

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

APPLICATION NO:

P/2021 /0874

LOCATION:

THE OLD POST OFFICE STATION
ROAD ROSSETT WREXHAM
LL12 0HE

DATE RECEIVED:

02/09/2021

COMMUNITY:

Rossett

DESCRIPTION:

NEWID DEFNYDD LLAWR
GWAELOD SIOP (DOSBARTH A1) A
LLAWR GWAELOD ANNEDD
CYSYLLTIOL A GARDD GEFN
(DOSBARTH C3) I FWYTY/SIOP
GOFFI (DOSBARTH A3), A
NEWIDIADAU MEWNOL I'R UNED
BRESWYL BRESENNOL AR Y
LLAWR CYNTAF / CHANGE OF USE
OF A GROUND FLOOR SHOP
(CLASS A1) AND GROUND FLOOR
OF ASSOCIATED DWELLING AND
REAR GARDEN (CLASS C3) TO A
RESTAURANT/COFFEE SHOP
(CLASS A3), AND INTERNAL
ALTERATIONS TO THE EXISTING
RESIDENTIAL USE ON THE FIRST
FLOOR

CASE OFFICER:

SEH

WARD:

Rossett

AGENT NAME:

CADNANT
E CARPENTER

APPLICANT(S) NAME:

MR A ROWLANDS

THE SITE



RELEVANT HISTORY

DEVELOPMENT PLAN

CONSULTATIONS

This planning application has been considered by Rossett Community Council and they have no objections. However, they are aware that a number of residents have issues regarding car parking and would ask that the objections they have submitted are considered.

Councillors Jones and Shepherd notified on 18/10/2022

Highways

The proposed development site is located on Station Road which is an unclassified, residential road subject to a 30mph speed limit. There is an existing on-street parking issue along Station Road. There are a limited number of 30 minute waiting bays outside the premises along Station Road. These spaces are already frequently used by existing shop owners / customers / members of the public. There is an existing public car park located approximately 90m west of the proposed development site. This is also in frequent use throughout the day.

There is off-road parking available for the existing flat at the site which provides parking for up to 2 vehicles. However, this is only 2.2m wide and has limited visibility of approximately 2.4 x 3m in both directions measured to the nearside edge of the adjoining highway. Visibility is impeded by the existing building and boundary wall. This driveway would appear to be too narrow to allow any occupants of vehicles to enter or exit their vehicles. There is no dedicated on-site off street parking provision for the proposed restaurant.

It is understood that the proposed development comprises an existing mini-market / post office with 3 bed house being converted to a restaurant / coffee shop plus a 2 bedroom flat. LPGN 16 would normally require a maximum of 3 spaces for the existing flat and a maximum of 8 spaces for the existing retail unit (max total of 11 spaces). The proposed / retained flat (now 2 bedroomed) would normally require a maximum of 2 spaces. Based on a revised net public floor space of 88m², the proposed restaurant / coffee shop would normally require a maximum of 22 spaces (max total of 24 spaces). This would represent an increase in parking demand compared with its previous use.

Developments of this nature have the potential to attract a high proportion of car borne traffic and without adequate accessible parking, can affect traffic flow and road safety. The proposed development also has the potential to result in an increased occurrence of indiscriminate parking. Customers are typically tempted to park close to the premises, often jeopardizing the safety of other road users and pedestrians or park in adjacent residential streets thereby inconveniencing residents.

In respect of the recently approved planning application (ref: P/2002/0008) for The Hwb at The Green, Rossett. I comment as follows:-

Previous highway recommendations at the site included the provision of a minimum of 6 spaces (i.e. 55% provision compared with maximum standards) to serve the proposed development where it was recognized that there were existing parking / traffic issues. However, consent was granted at Planning Committee without the need for any off street parking provision whatsoever. It was viewed that 55% parking provision would be acceptable at The Hwb, which is only a short distance from the application site, on the basis of being in a sustainable location. If this level of parking provision is applied to the current application, then it would in theory only require 13 spaces as opposed to 24 spaces. When compared with the original retail / flat use which required

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

a maximum of 11 spaces, the difference in parking demand could be viewed as negligible.

On this basis and in the light of this recent planning consent, it may be viewed as difficult for the Highway Authority to object to the current application (ref: P/2021/0874) on the grounds of inadequate parking provision.

NRW

Note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). Proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment should be screened to determine whether they are likely to have a significant effect on the SAC. Provided NRWs have no objections provided the Council is able to conclude that the development is not likely to have a significant effect on the SAC,

Although the site is located in Zone C1 of the Development Advice Map (DAM) contained in TAN15, the proposed development would reduce the “vulnerability” class of the ground floor of the building from partly residential (highly vulnerable) to commercial development (low vulnerability); this would provide flood risk betterment compared to the current situation.

Consideration should be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. We note the presence of an NRW maintained flood defence at the rear of the property.

Recommend that a suitably worded condition be imposed to ensure that no new structures are built/installed within 4 metres of the NRW maintained flood defence at the rear of the property.

Public Protection

No objections subject to the imposition of standard conditions and advisory notes in relation to noise and odour restrictions, and food premises.

Contaminated Land

No comments.

Welsh Water

No objections subject to the imposition of standard conditions and advisory notes in relation to drainage.

Ecologist Officer

The proposed restaurant is not sufficiently large to attract customers from outside of the catchment, and the application can therefore be screened out for phosphates.

Press Notice

Expired on 06/10/2021

Site Notice

Expired on 07/10/2021

Neighbours

23 notification letters sent. 15 letters of objection and 5 letter of support received, as follows:

Objections:

- Detrimental to the environment;
- Negative impact on the quality of life due to increased traffic;
- Noise, odour and litter;
- Indiscriminate parking in the surrounding streets;
- Road can't support the extra traffic;
- Inappropriate for the conservation area;
- Contrary to LPGN No.9 (Hot Food Takeaway) and 16 (Parking);
- Late night customers will cause a disturbance;
- Nowhere for delivery vehicles to turn;
- Waste will pollute the river;
- Loss of privacy due to users in the rear garden;
- Rossett does not need another restaurant.

Support

- As direct neighbours, we welcome the site being renovated;
- Support the opportunity to enhance the street scene and provide additional restaurant facilities;
- Increased employment opportunities;
- This location has always been busy because of the shop, this would be an improved use;
- The removal of the takeaway element of the proposal is good as it will reduce traffic;
- Good to support local business.

SPECIAL CONSIDERATIONS

Background: Proposed is the change of use of a former local convenience store and post office which has been vacant now for a number of years. The proposal is to bring the building back into use as a restaurant / coffee shop on the ground floor, with a residential flat on the first floor. The relevant considerations for this application are therefore the visual impact of the development upon the conservation area and locality, the impact residential amenity and also highway safety.

Scale, Design and Conservation Area: It is proposed to make improvements to the single storey additions to the side and rear of the main building. Changes are also proposed to the shopfront in a more traditional style so that it contributes to the character and appearance of the conservation area, rather than detract from it as it does currently. The existing redundant building would benefit from these improvements and as such the

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

development can reasonably be said to enhance the conservation are in accordance with UDP Policy EC7 (see images 1 and 2 below).



Image 1. Existing Building

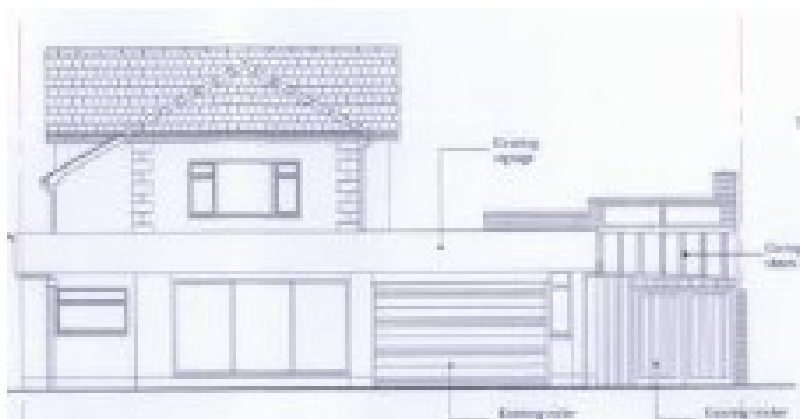


Image 2. Existing Front Elevation



Image 3. Proposed Front Elevation

Residential Amenity: The restaurant will be open from 8.30am to 22.00pm with no late night opening proposed. The existing premises has no such opening restrictions and the fall-back position is that this premises could operate as a convenience store both earlier and later than the times proposed for the restaurant. The proposals arguably represent a betterment in terms of the impact upon local residential amenity due to the opening time restrictions that would be imposed in the event that this application is approved.

At present deliveries to the site are uncontrolled. The replenishment of a convenience store is also likely to be far more intensive and require HGVs to regularly travel up and down Station Road than a restaurant. The applicant is to provide a service management plan so that delivery times and type of vehicles can be restricted to further reduce the impact upon residential amenity. A planning condition will be attached to secure this.

Concerns have been raised in relation to overlooking from the rear outdoor area, leading to a loss of privacy to the properties across the river. There is already an outdoor eating area associated with the nearby Alyn Public House, and this proposal will be viewed in a similar context. The properties to the rear are some distance away across the river, which is considered to be an appropriate separation distance so as to ensure that the use of this area will not have a detrimental impact on neighbouring amenity in terms of overlooking.

Conditions will be imposed to require measures extraction systems to be installed at mitigate for cooking odours and to limit the noise of such installations.

Having regard to the matters discussed above, the proposed use is of a lower intensity to the existing use of the site and subject to conditions, it is considered that the proposal would result in no adverse or harmful impacts upon the amenity of any neighbouring property and therefore, accords with UDP Policy GDP1.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

Highways: I consider that this development is likely to bring about a reduction in traffic movements on the highway compared to the previous use, when the both the nature and hours of use are considered.

UDP Policy T8 states that dedicated vehicle parking spaces must be provided either on site or nearby, in accordance with the Council's current parking standards. These current standards are set out in LPGN 16. Highways note that the current proposal has a maximum parking requirement of 24 parking spaces in accordance with LPGN16 advice.

Whilst there are only 2 parking spaces currently on site, there is some time restricted parking on Station Road, along with a public car park nearby upon which the exiting use relies. There is no reason to believe that the proposed development cannot continue to utilise the same parking spaces and nearby public car park that supports the existing lawful use as a shop.

It is reasonable to conclude that not everyone visiting a restaurant will travel by themselves in cars. Whilst people do travel to restaurants individually, it is often the case that couples, families or groups share vehicles. People also travel to restaurants in taxis requiring drop off and pick only. The site is also located in a sustainable location where a large number of users can arrive on foot from within the community that it is intended to serve, or by cycle or by the frequent Wrexham to Chester bus service that runs through the village.

Having regard to both the existing parking provision on site and in the locality as well as the sustainable location of the site, the proposed development is unlikely to give rise to parking of highway problems in the locality and therefore complies with UDP Policy T8.

Other Matters: Concerns have been raised in relation to the use of the premises as a takeaway and that the proposal does not comply with LPGN 9 (Takeaways). There is no takeaway proposed and as such, LPGN 9 is not relevant.

NRW has recommended the use of a planning condition to restrict any further building development in the rear outdoor area of the site. An application for planning permission would be required for any further built development in this location, as there are no permitted development rights associated with the use. A specific condition restricting further development is not therefore required.

CONCLUSION

The premises has been closed for a number of years and local residents have become accustomed to the reduction in people and traffic movements associated with its lawful use as a convenience store. Whilst this is understandable, the fall-back position cannot be ignored and taking this, as well as the fact that impacts directly associated with the development can be controlled by condition, the proposed use will not have a detrimental impact upon local residential amenity or highway safety, and could easily be viewed

as delivering a betterment. The alterations to the building are seen as an enhancement not only to the appearance of the conservation area, but to the character and appearance of the general locality. The proposal therefore accords with relevant UDP policies and guidance.

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 893/6 Rev D and 893/5 Rev D, 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 use of the development shall be made before 0800 or after 2200 hours on any day.
5. No part of the development shall commence until a scheme of noise insulation and attenuation measures between the ground floor and first floor residential accommodation (in compliance with Building regulations guidance: part E - resistance to the passage of sound) has been submitted to and approved in writing by the Local Planning Authority. The measures as are approved shall be fully implemented in strict accordance with the scheme prior to first occupation / use of the development and shall thereafter be retained as such.
6. No part of the development shall commence until details of the means of ventilation for the extraction and dispersal of cooking smells, including details of its method of construction, odour control measures, its appearance and finish have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first use of the development and shall thereafter be permanently retained in an effective condition.
7. The rating level of any noise generated by air handling plant associated with the 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 Method for rating and assessing industrial and commercial sound.
8. Prior to first use of the development a suitable grease trap shall be provided in order to prevent entry into the public sewerage system of matter (cooking fats, oils and grease etc.) likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.
9. 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.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

10. The development hereby approved shall not be used for any purpose within the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), other than as a restaurant / cafe. For the avoidance of doubt, no food or drink shall be sold for consumption off the premises.

11. No part of the development shall commence until a Service Delivery Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The premises shall operate at all times in strict accordance with the Plan as is approved

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 that the restaurant 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.
5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To prevent pollution of the water environment in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. 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.
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 and In the interests of highway safety, in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

You are advised that the premises should comply with the relevant Food Hygiene Legislation, and you are advised to contact the Council's Environmental Health & Housing Standards Team on 01978 292040 for further advice and information.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

Guidance on best management practice for catering outlet for the dispersal of fats, oils, grease and food waste, as issued by Water UK is available by contacting the Council's Environmental Health & Housing Standards Team on 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 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 01978 292040 for further advice and information.

Lighting has the potential for classification as a statutory nuisance under the Environment Protection Act 1990. If lighting is found to be causing a nuisance then an Abatement Notice may be served, and the applicant is advised to consider this when designing the installation of any lighting.

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.

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs 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 works outside of the specified times, permission to proceed may be sought by contacting the Council's Environmental Health and Housing Standards at: healthandhousing@wrexham.gov.uk or on 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

The Applicant is advised that under the Environmental Protection Act 1990, 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 01978 292040 for further advice and information.

In areas at risk of flooding such as this, NRW recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. Please refer the applicant to NRW's website (Natural Resources Wales / How to prepare your home, business or farm for a flood) for further advice and guidance. Additional guidance including the leaflet ""Prepare your Property for flooding"" can be found here. The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found here.

The River Alyn (main river) and its flood defences run to the rear of the property. Please note that any works in, under or over the river or within 8 metres of the landward toe of the flood defence will require approval from Natural Resources Wales under the Environmental Permitting (England and Wales) Regulations, 2016. Further information and guidance is available on NRW's website at:

Natural Resources Wales / Environmental permits for flood risk activities.

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new

sewer

(i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption""] 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they 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 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
