

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER
2021

APPLICATION NO:
P/2021 /0902

LOCATION:
FORMER HSS HIRE HIGHTOWN
ROAD SMITHFIELD WREXHAM
LL13 8ED

DATE RECEIVED:
14/09/2021

COMMUNITY:
Caia Park

CASE OFFICER:
JK

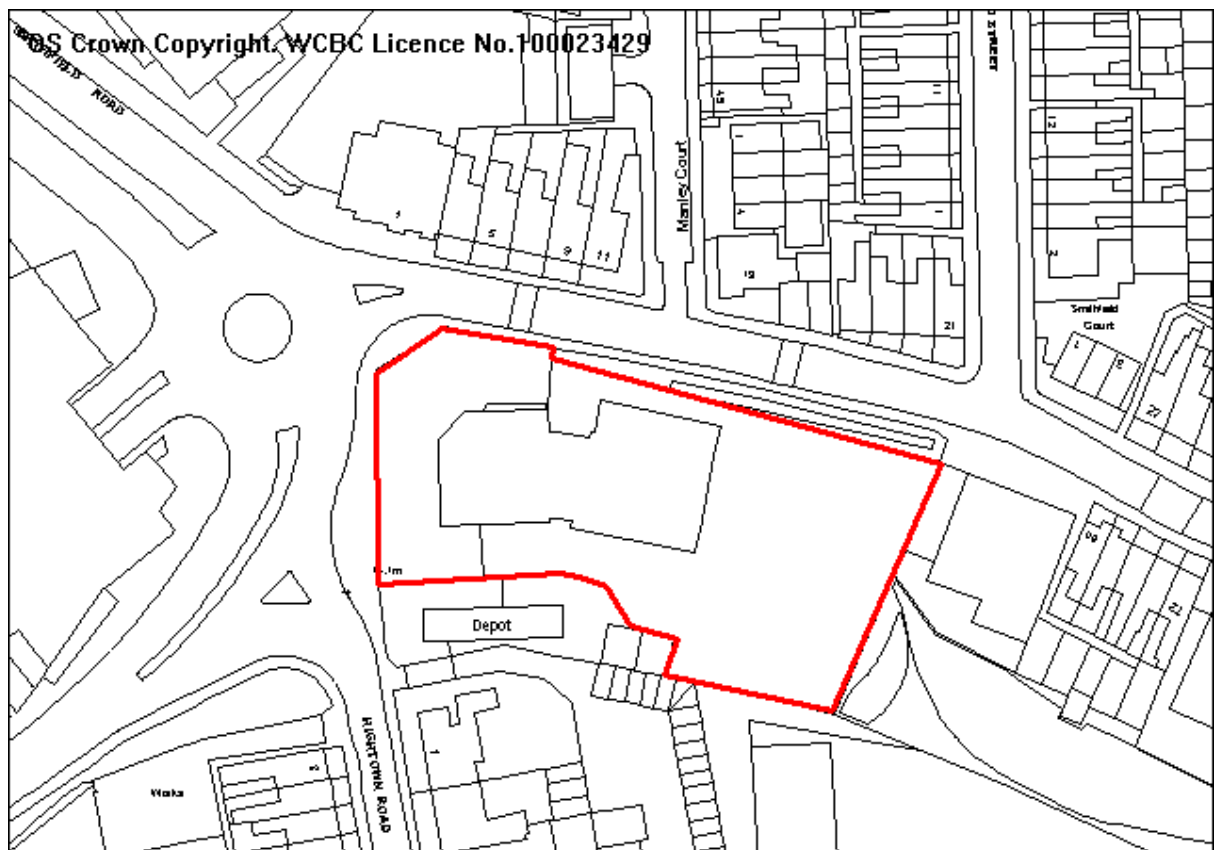
WARD:
Smithfield

DESCRIPTION:
ESTYNIAD AR UNED BRESENNOL
GAN OSOD CLADIN NEWYDD AC
ADDASIADAU MEWNOL (RHANNOL
OL-WEITHREDOL) / EXTENSION TO
EXISTING UNIT WITH
INSTALLATION OF NEW CLADDING
AND INTERNAL ALTERATIONS
(PARTLY IN RETROSPECT)

AGENT NAME:
BLUEPRINT LTD
MR DAFYDD EDWARDS

APPLICANT(S) NAME:
MR LUKASZ ROSZCZAK

THE SITE



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PROPOSAL

Planning permission is sought, for the erection of a single storey extension to the side of the building with external alterations. The proposed use of the building will remain A1. The hours of use of the building would be 07:00 – 22:00, Monday to Sunday. There would also be an increase of full time employees from 0 to 15 and part-time employees from 0 to 5.

HISTORY

WRC 23204 (1995)	Change of use and alterations to form new HSS Hire Shop. Granted.
P/2011/0706	Erection of canopy. Granted 7.11.2011
P/2015/0603	Change of use from A1 (retail) to create a leisure facility for dance and fitness classes (D2 use) with ancillary coffee shop and accessory sales. Granted 25.9.2015

DEVELOPMENT PLAN

Within settlement limit. Policies GDP1, PS2 and S6 apply.

CONSULTATIONS

Community Council:	The council objected to this proposal on the grounds that insufficient information was given in terms of operations of the building. The main objection related to highway safety issues including parking and access and egress to and from the site.
Local Member:	The local member had concerns relating to highways and increase in traffic volume, delivery times, concerns with what would replace the HSS hire shop.
Highways:	No objection subject to conditions (see special considerations below).
Public Protection:	No objection subject to conditions (see special considerations below).
Natural Resources Wales:	No objection.
Welsh Water:	No objection subject to a condition to ensure a drainage scheme is submitted before development commences to prevent hydraulic overloading the public sewerage system.
HSE:	No objection.
Contaminated Land:	No objection.

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Neighbours: 17 nearby properties notified. 2 representations received in support of the application. 1 objection received expressing the following comments:

- Concerns about what the building would be used for, entrance to the site off a busy road, noise issues from deliveries, signage.

SPECIAL CONSIDERATIONS

Policy: The site is located on the corner of Hightown Road and Smithfield Road and has been established as the former HSS store and depot. The use of the building is to remain A1 and the purpose of the changes are to improve the internal layouts of the existing building making the space more user friendly. The overall increase in floor space would amount to 68sqm from 747 sq.m to 815 sq.m.

The site is located outside of the town centre shopping area and therefore policy S6 is applicable. This permits small scale shopping development providing the sales area does not exceed 300 sq.m. The policy is intended to strike a balance between providing for local need shops whilst also protecting the vitality and viability of the town centre and district shopping centres.

In this instance the sales area of the existing building already significantly exceeds that permitted by the policy. Whilst the proposed development will increase the retail sales area, an additional 68 sq.m is not considered likely to result in the use of the site having any significant impact upon the vitality or viability of the town centre, particularly as a retail use could continue irrespective of whether the proposed development takes place.

Design and Amenity: The proposed single storey extension is considered to be acceptable. The site lies below the level of the adjacent road and the extension will be comparable to that of the existing buildings. Although the proposed extension will protrude from the side elevation, it is considered that it will help to improve the overall appearance of the site, connecting the building and helping give it a more proportioned look.

The external facing materials will comprise of blockwork and building clad. A condition has been added to ensure development does not commence until samples of all external facing materials has been submitted to, and approved by the Local Planning Authority.

Residential Amenity: Due to the scale of the extension, it is not considered to be overbearing. Also due its distance from the nearest residential dwellings, there would be no impact on daylight. The hours of use of the building would be 07:00 – 22:00, Monday to Sunday. There would also be an increase of full time employees from 0 to 15 and part-time employees from 0 to 5. Any impacts on residential properties as a result of noise or use of the site would

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be investigated by the Public Protection Department. As the extension is relatively small, it is considered that there would only be a slight increase to the intensity of work at the site than what would have been when the site was previously used. As the future use of the development cannot yet be confirmed, the Public Protection Officer has recommended a condition to protect the amenity of nearby residents.

Highways and Parking: The site is located near the busy junction where Smithfield and Hightown road meet. The previously submitted layout plan indicated the provision of 25 existing spaces which would have been accepted under the original planning consent relating to HSS Tool Hire. However, at least 2 of these spaces (opposite no. 9 Smithfield Road) appear to have insufficient clearance behind for manoeuvrability (ie/ 6m). As these spaces have been allowed under previous permission, these spaces are able to be retained.

It is currently unclear, in terms of access and turning, what size of delivery vehicles visited the site in respect of the HSS Tool Hire business. Highways have assumed that 16.5m articulated HGV vehicles may have delivered to the rear of the site. If this is the case, the proposed access / turning arrangements indicated on the revised layout plan are considered acceptable and capable of providing access / turning for such vehicles.

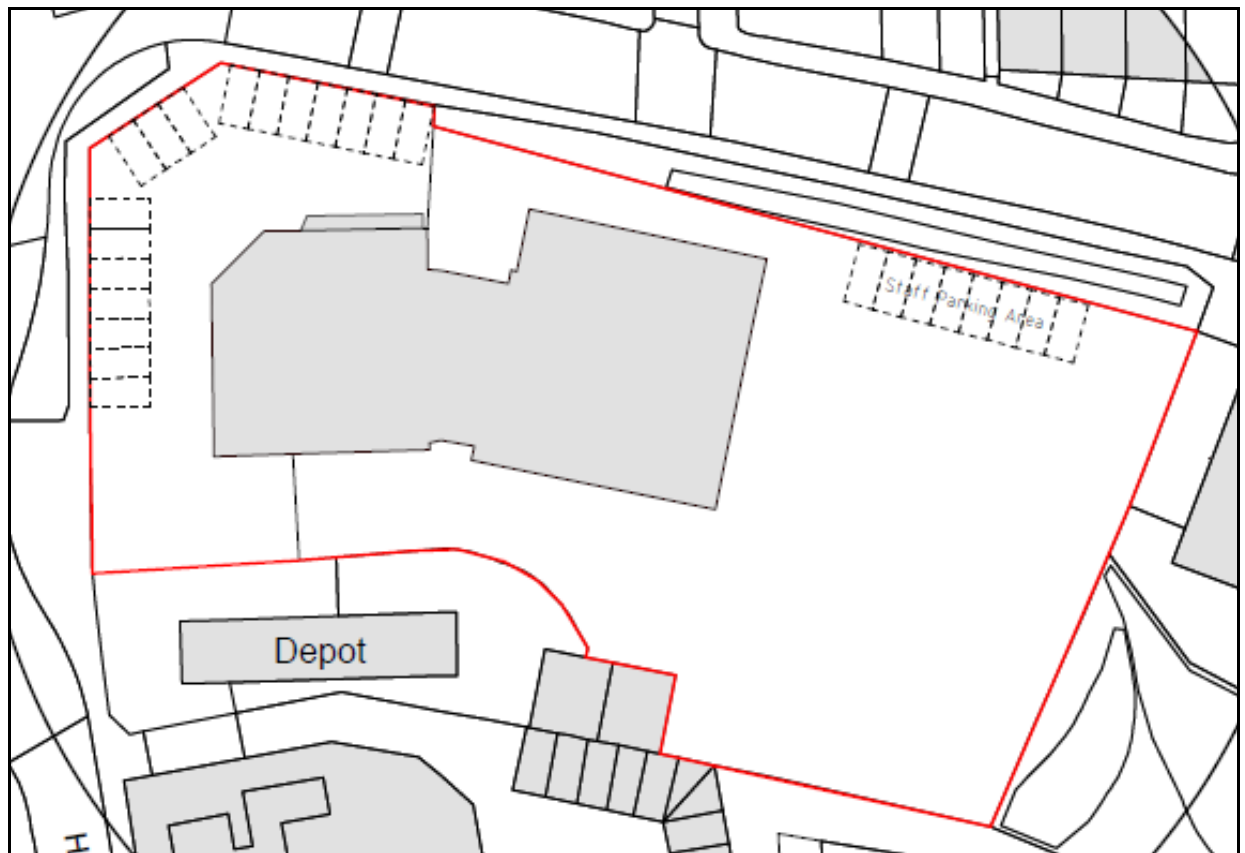
Highways Officer have recommended that the proposed parking arrangements accommodate at least 17 spaces at the front of the building and at least 8 spaces to the rear of the building plus additional spaces for the proposed extension. The additional 68m² would normally require a maximum of 3 additional spaces in accordance with LPGN 16 requirements. The revised layout plan indicates adequate parking provision.

It is understood that the adjoining business “Autokit” has a shared right of access diagonally across the main access serving both businesses which must be kept clear at all times. The applicant has indicated that appropriate customer parking signs indicating spaces at the rear of the site will be provided. It has been recommended that a suitable condition is imposed which requires this detail.

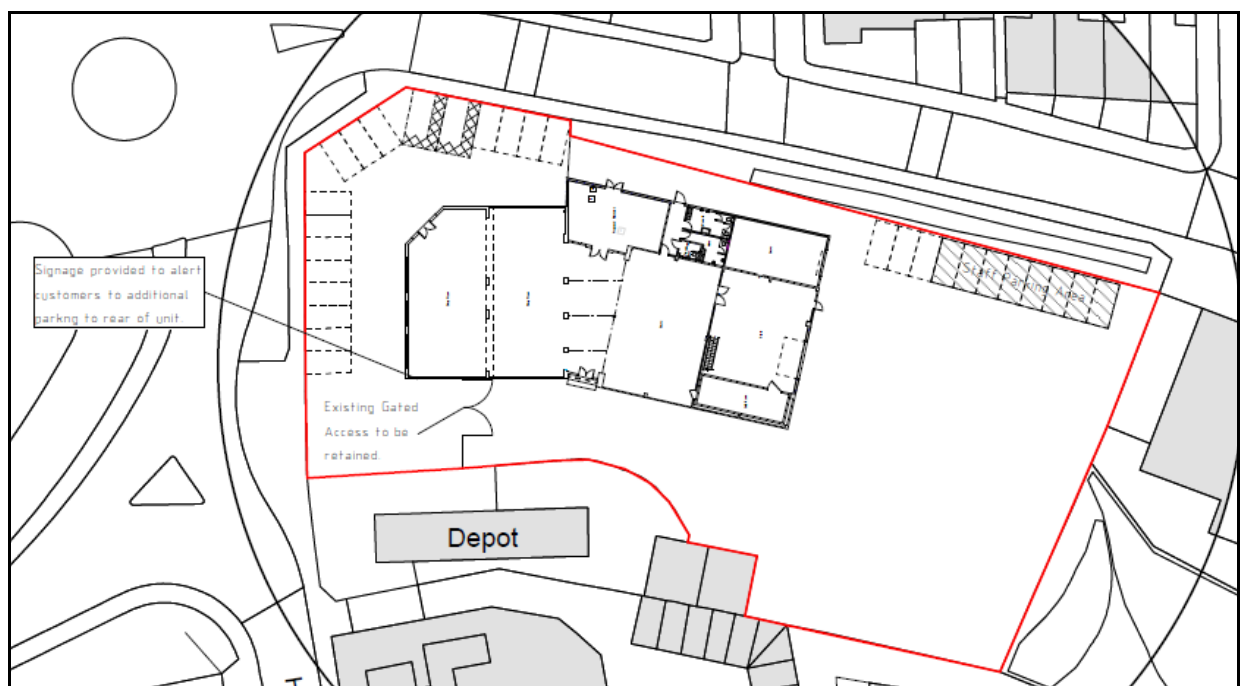
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Existing Site Layout:



Proposed Site Layout:



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Other Matters: Concerns were raised in relation to knowing what the use of the site would be. It has been confirmed by the applicant that the site will remain A1. The application does not have to stipulate the exact use. The use of the site can be changed under permitted development rights to any of the types that fall within the use class.

The nearby roundabout has already been described as being dangerous and any increased volume of traffic would be a concern. There are 8 staff parking spaces proposed at the rear. With the premises also being located centrally within Wrexham near various local transport routes, it is considered that the small increase in floor area would not significantly increase traffic within the area. It is also thought that the increase in parking spaces would help reduce the amount of on street parking.

Conclusion: The proposed extension is considered to be relatively small in relation to the size of the existing building. On-site parking accords with LPGN 16 and a safe and satisfactory vehicular access is presented. The amenity that will be afforded to the neighbouring occupiers located close to the development site is considered to be acceptable. The development accords with relevant UDP policies and I recommended accordingly.

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:
C135/004 (REV C) - Elevations
C135/004 (REV C) - Floor Plans
C135/005 (REV D) - Site Layout
and as contained within the application documentation.
3. No part of the development shall commence until samples of all external facing materials have been 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 07:00 or after 22:00 hours on any day.
5. The vehicular parking and turning areas as shown on approved drawing(s) No(s). C135/005 (REV D) shall be fully laid out, surfaced, white lined and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.
6. Appropriate signs indicating parking spaces are available at the rear of the site should be erected and permanently retained.

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7. 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 Method for rating and assessing industrial and commercial noise affecting mixed residential, industrial and commercial areas.
8. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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 development 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 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
6. To ensure an adequate service and parking area is retained within the site in the interests of highway safety in accordance with Policies GDP1 and T8 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 hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

NOTE(S) TO APPLICANT

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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Your attention is drawn to Highway Supplementary Notes Numbered 1, 3, 4 and 5 - Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

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

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

If you have any queries on the above, please do not hesitate to contact us.

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

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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 Environmental Health and 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.

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 Planning & Regulatory Department 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 should contact the Council's Planning & Regulatory Department on 01978 292040 for further advice and information.

The proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within a specified easement zone either side of the centreline of the public sewers. The applicant is advised to contact Welsh Water to discuss.

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

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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.
