

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 3 OCTOBER 2022

APPLICATION NO:
P/2022 /0009

LOCATION:
ROSSETT PARK THE GREEN
ROSSETT WREXHAM
LL12 0DS

DATE RECEIVED:
04/01/2022

COMMUNITY:
Rossett

DESCRIPTION:
CANIATAD ARDAL GADWRAETH AR
GYFER DYMCHWEL BLOC
TOILEDAU NAS DEFNYDD /
CONSERVATION AREA CONSENT
FOR DEMOLITION OF DISUSED
TOILET BLOCK

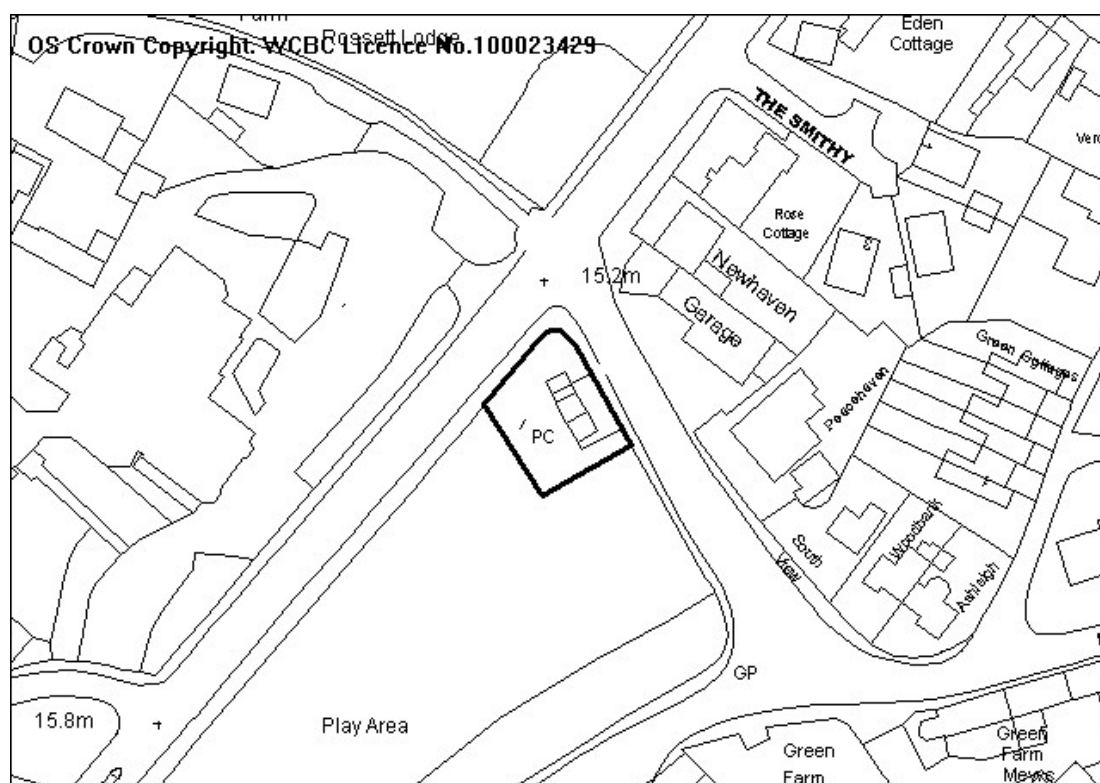
CASE OFFICER:
SEH

WARD:
Rossett

AGENT NAME:
ROSSETT COMMUNITY
COUNCIL
WENDY PACE

APPLICANT(S) NAME:
WENDY PACE
ROSSETT COMMUNITY COUNCIL

THE SITE



PROPOSAL

As above

RELEVANT HISTORY

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P/2022/0008 Demolition of Disused Toilet Block and Construction of New Community Hub - PENDING

P/2021/0038 Demolition of Disused Toilet Block and Construction of New Community Hub - WITHDRAWN

P/2021/0039 Conservation Area Consent for Demolition of Disused Toilet Block - WITHDRAWN

DEVELOPMENT PLAN

Inside of a defined settlement limit and conservation area. UDP Policies EC4, EC6, EC7 and EC8 apply. LPGNs Nos. 4 (Conservation Areas), 17 (Trees and Development) and 32 (Biodiversity) are also relevant.

CONSULTATIONS

Community Council

Being the Applicant for this application, we make no comment.

Local Member

Councillors Jones and Shepherd request that this application be reported to planning committee.

NRW

We note that the bat report submitted in support of the above application (Marsh, J. July 2021, Preliminary Roost Assessment, RSK ADAS Ltd, ADAS ref WNT69105-886 (00)) has identified that bats are not present.

Furthermore, we advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the avoidance measures described in the Ecological Appraisal, Knight, T., December 2020, Marches Ecology and the Preliminary Roost Assessment (Marsh, J. July 2021, RSK ADAS Ltd, ADAS ref WNT69105-886 (00)) are implemented.

PP

No comments.

Contaminated Land

No comments

Council's Ecologist

No comments.

Council's Tree Officer

The existing trees proposed to be retained, yet within influencing distance of the development, are to be afforded appropriate protection from construction activities. A planning condition is therefore required to secure the submission

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of an arboricultural method statement, for further approval, prior to demolition works commencing.

Council's Conservation Officer

This proposal to demolish the disused toilet block in Rossett Park can easily be seen as an enhancement to the Rossett Conservation Area. The existing block adds nothing to the Conservation Area and could be said to detract from its special character.

The proposed materials pallet for the replacement building includes the use of a red brick to more prominent elevations, which will match buildings of character along Chester Road. The use of materials with a more natural colour pallet will also be an enhancement to the Conservation Area. Although on a larger overall footprint, the proposed design does not appear to have any more of an impact than the existing building, and could easily be considered to sit more comfortably in its setting than the current block.

Press Notice

Expired on 02/02/2022

Site Notice

Expired on 02/02/2022

Neighbours

Objections:

- Demolition of the existing building is unnecessary and more efforts should be made to retain this asset;
- The applicant has not explored any options for the retention of this building or its re-use other than for a community-hub;
- The toilet block is of good quality construction, condition and with good accessibility. The proposed new building will reduce the usable WC facilities for local residents;
- The building is not disused, unusual and derelict as described by the applicant. It is still used on a daily basis by park wardens for both essential equipment storage, for park maintenance equipment and for a defibrillator;
- The visual impact of the toilet block on the Conservation Area is minimal due to its tucked away position, its scale and its external construction materials and finish. The only negative the building has is the concrete tiled roof which could be replaced at minimal cost;
- The buildings contribution to the Conservation areas is that its scale and purpose does not dominate its setting;
- The toilet block requires very limited repair, maintenance and energy usage;
- The toilet block is a valuable asset to the community;
- The proposed community hub would harm the quiet enjoyment of this area of the park for existing users;

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- The proposed hub would result in an increase in vehicle movements, antisocial behaviour, light pollution and security concerns putting surrounding residents at greater risk.
- The development would have an adverse impact on The Green and school children who use it daily to and from the school;
- The increase in traffic will be adverse, particularly during periods of the school run, exacerbating traffic problems in the area;
- Traffic levels in the area are already significant – both in terms of the type, size and amount of use. This development would worsen this position and result in adverse highway safety implications and harm being caused;
- There is insufficient off-street parking provision;
- There is no indication of how the development would be maintained, operated and managed;
- There are existing amenities elsewhere within the village that provide all of the facilities offered by this development;
- There will be a loss of toilet facilities to park users of approximately one third if this development is approved;
- The extent of hardstanding proposed by this development would result in a 13.4% loss of the park;
- There is no facility for bicycle or mobility scooter storage, recycling or ad hoc seating areas;
- The development would adversely affect not only the park but the northern access/gateway;
- The application forms are full of inaccuracies in relation to the measurements and size of the development which cannot be relied upon;
- The proposed building will be three times the size of the existing development, which is poor design and will have an adverse impact. The use of construction materials is not in-keeping with any surrounding buildings;
- The extensive use of glazing is an unnecessary feature which would compromise the traditional character of the parkland area;
- The proposed solar passive gain the application would rely upon, would be significantly reduced during the winter months;
- The development neglects the importance of this site as a historic asset to the area and to Wales. The proposals are in direct conflict with the guidance provided by CADW and local and National Planning Policies which seek to preserve the appearance of Conservation Areas and their setting;
- There would be a long term adverse impact upon the natural environment – trees and hedgerows, habitats and green space – all of which provide an invaluable asset and make a significant contribution to the character of the area;
- A more up-to-date ecological and tree survey should be undertaken;
- The information contained within the application submission relating to the public consultation event is incorrect and misleading;

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- The development does not comply with the Wrexham County Borough Council LPGN 4, LPGN 6, LPGN 7, LPGN 9, LPGN 15, LPGN 16, LPGN 17, LPGN 24, LPGN 32;
- The development does not comply with the Rossett Conservation Area Assessment and management Plan;
- The development does not comply with the Public Protection Memorandum dated 17/01/2022 for Rossett Park and the Green Rossett;
- The development does not comply with the Wrexham County Borough Council Urban Development Plan;
- The development does not comply with the Welsh Government Technical Advice Notes 5, 16 and 24;
- The development does not comply with Planning Policy Wales paragraphs 17, 125, 127, 128 and 131;
- The development does not comply with the Building Better Places paragraphs 21 and 135;
- The development would result in existing community facilities (offering the same services) being too close;
- The development would result in the loss of 100m² of playground for children to be replaced by the building for which there is no identified need;
- There are discrepancies within the application details about the size of the proposed building. Which is correct?
- The development would result in a loss of open space;
- The Members of the Planning Committee should visit the site before arriving at a decision to observe and assess the impact to the entrance to the Conservation Area and from Chester Road;
- The playground to be lost is still used and needed, contrary to the comments within the application, and should be protected;
- The development would lead to the loss of the local post office and library;
- The toilet block was successfully re-opened in 2019 contrary to the applicants views that this facility is not needed;
- The demolition and construction works would be contrary to the principles of zero carbon. Refurbishment of the existing building is the most appropriate means of achieving this;
- Much of the data relied upon in the ecological survey expired in June 2020. This cannot be considered to be up-to-date and accurate;
- The development would result in an invasion of privacy for neighbouring residents;
- The development would result in an increase in litter;
- The development would result in an increased risk to pedestrian safety given the lack of safe pedestrian access;
- There would be an adverse loss of valuable green space;
- There is a lack of evidence that this facility would be needed or supported by the wider local community and users of the park;
- The feasibility study undertaken is inaccurate and not comprehensive. It does not truly reflect the views of local residents due to the nature and wording of the questions asked;

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- The development would result in an adverse impact upon the residential amenity of neighbouring dwellings and properties;
- The Rossett Village Hall already provides all of the facilities that would be delivered;
- The village café provides facilities and services which would be adversely affected by this proposal;
- There is danger of attracting more parked cars near the area. The funds could be better spent developing other facilities such as an outside gym as seen in Gresford;
- A conveyance for the land specifically states that there should be no building on the Green and that the land should be used solely for children to play;
- There is a danger that this development would erode the use of the park;
- The development would require the inappropriate felling of trees.

SPECIAL CONSIDERATIONS

Policy: Policy EC8 of the UDP states that demolition of a building within a conservation area will not be permitted, unless the demolition would be a positive benefit to the conservation area's enhancement. The Conservation Officer's view that this proposal to demolish the disused toilet block in Rossett Park can easily be seen as an enhancement to the Rossett Conservation Area is accepted. The existing block adds nothing to the appearance of Conservation Area and could be said to detract from its special character (see images 1 and 2 below). The proposal therefore complies with UDP Policy EC8 in this regard.



Image 1. Existing Toilet Block



Image 2. Existing Toilet Block

Whilst policy EC8 states a legal agreement is required to secure the erection of a replacement building, in light of the comments above this is not essential given that the removal of the toilet block would not harm the Conservation Area, irrespective of any proposals for replacement development.

Para. 6.14 of TAN24 (The Historic Environment) advises that it may be appropriate to impose a condition on the grant of consent for demolition so that it does not take place until full planning permission has been granted, and a contract for carrying out the redevelopment work has been made. Such a condition is only necessary where to leave the site vacant would be harmful to the Conservation Area. As already mentioned above, that is not the case here and therefore it is considered that the condition is not necessary, subject to the submission of a landscaping scheme for the making good of the land. This can be secured by condition.

The existing building does not contribute to the unique character of the area, and as such, priority need not be given to preserve or enhance the building. The proposed materials palette for the replacement building includes the use of a red brick to more prominent elevations, which will match buildings of character along Chester Road. The use of materials with a more natural colour palette will also be an enhancement to the Conservation Area (see images 3, 4 and 5 below).



Image 3. Proposed Community Hub



Image 4. Proposed Community Hub



Image 5. Proposed Community Hub

Although on a larger overall footprint, the proposed design does not appear to have any more of an impact than the existing building, and could easily be considered to sit more comfortably in its setting than the current toilet block. The building to be demolished is a comparatively modern toilet block and therefore of not historical significance. Its demolition to make way for the development proposed under P/2022/0008 will therefore not have an adverse impact upon the Conservation Area and therefore not conflict with Policy EC7.

CONCLUSION

The proposed demolition of the toilet block compiles with UDP Policies EC4, EC6, EC7 and EC8.

RECOMMENDATION: That Conservation Area Consent be GRANTED

CONDITION(S)

1. The works hereby granted consent shall be commenced before the expiry of five years from the date of this consent.
2. Within 3 months of commencement of demolition works on site, full details of both hard and soft landscape works, to include some native planting for the site shall be submitted to and approved in writing by the Local Planning

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Authority. The plan shall provide for ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features. The works shall be carried out prior to the occupation of any part of the development, with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use.

3. Any works to the roof of the building to which this permission relates 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.

4. No part of the demolition works shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No works shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;

b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;

c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;

d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;

e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;

f) Method for protecting retained trees during demolition works;

g) Details of all proposed tree works, including felling and pruning.

REASON(S)

1. To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

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 GDP1 and PS2 of the Wrexham Unitary Development Plan.

3. 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.

4. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

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.

Burning of waste generated from demolition 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.

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

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should contact the Council's Environmental Health & Housing Standards Team on 01978 292040 for further advice and information.
