

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

APPLICATION NO:
P/2021 /0588

LOCATION:
ACREFAIR SPORTS AND SOCIAL
CLUB BETHANIA ROAD ACREFAIR
WREXHAM
LL14 3TR

DATE RECEIVED:
04/06/2021

COMMUNITY:
Cefn

DESCRIPTION:
NEWID DEFNYDD O GLWB
CYMDEITHASOL (DEFNYDD
DOSBARTH D1) I FAR A BWYTY
(DEFNYDD DOSBARTH A3) A
DARPARU ARDAL CHWARAE I
BLANT (YN RHANNOL OL-
WEITHREDOL) / CHANGE OF USE
FROM SOCIAL CLUB (CLASS D1
USE) TO BAR AND RESTAURANT
(CLASS A3 USE) AND PROVISION
OF CHILDREN'S PLAY AREA
(PARTLY IN RETROSPECT)

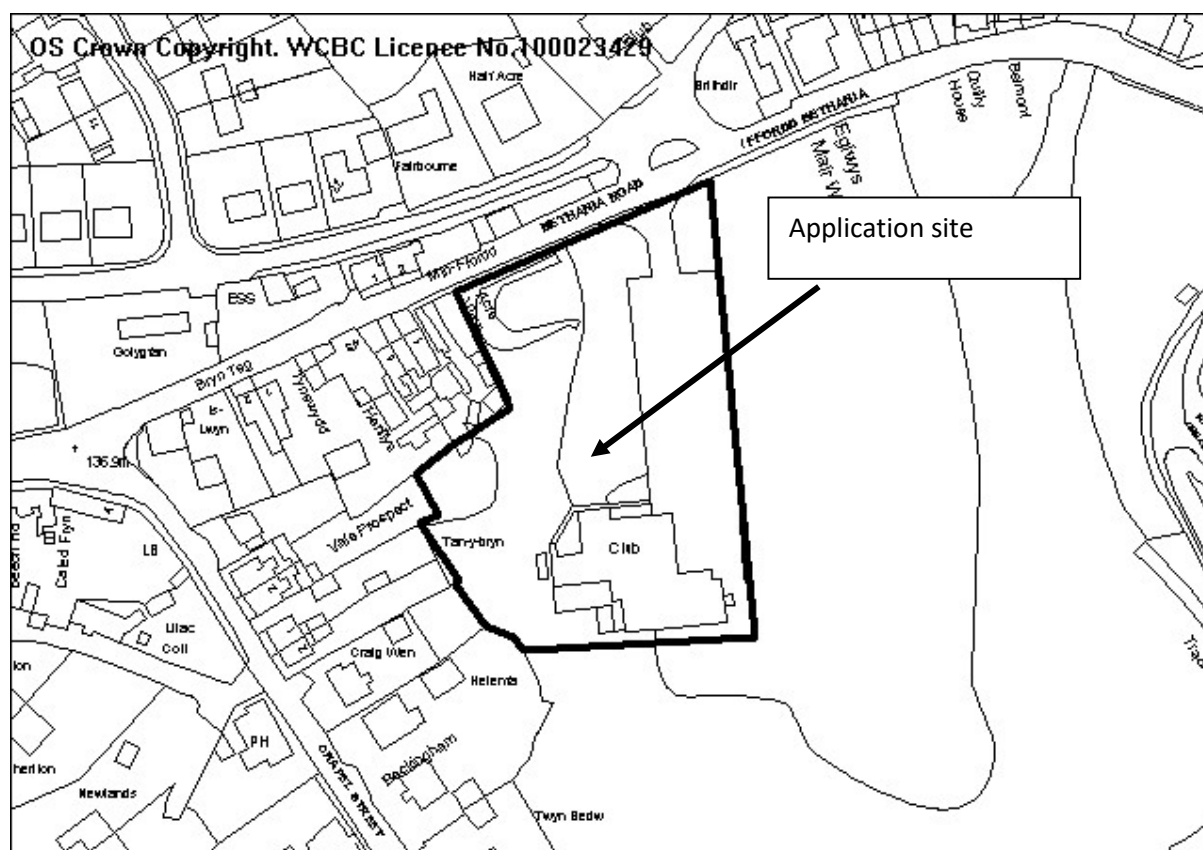
CASE OFFICER:
MP

WARD:
Cefn

AGENT NAME:
MRS NICOLA WILSON

APPLICANT(S) NAME:
MRS NICOLA WILSON

THE SITE



PROPOSAL

As above.

HISTORY

P/2021/0597 GWAITH AR Y COED SY'N DESTUN GORCHYMYN DIOGELU
COED CBSW RHIF 277 / WORKS TO TREES COVERED BY
TREE PRESERVATION ORDER WBC TPO NO 277. Granted
4.10.2021

P/2022/0103 GWEITHREDU DAU DACSI / OPERATION OF TWO TAXIS.
Granted 23.6.22

DEVELOPMENT PLAN

Within settlement. Part of the site is subject to Tree Preservation Order
WCBC no.277 (2017). Policies PS1, GDP1, EC4 and T8 apply.

CONSULTATIONS

Community Council
Consulted 21.6.21

Local Member
Notified 21.6.2021

Highways

Initial Response:

We note there is a shortfall in the maximum parking standards LPGN16 when applying the change of use and associated (A3) classification. The application will result in an increase in gross floor area from (existing) 470m² to (proposed) 911m² for Class A3 Use (LPGN 16). The submitted proposals include 34 proposed parking (4 disabled spaces). The actual spaces on development site are 42 and 4 disabled spaces. The maximum standard require 221 spaces to be provided.

This represents a shortfall in the maximum parking standards of approximately 80%. We request the applicant to provide evidence of how many people they can have in the bar and restaurant at any one time and provide a revised layout detailing the actual parking arrangements on site.

We assume that 16.5m articulated HGVs may well have delivered to the site. If this is the case, then the proposed access / turning arrangements are to be indicated on the revised layout plan or provide a service delivery plan. It is noted the waste recycling bins are located in close proximity to the access

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and are using 3 spaces. We would like confirmation on the waste strategy/collection arrangements.

Response following submission of further information:

WCBC Highways are content the development will not cause a detrimental effect on the local roads network, suitable parking provisions are in place.

Public Protection

Advisory notes and conditions recommended.

Coal Authority

Initially recommended a planning condition. Following submission of amended plans, the Coal Authority commented as follows:

I have slight reservations regarding the removal of the play area and external seating area from this planning application as the play area and seating area are already extent.

However if the planning application was purely for the change of use of an existing building, then we would have no objections to this planning application.

NRW

No objection.

Neighbours

The owners/occupiers of 13 nearby properties notified 1.7.2021

6 objections received expressing the following concerns:

- Application is in retrospect
- Workers on site early in the morning
- Dust
- Narrowing of access which will cause traffic to back up onto Bethania Road
- Trees, hedges and grass back have been removed
- Outside beer garden has been extended which will cause nuisance to properties nearby
- 8am to 1am licence requested
- Noise
- Volume of traffic/highway safety
- Proximity of outdoor eating/drinking areas
- Lack of fences leaving people feeling vulnerable about access to their gardens
- Play area will attract local children
- Odour from kitchen
- Removal of waste
- Litter
- Vermin

- Lack of parking

SPECIAL CONSIDERATIONS

Background: The use has already commenced, therefore the application has been made in retrospect.

Principle of Development: The UDP has no specific policies regarding the change of use of existing buildings to bar/restaurants. The site lies within the settlement limit for Acrefair and therefore subject to complying with policies GDP1, EC4 and T8, such proposals are acceptable in principle. In this particular case, given the previous use of the site as a social club consideration needs to be given to the relative impact of the proposed use i.e. is it likely to give rise to materially different or greater impacts to the previous use, particularly in respect of noise, odour, traffic generation and demand for parking. These matters will be considered further below.

Amenity: The majority of the internal floor space of the building is accessible to the public on both the existing plans (i.e previous social club use) and the proposed use. The proposals therefore do not increase or alter the internal floor space or in turn, the capacity of the building. The site previously had two external seating areas with a cumulative floor space of 199 sq.m. This has been increased to 441 sq.m, however the seating area to the front does not form part of the current application for reasons discussed later in the report.

Under the previous use it would have been possible for large events to be held at the premises and for amplified music to be played. Whilst it is acknowledged that such events would not take place all the time, there would nevertheless be the potential for a social club to be attended by similar numbers of people as a restaurant/bar, particularly during the evenings and weekends. The potential for noise from amplified music being played is also comparable for the previous and proposed use. Given that there has been no changes to the internal floor space or physical capacity of the building, the proposed use is therefore unlikely to give rise to any additional noise over the extant use. The seating area to the rear of the building has been enclosed by a 1.8m high fence however which will assist in limiting noise levels beyond the site boundary when that area is in use.

Public Protection have requested a condition requiring mitigation measures in respect of noise from music, however it is unlikely that use of the site as a restaurant poses a greater risk of noise nuisance than the previous use of the site and as such the condition is not considered necessary in this instance.

A condition will be imposed to require full details of measures to manage odour from food preparation. Whilst the previous use of the site also had the potential for food to be cooked on site, the condition is considered necessary given that food preparation is integral to the use of the site as a restaurant. A condition setting limits for the noise of an air handling/extraction system associated with kitchen ventilation or air conditioning will also be attached.

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Subject to the measures discussed above the proposed use is unlikely to result in a significantly greater or different impact upon nearby occupiers because of noise or odour than the previous use. As such, the proposals accord with policy GDP1.

There is sufficient space within the curtilage of the site for refuse storage and as such there is no reason to believe that the use will give rise to issues such as litter or vermin. These are matters that fall within the scope of good site management and, in the case of litter, the behaviour of individual users of the premises and therefore lie outside of the scope of Planning control.

Coal Mining Risk: The application as initially submitted include the area to the front of the building where an external seating area and play area have been provide. The Coal Mining Risk Assessment that accompanied the application identified evidence of mine entries under the seating area and play area.

The Coal Authority advised there is a requirement for evidence that the mine entries have been made safe. It is essential that evidence is provided that the mine entries do not pose a risk to the extended external seating area and play area. The applicant has yet to provide this information and therefore following discussions with the Coal Authority, Officers advised the applicant to exclude those areas from the application site and amended plans doing so have been received. These areas will need to be subject to a separate application for planning permission accompanied by evidence that the mine entries do not pose a risk to their continued use.

Whilst the zone of influence of the mine entries does extend into the car park and under the building, given that these areas already existed and could be used irrespective of the outcome of the application, the proposals do not pose any greater risk to public safety and therefore does not preclude planning permission being granted.

The Coal Authority have confirmed no objections on the basis of the amended plans.

Appearance: There have been a number of changes made to the appearance of the site in conjunction with the change of use:

- Resurfacing of and formally marking out spaces in the car park;
- the provision of a pedestrian pathway into the site;
- the re-surfacing and extension of the external seating areas;
- the provision of a children's play area to the front of the site;
- the provision of a timber screen wall adjacent to the seating area at the front of the site; and
- timber cladding of part of the building.

The external changes have enhanced the overall appearance of the site, although Members are reminded that the external seating area and play area to the front of the site are not subject to this application.

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Trees have been removed to the rear and side of the building, however these works were permitted in October under P/2021/0597. No further tree works are proposed and as such, there is no conflict with policy EC4.

Highways: The existing site access is sufficiently wide to enable a vehicle to enter the site whilst another is waiting to exit. Whilst the access then narrows to the width of a single vehicle as a result of newly provided pedestrian footways, the risks of vehicles queuing on Bethania Road is relatively low. Given the nature of the use it is reasonable to conclude that ordinarily there would be a steady flow of traffic to/from the site rather than significant numbers of vehicles attempting to access or exit the site at the same time. The proposals therefore do not give rise to highway safety concerns.

The LPGN16 maximum for the previous D1 use is 2 spaces plus 1 space per 25 sq.m compared to the 1 space for 4 sq.m for proposed A3 use. The internal floor area of the building is 776 sq.m, although the public floor area is a 471 sq.m. The LPGN16 maximum parking provision for the previous use is 33 spaces compared to 117 for proposed use. The initial Highways response also considered the maximum parking provision if the external seating areas are taken into account and concluded the LPGN16 maximum would be 221.

The site layout plan has been amended since the application was initially submitted. The amended plans provide 44 spaces, including 4 spaces to mobility standard. Despite the LGN16 maximum for an A3 use anticipates a greater demand for parking than for a D1 use, consideration must also be given to the specific circumstances of the previous and proposed uses in this case. Whilst they do fall within different uses classes for Planning purposes, there is no increase in internal floor space and the number of people who could occupy the building at any one time will be comparable to the previous use.

The increase in external floor space arising from the external seating area is acknowledged however this is considered unlikely to increase demand for parking. Such areas are ancillary to the use of the main building. The only works that require planning permission in this instance is the additional areas of hard standing. The type of seating provided at the application site (picnic benches with parasols) would not, by themselves, require planning permission within the curtilage of the site. Even if the building reverted to its previous use, the extent of the site used for external seating could increase without the need for planning permission. Given the type of seating provided, the use of the external areas will be seasonal/weather dependant so they are unlikely to be in use all of the time. It is also reasonable to conclude that during periods when the outdoor seating is in use, some customers may choose to sit outside lieu of sitting inside.

Not everyone visiting a restaurant will travel by themselves in cars. Whilst people do travel to restaurants and bars individually, it is often the case that couples or groups share vehicles. People also travel to restaurants in taxis. It is worth noting that planning permission (P/2022/0106) has recently been granted for two taxis to operate from the site

The site is also located in an area where people could choose to access it on foot. Whilst Bethania Road has intermittent footway provision, the applicants have also significantly improved pedestrian access to the site by providing a pedestrian footway from the site access, through the car park and up to the main entrance of the building.

Taking the above into account it is considered unlikely that the development will increase demand for parking over and above that of the previous use. It should also be remembered that this is a retrospective application. No evidence has been presented to demonstrate that parking demand has routinely exceeded the supply of spaces over the time the site has been in used.

Given the previous use of the site, deliveries vehicles will have previously accessed the site and there is no evidence before the Council to suggest that this gave rise to highway safety issues. There is also sufficient space within the site for delivery vehicles to manoeuvre and to load/unload. The change of use is therefore considered unlikely to give rise to highway safety issues arising from deliveries.

CONCLUSION

The development accords with the relevant UDP policies.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development shall only be carried out in strict accordance with the details shown on the 1:100 floor plan and the 1:200 elevation plans dated 11-05-2021 and the site plans dated 26-08- 2022. For the avoidance of doubt, the area hatched blue on the 1:200 plan dated 26-08-2022 is excluded from the planning permission.
2. The use hereby granted planning permission shall cease within 28 days of the failure to meet any one of the requirement below:
 - i) Within 8 weeks of this decision a scheme of ventilation for the extraction and dispersal of cooking smells, including details of its method of construction, odour control measures, its appearance and finish shall have been submitted to and approved in writing by the Local Planning Authority, including a timetable for its implementation.
 - ii) If within 18 weeks of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Welsh Ministers.
 - iv) The approved scheme of ventilation shall have been carried out and completed in accordance with the approved timetable.

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The means of ventilation shall thereafter be permanently retained in an operational condition.

3. 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.

4. The vehicular parking and turning areas as shown on the 1:200 site plan dated 26-08-2022 shall be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

REASON(S)

1. This is a non-standard reason
 2. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 3. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 4. 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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