant in the service yard.
Granted on 02/11/2004.

DEVELOPMENT PLAN

Unitary Development Plan Policies

Within 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 settlement limit. LDP Policies DM1, SP14 and T1.

CONSULTATIONS

Community Council

Raises no objection.

Local Member

Raises no objections.

Highway Officer

The highway officer raises no objections to the proposed the development on highway safety grounds. The Highway Officer notes the site has an entrance with an existing right of access for all types of vehicle including HGVs.

Public Protection Officer

Recommend conditions and informative notes relating to measures to manage noise and dust.

HSE

Does not advise against the granting of planning permission, on safety grounds.

Contaminated Land Officer

No comments to make.

Welsh Water

Raises no objection. Welsh Water advise that capacity exists within the public sewerage network in order to receive the foul flows from the proposed development. Welsh Water also advise of 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.

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Natural Resources Wales (NRW)

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

Ecology Officer

No comments to make.

Tree Officer

Tree officer consulted on 13/02/2023. No comments received.

Neighbours

The owners/occupiers of 11 properties have been notified on 23/06/2023. 4 representations have been received expressing the following concerns:

- Traffic and concerns;
- HGV's and Taxis currently use the site; and
- Not supportive of the increased activity Monday to Saturday, 7am to 7pm.

SPECIAL CONSIDERATIONS

Principle of Development: UDP Policy E4 permits residential 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 policies that would prevent employment development within a settlement limit subject to compliance with other relevant policies, notably DM1. As such there is no policy objection in principle to the proposed development.

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

Design: The site is occupied by a redundant retail building with associated forecourt accessed from Well Street. The site is bounded by a low stone wall fronting the highway and vegetation to the rear boundary which would be unaffected by the development. Given the length of time the site has now been redundant, it is in a poor state of repair and the reuse of the site is welcomed. The elevations of the building will be altered and the internal floor space changed to enable the building to be split into 6 no. separate units.

The alterations to the external elevations include the application of white render and the introduction of new 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.

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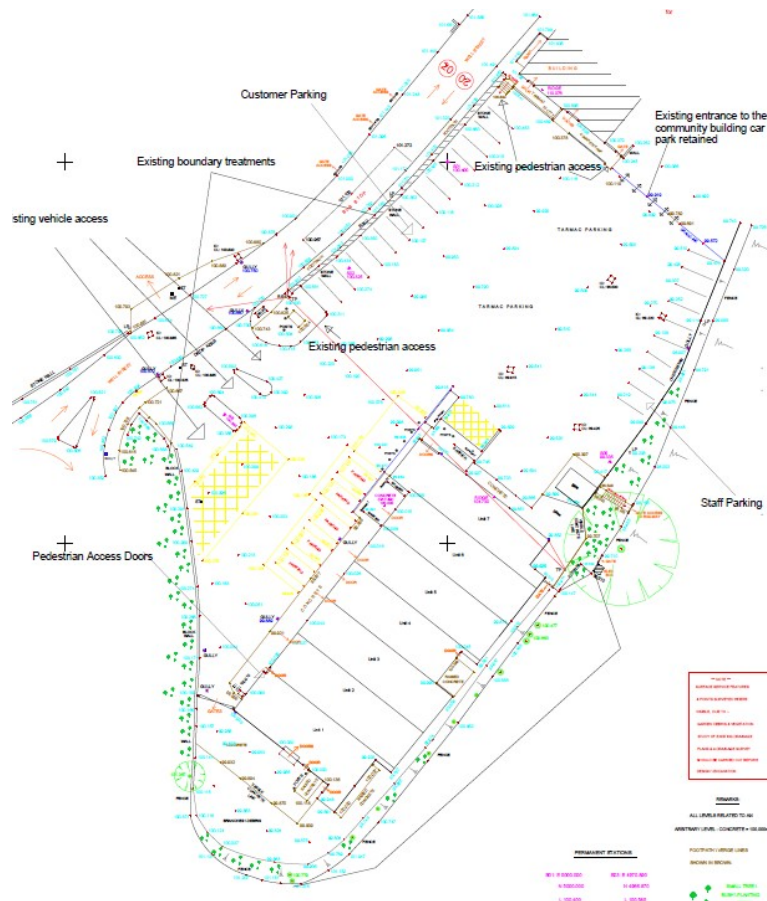


Figure 1 – Site Layout

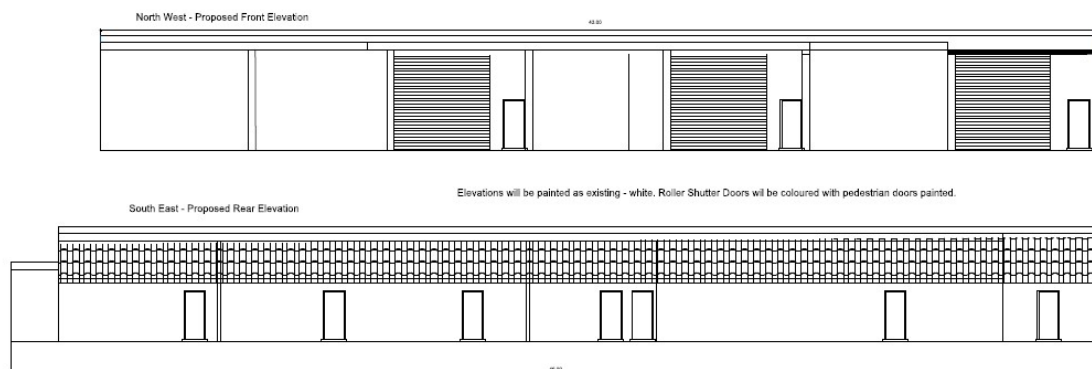


Figure 2 – Proposed Elevations

Residential Amenity: Concerns have been raised by local residents that the proposed change of use would increase the intensity of use of the site and increase traffic movements. The lawful use of the site is currently unrestricted which means that it could operate as a retail use 24 hours a day, 7 days of the week. This would include staff and customer vehicles and delivery / collection service vehicles, including HGVs.

The proposed development would operate between the hours of 7am and 7pm Monday to Saturday, and 8am to 6pm on Sundays. It is accepted that the proposed use may have a greater reliance on servicing by HGVs than the

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previous use. However the proposed the hours of use would coincide when there is a reasonable level of activity in the locality, with traffic passing along the adjoining highway. Subject to a suitably worded condition to restrict the hours of use to those proposed, 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: Having regard to the past requirement for HGVs to service the former retail unit, the Council's Highway Officer raises no objections to the proposed development. Swept path analysis demonstrated that some alterations were required to the internal layout of the site to facilitate servicing. These have now been shown on the submitted plans.

There are no recorded traffic incidents within the immediate locality and based upon the submitted Traffic Assessment, the Highway Officer anticipates an overall reduction in traffic generation. On-site parking accords with the requirements of LPGN No.16, which is 28 spaces. The right of access across the land to the neighbouring property is retained and is unaffected by the proposed development.

Having regard to the above, the proposal does not give rise to highway safety concerns and in such terms accords with UDP Policies GDP1 and T8, along with draft LDP Policies DM1 and T1.

Phosphates: The development would not generate any additional foul water flows entering the River Dee and Bala Lake SAC compared to the previous use. Accordingly and as advised by NRW, the development is not likely to have a significant impact on the SAC.

CONCLUSION

The proposed development would bring a vacant building back into use and in doing so would enhance the appearance of the area. The development would not harm residential amenity or give rise to highway safety concerns and therefore accords with relevant UDP and draft LDP policies.

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) number GDL\CO OP\01 (received June 2023), DR007/Rev01 and the 1:1250 Location Plan dated December 2022 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

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Authority. The lighting scheme shall be installed and operated in accordance with the approved details.

4. 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.

5. No use of the development shall be made before 0700 hours or after 1900 hours on any weekday, or before 0800 hours or after 1800 hours on a Sunday or Bank Holiday.

6. The vehicular parking and turning areas as shown on approved drawing no. 23078-010 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.

7. There shall be no gates or other means of enclosure across the vehicular access point to the highway boundary.

8. 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.

9. 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.

10. The building shall not be illuminated outside of the opening hours referred to in condition 5.

11. No storage shall take place in the open on any part of the site.

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 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.

6. 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

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7. 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.
8. 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.
9. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. 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.
11. 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.

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 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

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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.
