

Report of the Chief Officer Planning and Regulatory
4 July 2022

APPLICATION NO:
P/2021 /1163

LOCATION:
MARFORD COMMUNITY CENTRE
PANT LANE MARFORD WREXHAM
LL12 8HB

DATE RECEIVED:
30/09/2021

COMMUNITY:
Gresford

DESCRIPTION:
CODI ADEILAD MODYLAIDD
NEWYDD I'W DEFNEWYDDIO FEL
GRWP CHWARAL / ERECTION OF
NEW MODULAR BUILDING TO BE
USED AS PLAYGROUP

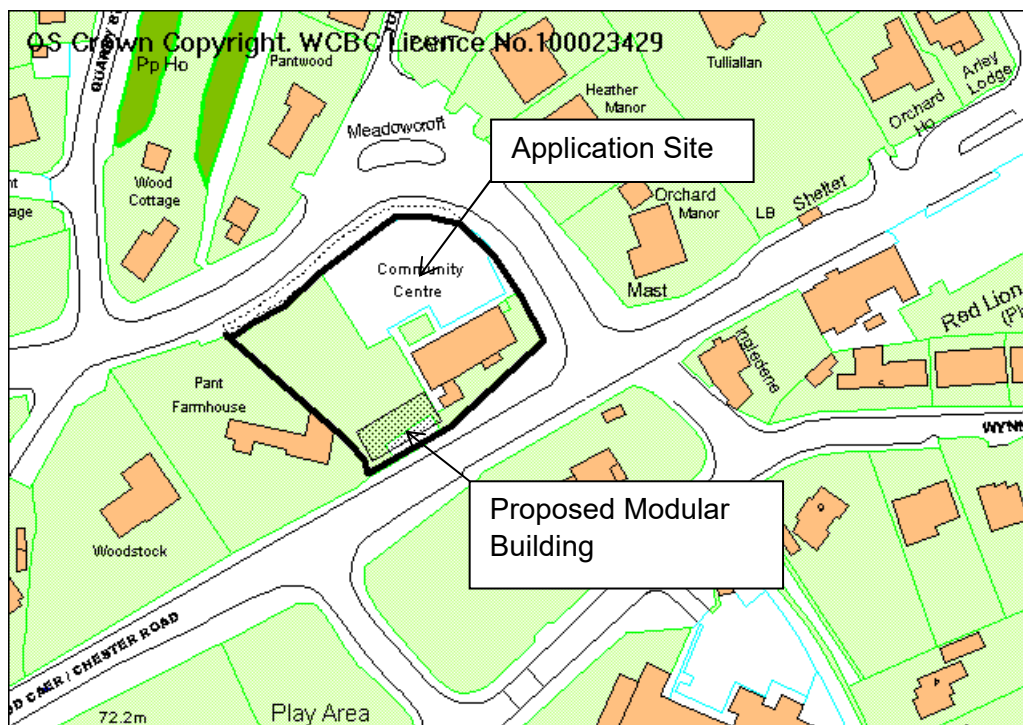
CASE OFFICER:
SEH

WARD:
Marford and Hoseley

AGENT NAME:
ELITE SYSTEM GB LTD

APPLICANT(S) NAME:
VICTORIA DAVIES

THE SITE



PROPOSAL

As above

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HISTORY

P/2019/0282 Erection of new modular building (16.8m x 8m) in grounds of existing community centre to be used as playgroup.
Granted 03/06/2019

PLANNING POLICY

The site is located within settlement. UDP Policies PS2, EC4, EC6, GDP1 and T8 apply. Local Planning Guidance Notes (LPGN) Nos. 16 'Parking Standards' and 17 'Trees and Development' are also relevant.

CONSULTATIONS

Community Council:	Objects to this application. Concerned that the granting of permission to playgroup would restrict the community use by the Marford Community.
Local Member:	No objection.
Public Protection:	No objection. Advisory notes recommended in relation to the burning of waste, construction noise and food hygiene.
Contaminated Land:	No Comment.
Highways:	The proposed layout plan indicates modifications to the existing access to provide a minimum access width of 4.8m and a 1.8m wide pedestrian gate (setback 5m behind the adjoining carriageway). The modified access includes a widened dropped kerb and Aco drain to intercept private surface water run-off which is considered acceptable. I understand that the community centre benefits from an existing permitted Class D1 Use where vehicle movements at the site could fluctuate significantly. Based on the proposed improvements at the site, I would have no objections to the proposed development
WW:	No objections subject to drainage conditions.
NRW:	Recognising that the application submitted does not introduce additional occupancy on site, as outlined in your email dated 13th December 2021, we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.
Ecologist:	No objections.
Tree Officer:	No objections. Happy with the proposed planting scheme.
Assets:	Consulted 10/06/2022
Neighbours:	Notified 15/12/2021

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SPECIAL CONSIDERATIONS

Background: Erection of a new modular building within the grounds of the existing community centre, to be used as a children's playgroup. The playgroup also occupy parts of the existing community centre on certain days of the week. The proposed building will house those existing playgroup users and provide improved facilities within. The main relevant issues to consider relate to the impact of the development upon the visual amenities of the area and upon highway safety.

Design: The proposed building is of similar appearance to the existing adjacent community centre, and is of shallow pitch roof construction. The building will take on a more square appearance than the previously approved linear building, which will fit comfortably within this part of the application site (see figures 1, 2 and 3 below). The building is largely screened from Chester Road by the existing boundary fence and hedge. It will be possible to see the building from the highway, however with the community centre is also visible, and the proposed building will be viewed in context with it. The proposed structure will not negatively impact upon the character and appearance of the area or the visual amenities of the locality.

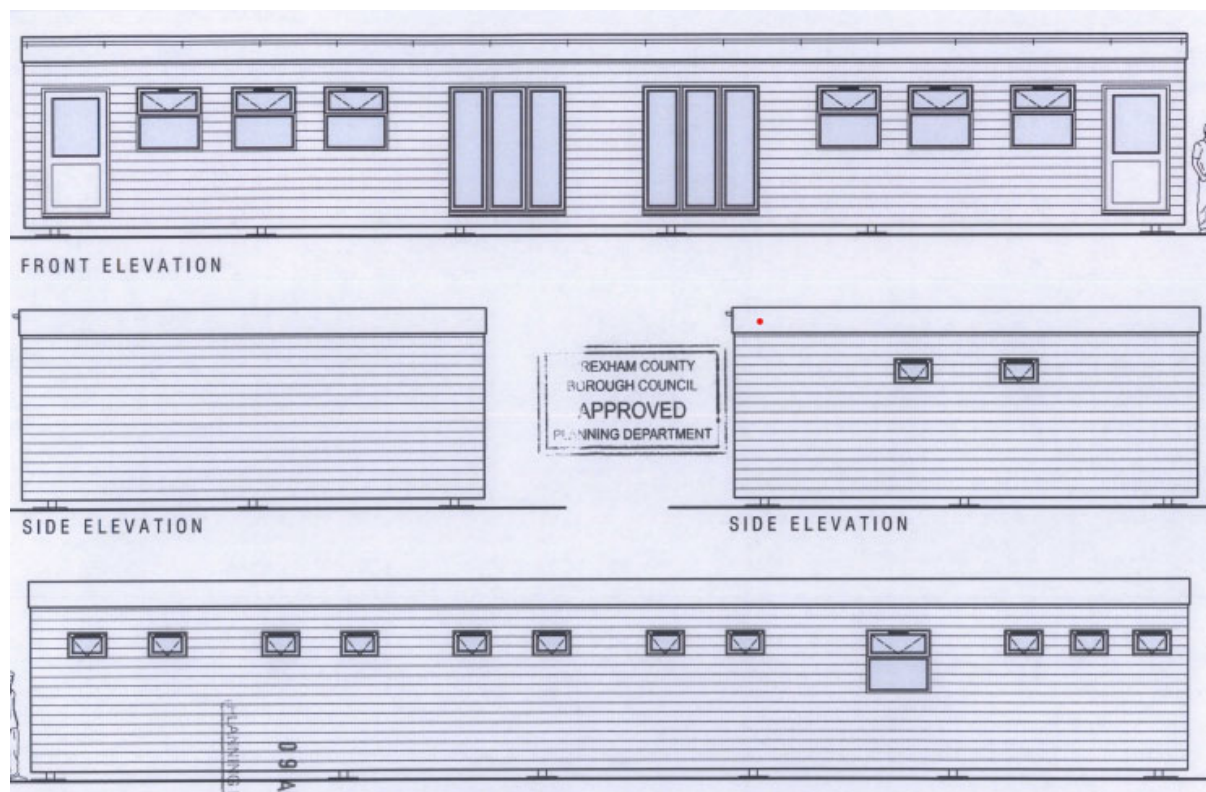


Figure 1. Previously approved building – P/2019/0282

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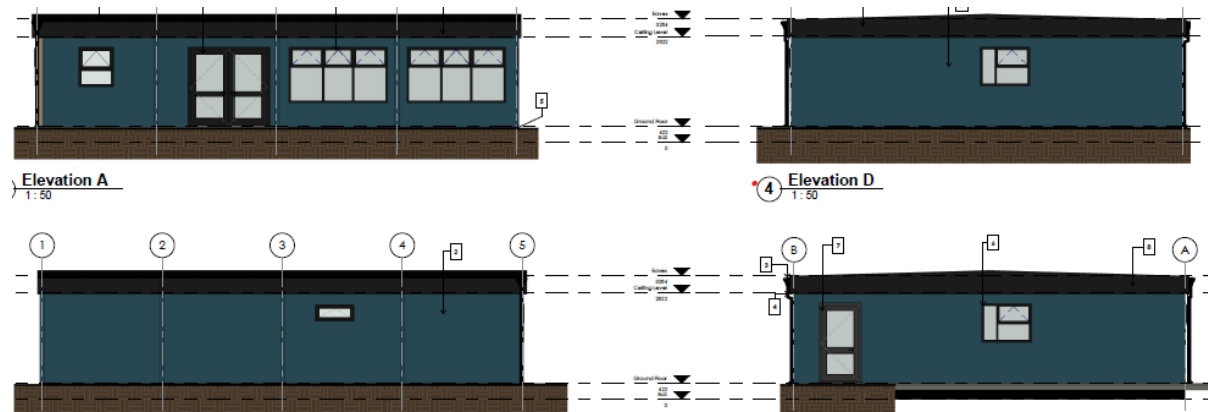


Figure 2. Proposed Elevations



Figure 3. Proposed Site Layout

Highways: The development site is located on Pant Lane which is a classified road subject to a 30mph speed limit. However, the highway authority estimates typical vehicle speeds at being around 25mph for vehicles travelling in the north easterly direction, and 20mph for vehicles travelling off Chester Road in the north westerly direction, given the geometry of the road.

Visibility from the existing access is inadequate in both directions providing splays of approximately 2.4 x 25m in the north westerly direction and 2.4 x 22m in the south easterly direction measured to the nearside edge of the adjoining highway. Visibility is restricted in the north westerly direction by the existing gate, gate-post and boundary fence. Visibility in the south easterly direction is restricted by the existing hedgerow.

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The proposed plans indicate modifications to the existing access to provide splays of 2.4 x 33 m in both directions, and this is considered to be acceptable. The access is also to be widened to accommodate the simultaneous passage of 2 vehicles, which will be of benefit to all users of the site and adjoining highway.

The existing community centre has a gross floor area of approximately 225m². The proposed modular building (playgroup) has a gross floor area of approx. 160m². Based on LPGN 16 (Class D1 Use), the buildings would require a maximum of 18 spaces in total. The existing car park has 25 spaces however it is proposed to reconfigure the layout to provide 22 fully marked out spaces which will improve manoeuvrability within the site, and ensure parking is maximised within the site. The highway authority understand that the community centre benefits from an existing permitted Class D1 Use where vehicle movements at the site could fluctuate significantly. Based on the proposed access and parking improvements at the site, the highway authority has no objections to the proposed development.

Trees: The Councils' arboricultural officer raises no objection to the development subject to mitigation tree planting. A condition should be attached to any permission to secure a planting scheme for further approval.

Other Matters: As with the previous application, the community council has again raised an objection on the basis that the granting of permission for the building will restrict / limit use to the community as a whole. My advice remains the same in that it is a matter for the landowner / leaseholder as to how the site is used.

The proposed building is to be used for the sole occupation of the day care operator and will not be open for use by the general public / community. The development will have no impact upon the current arrangements for use within the main community centre building, except that the current hours of use of the existing community centre by the playgroup may reduce as a result of the additional floor area provided by the new building. Again, this is at the discretion of the land owner / leaseholder, and the terms of any lease are not a relevant planning consideration for this application.

Conclusion: I am satisfied that the proposed development will not have an adverse impact upon highway safety or the visual amenities of the area. The proposal accords with local planning policy and guidance, and I recommend 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.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 200127-ELT-00-00-DR-A-1000 Rev B, 2107-14-ELT-00-00-DR-A-1200 and 2002 05-ELT-00-00-DR-2000, and as contained within the application documentation.
3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
4. The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing no. 2107-14-ELT-00-00-DR-A-1600 and Tree Planting & Maintenance Scheme Ref: TPS/MCC/02/22, Dated 10 February 2022, within three months of the first use 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.
5. The landscaping scheme submitted and approved in connection with condition no. 4 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
6. The planting scheme implemented in connection with condition no. 5 shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.
7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), no part of the premises shall be used except for the precise purposes described in the application plans and documents.
8. The application site shall be operated as a single business unit and shall not at any time be sub-divided to form smaller individual operating businesses or units.
9. 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.
10. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 33 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
11. No use of the development shall be made before 0800 hours or after 1800 hours on any weekday, before 0900 hours or after 1400 hours on a Saturday, and at no time on a Sunday or Bank Holiday.
12. The vehicular access hereby approved shall be widened to a minimum width of 4.8 metres, prior to first use of the building.
13. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.
14. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.

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15. Prior to first use of the development, a pavement crossing to the site shall be constructed in strict accordance with a scheme which has been submitted to, and approved in writing by, the Local Planning Authority..

16. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

17. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 2107-14-ELT-00-00-DR-A-1200 shall be laid out with white lining materials, 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.

18. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. 2107-14-ELT-00-00-DR-A-1200.

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.

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6. 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.

7. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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To protect the amenities of the occupiers of nearby properties 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 ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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11. To ensure that the play group 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.
12. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. 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.
15. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
16. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
17. 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
18. In the interests of highway safety in accordance with Policy GDP1 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 should adhere to the times given above wherever possible. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

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

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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 Environment and Planning Department on 01978 315300 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 Housing and Public Protection Department on 01978 315300 for further advice and information.

A licence should be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to lower the kerbline and cross the footpath at the new access position. Further guidance can be obtained from the Highways Department of Wrexham County Borough Council on telephone 01978 729670.

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.

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 Welsh Water's 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 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.

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If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com
